

TESTIMONY
HB 1766, HD2

From: rawcohi@cs.com [rawcohi@cs.com]

Sent: Thursday, March 19, 2009 5:52 PM

To: WTLTestimony

Subject: Testimony in opposition to HB 1766, HD 2, Monday, 23 March 2009 at 1615 in room 229 by Senate Committee on Water, Land, Agriculture and Hawaiian Affairs

TESTIMONY IN VIGOROUS OPPOSITION TO HB 1766, HD 2!!!

SENATE COMMITTEE ON WATER, LAND AGRICULTURE AND HAWAIIAN AFFAIRS

On Monday, 23 March 2009 at 1615 in room 229

Chair Hee and Respected Members of the Committee;

My name is Reg White. I am a recreational boater and a tenant and resident of Ala Wai Boat Harbor. I also earn my living working in the ocean tourism industry of Hawaii operating commercial excursion and cruise boats.

This bill completely ignores that the reason the state owns all of our harbors in the first place. This was done with the express goal of keeping boating affordable for the people of Hawaii. This is not in keeping with this bill's insistence to set all fees by real estate appraisal.

The boaters of Hawaii have paid to build, maintain and operate Hawaii's harbors. This bill wants to give those facilities away by forcing DLNR to lease them out to commercial development and operation.

This bill insists that there be commercial operations from Ala Wai Harbor. This ignores the fact that Ala Wai Harbor is in the center of a residential neighborhood and that there is not nearly enough street capacity in the marina to handle the traffic generated by commercial boat operations. It also ignores the fact that there is already a commercial boat harbor just down the street at Kewalo Basin and that it has empty slips waiting for more commercial boats to come along.

No, this bill has no redeeming qualities. Please hold this bill!

Respectfully,

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

Opposition to HB1766, HD2

Cwhite808@cs.com [Cwhite808@cs.com]

Sent: Thursday, March 19, 2009 9:37 PM

To: WTLTestimony

Cc: RawcoHI@cs.com

TESTIMONY IN VIGOROUS OPPOSITION TO HB 1766, HD 2!!!

SENATE COMMITTEE ON WATER, LAND AGRICULTURE AND HAWAIIAN AFFAIRS

On Monday, 23 March 2009 at 1615 in room 229

Chair Hee and Respected Members of the Committee;

This bill completely ignores why the state owns all of our harbors in the first place. They were developed with the express goal of keeping boating affordable for the people of Hawaii. This is not in keeping with this bills insistence to set all fees by real estate appraisal.

The boaters of Hawaii have paid to build, maintain and operate Hawaii's harbors. This bill wants to give those facilities away by forcing DLNR to lease them out to commercial development and operation.

This bill insists that there be commercial operations from Ala Wai Harbor. It ignores the fact that Ala Wai Harbor is in the center of a residential neighborhood (Ilikai, Yacht Harbor Tower, Ilikai Marina, and the liveaboards in the marina). The street fronting the marina (Olomana) and the marina streets, are already very congested and will not be able to handle the traffic and noise generated by commercial boat operations. There is already a commercial boat harbor at Kewalo Basin and it has empty slips waiting for more commercial boats to come along.

This bill has no redeeming qualities. Please hold this bill!

Respectfully,

Connie White
1540 S. King St.
Honolulu, HI 96826-1919

Hawaii's Thousand Friends

26 Kialuni Ave., Suite 102, P.O. Box 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0622 E-mail: hif@java.cc

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Senator Clayton Hee, Chairman

Hearing on HB 1766 HD2

March 23, 2009, 4:15 p.m.

Room 229, State Capitol

HB 1766, HD 2 (HSCR 579) Relating to Small Boat Harbors

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 biggish 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

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.

On March 27, 2002, we testified to your Committee on the matter of Keehi Lagoon as follows:

We do not support transferring public lands to a body that acts out-of-sight of the public. After Board approval of the initial lease there is no public oversight or no appeals process. If the Department and the Board relinquish responsibility as trustees over public land who will protect the environment and assure adequate public access? Who protects the public's interest in public land?

The 8.7 miles of shoreline and 1,133 acres of waterway of Ke'ehi Lagoon is the only sheltered waterway and lagoon on O'ahu that provides calm water and a recreational environment large enough for all types of calm water activities. The intent of the 1977 DOT Ke'ehi Lagoon Recreation Plan was for public recreational uses of the lagoon not privatization and commercialization.

The dredging of the reef runway in the 1970s destroyed over 1000 acres of coastal bird habitat. To mitigate this destruction Ke'ehi Lagoon was set aside for recreational and habitat purposes. In 1978 the U.S. Fish and Wildlife Service, DLNR and the Governor's Office entered into a Memorandum of Understanding that Ke'ehi Lagoon was to be developed for recreational and wildlife purposes only, with no structures to be placed in the lagoon.

Since DLNR is obligated to abide by the MOU it is unclear if the department can simply relinquish its obligations by granting control of Ke'ehi Lagoon to a non-government entity.

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 Keehi 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.

Hawaii's Thousand Friends' Testimony

HB 1766, HD 2

Page 2

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 2 forward. It has everything wrong with it.

(CONTINUES)

HB 1766 HDZ

HAWAII'S THOUSAND FRIENDS, PAGE 4

We put before you now parts of Hawaii's Thousand Friends' document "Selling the Public Trust" so that you will see how out of focus HB 980 really is. There are serious reasons why DLNR cannot privatize our Public Trust Lands. Here they are:

The public trust doctrine can be traced back to English common law and Roman law. The U.S. Supreme Court addressed the doctrine as early as 1892, characterizing public trust lands as those "held in trust for the people of the state that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties. The state can no more abdicate its trust over property in which the whole people are interested, ... so as to leave them entirely under the use and control of private parties."

In 2000, the Hawaii Supreme Court agreed with the U.S. Court saying that "the people of Hawaii hold the absolute rights to all its navigable waters and the soils under them for their own common use."

The opportunity to transfer control of public trust resources to private parties has limitations. The Hawaii Court confirmed that the State cannot privatize trust resources (such as the 65-year lease proposed for the Ala Wai Boat Harbor), or even use the excuse that tax revenues will increase, unless the actions are totally consistent with the public trust. In making this pronouncement, the

court cited a California Supreme Court statement that "no one could contend that the state could grant tidelands free of the trust merely because the grant served some public purpose, such as increasing tax revenues, or because the grantee might put the property to a commercial use. The public trust is more

than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands, surrendering that right of protection only in rare cases when the abandonment of that right is consistent with the purposes of the trust." The court has said that "... if the public trust is to retain any meaning and effect, it must recognize enduring public rights in trust resources separate from, and superior to, the prevailing private interests in the resources at any given time."

The Hawaii Supreme Court has recognized a distinct public trust encompassing the water resources of the State, and has said that the public trust doctrine applies to all these water resources without exception or distinction. Furthermore, in

agreement with courts in other states the Court has identified a wide range of recreational uses, including swimming, fishing, boating and scenic viewing as protected trust purposes. An example of scenic viewing is Diamond Head State Park where a reasonable admission is charged, but Diamond Head has not been sold or leased to a private party.

The State's plan may be illegal

The stated purpose of the State Department of Land and Natural Resources (DLNR) proposal is to "maximize the revenue" by using a

development as well as non-maritime use of a public trust recreational resource (by negotiation rather than by open public bidding). DLNR States that the development potential of the State lands adjacent to the Ala Wai Small Boat Harbor can generate additional revenue, and that the purpose of the proposal is to maximize the revenue by making the State lands available under long-term lease for private development. Both the DLNR proposal to privatize the Ala Wai Boat Harbor, and Act 299, SLH-2001 (HRS §200-2.5 which authorizes negotiation) may run afoul of the State Constitution, and Supreme Court decisions discussed above. In addition, no statement or study has been prepared by DLNR which indicates that the need to privatize the Ala Wai Harbor is so compelling that the protection should be surrendered or the resource impaired. Also, no environmental assessment (EA) has been made of the environmental, economic, social and cultural impacts of the proposal as is required in Hawaii law, Chap. 343. How can the DLNR make a proper decision to award a contract before the environmental, economic, social and cultural impacts of the project are assessed, and the public has had an opportunity to comment?

Once a contract is awarded, it is too late.

Privatization means that the public would no longer have affordable public access. Exclusionary slip fees, huge launch ramp fees, limited personal and vehicle access to private property will effectively deny the public the access it should enjoy by right. This does not enhance the public trust resource. Already the privatizers have said that they need to develop the old heliport into a tourist luau site.

The land and waters of the Ala Wai Small Boat Harbor in the heart of Waikiki are a tempting prize for entrepreneurs. But regardless of its location, it is a major public trust resource for purposes that have been specifically identified by the Hawaii Supreme Court as such, i.e. beaches, boating, fishing etc. Additionally, privatizing this area would set a precedent to do the same with other trust resources such as other small boat harbors, or fencing off beach areas, or giving long-term leases of State cabins to hotel chains.

To:
Senator. Clayton Hee
Chair, Water, Land, Agriculture and Hawaiian Affairs (WTL) Committee

From:
Sabra Kauka
President, Na Pali Coast 'Ohana
PO Box 452
Lihu'e, Kaua'i HI 96766

Re. House Bill 1766

Hearing on March 23, 2009 at 4:15 PM, conference room 229

On behalf of the Na Pali Coast 'Ohana, caretakers of Nu'alolo Kai State Park on Kaua'i, I write to make the following points:

- 1) House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980.
- 2) Amend House Bill 1766 to delete language for submerged land leases.

Aloha,
Sabra Kauka
President, Na Pali Coast 'Ohana

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 11:26 AM
To: WTLTestimony
Cc: roundtopdr@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: John Douglas
Organization: Individual
Address: 4175 Round Top Dr Honolulu, HI
Phone: 808-753-7001
E-mail: roundtopdr@hawaii.rr.com
Submitted on: 3/20/2009

Comments:
Honorable Senators;
re HB 1766

I do not feel HB 1766 addresses the needs of Hawaii for park users and boaters as well as the HB 980 proposal. HB 980 is a more comprehensive approach to the sagging infrastructure in our parks and marinas.

In the 25 years I have lived, worked, and raised a family in Hawaii, I have sadly witnessed the deplorable decay of our recreation infrastructure. In a state renowned for its natural beauty, too often we find ourselves ankle deep in trash with a broken picnic table in front of a decrepit cabin trying to enjoy the view of the distant horizon. We need to improve our recreation infrastructure back up to a first world level. It is time for the recreation renaissance of HB 980.

Quality of life is very closely linked to available recreation sites for exercise, exploration, and reflection with family and friends. Picnics and campouts are an integral part of our local culture. Hikers and boaters exemplify the Hawaiian lifestyle. We need to facilitate the activities with the facilities.

The gate of opportunity is opened wide with this bill to revive, rehabilitate, and recharge our recreation facilities across the state. These projects provide economic stimulus to our state and provide emotional stimulus to our citizens. Please do not let this opportunity slip through your hands. Please vote to pass HB 980. Please make your mark on the legacy of outdoor recreation in Hawaii.

Sincerely,
John Douglas MD

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 11:57 AM
To: WTLTestimony
Cc: luke.dunklee@gmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Lucas M Dunklee
Organization: Individual
Address: 1902 Bertram St Honolulu, HI
Phone: 808-392-0537
E-mail: luke.dunklee@gmail.com
Submitted on: 3/20/2009

Comments:

House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980. Additionally, the committee should amend House Bill 1766 to delete language for submerged land leases before the measure is passed.

WTL 3/23/09 4:15 pm Rm.229

HB1766 HD2 Testimony (opposition)

Dear Chair Hee, Vice-chair Tokuda and members of the WTL Committee,

Aloha. The primary objective of this Bill is to remove 171-53 HRS from the approval process that would authorize the BLNR to lease submerged lands for private use. This would eliminate the requirement for a concurrent resolution of the legislature before the BLNR (with Governor approval) could lease the submerged lands of our state boating facilities to a private developer. In this case, about one third of the boat slips (submerged lands) in the Ala Wai would be included in the areas to be privatized (Section 5 of the Bill). This could easily spread to the entire harbor and also to other DBOR boating facilities throughout the State.

The methods used in this Bill to achieve the foregoing are presented in Section 2 and Section 5 of the Bill.

- Section 2 amends 200-2.5 HRS by adding “submerged lands”, “request for proposals”, “chapter 190D” 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 SBH, and specifically eliminates the use of 171-53 HRS.

Several years ago, I was a member of 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 (fast) land to promote the lease of such land at existing state boating facilities to increase harbor 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, and that is how it is written. The reasons for doing so then were the same as those presented in this testimony. Please deny this amendment in the public interest.

It is important to note that the public hearings required in the legislative process imposed by 171-53 HRS, provide the public with the opportunity to become aware of the proposal and to provide opportunities for public input to the Legislative Committee hearing the Bill. 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” selected portions of our existing public recreational boating

facilities. This would reduce the number of existing public boat slips intended for middle-class boaters by leasing these slips out to become private slips that would command fees that would be four to five times the current (public) fee levels. Public ocean access opportunities provided by these submerged lands (slips) and protected by our constitution would be severely reduced. Given the growing demand for boat slips (and ramps), we strongly oppose HB 1766 HD2 because it allows the conversion of existing public boat slips to private boat slips that the average boating public can't afford; – **without increasing the total number of boat slips in Hawaii**. Let those that want the private high-end marinas develop their own marinas to provide the additional slips they feel are marketable in Hawaii instead of trying to take away, and use for their purposes, the existing public boating facilities already being used by the “average” middle class boaters whose user fees actually paid for those facilities.

So far, we have been successful in preventing this type of privatization because of the requirement of a Concurrent Resolution to approve the lease of submerged lands, imposed by Section 171-53 HRS. Had this powerful public tool not been available, the public access opportunities at our public boating facilities would have already been reduced and severely impaired by fences or user/entry fees four to five times the current level. We need to keep the involvement of the legislature in approving the lease of submerged lands as prescribed in 171-53 HRS.

Items in the other Sections of this Bill which are not contingent upon the leasing of submerged lands (i.e. use of an appraiser to set fees, allowing commercial vessels in Ala Wai and Keehi), also appear in HB 980 HD1 and are addressed in our testimony on that Bill. We oppose all of them here as we did for HB980.

Please hold this Bill.

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 12:43 PM
To: WTLTestimony
Cc: sunshineorchids@gmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Darrell Tanaka
Organization: Individual
Address: Haiku, Maui
Phone:
E-mail: sunshineorchids@gmail.com
Submitted on: 3/20/2009

Comments:

Fixing up stuff is good. Charging fees is good too in order to be more self sufficient.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 1:55 PM
To: WTLTestimony
Cc: princeofwaikiki@hotmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Raymond A.Gruntz
Organization: Waikiki Neighborhood Board #9
Address: 1765 Alamoana Blvd Honolulu, HI. 96815
Phone: 949-0492
E-mail: princeofwaikiki@hotmail.com
Submitted on: 3/20/2009

Comments:

Aloha Senators,RE-HB1766

THE WAIKIKI NEIGHBORHOOD #9,IS ON RECORD FOR THE PAST EIGHT (8) YEARS AS OPPOSING ANY COMMERCIALIZATION OF THE ALAWAI SMALL BOAT HARBOR.

I am talking for hundreds of residence in the Hobron Lane area, The ALAWAI SMALL BOAT HARBOR, IS JUST THAT FOR SMALL BOATS, NOT THE BIG BOATS.
DNLR WANTS TO PLACE IN THE SMALL BOAT.

Our Keiki sail in and out of the Alawai Small Boat Harbor, learning the art of sailing on very very small craft, our surfer's, paddlers, free divers, and yes even SMALL BOATS, DO NOT MIX WELL WITH THE BIG BOATS THAT ARE PLANNED, As part of this bill. This is not to mention the NOISE and AIR POLLUTION THAT WILL FOLLOW.Safety of the people is Paramount, even one death is to much and that occurred 10 years ago,SEE BELOW.

HD1766 as well as HD980 HD2 Among other things states that DNLR wants 15% of the Alawai Small Boat Harbor to accept larger boats up to 65 footers, to Berth in the Small Boat Harbor.

At a meeting at the Waikiki Y/C, DNLR, informed about 60+ boaters about plans for the Alawai SMALL BOAT HARBOR, THEY DID NOT MENTION THE BIG BOAT ISSUE, THEY WERE JUST MENTIONING THE UPGRADING OF HARBOR AND PARKS UNDER THE CONTROL OF DNLR, WHEN I MENTIONED THE COMMERCIAL BIG BOAD ISSUE, almost all were upset about the coming of the commercial Boats being allowed into the Small Boat Harbor.

As I perused IT MUST BE NOTED THAT PRIOR TO THAT MEETING WAIKIKI Y/C was Supporting DNLR, I note that at this point NO MENTION OF WAIKIKI Y/C SUPPORT.

I will attend your Hearing/s and attempt to be brief.

I will not bore you any further, but this was attempted 10 (TEN) years ago and was STOPPED IN THE HOUSE,WHEN SOMEONE SHOWED A HOME MOVIE OF PAUL STONE,being pulled down under a commercial Vessel PROP WASH,off Point Panic killing him, and injured one other surfer who was not seen by the boat Captain.Here we are Years later to protest all over again. This is all about MONEY, At this time the Alawai Small Boat Harbor, is the only Major Small Boat Harbor that supports it's self!!! THE EXCESS MONEY IS SPENT ON THE REST OF THE HARBORS IN OUR STATE.

From: commongroundhawaii@yahoo.com
Sent: Friday, March 20, 2009 2:14 PM
To: WTLTestimony; Sen. Clayton Hee
Cc: Sen. Carol Fukunaga; Sen. Fred Hemmings; Sen. Russell Kokubun; Sen. Jill Tokuda; Sen. Dwight Takamine
Subject: HB 1766 HD2

HB1766 HD2 - OPPOSED HEARING NOT SCHEDULED

March 20, 2009

Aloha Senator Clayton Hee & W,L,A,& HA Committe:

My name is Melissa Malulani Ling-Ing. I am a Hawaiian and my family comes from the ahapuaa of Kalia. I am a life-time recreational and cultural ocean user. I **strongly oppose HD 1766** for numerous reasons:

I beleive **NO public lands should NOT be privitized**. By doing so we will be deneyed access to practice our culture rights for one thing. The other, we cannot afford nor should we have to pay to access the ocean and by commercializing the Ala Wai harbor, this will happen, we all know that. Times are hard for us all but we need the free access of the ocean to balance out what is happening to us all financially, charging us is not the answer.

Also, by commercializing the harbor it will cause numerous safety issues. By allowing large commercial boats to enter and exit the channel which is used by many surfers, paddlers and fishermen is very unsafe as we all know enforcement needed will not be there. There is already enough traffic in the area, please, nuff already.

I also think there needs to be more studies from users that are familiar to the area instead of a department head that has ever even hung out or been in the ocean at this place they want to try and take from the local people.

Please, The Ala Wai Small Boat Harbor is just that, a small boat harbor and we all wish to keep it that way. We love it the way it is...we do not need any more fancy big commercailized places in Hawai'i. DLNR seems to forget that this is Hawai'i & places like this is what makes Hawai'i so special to us all!

Mahalo,

Melissa Malulani Ling-Ing

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 2:54 PM
To: WTLTestimony
Cc: kathy@seabreezewatersports.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Kathleen Takahashi
Organization: Individual
Address: 6729 Hawaii Kai Dr. Honolulu, HI.
Phone: 808-396-0100
E-mail: kathy@seabreezewatersports.com
Submitted on: 3/20/2009

Comments:

I am writing to urge that you schedule a hearing for HB980. HB1766 will not have the same impact that HB980 will. HB1766 is not a good vehicle for the Recreational Renaissance bill as it is inadequate for the work that must be done. You must place HB980 on the calendar for a hearing. Please delete language relating to submerged land leases.

This bill is vital to the very health of our islands. Our small boat harbors and facilities are in disrepair. They are an eyesore and in many cases dangerous. We must allow the funding of these facilities if we want to continue to be a world class destination. How can we continue to spend tax dollars encouraging the visitor industry when we don't maintain our facilities?

In addition to creating and improving facilities for residents and visitors, this bill will do many things for our economy. This bill will create local jobs, HB980 will generate tax revenue, this bill will promote tourism, and this bill will improve local facilities. Please schedule this measure and encourage the discussion that must happen.

I urge you to place this bill on the hearing calendar.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 3:02 PM
To: WTLTestimony
Cc: reefour@aol.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Mary Bender
Organization: Individual
Address: 520 Lunalilo Home Road #315 Honolulu, HI.
Phone: 808-396-0100
E-mail: reeftour@aol.com
Submitted on: 3/20/2009

Comments:

I am writing to urge that you schedule a hearing for HB980. HB1766 should be amended to be similar to HB980.

HB1766 is inadequate and will not will not solve the problems addressed in HB980. We must allow HB980 to be heard.

You must place HB980 on the calendar for a hearing. Please delete language relating to submerged land leases.

This bill is vital to the very health of our islands. Our small boat harbors and facilities are in disrepair. They are an eyesore and in many cases dangerous. We must allow the funding of these facilities if we want to continue to be a world class destination. How can we continue to spend tax dollars encouraging the visitor industry when we don't maintain our facilities?

Regarding ~~HD 900~~, HD 2 and HB 1766 --\$40m DLNR Bond and Privatize Ala Wai Harbor:

Recent State Supreme Court decisions have supported the fact that native Hawaiians are a special class, our lands held in trust by State cannot be sold (60 year DLNR lease is as good as sold) and that the legislature cannot create laws that benefit a certain business (ie. Yacht clubs and Roy Disney) while the taxpayers suffer. (Superferry decision) Mufi dumping 50million gallons of raw sewage into the Ala Wai Canal so tourists could continue to party in Waikiki, as local surfers, paddlers, sailors, fishermen and our kids suffered; was punished by the federal court.



Another shocking example of government favoring tourists over our people is DLNR cutting the water at Uncle Nappy Napoleon's canoe club shower last year. Nappy has been trying to get the water turned back on, with no success.

The Hilton Hotel put a new shower on the same beach at Ala Wai for tourists. This was simply an attempt by DLNR to get us Hawaiians off Waikiki beach, wrong, unfair and unlawful. **That water is our water, that beach is our beach.** That land is ceded lands, held in trust for us, not for the tourists.

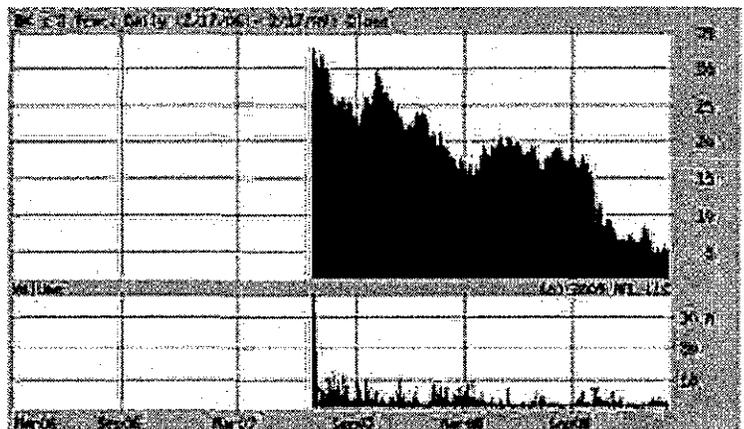


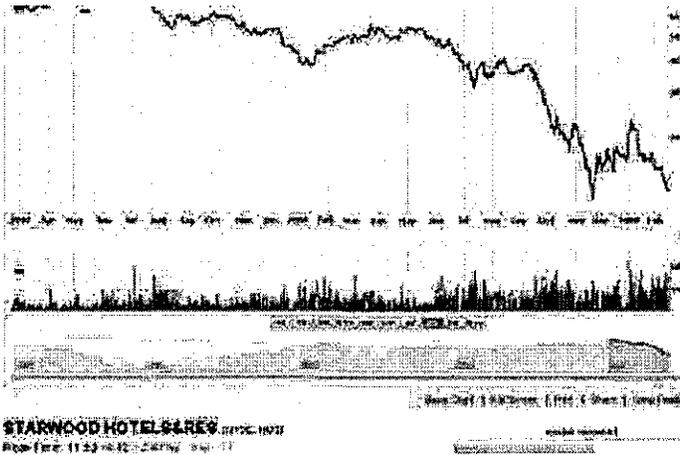
A native Hawaiian surfer, sailor, realtor, commercial property manager and concerned citizen, I represent those of us who surf at Ala Moana BOWLS (fronting Ala Wai Harbor) who oppose these bills. **The State's projected \$1.1 billion deficit by 2011 is very conservative.** Based on national estimates, this depression, the worst since the 1920's and

BLACKSTONE GROUP L P Classic Chart

the national debt, will make Hawaii's economic future, based on tourism is bleak at best.

Blackstone Group, the parent of Hilton Hotels will file for bankruptcy any day now.





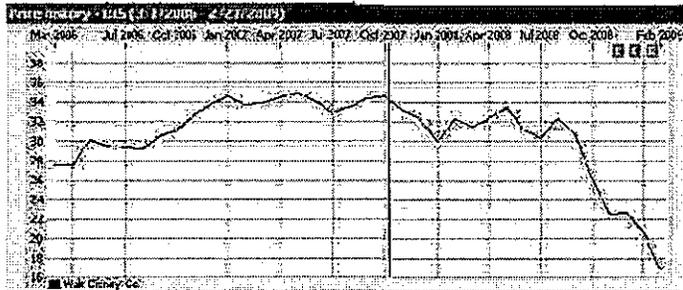
Starwood hotels is will go belly up next.

Hawaii Tourism is off by over 25%. Hawaii's projected deficit, in my opinion, will exceed \$2 billion by 2011. **DLNR's plan to repay its \$40 million bond with user fees in 2017 is folly.** We need to begin saving now. Reduce government, cut back spending, cut projects, cut costs.

Local people will not want to pay user fees. Fewer tourists will not support the cost of

DLNR's expansion plans. Hawaiians do not need a lot of fancy parks, all we need is access that this bill will restrict. More tourists in our parks, puts more Hawaiians on the beach, in tents.

Privatization proponent Roy Disney is not a billionaire anymore. Awe, no hoe ☺



According to Uncle Buzzy Agard, the Kewalo commercial harbor has a 30% vacancy. Many of its tourist boats have not left the harbor in several months. **Converting Ala Wai to commercial will cost money, kick many locals like me out of our boats and will endanger the local kids who paddle in the harbor and create wake at bowls that will screw up the surf there all the way to Kaisers.** It is bad

enough that Japanese tourists jam up the inside taking illegal surf lessons (DLNR does not enforce the law against surf lessons in the Bowls beach yet kicks poor locals off the beach). Wake from commercial boats going in and out of the harbor will ruin the surf on glassy days. I am as old as Fred Hemmings. I still surf short boards at Bowls. A native Hawaiian, this is not only my right but a matter of health.

Industrial and commercial occupancy rates continue to fall in this prolonged depression that will take many, many years before it bottoms if ever. Developing Keehi triangle into a commercially viable industrial park is again a fools pipe dream, again economic folly. **It is really clear that State has wasted money paying consultant for plans that help no one but Roy Disney and the Yacht clubs.** While these people can contribute a lot of money to politicians; they will not be there at the polls next election when ka poe hawaii nei make their feelings known. We are the silent locals who are your neighbors, family and friends. We do not make millions of dollars in bonus. We do not take fancy vacations. **We live here, love our island home and do not want to be shorted by greedy people with commercial self interest, who when it does not work, will leave our home the worst for wear.**

In the best interest of our people, Please table these bills.

Me-kealoha poina-ole

Kamuela Kualii Lindsey
Slip 741 Ala Wai Harbor

monets001@hawaii.rr.com

Halihali mai 'oe i ka po'e lahui Hawai'i. Ka ala nui Ea like me ke ka'awila.

Imua a i hope. Ma lela no hana like kakou, a'ole hakaka, a'ole hukihuki, ALU LIKE.

.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 3:04 PM
To: WTLTestimony
Cc: mailetakahashi@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Maile Takahashi
Organization: Individual
Address: Box 25426 Honolulu, HI.
Phone: 808-389-1230
E-mail: mailetakahashi@yahoo.com
Submitted on: 3/20/2009

Comments:

HB1766 should be amended to include HB980 with the exceptions of submerged land leases.

We strongly support the Recreational Renaissance bill and do not understand why it will no be heard and a weaker measure is substituted.

Please include HB980 provisions in HB1766

**COALITION OF HAWAII ENGINEERING AND ARCHITECTURAL
PROFESSIONALS**

FAX: 586-6659

Hearing Date: Monday, March 23, 2009, 4:15 pm, CR 229

Honorable Senators Clayton Hee, Chair, Jill N. Tokuda, Vice Chair and
Members of the Senate Committee on Water, Land, Agriculture & Hawaiian
Affairs

Subject: HB 1766, HD2 - Relating to Small Boat Harbors

Coalition of Hawaii Engineering & Architectural Professionals represents several professional Engineering and Architectural organizations including American Council of Engineering Companies Hawaii; Hawaii Chapter of the American Society of Civil Engineers; American Public Works Association Hawaii Chapter; Structural Engineering Association of Hawaii; and the Hawaii Society of Professional Engineers.

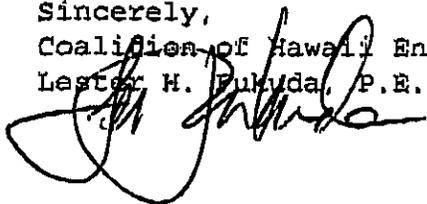
Our coalition is in general support of HB 1766 - Relating to Small Boat Harbors. We offer the following Comments: there is another Bill that addresses the entire needs of the Department. We recommend you hear HB 980 HD2 - Relating to Recreational Renaissance, this visionary Bill addresses the entire needs for all of the various Divisions within DLNR.

We also recommend that you delete the language relating to submerged leases.

Mahalo for this opportunity to express our business concerns and for your consideration of this important bill.

Sincerely,

Coalition of Hawaii Engineering & Architectural Professionals
Lester H. Fukuda, P.E., FACEC



Honorable Senator Clayton Hee, Chair
Honorable Senator Jill N. Tokuda, Vice Chair
Committee on Water, Land, Agriculture and Hawaiian Affairs

RE: HB 1766, HD2 – relating to allowing larger Commercial Vessels and Businesses mooring permits in the smaller Ala Wai and Keehi Boat Harbors **IN STRONG OPPOSITION**

Good Afternoon Chair Hee, Vice Chair Tokuda and Members of the WTL Committee:

I am Daisy Murai, a long time resident (born, raised and educated) of Oahu, and have seen many drastic changes to our Islands – especially to the Island of Oahu. I grew up in McCully during my grade school years and the areas of the Ala Wai Canal and the Ala Wai Small Boat Harbor were areas where I played with my friends. This area changed with the building of Kaiser Hospital and Ala Moana Center, but the Ala Wai Small Boat Harbor still has its characteristic charm with vessels large and small moored in the Harbor waiting to go out to sea. These vessels serve are both pleasure crafts and a dwelling for the boat owners, as well as serving as a picturesque view for the visitors in the Hotels surrounding the Harbor.

HB1766, HD2 will create more havoc with major accidents waiting to happen rather than smaller vessel coexisting with much larger-size vessels, as well as participants of other recreational activities, such as surfing, catamarans, canoes, etc. in Ala Wai small boat harbor. I believe the same can be said of Keehi Small Boat Harbor. Just imagine the Superferry or Cruise Liner operating its commercial business with a small commercial sight-seeing tour boat docked next door to it. The question is, will the Superferry or cruise ship Captain have enough room to maneuver its ship around the smaller boat should they both depart at the same time? Will the waves created cause the smaller ship to take on water and capsize? Will the Captain of the Superferry or cruise ship be able to stop in time without crashing into the smaller boat? This is similar to a semi-truck or train carrying several tons of material trying to stop in a 100 yard area. It is impossible and something will be damaged in its pathway, even taking lives.

I feel, the better & sensible solution will be to build a new harbor for the Larger-sized vessels in a new spot away from Ala Wai & Keehi Small Board Harbors, especially since these ships require a much deeper water level and land mass area to safely moor the Super-large sized multi-deck ships. The ships will also have a much easier time entering and leaving the Harbor on the Island of Oahu and other State Harbors.

I thank you for the opportunity to speak my reasons why **I AM STRONGLY IN OPPOSITION** to HB 1766, HD2.

Daisy Murai
30309 Kaunaoa Street
Honolulu, HI 96815
Dated: March 20, 2009

Date: March 23, 2009
Time: 4:15 pm
Conference Room 229
FAX: 586-6659

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 5:50 PM
To: WTLTestimony
Cc: hence4th@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Frances Halloquist
Organization: Individual
Address: 1521 Punahou St. Honolulu, Hawaii
Phone: 808-946-6007
E-mail: hence4th@hawaii.rr.com
Submitted on: 3/20/2009

Comments:

Chairman Hee, Vice Chair Tokuda and committee members, I oppose HB1766 related to commercializing the Ala Wai Harbor. The Ala Wai Harbor is a recreational harbor with surfers, paddlers, sail boats and other types of recreational water vehicles. Allowing commercial traffic would be a serious safety hazard for recreational users never mind the additional traffic congestion that commercialization would bring to the area. We already have a lack of recreational boating harbors on Oahu. Leasing submerged lands to a commercial developer along with the 800, 700 and front rows would be to the detriment of surfers, paddlers and boaters. In addition, it is not good policy to give DLNR the ability to do so without concurrent resolutions in the legislature.

Please keep the Ala Wai for recreational use...my kids learned to sail in the Ala Wai on small laser sailboats and to paddle with clubs whose canoes are birthed at Magic Island. With commercial vessels coming and going in this harbor..how safe will it be for our kids...and the many paddling teams that practice from the harbor.

Surfers have already lost a major portion of parking...how much more can we take away from our precious water recreation.

Protect our precious water resources from commercialization. Mahalo, Fran Hallonquist



KAUAI
Chamber
of Commerce

March 20, 2009 Committee: Water, Land, Agriculture and Hawaii Affairs,
Date: March 23, Time: 4:15 p.m., Conference room 229. To: Fax: 1-808-586-5559

Dear Senator Clayton Hee, Chair, Water, Land, Agriculture and Hawaiian Affairs
Committee and Members

RE: House Bill No.1766, Relating to Recreational Renaissance

My name is Randall Francisco and I am President of the Kauai Chamber of Commerce which represents 460 Kauai business members and consists of approximately 87% small businesses who reflect the rural character of Kauai's business community. Of the chamber's membership, approximately 8000 individuals are employees that range from the construction and tourism sectors to agriculture, retail and defense industries to name a few.

On behalf of the Kauai Chamber of Commerce, I am writing to express the member's support of this bill which represents a Strategic Business Plan & investment in Hawaii's stewardship of our natural and man-made resources throughout these Hawaiian islands for the present and future generations of residents and visitors. After reviewing the legislation, DLNR plans and considering comments of not only members but, also residents, visitors and businesses throughout the Island, I am pleased to share that there is a consistent agreement that in summary "...it's time that there is a Strategic Business Plan that articulates, plans and invests in Kauai's (and Hawaii's) various resources, for the benefit of present and future generations".

In meeting with Director Thielen and representatives of the DLNR, I also appreciate the sensible approach taken in terms of the financing mechanism and the plan to insure that the various projects are economically feasible and doable during the life of the plan. Furthermore, these projects will add to other economic stimulus initiatives of the local, state and federal governments that will collectively leverage and help to provide jobs in the economy, keep islanders employed and, keep the overall economy moving forward. I thank members of the committee for your boldness in supporting this comprehensive, sensible and smart plan for the good of Kauai and Hawaii.

Lastly, the bill is inadequate to address all recreational improvements throughout the State of Hawaii. We respectfully ask that the language within the bill related to submerged land lease also be deleted.

Should I be of any assistance, please do not hesitate to contact me directly at 245-7368 or email at randall@kauaichamber.org. Aloha.

Sincerely yours,

Randall Francisco
President

The mission of the Kauai Chamber of Commerce founded in 1913 is:

"To promote, develop and improve commerce, quality growth, and economic stability in the County of Kauai"

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 20, 2009 6:49 PM
To: WTLTestimony
Cc: Dwight@greensolutionshawaii.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Dwight Streamfellow
Organization: Individual
Address:
Phone:
E-mail: Dwight@greensolutionshawaii.com
Submitted on: 3/20/2009

Comments:

Dear Honorable Hee, Please oppose this legislation, that would allow commercialization of the Ala wai Harbor. This Harbor is all ready under great demand by recreation users/citizens. This would create unnessary conflict. The Kakaako harbor should be focused on for commercial use and improvement, instead. Thank you for your help. Dwight Streamfellow

Testimony for HB1766 on 3/23/2009 4:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, March 20, 2009 7:26 PM

To: WTLTestimony

Cc: cipdwill@yahoo.com

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: Catherina Pudwill

Organization: Individual

Address: 1006-G Awawamalu Street Honolulu, HI

Phone: (808) 395-6399

E-mail: cipdwill@yahoo.com

Submitted on: 3/20/2009

Comments:

The Ala Wai Harbor area is the last state owned oceanfront area in Waikiki and is a recreational harbor for the people of Hawaii. It should remain commercial free so that all residents may have on opposed access without restrictions. I would hate to see this harbor turn into something like Koolina where only those who can afford to go to the beach can.

March 20, 2009

Senator Clayton Hee, Chairperson
Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Hearing: Monday, March 23, 2009
Conference Room 229 at 4:15 pm

HB1766 HD2, Relating to Small Boat Harbors. Permits Board of Land and Natural Resources to lease submerged lands, in accordance with Chapter 190D, Hawaii Revised Statutes, by public auction, request for proposal, or negotiation, in a state boating facility; permits commercial permits in Ala Wai and Keehi small boat harbors; directs DLNR to provide an request for proposal for a public-private partnership to develop a portion of Ala Wai small boat harbor; permits commercial use permits to be issued for vessels assigned moorings in Ala Wai and Keehi small boat harbors; and provides for future mooring fees to be established by appraisal.

Re: TESTIMONY IN STONG OPPOSITION

Dear Senator Hee and Committee Members:

HB1766 HD2 contains some of the language as in HB980 HD2, Relating to Department of Land & Natural Resources (DLNR) Recreational Renaissance. Division of Boating and Ocean Recreation (DoBOR) continue to demonstrate the lack of government transparency by not taking the proposed changes in this bill, to the small boat harbor stakeholders via public informational meetings, statewide, prior to submittal to the Legislature.

For example, DoBOR's and DLNR's track records of non-government transparency are as follows:

- a. Hawaii Administrative Rule changes for the parking rules, primary for the Ala Wai SBH, had statewide consequences. On the Big Island, no public informational meeting has held for small boat harbor stakeholders to review and ask questions, only a public hearing in Waimea, not in Hilo or Kona.
- b. No public informational meeting was held for the Pohoiki Launch Ramp & Loading Dock Replacement Project, after the final design plans were completed in February 2008. Repeated requests to DoBOR Administrator and DLNR Director had fallen on deaf ears. Stakeholders complained during the pre-construction meeting held on December 8, 2008, regarding about unresolved design concerns expressed during previous meetings. As the result, "change order" for designs changes were very expensive but could have been avoided. A major design flaw was addressed with half-okole solutions, which only increases the liability for the State of Hawaii.
- c. No public informational meeting was held for the Kawaihae South SBH Facilities Improvement Project, after the designs were completed and bids received in June 2008. Repeated requests to DoBOR Administrator and DLNR Director have fallen on deaf ears. Kawaihae South SBH stakeholders have not had the opportunity to review and ask questions on the final design plans, as of this date. DoBOR's refusal to design the launch ramp with years of proven and safety design protocols is unacceptable. As the result, the fishermen and boaters will be exposed to unsafe conditions.
- d. Department of Land and Natural Resources annual report to the Legislature in response to Act 100, Sections 6 & 7, Session Laws of Hawaii 1999, under DoBOR's Policy H, "Provide equal

opportunities for access, use and enjoyment of waters of the State while minimizing user conflicts. DoBOR has refused to hold public informational meeting for the Wailoa SBH and East Hawaii Ocean Recreational Management Area, for years. As the result, user conflicts are escalating along with unresolved safety concerns.

e. Finally, DLNR Director lacks governmental transparency by failing to engage the statewide recreational users with HB980, DLNR Recreational Renaissance Plan (RR Plan) with public informational meeting, prior to submittal to the Legislature. Careful review of the RR Plan will unfold many disingenuous representations. A major disingenuous representation is the redirection of DLNR Land Division lease revenue, which goes into the State General Fund, into the DLNR Renaissance Special Fund to pay the debt service of the \$200 million Reimbursable General Obligation Bonds.

Thank you for your consideration in this matter.

Sincerely,
Glenn S. Shiroma
Wailoa Small Boat Harbor, Hilo

HB 1766, March 23, 2009, 4:15 P.M.

Clark Hatch [hatch@hawaii.rr.com]

Sent: Friday, March 20, 2009 9:37 PM

To: WTLTestimony

Dear Legislators:

House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980. Please amend House Bill 1766 to delete language for submerged land leases.

As you well know, most of our State parks are deteriorating so badly that they're unsafe and are not attractive. Periodic and inadequate funding for the parks has led to band aid efforts to maintain the facilities. Our Parks are a precious asset and need to be upgraded so they are safe and more pleasing to the eye so our residents and visitors won't be disappointed, and everyone will be proud.

The Department of Land and Natural Resources Recreational Renaissance Plan to improve and revitalize our State parks is the answer to a seemingly intractable problem. What a psychological boost that would be. However; to get this started they need adequate funding from the first year.

Volunteer groups such as ours will do what we can to help the State Parks succeed with the Renaissance Plan. We donate our time to help the Parks Division meet the public's expectations for proper maintenance, and a pleasurable experience when visiting the parks.

Sincerely,

CLARK G. HATCH

President, East Diamond Head Association

and President, Diamond Head State Monument Foundation (a non-profit charity comprised of volunteers helping to improve Diamond Head and its environs.)

Testimony for HB1766 on 3/23/2009 4:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, March 20, 2009 10:24 PM

To: WTLTestimony

Cc: blackboat@hotmail.com

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229

Testifier position: oppose

Testifier will be present: No

Submitted by: John Black

Organization: Individual

Address: 1765 Ala Moana Blvd. Apt 979 Honolulu, HI 96815

Phone: 808 944-9848

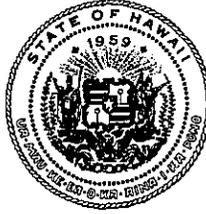
E-mail: blackboat@hotmail.com

Submitted on: 3/20/2009

Comments:

I am opposed to HB 1766, the commercialization of Ala Wai Boat Harbor. I have been docked in an Ala Wai boat slip for over seven years and I believe that when the dock replacement projects are completed the boat harbor for non-commercial boating will make the harbor profitable enough without going to commercial use.

I am also strongly opposed to the commercialization effort because of the additional automobile and bus traffic it will bring to the narrow and noisy streets in this already crowded area.



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
 KAHOO LAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 POST OFFICE BOX 621
 HONOLULU, HAWAII 96809

Testimony of
 LAURA H. THIELEN
 Chairperson

Before the Senate Committee on
 WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Monday, March 23, 2009
 4:15 PM
 State Capitol, Conference Room 229

In consideration of
 HOUSE BILL 1766, HOUSE DRAFT 2
 RELATING TO SMALL BOAT HARBORS

House Bill 1766, House Draft 2, 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; 2) Permits commercial use permits to be issued for vessels assigned moorings in Ala Wai and Keehi Harbors; and 3) Directs the Department of Land and Natural Resources (Department) to provide for request for proposal (RFP) to lease fast and submerged lands for the development of portions of the Ala Wai Small Boat Harbor for recreational and commercial vessel moorings, vehicular parking, offices, commercial and residential uses.

The Department does not support this measure as presently written, in particular, SECTION 5 of this bill which directs the Department to lease specific submerged lands at the Ala Wai Harbor.

More importantly, the Department doesn't support House Bill 1766, House Draft 2 as written because it is inadequate and fails to address the full spectrum of critical improvements, repairs and maintenance necessary for Hawaii's outdoor recreational places – our parks trails and harbors - that serve all our residents and virtually all the tourists who visit our state.

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 a piecemeal basis needs to end. **Accordingly, the Department asks that this bill be amended to include the provisions of House Bill 980, House Draft 2, (RELATING TO RECREATIONAL**

RENAISSANCE), or that the Committee schedule House Bill 980, House Draft 2, for a hearing.

House Bill 1766, House Draft 2 continues to address recreational improvements in a piecemeal fashion. In contrast, House Bill 980, House Draft 2, provides for the global improvement and long-term maintenance of the state's parks, boating facilities, and forest recreation areas through an initiative known as the Recreational Renaissance Program. This measure is consistent with the Administrative proposals, House Bill 1131 and Senate Bill 949 – RELATING TO RECREATIONAL RENAISSANCE.

Hawai'i's state parks and recreational areas are locations where residents can spend time with family and friends, practice cultural traditions, retreat from the hectic pace of daily life and gather sustenance for their families. They are also popular destinations for more than six million visitors annually.

Unfortunately, many of these places are suffering from degraded infrastructure, dilapidated facilities, spotty maintenance, and minimal restoration and, in some cases, unsafe environments.

The Department has attached three pictures of existing an "comfort" station, cabin and boat slip to illustrate what, unfortunately, is the common, shameful and dangerous condition of may of our state public outdoor recreational facilities.

It is no surprise that our parks, trails and harbors are in such shameful condition given the relatively small amount we invest in these areas. The Department has attached a table describing the amount budgeted to operate our state parks to illustrate this fact. Currently the state budget proposed for the biennium provides approximately \$85,000 per park per year for all operational costs. That includes opening the gates, cutting the grass, cleaning and supplying restrooms, preparing master plans, providing administrative support for advisory groups; everything. Furthermore, the state spends only on average about \$78,000 per park per year in capital improvements. Yet these places receive more than 10 million visits per year, creating tremendous impact on the facilities and resources.

We simply cannot continue to operate public recreational places with this limited support. Unless we do something dramatically differently, we will be closing parks and condemning harbor slips, piers and ramps. Closing these areas would be calamitous for our residents, who need these places now more than ever, and for our visitor industry, which rely heavily on these public and scenic spaces to serve our tourists.

The Department recognizes that the legislature cannot invest the necessary tax funds into these places in the near future given the dire fiscal situation facing the state. However, the good news is that we do not need to shut parks and harbors. The department has a feasible alternative with the Recreational Renaissance.

The Recreational Renaissance initiative accelerates the State's multi-year effort to repair, replace or improve facilities at parks, trails and small boat harbors statewide. This new and unique plan includes 238 projects around the state, and leverages an investment of \$40 million over 2 years to generate new, non-taxpayer dollars that will support an additional \$200 million in capital improvements in the next five years to upgrade comfort stations, parking, small boat harbors and

boat ramps, trails, cabins, piers, pavilions, interpretive programs and security. Our \$240 million in infrastructure improvements will include restoring spaces the state has acquired in order to protect cultural and natural resources. In addition, the Department will adopt national model standards for scheduled repair and maintenance of facilities and sites through the support of limited fees and concessions.

The Department has come up with a way to raise new, non-taxpayer dollars to make the payments on the bond debt. In this challenging economic environment, it's important to note that the department is not asking for a bigger piece of the existing fiscal pie. Instead, ingenuity, resources and sweat equity within the department have been combined to make a new, small pie that will cover the cost of the bonds and dramatically improve management of these areas - an investment that will benefit all the people of Hawaii.

While the bulk of the improvements will be paid from state commercial and industrial lease rents in urban areas, those rents will be insufficient to support the full scope of essential capital improvements and the regularly scheduled repair and maintenance to upkeep these public recreational places. Accordingly, the proposal also includes modest increases in user fees; specifically a five-year phase-in increase of boater slip fees to fair market value (with consideration of the fact that these are public harbors), and park entry fees for tourists only charged at up to eight state parks.

The Department has attached two items that provide information regarding the revenue development. The first is a table identifying the immediate, mid- and long-term commercial and industrial properties where the rents will support the debt service. The second is the park visitor count, broken out by resident and tourists, which indicate the revenues to be generated through entry fee for tourists only at these selected parks.

The Department understands that some residents may be concerned that park entry fees are a harbinger of future development or commercialization within parks. Accordingly, the department intends to work with each affected community to adopt guidance policy or classifications for each affected park to provide assurance protecting from future commercialization. For example, we support placing Ka Iwi Park into the Conservation District, and can provide additional protection by classifying that area as a scenic shoreline wilderness park. In addition, the department has posted our five year CIP proposal in an effort to be transparent and engage the public in discussion of what improvements should be made in these areas.

While no one is eager to impose entry fees for tourists at our State Parks, the sad reality is the current levels of funding do not support Park operations, as the attached pictures attest. However, given the fiscal situation, the State must choose between entry fees or closing state parks.

The Department wishes to point out that park entry fees are a common and time-tested national and international means to raise funds to support the operations of parks from the very people who are using and impacting the park resources. All of our National Parks charge entry fees; many state and international parks charge entry fees; and Hawaii charges an entry fee at Diamond Head State Monument. Indeed, one of the benefits of the Diamond Head entry fee was to provide steady presence, which eliminated much of the bad behavior that caused chronic

complaints in the neighborhood. Similarly entry points at other parks will help reduce break-ins of vehicles; provide educational opportunities to enhance park visits, improve behavior of visitors thereby reducing costs of graffiti and vandalism, and reduce the likelihood of homelessness within public parks.

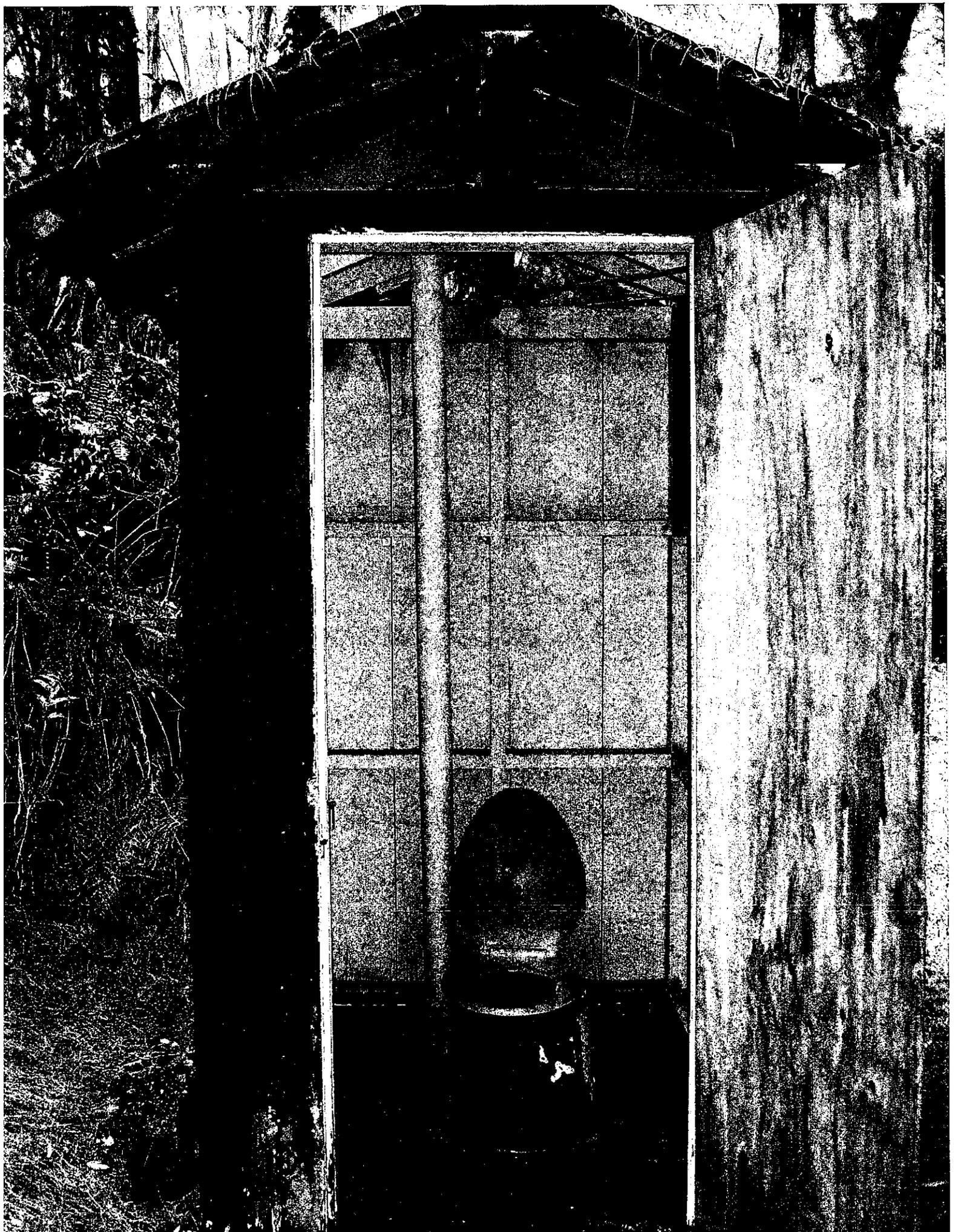
Most of the Recreational Renaissance projects have already been designed or are in the master plan phase. More than \$30 million in projects are ready to begin construction this year, and more than \$20 million are ready to begin construction in 2010. The initial investment of the \$40 million in GO Bonds will also make Hawaii more competitive in seeking grants under the federal stimulus packages.

The Recreational Renaissance projects will also be a local stimulus for small business as six islands will receive integrated ocean and land-based recreational infrastructure improvements, including \$63,295,000 for 46 projects on Kaua'i; \$40,940,000 for 39 projects in Maui County; \$58,285,000 for 60 projects on Hawai'i; and \$72,580,000 for 73 projects on O'ahu.

Regarding House Bill 1766, House Draft 2, the Department does not support the directive to lease the submerged lands in Ala Wai Small Boat Harbor. The Department is also willing to support certain amendments that clarify appraisal values for harbor fees must provide some discount given that these are public facilities, and comparable rates must consider municipal and public harbor fees at public marinas in other locations.

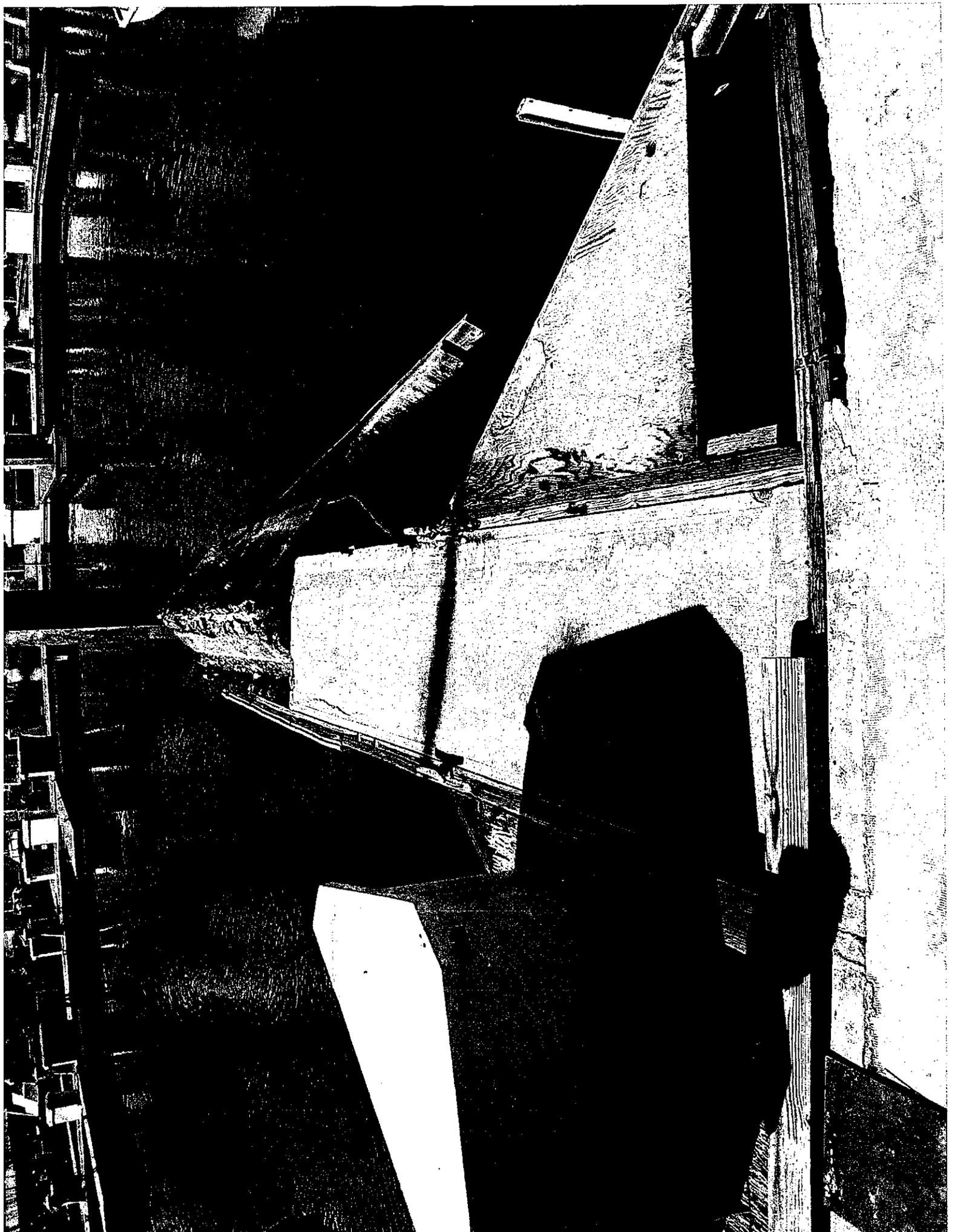
In summary, with the recommended revisions and amendments, the Department asks that the provisions of House Bill 980, House Draft 2, be added to this bill, or that House Bill 980, House Draft 2, be scheduled for a hearing which will enable the Department to implement an innovative initiative to move ahead with improving, operating and maintaining recreational facilities statewide.

We close with directing attention to the final three pictures attached to this testimony. These pictures of the recently installed comfort station in Lahaina Small Boat Harbor, the floating docks at the Ala Wai Small Boat Harbor, and the planned cabins at Wainapanapa State Park, demonstrate the potential to improve many more public places for Hawaii residents and visitors. We ask the Senate to support this one bright light during this dismal economic session. Please support Department's initiative to improve Hawaii's premier outdoor recreational places.





5



RECREATIONAL RENAISSANCE STATE PARK EXPENDITURE FACTS

The Department of Land and Natural Resources (DLNR), Hawai'i State Park System is responsible for 54 State Parks and 15 State Park Reserves statewide. State Park Reserves are areas acquired and set aside for park purposes, but not funded for development or improved for public use. Examples of these areas are Kaena Point, O'ahu; Kiholo, Hawai'i.

The Hawai'i State Park System encompasses approximately 27,000 acres across five islands: O'ahu, Hawai'i, Maui, Kaua'i, Moloka'i.

DLNR State Parks Operating Budget 2010

General Fund ¹	4,586,776
Special Fund ²	<u>2,917,424</u>
Total	\$ 7,504,200
Cost of Lifeguard Contracts at State Parks ³	- \$ 1,615,248
Total Funds Available to Support General Operation of All 69 State Parks and Reserves	\$ 5,888,952
Average Operating Funds Per Park Per Year	\$ 85,347

DLNR State Parks CIP Budget for 2000 – 2009

2000-2004	26,875,000
2005-2009	<u>45,235,000</u>
Total 2000 – 2009 10 Year CIP	\$ 72,110,000
Minus Grants in Aid ⁴	- 5,250,000
Minus Rockfall Mitigation	- 2,950,000
Minus Cesspool Removal	<u>- 10,000,000</u>
Total 2000 – 2009 CIP for State Park Facilities	\$ 53,910,000
Average Annual CIP Per Park Per Year	\$ 78,130

¹ House Bill 200, State Budget, proposes \$4,586,776 in general funds for FY 2010 and FY 2011.

² Although the State Parks Special Fund authorized expenditure ceiling is \$6,614,809, Parks have never generated this level of revenue. The average Special Fund revenue generated through leases, concessions, Diamond Head entry fees and HTA funds over the past five years has been \$2,917,424.

The Special Fund ceiling was increased in the mid-1990s during the economic downturn when Parks General Funds were reduced and the division was encouraged to generate additional revenues.

State Parks budget includes \$1,218,456 in Federal Land and Water Conservation Funds. However, these are primarily pass-through grants to the counties. While State Parks has been awarded modest federal grants from these pass-through funds in the past, the federal dollars are approved for specific capital improvements and not for general park operations.

³ State Parks contracts for County lifeguard services at four State Parks.

⁴ Funds appropriated to an outside organization and passed through State Parks.

In connection with the Recreational Renaissance, Land Division will provide revenues to pay off the bonds via lease rents from existing leases of State lands managed by the Land Division. Land Division current generates revenues from leases issued for a variety of uses, including resort, commercial, industrial, utility, recreational, and pasture uses. The following are examples of the various types of leases Land Division currently manages and the revenues currently generated from such leases, which revenues will be used to support the Recreational Modernization plan.

Examples of Types of Existing Leases that Provide Immediate Revenues:				
LESSEE	LEASE #	SIZE (Ac)	LEASE RENT (annual)	COMMENTS
Anekona Aloha Ownership LLC	GL 3831, 3840, 4647	10.4	\$203,540	Resort lease for Hilton Kauai Beach Resort Kapaa, Kauai
Western Apt Supply & Maintenance Co.	GI4212	1.1	\$87,739	Resort lease for Western Apartments Hotel (includes Sarentos Restaurant), Maui
Olomana Golf Links Inc	GL 4095	130	\$144,500	Recreational Lease for the Olomana Golf Course, Oahu
Kaheawa Wind Power, LLC	GL 5731	200	\$150,000	Renewable energy lease for wind farm, Maui
Oceanic Institute	GL 3709	106	\$91,200	Educational lease for Oceanic Institute (includes Sea Life Park), Oahu
Tyco International Ltd	GL 5219	1.6	\$180,000	Utility lease for ocean cable
Kalaniana'ole Real Estate Investments Llc	GL 4323	3.7	\$60,600	Industrial ground lease, Hilo, Hawaii
Equilon Enterprises & Aloha Petroleum	GL 5187	2.919	\$50,760	Industrial lease for baseyard/storage, Island of Hawaii
S C Ranch Co. Inc	GL 4477	7,780	\$32,015	Pasture lease, Island of Hawaii
USA Postal Service	GL 4599	2.8	\$24,120	Government lease for post office, Maui

In addition, Land Division will provide revenues from leases we intend to offer in the future. Land Division has identified various vacant/underutilized lands in our inventory with excellent revenue generating potential, and we intend to offer ground leases for these lands via public auctions or Requests for Proposals. These lands include individual parcels that can be offered for lease and generate lease rent revenues in the near future, as well as large undeveloped parcels that have long-range revenue potential but which first require land use entitlements and infrastructure. The following are examples of lands that have been identified for future revenue generating purposes to support the Recreational Renaissance:

Examples of Properties with Immediate Revenue Potential:			
PROPERTY/DESCRIPTION	TMK	SIZE	COMMENTS
Six (6) Mill Town industrial lots, Waipahu, Oahu	(1) 9-4-166: 1, 2, 3, 24, 25 26	16-18,000 SF (each)	Six subdivided industrial-zoned lots with infrastructure. Ground leases ready to be offered by public auction. Potential lease revenues of \$35K/yr/lot.
Kawaihae Lot, near Kawaihae Harbor, Island of Hawaii	(3) 6-1-3:15	1.32 Ac	Mixed Commercial/Industrial ground lease sold at public auction in 2008. Lease rent of \$69K/yr. Successful bidder conducting due diligence and must obtain SMA approval prior as condition to issuance of lease.

Kanoelehua Commercial Center & Industrial Park, So Hilo, Hawaii	(3) 2-1-12:41, 149	13.7 Ac	Industrial zoned parcel located adjacent to 11 acres of DHHL lands. Issued joint RFP with DHHL in 2008. Currently awaiting development proposals from applicants. Projected lease rents to DLNR ≥ \$207K/yr
Two (2) Industrial lot, Ualena St near Honolulu Int'l Airport, Oahu	(1) 1-1-04:01, 02	0.6 Ac each	Two industrial lots currently EO'd to DOT-Airports to be transferred to DLNR. Transfer requires FAA approval. Lots have existing tenants (annual lease rents of \$105K and \$78K)

Examples of Properties with Long-Term Revenue Potential:			
PROPERTY/DESCRIPTION	TMK	SIZE	COMMENTS
Former Ewa Feed Lot, Campbell Industrial Park, Ewa, Oahu	(1) 9-1-31:1	110 Ac	Large industrial-zoned parcel. Will issue RFP to seek a master ground lessee to develop industrial subdivision. Potential lease revenues of \$1.25 million/yr at full build-out
Mana Industrial Park, So. Hilo, Hawaii	(3) 2-1-012:04, 05, 06 por., 25, 26 & 69 & 2-1-013:151	150 Ac	Industrial zoned lands located near Hilo Airport. Will issue RFP to seek a master ground lessee to develop industrial park, including infrastructure. Long-range revenue potential (i.e., \$1.2 million/yr at full build out). May be developed in phases.
Commercial zoned lot at Ainahola St/Komohana Ave, So Hilo, Hawaii	(3) 2-4-41:45	2.957 Ac	Commercial ground lease to be offered by public auction. Current market demand is limited due to economy, but long-range potential.
East Kapolei lots, along North-South road and proposed rail transit line, Kapolei, Oahu	(1) 9-1-17:86, 9-1-18:03, 05	140 Ac	Large Ag zoned parcels with long-range development potential due to proximity to H-1 Fwy, North-South Road, and proposed transit line. DLNR to seek rezoning to allow commercial/industrial uses, including transit-oriented development zoning (TOD).

STATE PARK VISITOR COUNTS FOR 8 PROPOSED SIGNATURE PARKS UNDER THE
RECREATIONAL RENAISSANCE PLAN

State Park Visitor Count	2003	2007
TOTAL State Park Visitors at all Parks	9,176,350	10,140,300
<i>Tourists</i>	<i>6,299,300 (69%)</i>	<i>6,734,900 (67%)</i>
<i>Residents</i>	<i>2,877,050 (31%)</i>	<i>3,405,400 (33%)</i>
Nuuanu Pali State Wayside	1,106,900	905,300
<i>Tourist</i>	<i>839,700</i>	<i>697,100</i>
<i>Resident</i>	<i>267,200</i>	<i>208,200</i>
Waimea Canyon/Koikee State Park	*	734,600
<i>Tourist</i>	*	<i>629,500</i>
<i>Resident</i>	*	<i>105,100</i>
Haena State Park	742,000	708,400
<i>Tourist</i>	<i>685,600</i>	<i>637,600</i>
<i>Resident</i>	<i>56,400</i>	<i>70,800</i>
Makena State Park	451,200	525,400
<i>Tourist</i>	<i>267,400</i>	<i>289,000</i>
<i>Resident</i>	<i>183,800</i>	<i>236,400</i>
Iao Valley State Monument	438,300	431,400
<i>Tourist</i>	<i>350,400</i>	<i>340,800</i>
<i>Resident</i>	<i>87,900</i>	<i>90,600</i>
Kekaha Kai	*	235,700
<i>Tourist</i>	*	<i>133,800</i>
<i>Resident</i>	*	<i>101,900</i>
Akaka Falls State Recreation Area	156,900	189,400
<i>Tourist</i>	<i>138,500</i>	<i>161,000</i>
<i>Resident</i>	<i>18,400</i>	<i>28,400</i>
Makapuu Point Lighthouse	*	68,300
<i>Tourist</i>	*	<i>29,400</i>
<i>Resident</i>	*	<i>38,900</i>

2007 Hawaii State Parks Survey prepared by Hawaii Tourism Authority

* Because of methodological enhancements, comparisons of volume in 2007 cannot be made with 2003 because it would not represent an 'apple-to-apple' comparison



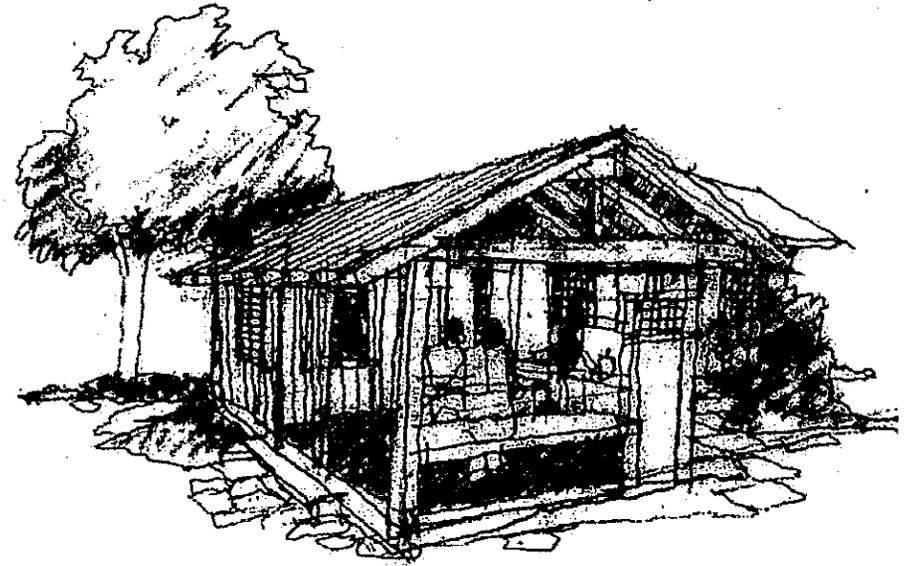
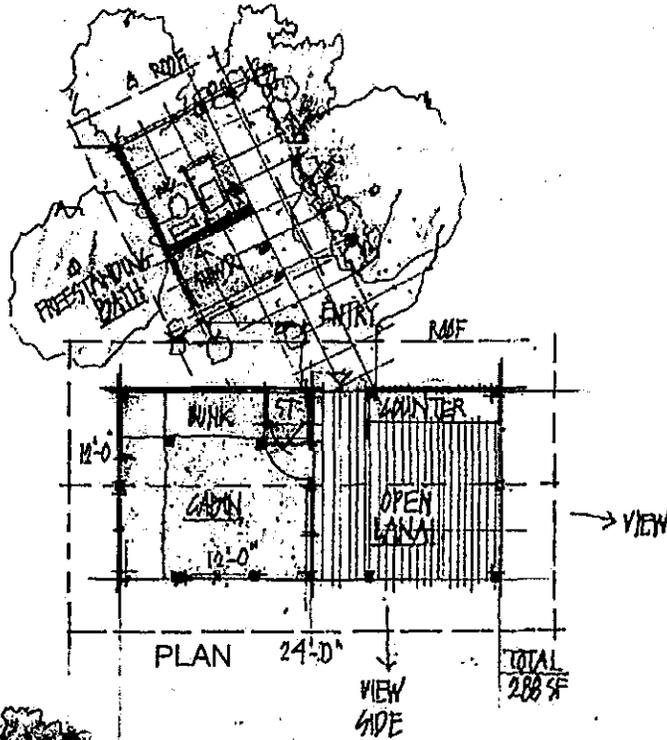
Back to Nature

Approximately 348 sq. ft. of roofed area.

A two room structure that provides a sleeping area and an open lanai for cooking, dining and socializing.

The bathroom is a separate structure. This moves the higher-maintenance wet area, which typically is damp and musty, away from the cabin.

The structure is a wood framed, single wall, gable structure.



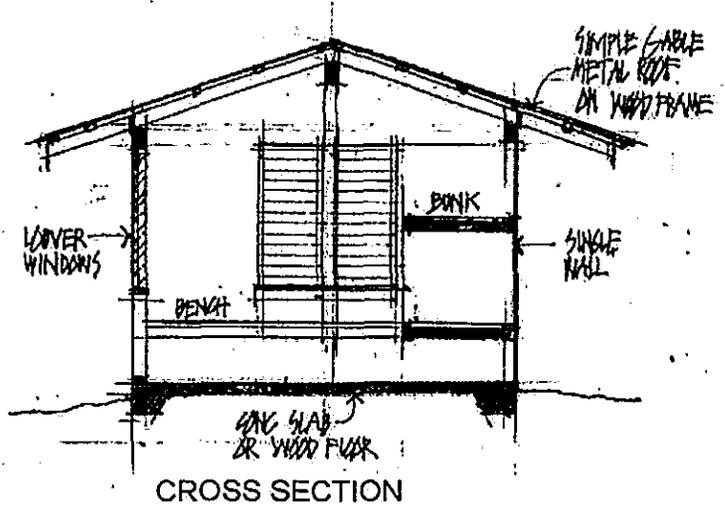
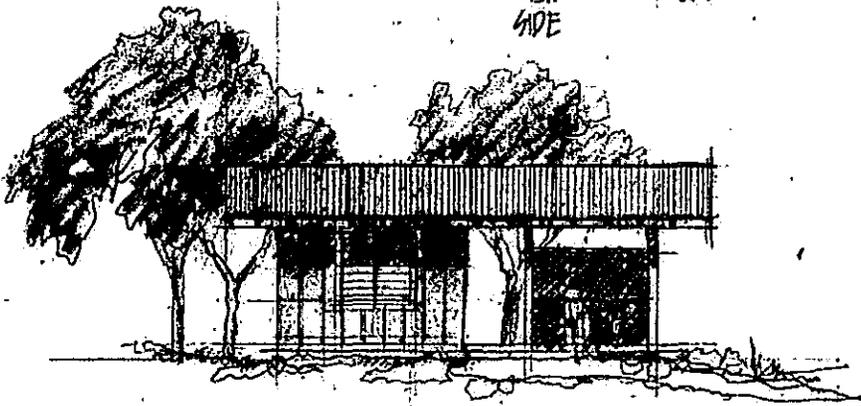
AMENITIES

BATHROOM

- Toilet
- Basin
- Shower
- Hot water

KITCHEN

- Sink
- Stove
- Refrigerator



Michael Toma
ARCHITECT

Wai'anapanapa State Park Master Plan

Cabin A

1.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 8:07 AM
To: WTLTestimony
Cc: tgmeek@gmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Ted Meeker
Organization: Individual
Address: 47-441 Hui Nene Street Kaneohe, Hawaii 96744
Phone: (808) 221-9779/239-5876
E-mail: tgmeek@gmail.com
Submitted on: 3/21/2009

Comments:

I strongly oppose HB 1766, since I believe that HB 980 is the way to go in this matter. 1766 is simply too weak and does not address the problems of park maintenance and improvements. At this critical time for our state, the need to maintain the quality of such valuable assets as our parks is absolutely critical. It is notable that the Federal government is now committing more funds to the national park system. We can do no less, especially since the perception of the State and its facilities is so critical to the tourist industry.

1
Honolulu, HI 96814

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 9:41 AM
To: WTLTestimony
Cc: jmacguffie@hotmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Jamie Kooser
Organization: Individual
Address: 46-081 Konohiki Street, #3564 Kaneohe, HI
Phone: 808-636-4098
E-mail: jmacguffie@hotmail.com
Submitted on: 3/21/2009

Comments:

House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980. Additionally, the committee should amend House Bill 1766 to delete language for submerged land leases before the measure is passed.

h

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 11:11 AM
To: WTLTestimony
Cc: tjmenes@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM
Attachments: HB1776 Testimony.doc

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Tom Mendes
Organization: Hawaiian Trail And Mountain Club
Address: 41-023 Puuone St Waimanalo, HI 96795
Phone: 259-8688
E-mail: tjmenes@hawaii.rr.com
Submitted on: 3/21/2009

Comments:



Hawaiian Trail and Mountain Club

March 21, 2009

Water, Land, Agriculture and Hawaiian Affairs (WTL) Committee
Sen. Clayton Hee, Chairman

Re: HB 1766 and HB 708
Hearing on March 23, 2009 at 4:15 PM
Conference room 229

Dear Senator Hee:

After listening to the roll out of the DLNR's Recreational Renaissance Plan and reading the details of the currently proposed signature improvement projects, one cannot help but agree with the need to adequately take care of our outdoor resources. As a club with nearly 500 members, our hiking and camping activities are focused on Oahu, but do extend occasionally to the neighbor islands. We see the decline in upkeep for many of these outdoor facilities statewide and support a program to fund their upgrades. It is always controversial to suggest user fees for our use of public areas, but we welcome the development of innovative sources of revenue proposed by this bill.

As supporters of the Renaissance Plan we feel that:

- House Bill 1766 is inadequate to address all recreational improvements across the State. We respectfully request that you schedule a hearing for House Bill 980.
- House Bill 1766 should be amended to delete language for submerged land leases.

Chairperson Thielen said that we are all consumers of Hawaii's recreational resources. While that is true, as the prominent hiking club in Hawaii nearing its 100 year anniversary, our members have built and maintained many of the hiking trails on Oahu, so we feel more like stewards than consumers. We look forward to the educational and interpretive improvements proposed by the Renaissance Plan for trails on Oahu and expect to be invited to participate in their development.

Tom Mendes

Tom Mendes, President,
Hawaiian Trail and Mountain Club

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 11:56 AM
To: WTLTestimony
Cc: weersingbulk@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position:
Testifier will be present: No
Submitted by: Kimberley Weersing
Organization: Individual
Address:
Phone:
E-mail: weersingbulk@yahoo.com
Submitted on: 3/21/2009

Comments:

Hawaii's open spaces are our most valuable asset, and these areas are in dire need of improved maintenance and upgrades. House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980, which would provide for more effective management and use of recreational areas and facilities. Additionally, the committee should amend House Bill 1766 to delete language for submerged land leases before the measure is passed.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 3:31 PM
To: WTLTestimony
Cc: cascadesunrise@hotmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM
Attachments: Senate WTL HB1766.wpd

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Les Parsons
Organization: Individual
Address:
Phone:
E-mail: cascadesunrise@hotmail.com
Submitted on: 3/21/2009

Comments:

!

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 21, 2009 3:35 PM
To: WTLTestimony
Cc: princeofwaikiki@hotmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Raymond A. Gruntz
Organization: Individual
Address: 1765 Alamoana Blvd. Honolulu, HI. 96815
Phone: 949-0492
E-mail: princeofwaikiki@hotmail.com
Submitted on: 3/21/2009

Comments:

Why is HB1766 not heard along with HB980, both have been running together in the House. I was told that each was passed because the other moved along.

I do not have a problem with DNLR looking into ways to upgrade our mountain trails, parks, or even other boat harbors, but not on the backs of the Alawai Small Boat Harbor people owners and residence.

Aloha



THE LIMTIACO CONSULTING GROUP
CIVIL ENGINEERING AND ENVIRONMENTAL CONSULTANTS

March 22, 2009

EMAILED TESTIMONY TO: WTLTestimony@Capitol.Hawaii.gov

Hearing Date: Monday, March 23, 4:15 p.m., Conference Room 229

Honorable Senators Clayton Hee, Chair and Members of the Water, Land, Agriculture and Hawaiian Affairs Committee

Subject: HB 1766

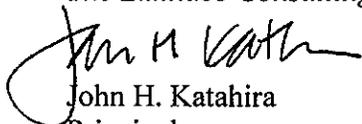
Dear Chair Hee and Committee Members:

The Limtiaco Consulting Group, Inc., a Hawaii-owned small business engineering firm, appreciates this opportunity to express two concerns regarding HB 1766.

1. As currently drafted, HB 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for HB 980, which is intended to rectify this concern.
2. Amend HB 1766 to delete language for submerged land leases. This does not belong in HB 1766.

Thank you for the opportunity to testify for HB 1766.

Respectfully,
The Limtiaco Consulting Group, Inc.


John H. Katahira
Principal

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 9:20 AM
To: WTLTestimony
Cc: heidis422@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Heidi Sowa
Organization: Individual
Address: 4013 Noonan St Honolulu, HI
Phone: 744-2990
E-mail: heidis422@yahoo.com
Submitted on: 3/22/2009

Comments:

- 1) House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980.

- 2) Amend House Bill 1766 to delete language for submerged land leases.

|

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 9:30 AM
To: WTLTestimony
Cc: rldavis@clearwire.net
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Davis
Organization: Individual
Address: 1777 Ala Moana Blvd Apt 539 Honolulu, HI
Phone: 808-943-9092
E-mail: rldavis@clearwire.net
Submitted on: 3/22/2009

Comments:

Bill HB1766 is a potential disaster for local residents in the area. The commercialization of Ala Wai Harbor would only benefit a few business and development interests at the expense and detriment of all the people of Hawaii. Please keep the tourist sprawl and overcrowding out of the harbor. This public facility was created for the use and enjoyment of the small recreational boater, not to make a profit for commerce. Plenty of unused commercial space is currently available nearby at Kawalo Basin.

It is sad that the Ala Wai has been poorly managed and maintained. Trash and debris has been permitted to flow into the Harbor without consistent maintenance. Thank goodness for the OCCC workers. If slip fees and parking revenues could increase, and storage space rentals could be implemented, then revenues could grow and better cover the costs of basic maintenance.

Honorable Senator Clayton Hee,
Chair, Committee on Water, Land, and Hawaiian Affairs
Monday, March 23, 2009, Conference Room 229

Testimony in Opposition to HB 1766 HD2

Aloha Chair Hee 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 public 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.

There is no reason for this bill, replacement and repairs of slips at the Ala Wai are well underway. DLNR has initiated and RFP for both the Fuel dock and Ala Wai Repair facility.

Currently an approved Concurrent Resolution is required before any submerged lands can be leased. This policy has worked very well to protect the public's interests. It is unwise and uncharacteristic for the Legislature to give up its important oversight of submerged lands.

Please hold this bill in Committee.

Mahalo for the opportunity to testify in opposition to HB 1766 HD2

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

Senator Clayton Hee,
Chair, Committee on Water, Land, and Hawaiian Affairs

Monday, March 23, 2009, Conference Room 229, 4:15 p.m.

Testimony in Opposition to HB 1766 HD2

Aloha Chair Hee! and committee members:

My name is Melva Aila, I am strongly opposed to HB 1766 HD2 . 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 HB 1766 HD2.

Mahalo,

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

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 12:16 PM
To: WTLTestimony
Cc: ChrisTStevens@gmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Chris Stevens
Organization: Individual
Address: Honolulu, HI 96817
Phone:
E-mail: ChrisTStevens@gmail.com
Submitted on: 3/22/2009

Comments:

The State of Hawaii needs a recreational renaissance, the facilities are falling apart. A Recreational Renaissance would be a great thing for Hawaii and its residents. House Bill 1766 is inadequate to address all recreational improvements across the State.

Please schedule a hearing for House Bill 980.

We need to look at the big picture, not just the small boat harbors. Additionally, if HB 1766 is going to be passed please only do so after amending House Bill 1766 to delete language for submerged land leases. Thank you for the opportunity to testify. Aloha.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 12:43 PM
To: WTLTestimony
Cc: mail@christophercookphoto.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Christopher Cook
Organization: Individual
Address: 848 Hunakai St Honolulu, HI
Phone: 808-754-6816
E-mail: mail@christophercookphoto.com
Submitted on: 3/22/2009

Comments:

The State of Hawaii needs a recreational renaissance, the facilities are falling apart. This would be a great thing for Hawaii and its residents.
House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980. We need to look at the big picture, not just the small boat harbors. Additionally, if HB 1766 is going to be passed please only do so after amending House Bill 1766 to delete language for submerged land leases. Thank you for the opportunity to testify. Aloha.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 2:31 PM
To: WTLTestimony
Cc: Lfabrey@gmail.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Laura Stevens
Organization: Individual
Address: Honolulu, HI 96817
Phone:
E-mail: Lfabrey@gmail.com
Submitted on: 3/22/2009

Comments:

Good Afternoon Senators,

The State of Hawaii needs a recreational renaissance, the facilities are falling apart. House Bill 1766 only recognizes a small portion of the dire need for improvements at recreational facilities. House Bill 1766 is inadequate to address all recreational improvements across the State.

Please schedule a hearing for House Bill 980. We need to look at the big picture, not just the small boat harbors. House Bill 980 provides a comprehensive approach and would be a great thing for Hawaii and its residents.

HB 1766 also needs a critical amendment to remove language for submerged land leases.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 3:54 PM
To: WTLTestimony
Cc: harbormail@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: J. Mandrell
Organization: The Makai Society
Address:
Phone:
E-mail: harbormail@hawaii.rr.com
Submitted on: 3/22/2009

Comments:

Dear Chair Hee, Vice Chair Tokuda and committee members,

The Makai Society is opposed to HB1766 HD2. HB 1766 HD2 violates the Public Trust Doctrine and the social contract established decades ago with the people of Hawaii. It satisfies the goals of a couple of the legislators and a single private developer at the expense of the recreational ocean users of Honolulu.

The DLNR / DOBOR's refusal to create a comprehensive master facility plan for Ala Wai Harbor means the administration will continue it's annual attempt to get the Legislature to rubber stamp their latest foray to wheel and deal the public resources which do not belong to them.

We request this committee hold this bill or gut it and insert language requiring DLNR / DOBOR create a stakeholder approved comprehensive master facility plan for Ala Wai Harbor and present it to the 2010 Legislature.

TESTIMONY
HB 1766, HD2
(END)