

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Tuesday, March 03, 2009
5:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1766, HOUSE DRAFT 1
RELATING TO SMALL BOAT HARBORS**

House Bill 1766, House Draft 1 permits the Board of Land and Natural Resources (Board) to lease submerged lands, in accordance with Chapter 190D, Hawaii Revised Statutes (HRS), by public auction for proposals, or negotiations pursuant to Section 171-59, HRS, in a state boating facility; permits commercial use permits to be issued for vessels assigned moorings in Ala Wai and Keehi Harbors; authorizes the Department of Land and Natural Resources (Department) to provide for request for proposal (RFP) for the development of portions of the Ala Wai Small Boat Harbor for recreational and commercial vessels moorings, vehicular parking, offices, commercial and residential uses. The Department prefers House Bill 980 House Draft 1 (RELATING TO RECREATIONAL RENAISSANCE).

House Bill 980 House Draft 1, which is similar to the Administration's House 1131 (RELATING TO RECREATIONAL RENAISSANCE) addresses the broader needs of those that use the state parks and ocean recreation areas while House Bill 1766 only addresses the needs of those that use the small boat harbors. The current condition of the State's parks, trails, and harbors requires a comprehensive approach and the practice of addressing the needs of outdoor recreation places on piecemeal basis needs to end.

Furthermore, House Bill 980, House Draft 1 creates a new special fund that allows the Department to maximize cost efficiency and administrative time by allowing CIP for harbors, parks, and trails to be funded via a single fund, which enables the Department to bid projects on a regional basis.

The Department recommends that if this bill is moved forward, that SECTION 3, regarding the commercial uses in the Ala Wai be amended by limiting the size of commercial vessels to no more than 65 feet in length. The Department also recommends that language be added to

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

SECTION 4 that states that the appraiser will take into account that these are public facilities and they should not be valued the same as private facilities as well as that the commercial fees will be determined and increased according to the same fee schedule as the recreational fees.

COUNTY COUNCIL
Bill "Kaipo" Asing, Chair
Jay Furfaro, Vice Chair
Tim Bynum
Dickie Chang
Daryl W. Kaneshiro
Lani T. Kawahara
Derek S. K. Kawakami



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March 3, 2009

TESTIMONY OF DARYL W. KANESHIRO
KAUAI COUNTY COUNCILMEMBER
ON
H. B. NO. 1766 HD1
House Committee on Finance
March 3, 2009
3:00 p.m.
Conference Room 308

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee:

I am writing to you as an individual Councilmember and as a former user of small boat harbors on Kaua'i.

I see this proposal as a means to allow the DLNR to generate additional revenues for much needed repairs at the Ala Wai Boat Harbor as well as other small boat harbors throughout the State.

H.B. No. 1766 as introduced would allow for the private development of the 700 and 800 docks while not utilizing moneys from the general fund. Although many repairs have recently been completed at other areas at the Ala Wai, I can't imagine the legislature or the administration using general fund moneys to complete the rest of the much needed repairs during the current state of our economy.

Thank you for the opportunity to provide written testimony in support of H.B. No. 1766 HD1.

Sincerely,

Daryl W. Kaneshiro
Councilmember

RW/wa2009-519



Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, #810
(808) 537-4308 Phone (808) 533-2739 Fax
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March 3, 2009

Testimony To: House Committee on Finance
Representative Marcus R. Oshiro, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 980, H.D. 1 – RELATING TO RECREATIONAL RENAISSANCE
H.B. 1766, H.D. 1 – RELATING TO SMALL BOAT HARBORS

Chair Oshiro and Members of the Committee:

I am Tim Lyons, Executive Director of the Ocean Tourism Coalition and we generally support this bill.

This Committee is well aware of the neglect of our harbors for many years when in fact, done properly, they are an income source to the State. This renaissance plan would equally provide a more coordinated approach towards the maintenance and improvement of recreational areas including our harbors.

Our only concern is on page 12 of the bill, subsection 6 (H.B. 980) and page 9, subsection 6 (H.B. 1766, H.D. 1), authorizing the department to assess and collect utility fees. We are already paying a percentage of our gross income to the department for moorage fees and our

concern is that this additional utility cost fee, which we would presume is currently contained in the moorage fee, is likely to make our overall fees rise. We don't believe that this is the time to be raising fees on anyone, particularly commercial tourism who is off substantially in their sales.

With the above exception, we support this bill.

Thank you.



Ocean Tourism Coalition

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March 3, 2009

TESTIMONY TO: HOUSE COMMITTEE ON FINANCE
5:00 PM Room 308

Representative Marcus Oshiro, Chair

Presented By: James E. Coon, President of the Ocean Tourism Coalition

Subject: H. B. 1766 HD1 RELATING TO SMALL BOAT HARBORS

Conditional Support of HB 1766 HD1 with proposed amendments

Chair Oshiro and Members of the Committee:

I am Jim Coon, President of the Ocean Tourism Coalition (OTC) speaking with conditional support of this bill. We are offering ONE amendment:

Section 4, (c) (5) ADD "two times the moorage fee plus utility/common area maintenance fees assessed for a recreational vessel of the same size, whichever is greater.

Commercial boaters represent less than 3% of the total boats using these facilities yet produce close to 50% of all revenues derived from boater fees. Commercial boaters recently supported legislation to have their fees raised by 50% with the promise that this would provide enough extra revenue for DOBOR to upgrade our harbors. This small amendment would recognize the 50% increase we have already been assessed and would make this new fee a bit more palatable. We do not want to see a draconian open ended fee system added on to our already strained resources to the point were it drives us out of business.

If you will pass this bill with the proposed amendment I believe we can work with DLNR/DOBOR to work out the details.

Thank you,

James E. Coon, President; Ocean Tourism Coalition



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
March 3, 2009

H.B. 1766, H.D. 1 – RELATING
TO SMALL BOAT HARBORS

The Hawaii Government Employees Association is opposed to H.B. 1766, H.D. 1 without specific amendments. H.B. 1766, H.D. 1 authorizes the Department of Land and Natural Resources (DLNR) to lease submerged lands in accordance with Chapter 190D, HRS, by public auction, RFP or negotiation for the private development management and operation of the state's small boat harbors. It also permits the DLNR to use the RFP process to enter into public-private partnerships for the development of portions of the Ala Wai boat harbor that are underutilized and could be a source of revenue.

We fully recognize the need to generate additional revenues to repair and maintain the state boating facilities across the state. Several years ago, we supported the leasing of fast lands within a state boating facility. However, before we lease submerged lands to a private developer, the state should take specific steps to protect the public interest.

The HGEA recommends inserting language, contained in H.B. 2491 (2008 session) into H.B. 1766, H.D. 1. It declared, as state policy, that certain best practices the governor and the department of transportation must adhere to ensure that the public interest is protected in any public-private partnership agreements.

For example, H.B. 1766, H.D. 1 does not require an analysis of the public-private partnership proposal in terms of how the public interest is protected through controlling costs, and retaining control of policy affecting small boat harbors. Also, there are no criteria requiring a determination of the risks and benefits that are to be allocated between the public and the private partner (e.g., the risk of inaccurate or overstated estimates use and revenues). We are also concerned about long-term lease agreements of more than 20 years.

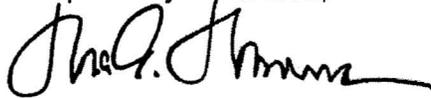
There is a definite need to generate revenue within the small boat harbors. However, if there are public-private partnership agreements, protecting the public's interest must be

Hawaii State House of Representatives - Committee on Finance
Testimony on H.B. 1766, H.D. 1 - Relating to Small Boat Harbors
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of paramount importance. Maintaining transparency in the review process should also be a high priority. Transparency can be achieved through soliciting public comments and using an independent review panel to make a final recommendation. Any partnership agreements should be subject to legislative approval so that consideration of the various alternatives is carefully examined before any action is taken.

Thank you for the opportunity to testify in opposition to H.B. 1766, H.D. 1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nora A. Nomura", written in a cursive style.

Nora A. Nomura
Deputy Executive Director

Aloha,

My name is Melissa Malulani Ling-Ing. I am the spokesperson for Common Ground Hawai'i which represents thousands of surfers, paddlers & other recreational ocean users. On behalf of our grassroots org. and along with myself I am **opposed to House Bill 1766**.

Public Lands should not be leased for commercial use. Especially in this case with the Ala Wai Harbor as the local people will be loosing a place that belongs to the people of Hawai'i. Once it is commercialized, we the local people of Hawai'i will no longer be able to access and enjoy the ocean for free. We have been accessing the ocean at the Ala Wai Harbor for decades. This is our way of life, we surf, paddle, fish and enjoy the ocean at the Ala Wai harbor. By turning the harbor into a commercial harbor will not only be a danger to all of us that access the ocean but will be taking away our families free quality time at the beach. We the local people are already being financially burdened by the economy & are working very hard just to make ends meet. Therefore it is very important for us to have a place to practice our culture rights & enjoy ourselves and do things that keep us healthy & relaxed which include surfing, paddling and fishing for free!

Safety Issue: By allowing big commercial boats to speed in and out of the harbor and surrounding areas (which we all know they will happen & no enforcement will be taken) is a danger for all of us as. Not only could a speeding or large boat hit a diver, swimmer, paddler or surfer, but the amount of diesel fuel that will be surrounding the waters is very unhealthy also. This has always been a "small boat harbor". We are Hawai'i, not the Mainland, so let's not try and make it like Mainland. People come to Hawai'i because of places like this, LOCAL. If tourist wanted Calif. they would go to Calif. But no, they come to Hawai'i to see Hawai'i and Hawaiian's & the local cultures.

Please, I ask of you to please think about the real hard working local people that deserve to enjoy the Ala Wai Harbor as we have always been doing. Please do not let the money issue ruin our quality of lives & change our special place that is home to us, keep it Hawai'i.

Mahalo for your consideration & time into this matter.

Melissa Malulani Ling-Ing

To members of the House Committee on Finance
Committee Hearing 5:00 PM, Tuesday March 3, 2009 in Room 308
Concerning HB 980 and HB 1766

Chairman Oshiro, and Committee members – thank you for this opportunity to express my point of view (briefly) in opposition to the two measures under consideration at this Hearing.

My name is Les Parsons, and I am a boater with moorage at the Ala Wai Small Boat Harbor, and that is my focus in this testimony.

The first sentence of the third paragraph of HB 980 states the obvious:
“Small boat harbors and ocean recreational areas constitute significant assets of the State.”

If that is indeed factual, I have to wonder why the intent of both HB 980 and HB 1766 is to, in effect, sell off or otherwise dispose of this “significant asset.”

As many boaters and others (including members of this body) are aware, the Ala Wai harbor has repeatedly been the target of these privatization/commercialization take-over initiatives.

And I object.

In addition, I wish to point out that our lawmakers, our REPRESENTATIVES have always and wisely recognized the folly – indeed the potential danger – of permitting large or high speed commercial boats to operate within the Ala Wai, and accordingly have rejected similar egregious proposals.

I ask you to now do the same and hold both HB 980 and HB 1766.

I could compose many more paragraphs in specific and detailed opposition to these destructive measures, but instead will strongly urge you to read and contemplate the articulate and informed testimony submitted by Mr. Fred Madlener, Board member of Hawaii Thousand Friends.

Again, thank you for this opportunity to present my testimony on these issues.

Les Parsons
1741 Ala Moana Blvd. #82
Honolulu, HI 96815

Carleen Ornellas
41-739 Mo`oiki Street
Waimanalo, Hawai`i 96795
Telephone: (808) 259-9127

Testimony on HB 1766 – Relating to Small Boat Harbors
Testimony on HB 980 – Relating to Recreational Renaissance Program
House Committee on Finance
House Committee on Water, Land & Ocean Resources
Hearing Date: Wednesday, March 3, 2009, 5:00 p.m.
Conference Room 308

Aloha Chairpersons Marcus Oshiro, Ken Ito, Vice Chairs and Honorable Committee Members:

I oppose HB 1766. Public lands are not to be turned into commercial lands period. We do not need anymore building on or near the shoreline.

I oppose HB 980. I was raised in Kailua, but have been a resident of Waimanalo for the past 35 years. My family and I have been going to the beaches of O`ahu's shoreline for as long as I can remember.

Charging us to park our cars to go to the beach is preventing public access to beaches in Hawaii and is a disrespectful, selfish, and ignorant powerplay and a blatant attempt to reshape our community.

I have been an active canoe paddler since I was 12 years old. For over 40 years, I have been going to the shoreline almost daily. Private homeowners have locked many of our beach accesses and now the State wants to charge us to go to the beach. Why do people want to live near the shore? Simple, it is exactly the same reason the public seeks access to the beach.

Before any man set foot on these islands, a canoe had to be beached. Now you want to charge us to go to the beaches that our ancestors set their canoes. What happened to the Public Access Shoreline Hawaii (PASH)? That is the public's right to use the shoreline. Once you start charging us to the shoreline, its not public anymore. How would our ancestors feel about this "RENAISSANCE" plan.

I write to oppose HB 1766 and HB 980.

Mahalo for your time.

I would like to submit testimony and go on record that I absolutely OPPOSE HB 1766. Ala Wai Harbor SHOULD NOT be commercialized. Ala Wai Harbor is a recreational harbor enjoyed by the public. Boaters, surfers, recreational users (both local and tourists) use this harbor every day. If the harbor were to be open for commercial use, the public would suffer. The large commercial vessels will infringe on surfing spots, canoe paddling routes and recreational boaters and will pose a serious risk to the safety of these water recreation users. Furthermore, the parking situation at the Ala Wai Harbor is already extremely disappointing for many users. To open the harbor for commercial use would eliminate the free parking (which is already extremely limited). This is absolutely unacceptable. Why is it that the public is always the first to suffer? I thought public lands were held in trust for the benefit of all the citizens of Hawai'i. Isn't this document called the Public Trust Doctrine? WHEREAS, article XII, section 4, of the State Constitution provides that lands granted to the State by section 5(b) of the Admission Act and pursuant to article XVI, section 7, of the State Constitution, excluding "available lands" as defined by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public who are co-beneficiaries of the public trust; and

WHEREAS, article XI, section 1, of the State Constitution provides that "[a]ll public natural resources are held in trust by the State for the benefit of the people"; and

WHEREAS, section 190-1, Hawaii Revised Statutes, provides that all marine waters of the State are constituted a marine life conservation area to be administered by the Department of Land and Natural Resources; and

WHEREAS, Hawaii's biological diversity and biological resources are assets of the public trust that are culturally, spiritually, medicinally, and otherwise significant to native Hawaiians and the general public. In strong language, the Hawai'i Supreme Court described the public trust doctrine as "the right of the people to have the waters protected for their use [which] demands adequate provision for traditional and customary Hawaiian rights, wildlife, maintenance of ecological balance and scenic beauty, and the preservation and enhancement of the waters . . ." "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." To commercialize the Ala Wai Harbor is to privatize the harbor, for it excludes the public. This is NOT how the trust is arranged. To privatize the harbor is an illegal use of land. Where has all the aloha gone? Why is it that commercial interests (a.k.a. money) always triumph over the people's interests even when the law states the lands are to benefit the people? It is clear that the people of Hawai'i DO NOT want the Ala Wai Harbor to

become a commercial harbor. I believe it is about time the legislator begins to listen to the voices of the people. It is the public that should be taken care of- our interests, our needs. It is what the laws of Hawai'i demand.

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HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

**HB 1766, HD 1 (HSCR 579) Relating to Small Boat Harbors
March 3, 2009, Conference Room 308, State Capitol**

**Hawaii's Thousand Friends' Testimony
Fred Madlener, Board Member**

Committee Chair and Members:

HB 1766 deals with privatization and management of Ke`ehi Lagoon and the Ala Wai Small Boat Harbor. Ke`ehi Lagoon cannot be altered by the State Department of Land and Natural Resources unless it secures the consent of the Federal Government to whom the State of Hawaii made certain promises to not develop it as a mitigation for filling over the reefs under the Reef Runway. We attach a brief with legal citations, and note that there are ceded and Public Trust lands in the Ke`ehi Lagoon as well as lands, fast and submerged, under the authority of the Federal Government.

I turn to the privatization of the Ala Wai Small Boat Harbor. To turn this harbor into a commercial harbor presents serious problems. Like Ke`ehi it has lands in it that are ceded, Public Trust, or dedicated by gift deed for recreational use. Nor was it ever designed for big boats or commercial ones. Its pathways are narrow and have tight turns. It has poor turning basins and bad visibility when one transits its canals. I know because I had a bigish yacht moored there and one needed to use extreme caution when surfers were crossing the harbor channel, or when canoes were in action. The harbor's outer breakwater is vulnerable to onshore winds of 50 knots or more, such as we had during Iniki, when I had four feet of water over my slip and 2 feet of water on the pier road

Hawaii's Thousand Friends' Testimony

HB 1766, HD 1

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where surges cleared away the dock boxes and stored gear in the vicinity of my slip. The pylons that hold the docks are driven into mud and are undersized and wobbly: the one at my slip was hit only twice by the pile driver to get it set on its depth. There are no fire hydrants or adequate water piping so that when I had a small fire on board we could not put it out because there was zero water pressure. We don't even have adequate parking for slip holders and there will be very little parking for visitors who come and go from the commercial vessels.

The harbor is what its name implies: it is the Ala Wai Small Boat Harbor; it is NOT a commercial harbor. This harbor is designed to give Hawaii's citizens access to the sea, and it does that pretty well. It is the only small boat harbor that produces surplus income every year, about 1.2 million dollars. We have never been able to discover what DLNR does with the money our fees generate. But we do know it is not traditionally spent on our harbor. The State Auditor has noticed this problem too. Whenever Boating Division gathered some funds to do routine maintenance it was used elsewhere by DLNR. We never had the adult supervision necessary to keep track of our money. As a result, the maintenance did not get done. Now we are to privatize the harbor because it is run down.

And we propose to do this "all other rules and laws notwithstanding." When I see those words attached to something I care about it makes my blood run cold: Government is about to do something awful. Then we see that the fees are to be set by a state approved appraiser. These people do comparables. But this harbor is not a commercial harbor; it is a state recreational one that serves surfers, canoe paddlers, recreational boaters, and tourists out for a stroll. It is NOT commercial real estate. As an alternative, page 12, line 16 of HB 1766, HD 1 is more concrete: "mooring fees [are] to be determined by the developer." And the developer will have the right to develop "residential uses" (page 13, line 7). Nor will there be checks and balances because "...concurrent resolution for the lease of submerged lands shall not be required" (page 14, line 9). DLNR's dream come true: they can lease lands that may not even belong to them.

We at Hawaii's Thousand Friends have always tried to steer the State away from giving over our public lands. The Public Trust lands are the citizenry's great asset. We do not want them used as casually as this. Please don't send HB 1766, HD 1 forward. It has everything wrong with it.

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Hawaii's Thousand Friends Testimony
HB 1766 HD1

In today's testimony we incorporate a legal brief, as follows:

We question whether the State of Hawaii will be able to establish clear title to the Keeki Lagoon lands. Most or all of the area included within the project area was designated as a Naval Defensive Sea Area by Executive Order prior to World War II, a designation which remains in effect, 32 CFR § 761.3(a)(i) (2008), notwithstanding the fact that restrictions on access have been temporarily suspended. 32 CFR § 761.4(d)(2) (2008). As the U.S. Court of Appeals for the Ninth Circuit held in a recent decision entitled *Kingman Reef Atoll Investments v. United States*, 541 F.3d 1189 (9th Cir. 2008), the Quiet Title Act, 28 U.S.C. § 2409a, imposes strict time limits on the assertion of claims challenging the title of the United States to lands within designated Naval Defensive Sea Areas. As the time for the assertion of such claims has long passed, see *State of Hawaii v. United States*, 676 F. Supp. 1024 (D. Haw. 1988), *aff'd*, 866 F.2d 313 (9th Cir. 1989), the State of Hawaii may be unable to proceed with the proposed development project until Congress or the U.S. Department of Defense waive the claims of the United States to these lands or otherwise authorize the development to proceed. We presume that both Congress and the Department of Defense, in considering any request for such a waiver, would take into account the interests of the U.S. Department of the Interior set forth in correspondence regarding environmental mitigation measures undertaken in connection with the construction of the Reef Runway.

Please note that the issue raised here is completely unrelated to the matters at issue in *State of Hawaii v. Office of Hawaiian Affairs*, now pending before the United States Supreme Court.

HB1766 HD1 Testimony (opposition)

Dear Chair Oshiro and members of the Committee,

HB 1766 HD1 is a flagrant attempt to amend key State statutes to wrest the control over the lease of the submerged lands of our boating facilities away from the Legislature and thus allow the DLNR to allow unlimited “foot in the door” privatization of portions of the Ala Wai that could easily spread to the entire harbor and eventually to other harbors in the State.

The primary and most dangerous measure of HB 1766 HD1 is presented in Section 2 and Section 5 of the Bill.

- Section 2 amends Section 200-2.5 HRS by adding “submerged lands” to subparagraph (a).
- Section 5 uses the amended 200-2.5 HRS as the authority to allow the “department of land and natural resources” to lease the “submerged lands” (as well as the fast lands already authorized) of the Ala Wai Harbor

Currently, these submerged lands could be leased only if the State Legislature passed a Concurrent Resolution required by 171-53 HRS authorizing such a lease. The Public Hearings required in this process provide the public its only opportunity to become aware of the issue and to provide public input to the Legislative Committee. The amendments proposed in Section 2 and Section 5 of this Bill will eliminate the involvement and control of the Legislature (and thus the public) by removing Section 171-53 HRS from the process of leasing submerged land. Please don't let that happen.

For the past 10 to 15 years, I and many others have been involved on almost a yearly basis in defending against various ill/selfishly-conceived legislation that would essentially “privatize” one or all of our public recreational boating facilities, and thereby reduce the public ocean access opportunities protected by our constitution. We have largely been successful because of the requirement of a Concurrent Resolution to lease submerged lands, imposed by Section 171-53 HRS. We have been successful in convincing our legislators to withhold the Concurrent Resolution. Had this powerful public tool not been available, the public access opportunities at our public boating facilities would have been reduced and severely impaired by fences or user/entry fees four to five times the current level.

Several years ago, I was a participant in a Chamber of Commerce, Maritime Committee group that drafted an amendment to Section 200 HRS that resulted in the current 200-2.5 HRS. The purpose of the amendment was to relax the constraints on leasing harbor backup land to promote the lease of such land at existing state boating facilities to increase revenues. The differences in leasing fast and submerged lands were thoroughly discussed and it was agreed that the wording in the amendment would specifically limit

its application to "Fast" land. The reasons for doing so then were the same as those presented in this testimony. Please deny this amendment in the public interest.

Items in the other Sections of this Bill which are not contingent upon the leasing of submerged lands are also contained in HB 980 HD1 and we oppose all of them as we did for HB980.

Please hold this Bill.

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

Representative Marcus Oshiro, Chair, Committee on Finance

Tuesday, March 3, 2009, Conference Room 308, 5:00 p.m.

Testimony in Opposition to HB 1766 HD1

Aloha Chair Oshiro! And committee members:

My name is Melva Aila, I am strongly opposed to HB 1766 HD1 . This bill will cause many hardships for the average boater. The Small Boat Harbors were created over 40 years ago with public funds and this bill would allow these harbors to be given to a private entity to manage.

The purpose of the Small Boat Harbors was to provide access to the ocean for fishermen to land their fish. The Cayetano and Lingle Administration's have repeatedly wanted to pass out a bill like this but, the legislature always understood the negative impacts to middle class boaters. We are now in an economic down turn and average boaters will be severely impact by privatization.

By allowing the leasing of submerged lands, there will be no access for the average boater unless the can pay the privatized fees and the average shoreline fishermen would not have access to the breakwaters to fish. The public would have no access to harbor restrooms and the fees would increase by three to four times.

Average fishermen would no access to the ocean to catch fish for their families and friends, or just to put food on the table. The quality of life for the community and future generations would be diminished.

The people of Hawaii need to have a choice, just as they do in the education of our children. We can send our kids to public school or to private schools. We should always have a choice to go to a public harbor. Please hold this bill.

Melva N. Aila

86-630 Lualualei Homestead Road, Waianae, Hawaii 96792. PH# 696-9921

Representative Marcus Oshiro, Chair, Committee on Finance

Tuesday, March 3, 2009, Conference Room 308

Testimony in Opposition to HB 1766 HD1

Aloha Chair Oshiro and committee members!

I am an employee of DLNR but the testimony that follows is that of my own as an individual who has opposed the privatization of the State's Small Boat Harbors.

This Bill has been compared to the Recreational Renaissance Plan. It is nothing at all like it. It is a blue print for the privatization of the State's Small Boat Harbors.

I am not opposed to private developers building new harbors. However, I believe that the middle class should always have the ability to have affordable access to the ocean.

To allow the leasing of submerged lands will insure that the State's Small Boat Harbors are privatized and therefore priced out of the range of the average boater.

This Bill would not only authorize the leasing of submerged lands at the Ala Wai Boat Harbor, it would apply state wide, including launch ramps and off shore moorings.

The legislature has properly opposed several attempts by the Cayetano and Lingle administrations in the last 14 years to privatize its harbors.

Please hold this bill in Committee.

Mahalo for the opportunity to testify in opposition to HB 1766 HD1

William J. Aila Jr.
86-630 Lualualei Homestead Road
Wai'anae, Hawaii 96792
Ph# 330.0376

Aloha mai kākou,

I am an ascendant of the original people of Hawai'i and related genealogically to the land of Kālia through my mother's side which reaches back to Mā'ilikūkahī who set up his government in Kālia, Waikiki in the late 1400's.

I am in opposition to HB 1766. History has already revealed that foreigners to Kālia for example the State of Hawai'i, has already proven themselves to be unworthy caretakers of land, stolen land.

Nawai who gave Native Testimony for Mahuka the konohiki (caretaker) of Kālia in 1852 says that Kālia consisted of 8 coconut groves, 37 fishponds and 23 lo'i (water terraces for taro). He proves his intimacy with the land of Kālia by naming every ulu niu, every loko pu'uone and every lo'i. Now which state representative knows the land of Kālia as well as Nawai did? Has it all been reduced to the dollar bill? The land of Kālia sustained the *ali'i* of Waikiki and its people and today it sustains but the greedy pockets of the State of Hawai'i as well as foreign investors.

From 1921-1928 all these assets coconut groves, fishponds and lo'i of the Original people of Hawai'i was filled in and destroyed due to the greed of William Dillingham with help from his friend President of the Board of Health Lucius Pinkham who proclaimed that the fishponds and lo'i needed to be filled in because of mosquitos. This enabled Dillingham to build his sewer canal the Ala Wai. Of course we know that the Ala Wai today is not a threat to us as it doesn't carry mosquitos, it carries....you can fill in the blank. Furthermore, we know that this filling in of fishponds and lo'i helped with the development of touristville Waikiki. But do not be fooled to think that we, the Original people of Hawai'i do not know where the Pi'inaio stream, Apuakēhau or Kaukaunahi stream are in Waikiki. We do! Our island reveals the cover-ups of the colonizer to us every time it rains, and the streams flood.

So as much as this may seem to be a history lesson, it is! What it reveals is that the surfers, paddlers, farmers and fishermen who constantly nurture their relationship with the land and ocean understand it more than policy makers or any president of a country.

It is a possibility that the State of Hawai'i could look at reclaiming Fort DeReussy which covers 71.794 acres in Waikiki and values at \$1,691,269,300 stolen by the United States of America by Executive Order.

Agitated,

D.J. Nāwa'a

To: Chair Oshiro, Vice Chair Lee and Members of the Committee on Finance,

From: Kaleo Smith

Date: Tuesday, March 3rd 2009 at 3:00pm in Conference Room 308

Subject: Written testimony in SUPPORT of House Bill 1766HD1

As a user of small boat harbors for recreational activities throughout the State I support this bill. Although the Ala Wai has been upgraded with new slips there are still sections of the harbor that are in dire need of repairs and with the state economic situation funding for boating recreational activities will more than likely not be at the top of the priority list at the State Capitol. Giving someone the opportunity to privatize some of the sections of the harbor will create the ability to generate additional revenues.

Thank you for the opportunity to testify in support for this measure.

Kaleo Smith

808-241-7770

Warren Koga

808-639-6222

Support HB1766HD1

3/3/09 at 3:00pm in Conf. Rm. 308

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee,

Upon reviewing this bill it seems as though pieces of the Recreational Renaissance Plan was incorporated into HB 1766HD1. I support a scaled down version of HB 980 and this bill seems to address the areas that need improvements. Creating a special fund for small boat harbors could allow the DLNR to deal with the maintenance and repairs that they have been unable to deal with in the past. The potential to privatize some of the boat harbor may allow for continued revenue generation.

Thank you for the opportunity to provide written testimony in support.

Warren Koga

Ala wai Testimony

March 3, 2009

REGARDING HB 1766 HD1 and HB 980 HD 1

Honorable Chairman Oshiro, Vice Chairman Lee and members of the Finance Committee:

Please accept my testimony in opposition to HB 1766 HD1 and HB 980 HD 1.

My name is Gary Bilyk. I am a local dentist who owns a boat in the Ala Wai Boat Harbor. I've been

practicing in the State of Hawaii for 36 years and have had a slip in the Harbor since 1975.

It is my understanding that House Bill 1766 HD 1 would allow a portion of the Ala Wai Boat Harbor to

become commercialized. I take serious exception to this plan. The Ala Wai Boat Harbor was created by the

Legislature to serve Recreational Boaters in Hawaii. We already have a commercial boat harbor less than a

mile ewa of the Ala wai. The fact that Kewalo has been allowed to fall into disrepair is no reason to

attempt to move commercial boats into the Ala Wai. Only a very few special interests could support this idea,

and those only for their own financial gain!

The roadway behind the Hawaii Prince Hotel which services the Hotel and would have to service the

commercial area of the Harbor is inadequate for the usage it gets now. There is no way the roadways

and infrastructure at Ala Wai Boat Harbor could support commercial use that would include parking and

bus arrivals/departures without making traffic intolerable for residents and hotel guests in this area.

Kewalo has parking specifically for people accessing commercial boats along the front row.

There is also a safety concern as many kayakers and canoeists use the Ala Wai and its channel. Surfers

and Diving tourist groups regularly cross the channel from Magic Island to Kaiser's Break. If commercial

vessels start using this channel, it will be only a matter of WHEN we have a

Ala wai Testimony

disaster.

I know your Committee is a financial body and this safety issue may not be in your purview but in a

financial sense, one mistake here could cost the State more than it will ever receive from commercializing

the Ala wai Boat Harbor.

As a final note regarding finances, I might add as many as 1/3rd of the slips at the Ala wai have

remained unusable for the last 5-7 years. This is not due to underutilization of boats by their owners, but

by inadequate management by DNLB and DOBOR. The funds lost forever because these slips were not rentable,

coupled with the funds from Boating Special Funds that are wasted every year by being transferred to DOCARE

would have more than paid for adequate and timely maintenance of the Ala wai Recreational Boat Harbor.

thank you for considering my opposition to these bills.

Sincerely,

Gary W. Bilyk, DDS

phone 947-8888

FINTestimony

From: Marvin Heskett [mhesketts@mac.com]
ent: Monday, March 02, 2009 9:45 PM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Marvin Heskett
mhesketts@mac.com
419A Atkinson Dr. #1207
Honolulu, HI 96814

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Aloha Representative Oshiro,
I am strongly opposed to this bill. It is simply wrong to put public resources into private hands. In this case, the resource is our harbor where we recreate and access the ocean. This bill jeopardizes our access by creating more strain on the limited parking and access currently present. With increasing population and decreasing public resources, these harbor areas need to be expanded for public use, not turned over to private interests. Allowing this bill to pass will harm the beach culture that thrives in the surfing, canoeing and boating communities. These communities are a rich and vital center to our local culture. This bill would create safety concerns by increasing harbor traffic with larger commercial vessels that will certainly compete with the smaller users for rights of way. There is no visible benefit to the public (the rightful owner of the harbors) if this bill passes.

Thank you for considering my testimony.

FINTestimony

From: Joy Silver [jsenhydra@hotmail.com]
Sent: Tuesday, March 03, 2009 12:17 PM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Joy Silver
jsenhydra@hotmail.com
59-595 KeIki Rd. #D
Haleiwa, HI 96712

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. I do not think a public resource should be in private hands. We are a beach culture and if anything our public resources need to be expanded to meet the increasing population. There is already limited public parking at Ala Moana Bowsls for the amount of beach access users. Increased harbor traffic with larger vessels would also bring about safety concerns. I do not feel there is any public benefit to handing over a public resource to private companies.

FINTestimony

From: Robert Barreca [rob@electronicinsight.com]
Sent: Tuesday, March 03, 2009 12:20 PM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Robert Barreca
rob@electronicinsight.com
3535 Maluhia St
Honolulu, HI 96816

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. Please save Ala Moana Bowls. The public does not want private ownership of the boat harbors. Surfers, Canoers, Kayakers and all local beach access users don't want to lose more parking for private interest. There is no visible benefit to the public (the rightful owner of the harbors) if this bill passes.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 1:10 PM
To: FINTestimony
Cc: caro@hawaii.rr.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position:
Testifier will be present: No
Submitted by: Patricia Willson
Organization: Individual
Address: 41-659c kumuhau st. waimanalo, hawaii
Phone: 808-259-6861
E-mail: caro@hawaii.rr.com
Submitted on: 3/3/2009

Comments:

Chair Oshiro, Vice chair Lee, thank you for allowing me to testify.

My name is Patricia Willson. I am a surfer at the Ala Wai , and I strongly oppose this measure.

In these times when crime goes up like the senseless stabbing we just saw, our society needs free outlets and places to bring ohana and do the free sports that keep us sane.

Thank you for hearing me.

,08-259-6861

FINTestimony

From: Ruey Hwu [hooooray@hotmail.com]
ent: Tuesday, March 03, 2009 9:58 AM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Ruey Hwu
hooooray@hotmail.com
2833 Leialoha Ave. Apt.4
Honolulu, HI 96816

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. Please keep the public interest in mind and maintain access to the Ala Moana Bwls area. Many local people will be negatively affected if public resources continue to be delegated to private companies.

FINTestimony

From: Val Loh [vallohfoto@yahoo.com]
Sent: Tuesday, March 03, 2009 11:10 AM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Val Loh
vallohfoto@yahoo.com
2552 peter street
Honolulu, HI 96816

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. Keep our beaches and harbors PUBLIC and ACCESSIBLE.
No privatization.

More boat traffic = more accidents (think liability and lawsuits as well as injuries), and
pollution of our waters.

If money is the motivating factor to privatize, private ownership actually cuts into our
tourism industry by negatively affecting the quality of the visitor experience.

Please VOTE NO to HB 1766.

Ihalo nui,
~ Val Loh

FINTestimony

From: Sharon Schneider [stys@hawaiiintel.net]
ent: Tuesday, March 03, 2009 12:08 PM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Sharon Schneider
stys@hawaiiintel.net
5042 Maunalani Circle
Honolulu, HI 96816

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. The Ala Wai is primarily a recreational users harbor with swimmers, canoes, boaters and kayakers. Allowing commercial vessels there would endanger the recreational users and put additional pressure on coastline access with additional parking strain. We need to keep these resources for public use.
Please do not pass this bill.

FINTestimony

From: Kory Payne [kory.payne@gmail.com]
Sent: Monday, March 02, 2009 11:48 PM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Kory Payne
kory.payne@gmail.com
2065 Lanihuli Dr
Honolulu, HI 96822

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I'm writing in opposition to this bill. While some tourists may complain about the public usage of the Ala Wai Harbor, in the end, the bottom line will be preserved by allowing the public to maintain ownership and easy access for Hawaii's residents to the Harbor and the world class surf breaks that surround the Harbor.

The public ownership is part of the character of the area that draws people back to Waikiki, despite the vocal complaints of a minority of tourists.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 12:00 AM
To: FINTestimony
Cc: hbpaa@aol.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: William E. Mossman
Organization: Hawaii Boaters Political Action Association
Address: 282 Aikahi Pl, Kailua, HI 96734
Phone: 2542267
E-mail: hbpaa@aol.com
Submitted on: 3/2/2009

Comments:
HB1766 HD1 Testimony (opposition)

Dear Chair Oshiro and members of the Committee,

HB 1766 HD1 is a flagrant attempt to amend key State statutes to wrest the control over the lease of the submerged lands of our boating facilities away from the Legislature and thus allow the DLNR to allow unlimited "foot in the door" privatization of portions of the Ala Wai that could easily spread to the entire harbor and eventually to other harbors in the State.

The primary and most dangerous measure of HB 1766 HD1 is presented in Section 2 and Section 5 of the Bill.

• Section 2 amends Section 200-2.5 HRS by adding "submerged lands" to subparagraph (a).

• Section 5 uses the amended 200-2.5 HRS as the authority to allow the "department of land and natural resources" to lease the "submerged lands" (as well as the fast lands already authorized) of the Ala Wai Harbor

Currently, these submerged lands could be leased only if the State Legislature passed a Concurrent Resolution required by 171-53 HRS authorizing such a lease. The Public Hearings required in this process provide the public its only opportunity to become aware of the issue and to provide public input to the Legislative Committee. The amendments proposed in Section 2 and Section 5 of this Bill will eliminate the involvement and control of the Legislature (and thus the public) by removing Section 171-53 HRS from the process of leasing submerged land. Please don't let that happen.

For the past 10 to 15 years, I and many others have been involved on almost a yearly basis in defending against various ill/selfishly-conceived legislation that would essentially "privatize" one or all of our public recreational boating facilities, and thereby reduce the public ocean access opportunities protected by our constitution. We have largely been successful because of the requirement of a Concurrent Resolution to lease submerged lands, imposed by Section 171-53 HRS. We have been successful in convincing our legislators to withhold the Concurrent Resolution. Had this powerful public tool not been available, the public access opportunities at our public boating facilities would have been reduced and severely impaired by fences or user/entry fees four to five times the current level.

Several years ago, I was a participant in a Chamber of Commerce, Maritime Committee group that drafted an amendment to Section 200 HRS that resulted in the current 200-2.5 HRS. The purpose of the amendment was to relax the constraints on leasing harbor backup land to promote the lease of such land at existing state boating facilities to increase revenues.

The differences in leasing fast and submerged lands were thoroughly discussed and it was agreed that the wording in the amendment would specifically limit its application to "Fast" land. The reasons for doing so then were the same as those presented in this testimony. Please deny this amendment in the public interest.

Items in the other Sections of this Bill which are not contingent upon the leasing of submerged lands are also contained in HB 980 HD1 and we oppose all of them as we did for HB980.

Please hold this Bill.

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 12:15 AM
To: FINTestimony
Cc: middle001@aol.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Bruce Middleton
Organization: Individual
Address: 1848 Kakai Dr. 903
Phone: 941-0875
E-mail: middle001@aol.com
Submitted on: 3/3/2009

Comments:

Tuesday, 03 March 2009, room 308 at 5:00 PM TESTIMONY IN OPPOSITION TO HB-1766-HD-1 HOUSE COMMITTEE ON FINANCE by Bruce M. Middleton

Chair Oshiro and honored members of the committee, aloha and thank you for letting me testify.

My name is Bruce Middleton and I have been a boater at the Ala Wai small boat harbor for more than a decade

I strongly oppose this bill. Here is what it would do if passed:

1) It would convert the Ala Wai harbor into a mixed commercial and recreational facility by allowing 15% of its vessels to be large commercial boats. This would result in an extreme safety hazard for surfers, kayakers and canoe paddlers using the channel and harbor turning basin while, at the same time, commercial vessels were rushing to and fro on tight operating schedules. Adding to this danger is the fact that kayakers and canoe paddlers, who are hard enough to see in the daytime under certain lighting conditions, frequently transit the harbor and its channel at night and without lights. The Ala Wai was designed and built as a recreational harbor and DLNR's poorly thought out attempt to mix in commercial vessels, is a disaster in the making.

2) It would allow DLNR to evade existing requirement to hold public hearings in order to raise slip fees. DLNR already has the authority to raise fees simply by holding public hearings under Chapter 91 HRS, and then amending the appropriate fee schedule in its administrative rules. Now, however, it is asking you to eliminate the Chapter 91 HRS public hearing requirement and to give it the authority to set fees using eager-to-please "licensed" appraisers. We've all seen what eager-for-business "licensed" appraisers can do in a boom-time housing market and now, apparently, DLNR wants to use this same dubious mechanism to set boater's slip fees. What it will do, in fact, is let DLNR to capriciously set fees at whatever level it wants without having to bother with public hearings or factoring public testimony into the decision making process. The right to public hearings is a vital part of our governmental and constitutional framework, which DLNR now wants you to take away from us. Please don't let that happen.

3) It would allow DLNR to charge slip-holders additional fees for maintenance of the harbor's common areas and for operational expenses like parking lot and street lighting, refuse collection, water, landscaping, etc. Operational costs of this kind have always been factored into boaters' slip fees and the fees set sufficiently high to cover them. But now it seems that DLNR wants to have it both ways: that is, to raise slip fees to commercial levels (without bothersome public hearings), then to charge boaters again for operational costs already accounted for in their monthly slip fees.

4) It would allow DLNR to bypass current law under HRS Chapter 171, which requires it to seek legislative approval via SCR or HCR in order to lease our Harbors' submerged lands. This would be an extremely dangerous change of policy because it would essentially allow DLNR, in perpetuity, to do whatever it wanted with boating-related submerged lands without legislative oversight or consent. Not only would it cut the legislature out of the picture, but it would deny the public any opportunity, as now exists, to provide input regarding DLNR's plans for submerged lands at legislative hearings. Also, such sweeping authority as DLNR is requesting has a high potential for abuse. Theoretically, it would enable DLNR to reclaim submerged lands by filling them in and then leasing them to a developer for use as an amusement park, complete with ferris wheel. While this may, in fact, be far fetched, the point here is that for the legislature to deprive itself of oversight authority, and thereby deprive the public of having any voice in the matter during legislative hearings, would be a terrible abatement of rights and an open invitation to bureaucratic hanky-panky. This would truly be a recipe for bad government.

5) It would allow DLNR to raise fees to keep pace with inflation, while making no provision for decreasing fees to keep pace with deflation (which even now is in the process of taking place).

6) It would let DLNR enter into leases of harbor lands for up to 65 years. This is nearly three full generations and is far too long to be fair to our children and grandchildren, and their children.

In conclusion, this bill is flawed on many levels and I urge you to hold it in committee.

Thank you for hearing me.

Bruce M. Middleton
Boater

FINTestimony

From: trevor smith [t_smitty2@hotmail.com]
ent: Monday, March 02, 2009 10:21 PM
fo: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

trevor smith
t_smitty2@hotmail.com
2585 dole st.
honolulu, HI 96822

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill. Save Ala Moana Bowls. The public does not want private ownership of the boat harbors. Surfers, Canoers, Kayakers and all local beach access users don't want to lose more parking for private interest. Keep Bowls safe! We don't need more boat traffic in this channel. Access to the beach is good for social health and our local economy. It is simply wrong to put public resources into private hands. In this case, the resource is our harbor where we recreate and access the ocean. This bill jeopardizes our access by creating more strain on the limited parking and access currently present. With increasing population and decreasing public resources, these harbor areas need to be expanded for public use, not turned over to private interests. Allowing this bill to pass will harm the beach culture that thrives in the surfing, canoeing and boating communities. These communities are a rich and vital center to our local culture. This bill would create safety concerns by increasing harbor traffic with larger commercial vessels that will certainly compete with the smaller users for rights of way. There is no visible benefit to the public (the rightful owner of the harbors) if this bill passes.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 1:34 AM
To: FINTestimony
Cc: monets001@hawaii.rr.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Sam Monet
Organization: Individual
Address: 1747 Ala Moana # 98 Honolulu HI 96815
Phone: 258-1611
E-mail: monets001@hawaii.rr.com
Submitted on: 3/3/2009

Comments:

I was born and raised in Hawaii, part Hawaiian, surfer, sailor, canoe paddler. My parents built Ala Wai Harbor for me and my kids, not for a bunch of dirt bag foreigner, commercial tourist businesses. Commercial boats in the harbor will endanger our me and my kids like it does at Kewalo. Any legislator that supports this bill is short sighted. The current global economic depression will last many years, global warming will aserbate the situation making any rebound in tourism a fantasy. Hilton and Starwood will file bankruptcy very soon. Roy Disney is next. Disney has bribed corrupt DLNR employees. Think about what is best for locals. Do not buy stock in tourism. Our people will not forget come election day.

Sam Monet
1741 Ala Moana Blvd. #98
Honolulu, Hi. 96815
Ph./cell (808) 258-1611
monets001@hawaii.rr.com

Aloha All,

FINTestimony

From: Andrew Benson [etatch@aol.com]
Sent: Tuesday, March 03, 2009 5:44 AM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Andrew Benson
etatch@aol.com
2635 Tanager Drive
Wilmington, DE 19808

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill for the following reasons:

1- Private business is "for profit" and therefore will only be interested in maximizing their investment and will no doubt charge a fee for beach access, reduce access or eliminate access completely.

2- The Waikiki area is already very crowded with limited parking and Ala Wai is a very important local beach users area apart from the hotel users areas. A small area which families and friends can meet and to surf, paddle or swim.

3- More development is not needed in this area with the beach area already built up more users and boat traffic would not improve the area.

I suggest a project to improve the existing area for better moorings and design and not turn it over to private control inwhich the public would have no say in the matter.

Mahalo and Aloha

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 3:23 AM
To: FINTestimony
Cc: drgeorgepc@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position:
Testifier will be present: No
Submitted by: Dr. George Carayannis
Organization: Ala Wai Boat Association
Address: 1741 Ala Moana Blvd.#70 Honolulu, HI
Phone: 808 781 - 6164
E-mail: drgeorgepc@yahoo.com
Submitted on: 3/3/2009

Comments:
TESTIMONY IN OPPOSITION TO HB-1766-HD-1
HOUSE COMMITTEE ON FINANCE

By Dr. George Carayannis

Tuesday, 03 March 2009, room 308 at 5:00 PM

Chair Oshiro, respected members of the committee,

My name is Dr. George Carayannis and I have been a boater at the Ala Wai small boat harbor for 45 years (since 1963). I object strongly to this bill because it represents an obvious attempt by DLNR to bypass proper legislative process and to ignore the needs of the people it presumably represents, by depriving them of the democratic process of having hearings to express concerns or present alternate, viable ideas. The bill is flawed on both procedural and substantive grounds and it is submitted to your committee at the worst possible time, when our national economy is at its worst and most citizens are suffering.

The bill is flawed procedurally as it presents into one single package several complex issues which require proper individual due care and deliberation, while at the same time tries to eliminate public input and constructive criticism by proposing an autocratic and bureaucratic process that could only serve special interests and seriously hurt recreational boaters and the public at large. The bill, in its present form, with its many hidden and disguised changes, could turn out to have dangerous ramifications and consequences for the public as well as Hawaii's legislative process.

The bill's substantive flaws.

1. Pertaining to the use of services of an "appraiser" to set the harbor's fees, please do not be fooled into believing that such an "appraiser" could be independent and not really serving the special interests of those behind this bill.
2. Allowing DLNR (without legislative supervision or public input) to get blanket statutory and autocratic authority to lease boating-related submerged lands to special interests could turn out to be disastrous for the citizens of the state and for recreational boaters.
3. Introducing commercial boating into the Ala Wai, a harbor that was designed and built exclusively for recreational use, would be a very bad mix and could result in accidents, added pollution and turn a pristine tourist area of Honolulu into a Coney Island type of environment.

Please do not allow DLNR to bypass with this bill the legislature and the people it represents.

Sincerely,

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 7:35 AM
To: FINTestimony
Cc: gdowning@hawaii.rr.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: George Downing
Organization: Save Our Surf
Address: 3021 Waialae Avenue Honolulu, Hawaii
Phone: 808-222-8755
E-mail: gdowning@hawaii.rr.com
Submitted on: 3/3/2009

Comments:

Save Our Surf: We Oppose HB 980 & 1766 for the following reasons:

- 1: Allowing the DLNR more jurisdiction over our boat harbors, giving DLNR the ability to change policies affecting many user groups is not in the best interest of the tax paying public.
- 2: The DLNR has failed in the past because of poor management not lack of funds to maintain the quality standards in both the Ala Wai and the Kewalo Harbor facilities.
- 3: If more funds were required to pay for the harbor repairs, why did the DLNR give to the Hilton Hotels a 50 years lease on the Hilton Lagoon area for a token sum of \$1.00? Although this lagoon was in poor condition, when purchase was made buy Hilton from the Kaiser Corp., who were responsible for previous maintenance. When Hilton purchased from Kaiser, Hilton assumed this responsibility which was part Kaiser's responsibility to the State of Hawaii.
- 4: Commercialization of this department will be costly to the State paying taxpayers for a recreational facility.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 7:54 AM
To: FINTestimony
Cc: usgirls@hawaii.rr.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Lane Davey
Organization: Individual
Address: P.O. Box 1033 HI
Phone: 808 293-7771
E-mail: usgirls@hawaii.rr.com
Submitted on: 3/3/2009

Comments:

I am a surfer and am opposed to this bill and just can't believe something like this would even be considered. Ala Moana Bowls is the best surf spot on the south shore and a great source of recreation for Oahu's community. It is a hazard to have commercial boats in that area. Dont we have enough commercialization in Honolulu. Please leave this last little nub of land for the locals.

FINTestimony

From: Pam Kim [pkim@hawaii.edu]
ent: Tuesday, March 03, 2009 7:59 AM
To: Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony
Subject: Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

Marcus R. Oshiro
Marilyn B. Lee
Committee on Finance

Pam Kim
pkim@hawaii.edu
PO Box 283276
Honolulu, HI 96828

Tuesday, March 3, 2009 05:00 PM

Strong opposition to HB1766 - Small Boat Harbors; Commercial Vessels; Development

I am strongly opposed to this bill.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 03, 2009 8:30 AM
To: FINTestimony
Cc: bbshimokawa@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Brian Shimokawa
Organization: Individual
Address: 2216 Hyde Honolulu, Hawaii
Phone: 808 946-0055
E-mail: bbshimokawa@yahoo.com
Submitted on: 3/3/2009

Comments:

We do not want to give the DLNR autonomous jurisdiction of the Ala Wai Boat Harbor. They have already tried to privatize the entire parking situation there and if HB1766 is passed it will lead to overall privatization with minimal public access/parking. This will also be a precedent for other State Government Agencies to do the same with all our boat harbors & shorelines regardless of who has the jurisdiction. Why should we local people have to pay to go to the shorelines to recreate on God,s lands. I strongly oppose HB1766.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Tuesday, March 03, 2009 8:26 AM
To: FINTestimony
Cc: jmabbott@hawaii.edu
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jill Abbott
Organization: Individual
Address: 2011C Lanihuli Dr. Honolulu
Phone: 808 947-8040
E-mail: jmabbott@hawaii.edu
Submitted on: 3/3/2009

Comments:

Please do not commercialize public lands. Local people will lose out.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 7:33 PM
To: FINTestimony
Cc: jonnyboy1325@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jonathan Kono
Organization: Individual
Address: 1333 Lopaka PL Kailua, HI
Phone: (808) 258-0987
E-mail: jonnyboy1325@yahoo.com
Submitted on: 3/2/2009

Comments:

The citizens of Oahu have a right to cease the advancement of commercial organizations onto land that has been historically and continually used for leisure and recreational activities. Implementing such tolls on these activities will suppress our desire for them and take away from the culture and lifestyle that we as citizens of Hawaii pride ourselves in having. From an economic stand point it is socially inefficient to make someone better off by making someone else worse off. Therefore, I oppose this measure.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 7:42 PM
To: FINTestimony
Cc: laolalake@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Laola Aea
Organization: Individual
Address: po 1000 Koloa, HI 96756
Phone: 8086396696
E-mail: laolalake@yahoo.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 8:26 PM
To: FINTestimony
Cc: gkaaihue@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Garry Ka'aihue
Organization: commongroundhawaii
Address:
Phone: 808-5953489
E-mail: gkaaihue@yahoo.com
Submitted on: 3/2/2009

Comments:

I am against the state's desire to commercialize the Ala Wai Boat Harbor. Entering into a partnership with a group or groups that would ultimately end in privatizing the Ala Wai Boat Harbor is not the way to proceed. The taxpayer must be given a fair chance to repond to this bill. It seems as though HB1766 was introduced without full disclosure as to how it will affect the public's use of the Ala Wai Boat Harbor.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 5:24 PM
To: FINTestimony
Cc: kehau.upnaway@hawaiiantel.net
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Kehau Gerona
Organization: Individual
Address: 1819 Sereno St. Apt 1 HI
Phone: 808 524-7770
E-mail: kehau.upnaway@hawaiiantel.net
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 6:16 PM
To: FINTestimony
Cc: zebradoves@aol.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Margaret O'Kelly
Organization: Individual
Address: Kahakai Dr. Honolulu HI 96814
Phone: 785-8385
E-mail: zebradoves@aol.com
Submitted on: 3/2/2009

Comments:
TESTIMONY IN OPPOSITION TO HB-1766-HD-1
HOUSE COMMITTEE ON FINANCE
By Margaret M. O'Kelly

Tuesday, 03 March 2009, room 308 at 5:00 PM

Chair Oshiro and respected members of the committee, aloha and thank you for letting me testify.

My name is Margaret O'Kelly, and I have been a boater at the Ala Wai small boat harbor for more than 10 years. I strongly oppose this bill on both procedural and substantive grounds.

Procedurally, it contains all in one package so many dangerous and undesirable changes to current law that it has the effect of denying the public an opportunity to express its opposition persuasively, and the legislature an opportunity to adequately consider its many hidden ramifications and consequences. DLNR should be required to resubmit, taking it a step at a time so the public can address it in manageable increments, and the legislature can consider its complex issues in adequate detail. There is no urgency for immediate action in this matter and the grave issues being raised certainly deserve the utmost care in deliberating them.

Substantive flaws:

1. Setting fees. DLNR seeks authority to use an "appraiser" set the harbor's fees. This is a dangerous and unnecessary change, unnecessary because it already has the power to set boating fees (as it has done a number of times in the past) simply by amending its HAR Chapter 13 administrative rules pursuant to Chapter 91 HRS. Its dangerous because it appears that what DLNR really wants is to cut the public entirely out of the picture by avoiding the public hearings now required by Chapter 91. I regret to say it, but DLNR's proposed legislation has all the earmarks of a self-serving power grab, an attempt at nothing less than bureaucratic autocracy. Our present system was carefully designed to let the people participate in the process of government. Please do not allow DLNR to take this fundamental right away.

2. Submerged lands. DLNR is attempting to cut the legislature out of the picture by getting blanket statutory authority to lease boating-related submerged lands without having to obtain permission from the legislature via concurrent resolution (HCR or SCR) as required by HRS Chapter 171. This is horrifically dangerous because it would allow DLNR, alone and without supervision, to decide how our precious submerged lands will be utilized and it does so in perpetuity. Theoretically, this bill would give DLNR the authority to fill in portions of any of its harbors (submerged lands reclamation) and lease it to a

developer for an amusement park, complete with a ferris wheel while, at the same time, denying citizens the right to express opposition through the SCR/HCR process. The requirement for a concurrent resolution is an important check on executive branch power, which also guarantees the right of the public to be heard in matters of submerged lands disposition. Please do not allow DLNR to bypass the legislature and the people it represents.

3. Commercial/ Recreational Conflict. DLNR wants to introduce commercial boating into the Ala Wai, a harbor that was designed and built exclusively for recreational use. Its channel and turning basin are narrow and with commercial vessels rushing in and out to keep tight, profit driven schedules, its only a matter time before a hard-to-see kayaker, paddler or surfer crossing over to the Bowls from Magic Island, gets run down. This is not empty hyperbole. Many of you might remember the tragic 1984 death of a young surfer, Paul H. Stone, who was chopped up at Point Panic by the propeller of a Pearl Harbor tour boat, the Pearl Kai, as it was entering Kewalo Basin in a south swell. Several other surfers were also injured and narrowly escaped death. Sooner rather than later, something like this will also happen at the Ala Wai if commercial vessels are allowed in. Please don't let this happen.

3. Error: There are no parking meters on the 600 - 700 rows. (Sect (B) (2))

Conclusion. Boaters are generally not opposed to reasonable and controlled development for revenue generation, but this bill goes far beyond that in asking the legislature to abdicate its oversight jurisdiction over submerged lands, and by opening the door to autocratic abuse by DLNR. Please do not let the executive branch circumvent laws intended to protect the public. Please stop this bill.

Margaret M. O'Kelly
Honolulu

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 4:54 PM
To: FINTestimony
Cc: kaimalu1@hawaiiantel.net
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Richard T. Ing
Organization: Individual
Address: 383 N. Kainalu Drive Kailua, Hawaii 97834
Phone: 808-261-1959
E-mail: kaimalu1@hawaiiantel.net
Submitted on: 3/2/2009

Comments:

I am opposed to the HB1766. I do not think the State should be able to rent or sell Public lands. By privatizing the Ala Wai Small Boat Harbor it will deny free access to all local people of Hawai'i including surfers, paddlers, fishermen and recreational ocean users. I am a surfer and have surfed at the Ala Wai Harbor for many years. I know that if it were to get commercialized it will not only ruin the surf breaks from large commercial boats entering and exiting the channels but also have their pollution & sewage become a major problem waiting to happen. There is also a very serious safety issue as it will be hard to enforce the speeds & laws of boat traffic. It jeopardized the safety of all ocean users.

The State has mismanaged the funds for numerous years up to the present and I would not like to see anymore funds in their hands without proper accounting and auditing. I think there should be more studies and input from the public and frequent users of this area before passing any such bill.

Mahalo for your time & for allowing me to testify.

Richard. T. Ing

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 5:17 PM
To: FINTestimony
Cc: zelei7ke@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Zelei Abordo
Organization: Individual
Address: 1727 S Beretania St #2A Honolulu, HI 96826
Phone: 808-741-5258
E-mail: zelei7ke@yahoo.com
Submitted on: 3/2/2009

Comments:

To: Marcus R Oshiro - Chair
Marilyn B Lee - Vice Chair &
The House Finance Committee Members

I am writing to OPPOSE HB-1766 HD-1 and HB-980 HD-1. I do not believe that DLNR's Renaissance Plan is the answer to fixing our harbors, parks and recreational areas.

The other day I was told that the Administrator for DOBOR was asked by legislators, "who owned the water" and his answer was he didn't know. I'm no administrator but I know that the State owns the water, mineral and metallic mines and all natural resources. If DOBOR administrator believes that there are private entities that own these resources then he needs to explain how this happened.

If legislators don't stop this bill from moving forward I am afraid that we will lose more and more of our public recreational areas to the private partnerships that DLNR is trying to promote.

My fear is that 10 years from now when you ask administrators who owns the recreational harbors they won't know. Right now we know who owns the recreational harbors, parks, hiking trails, etc. The state owns it in trust for the public interest. Lets keep it that way and keep these bills from ever materializing now or in the future, by KILLING IT.

I believe that the main objective of this bill is to alienate the public from having input in the public process. This is witnessed by the fact that no one in the public knew anything about this bill. The public have come up with creative ways to allow for the care of the harbors, etc but DLNR is hell bent on privatizing. According, to Marion Higa's audit, DLNR has the right to privatize but she advised against it because of poor management. They have many issues that need to be dealt with before trying to do such a sweeping bill privatizing our public resources. Even under Chair Thielen's appointment the problems haven't been addressed and this has been witnessed by her testimony against moving DOCARE to PUBLIC SAFETY. Doing this would free up much needed funds for the harbors being that DOCARE is funded by the BOATING SPECIAL FUND.

Another fear of mine is that DLNR has poised themselves to do amendments to their administrative rules that may go hand in hand with this bill thereby extending or expanding their powers beyond what legislators intent would be. In my opinion, you cannot come up with a great plan if your mold is defective.

gain, thank you for your time and concern and I VOTE IN OPPOSITION TO THESE BILLS.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 3:38 PM
To: FINTestimony
Cc: billyp@philpotts.net
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William G Philpotts
Organization: Individual
Address:
Phone:
E-mail: billyp@philpotts.net
Submitted on: 3/2/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
sent: Monday, March 02, 2009 3:18 PM
To: FINTestimony
Cc: jeanniechesser@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Jeannie Chesser
Organization: Individual
Address: 4219-E Huanui st. Honolulu HI
Phone: 737-1602
E-mail: jeanniechesser@gmail.com
Submitted on: 3/2/2009

Comments:

Please don't make it harder for recreational users of the harbor to enjoy life and these simple pleasures

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 3:13 PM
To: FINTestimony
Cc: captcoon@hawaiiantel.net
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: comments only
Testifier will be present: No
Submitted by: James E. Coon
Organization: Ocean Tourism Coalition
Address: 820 Mililani St. Ste,. 810 Honolulu, HI 96813
Phone: 808-537-4308
E-mail: captcoon@hawaiiantel.net
Submitted on: 3/2/2009

Comments:

The Ocean Tourism Coalition offers this ONE AMENDMENT:
Section 4, (c) (5) ADD "two times the moorage fee plus utility/common area maintenance fees assessed for a recreational vessel of the same size, whichever is greater.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 1:41 PM
To: FINTestimony
Cc: nurseducator@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William Marshall
Organization: Individual
Address: 1651 Ala Moana Blvd Slip 605 Honolulu, HI
Phone: 808-955-1830
E-mail: nurseducator@gmail.com
Submitted on: 3/2/2009

Comments:

I oppose this bill, HB 1766. I am a boat owner, ocean user, and kama'aina in HI since August 1965. DO NOT commercialize our harbor. The Ala Wai small boat harbor and adjacent beaches and waters need the care of DLNR Boating and DOBOR, not financial exploitation. Our ocean and beaches MUST remain in good repair and open and accessible to all residents and visitors. Decisions should be placed in the hands of the users and families who enjoy these waters, harbors, and beaches. DO NOT bring forth rules and regulations that commercialize the Ala Wai small boat harbor. This injures local boat owners and users, local people and visitors who use the harbor and beaches, and is a tactic to merely bring more monies into the general fund for use elsewhere in the state.

William Marshall
Ala Wai Small Boat Harbor, Honolulu

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, March 02, 2009 2:59 PM
To: FINTestimony
Cc: billfkr@webtv.net
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Bill Kruse
Organization: Individual
Address: Ala Wai Harbor, 89585 Honolulu, HI
Phone: 942-1894
E-mail: billfkr@webtv.net
Submitted on: 3/2/2009

Comments:

Aloha,
This is dangerous because they have kayaks and small boats going in and out of the channel, and they already have problems with people running into each other, and having accidents.
We need more room for visiting yachts from other parts of the world and for local boats. This is the aloha state.
The idea of allowing commercial boats into a recreational harbor is alot like allowing tents on Kapiolani Park: too cluttered and undesirable. Kewalo Basin and Keehi Lagoon is a disaster. It's the same old story; they haven't been maintained adequately and are falling part.
his bill will not help the situation. As a harbor resident, I am against commercialization of the Ala Wai Boat Harbor.
Aloha

FINTestimony

From: rawcohi@cs.com
Sent: Monday, March 02, 2009 1:07 PM
To: FINTestimony
Subject: Testimony regarding HB1766 in FIN on Tuesday, 3/03 at 1700 room 308

TESTIMONY REGARDING HB 1766
FIX IT OR SHRED IT

HOUSE COMMITTEE ON FINANCE

Tuesday, 03 March 2009 in room 308 at 1700

Chair Oshiro and respected members of the committee,

My name is Reg White. I work in the commercial boating industry of our state. I am a recreational boater and am a tenant and resident of Ala Wai Boat Harbor. This bill, HB 1766, in Section 5 (a) urges the lease of the 700 and 800 row of Ala Wai Boat Harbor. This is a true waste of money and time as the department has already done the study to restore the piers on the 700 row and has the money to start the project in the near future. Just as soon as the restoration of docks B, C & D is completed this coming spring. Please don't disrupt this already well done plan that seeks to immediately restore our harbor to it's maximum revenue generating capacity. The department already has the ability to lease out both fast and submerged lands merely by applying to the Land Board, they don't have to wait for legislative approval.

Regarding Section 3 section 200-9 (c):

(1) We must insist the you limit commercial vessels to not more than 65' in length, the same as for Lahaina Harbor, and that the slips available for commercial use be limited to those ewa of Hobron Lane on the front row facing Holomua Street. Please note that Kewalo Basin, just down the street, is a=2 0commercial harbor and has unoccupied spaces available for commercial boats. Do not be misled by unfounded estimates of demand for additional commercial slips in Honolulu.

Section 4: 200-10 (c)

(1) Wherever the licensed real estate appraiser is used it must be noted that the values used for comparison must also be marinas that are owned and operated by municipalities, counties or states, and are not privately owned marinas operated for profit. These proposed fees must then go out to public hearings the same as always under the BLNR rules. The annual increase in fees must be justified by a like increase in the costs to provide the services or facilities being charged for and must also be subject to the public hearing process prior to enactment.

Under subparagraph (2) drop the real estate appraiser and use the DOT fee structure. This will make the fees uniform statewide and make a level playing field for all commercial operators in the state of Hawaii.

Subparagraph (6) enacts an additional maintenance fee. This is already figured into the original fee structure and is already being paid by the boaters. If CAM is instituted then the original fee must be so reduced as not only Hawaii case law (CASI vs DLNR) but also Federal MTSA 2002 define the "fee" as an amount equal to the cost to provide a facility or a service to a vessel.

Section 5: section 200-2.5 urges the department to lease out portions of a perfectly=2 0good harbor that is presently being restored to its complete revenue generation capacity. There is no need to urge the leasing out of any portions of the harbor. Should such a move become necessary, or become the best judgmental answer for a particular situation, the department already has the option at any time to apply to the BLNR for permission to lease out particular portions of both the fast and submerged lands of any harbor under their jurisdiction. This is much faster than waiting for the next legislative session for approval to make these moves when required. Please do be aware that parking and traffic space within the harbor is limited and commercial ventures will have to be limited to the amount of parking and maneuvering space that is available under the zoning laws. Buildings above parking will be limited by the 29' height regulations in effect for the neighborhood.

(B) (2) is in error. There are no parking meters on the 600-700 row mole.

Regarding the remainder of this section, the department is already out with an RFP regarding a long term lease of the present fuel dock on the ewa end of the 600-700 mole and the boat repair area at the diamond head, makai end of the Ala Moana Blvd. Bridge over the Ala Wai Canal channel..

Quite frankly, I am disappointed at the legislature's refusal to listen to the users regarding this bill. This bill is sufficiently flawed as to make it a fine c andidate to be "Held" unless you can see your way clear to make the above suggested modifications.

Respectfully.

Reg White
1540 S. King St.
Honolulu, HI 96826-1919
(808) 222-9794
RawcoHI@cs.com

Email message sent from CompuServe - visit us today at <http://www.cs.com>

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:05 PM
To: FINTestimony
Cc: eenoka@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Elizabeth A Enoka
Organization: Individual
Address: 3457 ALIAMANU STREET HONOLULU HI 96818
Phone: 808-422-4228
E-mail: eenoka@gmail.com
Submitted on: 3/2/2009

Comments:

I am opposed to this bill because of the fact that it is taking away PUBLIC LAND for commerlization!! It would ruin our surf spots and further pollute an already polluted enviroment in the Ala Wai Boat Harbor area. To want to bring big boats for tours would increase traffic and parking issues. This increase of marine traffic would cause a danger by boats going in and out of the harbor and would create a hazardous situation for ocean users. PLEASE,PLEASE LEAVE THIS AREA ALONE. Please look for other ways to generate funds and don't take away what I and so many others enjoy and consider the last frontier....There are many commercial vessels at Kewalo's, and in this difficult economic times I'm sure they don't need any more competition!!! People come to Hawaii because it is such a unique and special place. They are looking for the old Hawaii, a simple place. You are looking to build a world renowned boat harbor and all the shops that go along with such a developement. The Ala Wai is a SMALL boat harbor and not the right place for such a large undertaking. Let states like California or Florida have their Large boat harbors, but not Hawaii, we don't need or want it!!
Thanks for listening!

FINTestimony

From: Rochelle Leong [rochelle.leong@yahoo.com]
Sent: Monday, March 02, 2009 1:01 PM
To: FINTestimony
Subject: House Finance Committee Testimony

Dear Finaance Committee Chair and members;

Oppose HB980 "Recreation Renaissance Plan"

Oppose HB1766 State DLNR to commercialize the Ala Wai boat harbor

Testifier position: oppose

Testifier will be present: No

Submitted by: Rochelle Leong

Address: 1134 Kinau St., Honolulu, HI 96814

Phone: 808-223-2499

E-mail: rochelle.leong@yahoo.com

Submitted on: 3/2/2009

FINTestimony

From: PRINCE OF WAIKIKI [princeofwaikiki@hotmail.com]
Sent: Saturday, February 28, 2009 7:02 PM
To: FINTestimony
Subject: FW: SEE LINK TO SENT IN YOUR BEEF (testimony@capitol.hawaii.gov ON 3-3-09 BEFORE FIN)

Date: Sat, 28 Feb 2009 17:32:29 -1000
Subject: SEE LINK TO SENT IN YOUR BEEF (testimony@capitol.hawaii.gov ON 3-3-09 BEFORE FIN)
From: princeofwaikiki@gmail.com

x

PRINCE OF WAIKIKI show details Feb 8 x Reply x

THIS IS EASY THIS YEAR AND THEY CONFIRM YOUR MAILING. RAY G.

> To: FINTestimony@capitol.hawaii.gov
> CC: princeofwaikiki@hotmail.com
> Date: Sun, 8 Feb 2009 17:18:24 -1000
> Subject: Testimony for HB980 on 2/9/2009 9:00:00 AM
>
> Testimony for FIN ON 3-3-09 5PM 3RD FLOOR,ROOM 325 CONFERENCE ROOM (BILLS HB980 AND HB1766) AGAINST BOTH BILLS, WILL BE @ HEARINGS:
> RAYMOND A. GRUNTZ, WAIKIKI NHB#9

> Conference room: 325
> Testifier position: oppose
> Testifier will be present: No
> Submitted by: Raymond A. Gruntz
> Organization: Individual
> Address: 1765 Alamoana Blvd. Apt 1482 Honolulu,HI.
> Phone: 808-949-0492
> E-mail: princeofwaikiki@hotmail.com
> Submitted on: 2/8/2009
>
> Comments:
> Here we go again, putting Large Boats in the Alawai Small Boat Harbor is a unsafe thing. Like I said 6 years ago, Paddlers,Suffers,Free Divers,and the resulting noise, of diesel engines, above my bedroom, DON"T MIX.You can bet Rep's of the Local Surfers & Paddles will be at these hearings.
> As a Waikiki NHB #9 Member, the Waikiki Board Voted against, any(Commercial Activity) in our

3/1/2009

Ali Wai Small Boat Harbor 6 years ago.

> The State at this time is doing a good job with the only self supporting Harbor in the State, the ALAWAI SMALL BOAT HARBOR, WE THE PEOPLE WANT TO KEEP IT A SMALL BOAT HARBOR.

> THE LARGE BOATS DON'T MIX WITH THE SMALL ONES.

>

> ALOHA

>

> Raymond A. Gruntz

> Member Waikiki Board 9

> Director Ilikai Marina Condo Assoc

> Director Waikiki Area Residence Assoc.

>

> Testimony to follow from the above will be forth coming.

>

>

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 01, 2009 3:19 PM
To: FINTestimony
Cc: princeofwaikiki@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Raymond A. Gruntz
Organization: Ilikai Marina Condo Assoc.
Address: 1765 Alamoana Blvd. Apt 1482 Honolulu, HI. 96815
Phone: 808-949-0492
E-mail: princeofwaikiki@gmail.com
Submitted on: 3/1/2009

Comments:

Aloha All, The ALAWAI SMALL BOAT HARBOR IS JUST THAT FOR SMALL BOATS. We are under attack once again, about 8 years ago this take over was attempted for the same reasons, putting Party boats, Commercial Day trippers for tourists to go fish, is just that weather the bills say just to berth or tie up in the Small Boar Harbor.

The engine noise, the smell of the fuel used, and the crew getting all those boats fit for sea, is not for a residential area. As a owner of a condo @ the Ilikai Marina my windows face the Ocean even now the sounds of some of the small boats can be upsetting when the various noises mentioned above are heard.

The Paddlers, Surfers, Free Divers, and the Youth who train with very small Mini Sail craft, are in danger if you let the big boats into our SMALL BOAT HARBOR.

THE SOUNDS OF A COMMERCIAL BOAT ENGINE CAN BE HEARD WHEN THEY COME TO RE-FUEL AT THE ALAWAI FUEL DOCK, THE SURFERS WHO PARK CARS AT Alamoana Park and surf across the entrance to the Bowles, surf spot, at times can not be seen by the big boats, they take longer to stop or change direction.

All this was said at the last such hearings on this Commercialization Attempt of the Alawai Small Boat Harbor, the only such Harbor in our State that supports it self. The funds made in the Alawai, is spent all over the State of Hawaii.

When I asked the Question WHO IS BEHIND THESE BILLS, I DO NOT GET ANSWERS.

THE GOVERNORS REP. I ASKED HAD NO KNOWLEDGE OF THESE BILLS AT THE GOVERNOR LEVEL? SO WHO, IS THE LOCAL OR MAINLAND DEVELOPERS ???.

At the expense of the Quality of Life for the surrounding area Residences some powers are looking to cash in.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, March 01, 2009 6:46 PM
To: FINTestimony
Cc: dengilbert@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position:
Testifier will be present: No
Submitted by: Dennis Gilbertson
Organization: Individual
Address: 1765 Ala Moana Blvd. Honolulu, HI
Phone: 941-4709
E-mail: dengilbert@gmail.com
Submitted on: 3/1/2009

Comments:
Legislators:

Our residence is but 60 yards from pier 54 at the Ala Wai. I have submitted my objections to this bill in written testimony on HB 980 wherein I offered some detail as to the congestion, noise and constant disputes to be expected from this ill considered bill.

Kill it! Bury it! Don't create destruction and perpetual controversy where it does not quite yet exist.

Dennis Gilbertson

As an Ala Wai Small Boat Harbor user and recreational sailor, I emphatically oppose HB-1766. The passing of this bill will be a sad day for all surfers, sailors, boaters, recreational fishermen, paddlers and the junior sailing programs administered through Hawaii Yacht Club and Waikiki Yacht Club.

The passing of the proposed bill would create unsafe boating conditions in the harbor channel areas with commercial vessels running at high speeds in and out of the harbor. Junior sailors and paddlers will be at risk of collision and injury with commercial vessels intent on making their schedules. Commercial sport fishing vessels will attract sharks to the area and surfers will be subject to the high speed wakes these vessels create as they enter and exit the harbor directly adjacent to the Ala Moana Bowls surf break.

Commercial vessels currently use Kewalo Basin, a strictly commercial vessel only harbor, as their home base. There is no need to take away moorings from recreational boaters in the Ala Wai Small Boat Harbor and offer them to commercial vessels. They have a place to moor, Kewalo Basin.

The Ala Wai Small Boat Harbor and it's adjacent waters should be kept for the recreational user in a safe, sustainable and economical manner. DLNR should continue to make upgrades to the harbor area that are in line with the needs and wishes of the people and to generate income from an improved harbor and parking system that will serve all ocean recreation users--NOT commercial or private interests.

I urge you to vote NO on HD-1766.

Respectfully submitted,
Carey Johnston

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 12:54 AM
To: FINTestimony
Cc: princeofwaikiki@gmail.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Raymond A. Gruntz
Organization: Individual
Address: 1765 Alamoana Blvd. Apt. 1482 Honolulu, HI. 96815
Phone: 949-0492
E-mail: princeofwaikiki@gmail.com
Submitted on: 3/2/2009

Comments:

Aloha All, I have submitted my testimony covered in HB980 and HB1766 of 2009. At the earlier hearings in these matters, I was told that one bill is feeding off the other and that is why THEY HAVE not been killed yet!!!
THANK YOU FOR HOLDING A 5pm HEARING ON THESE MATTERS, I will attend to give verbal testimony on both bills.

Aloha

Raymond A. Gruntz
Member Waikiki NHB #9
Director Ilikai Marina Condo Board
Director Waikiki Area Residence Assoc.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 9:41 AM
To: FINTestimony
Cc: bassboss61@yahoo.com
Subject: Testimony for HB1766 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB1766

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Tracy M. Duke
Organization: Individual
Address: 411 Hobron Ln Honolulu
Phone: 8082951055
E-mail: bassboss61@yahoo.com
Submitted on: 3/2/2009

Comments:

FINTestimony

From: Noa Napoleon [freeoceanaxs@yahoo.com]
Sent: Tuesday, March 03, 2009 11:41 AM
To: FINTestimony
Cc: reposhiro@capitol.hawaii.gov
Subject: HB 1766/ HB 980 relating to Recreational Renaissance

Testimony of

Ala Wai Harbor Ad Hoc Committee

in opposition to HB 1766 and HB 980
Relating to Recreational Renaissance

Date: March 3, 2009

Time 5 pm

Rm 308

House Committee on Finance

Dear Chair Oshiro and members,

The Ala Wai Ad Hoc committee opposes any additional commercial leasing of Ala Wai Harbor slips or lands. We suggest that DOBOR be mandated instead to address entrenched management problems identified by your Legislative auditor, Marion Higa. Please require DLNR / DOBOR to find remedies for harbor upgrades, staffing issues etc. within the current legal framework or rules before fundamental changes are made that could have irreversible effects on the ability of Hawaii 's recreational harbors to offer affordable boating opportunities to Honolulu residents. To this end we feel that asking for rate hikes through an appraiser would be unfair as well.

We are concerned that the proposal to lease submerged lands at the Ala Wai would force the commercial companies to encroach on the free parking area dedicated for recreational use. In addition, large commercial vessels would create a life-threatening gauntlet for surfers, junior sailors, paddlers, and recreational boaters who will be faced with having to cross paths with these boats on a daily basis.

The intent of HB 980 and HB 1766 apparently, is to sell or dispose of – via long-term leases - what the proposal calls "significant state assets." We respectfully disagree that so-called state assets should be manipulated this way. There are safe and less problematic methods of generating cash for state parks and harbor upgrades that we believe should have been more thoroughly explored by DLNR. We are prepared to offer alternatives at your request. HB 980 is flawed because it - bundles harbors, trails, and parks together while at the same time furnishing DLNR Administrators with total discretion to dispose of public lands without public input. This is very problematic and likely to be the death knell for recreational harbors across the state if allowed. In terms of alternatives, we note to legislators that SB 1315 removes DOCARE from under DOBOR, while SB 68 requires DOBOR to regulate previously neglected areas. This creates significant income for the division of boating to use for harbor repairs. The

3/3/2009

state charter on DOBOR requires the division to offer affordable use of public harbors and parks. The attempt to lease harbor lands to private companies who would be in it for profit Would displace or economically restrict the Honolulu resident's use of their waterfront park in Waikiki . The Ala Wai community worries that caving in to DLNR /DOBOR on this proposal would result in more DOBOR mismanagement, manipulation, and poor treatment of the public vetting process. We would just point out that DOBOR had acted in bad faith by ignoring the 100% community opposition to idea of installing a private parking company to control parking in the harbor. Non-recreational (All day) parking still is unenforced by DLNR and by DIAMOND LLC, who is responsible for enforcement according to the contract.

Finally, the leasing of submerged lands may be subject to the court ordered moratorium as submerged lands are also considered ceded lands. We humbly request that HB980 HD1 and HB1766 HD1 measure be held.