

**HB 1766**

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
WAYS AND MEANS**

**Monday, April 6, 2009  
9:30 AM  
State Capitol, Conference Room 211**

**In consideration of  
HOUSE BILL 1766, HOUSE DRAFT 2, SENATE DRAFT 1  
RELATING TO SMALL BOAT HARBORS**

House Bill 1766, House Draft 2, Senate Draft 1 proposes to: 1) Allow the limited issuance of commercial use permits for vessels with assigned moorings in Ala Wai and Keehi harbors; 2) Provide for future mooring fees to be established by appraisal by a state-licensed appraiser and assigned a schedule B rate, while existing mooring holders remain in a schedule A class that shall equal schedule B rates over a five-year period; and 3) Direct the Department of Land and Natural Resources (Department) to use the request for proposals process to enter into a public-private partnership for the development of portions of Ala Wai harbor facilities that are presently under-used to maximize the revenue potential from its facilities.

**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, Senate Draft 1, 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 Senate Bill 636, Senate Draft 2, House Draft 1, (RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES).** House Bill 1766, House Draft

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

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

2; Senate Draft 1, continues to address recreational improvements in a piecemeal fashion. In contrast, Senate Bill 636, Senate Draft 2, House Draft 1, 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.

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 many 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.

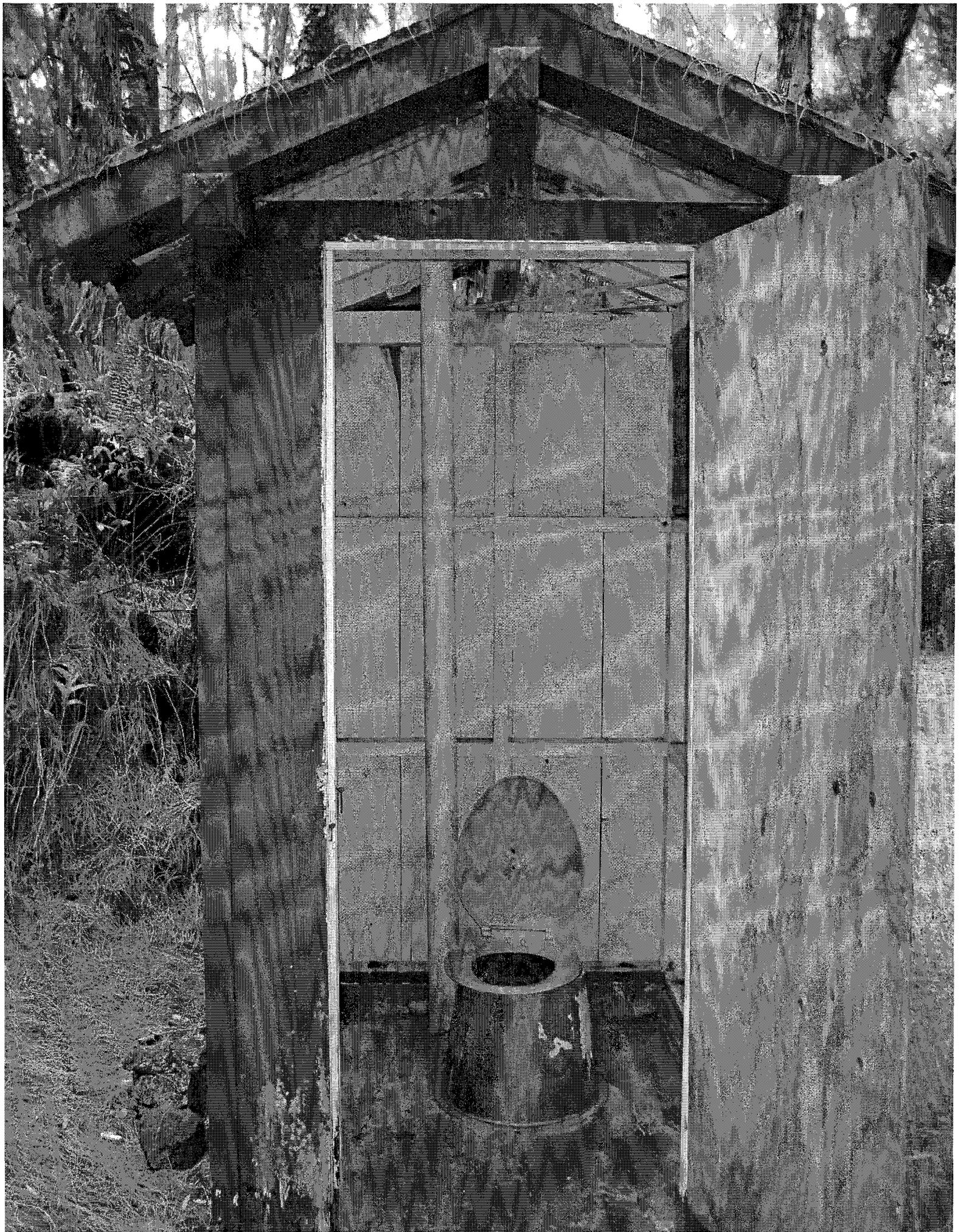
The Department wishes to point out that park entry fees are a common and time-tested national and international means to raise funds to support the operations of parks from the very people who are using and impacting the park resources. All of our National Parks charge entry fees; many state and international 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 General Obligation Bonds will also make Hawaii more competitive in seeking grants under the federal stimulus packages.

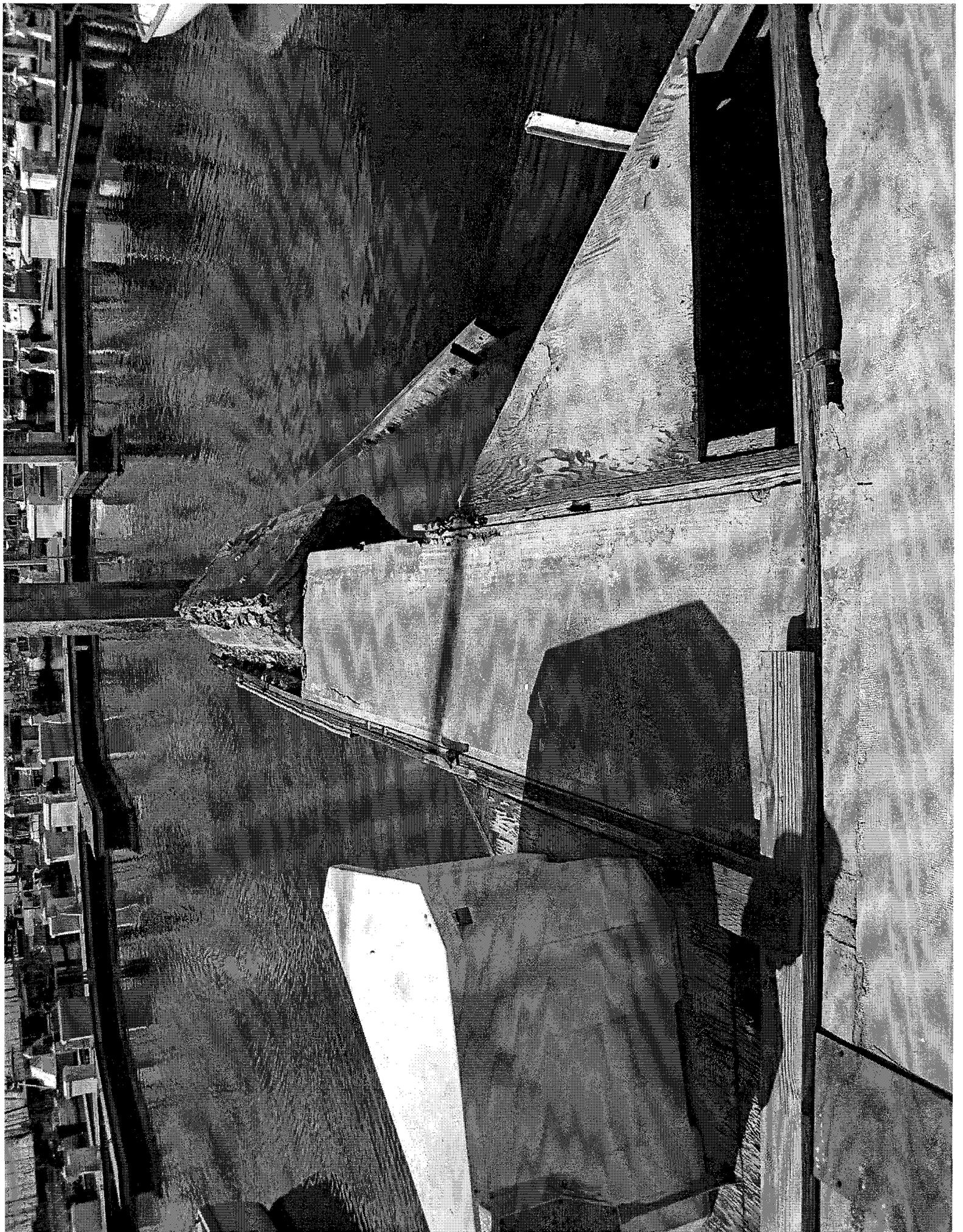
The Recreational Renaissance projects will also be a local stimulus for small business as six islands will receive integrated ocean and land-based recreational infrastructure improvements, including \$63,295,000 for 46 projects on Kaua'i; \$40,940,000 for 39 projects in Maui County; \$58,285,000 for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

In summary, with the recommended revisions and amendments, the Department asks that the provisions of Senate Bill 636, Senate Draft 2, House Draft 1, be added to this bill, 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.







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

### 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	<b>\$ 72,110,000</b>
 Minus Grants in Aid <sup>4</sup>	 - 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	<b>\$ 53,910,000</b>
 <b>Average Annual CIP Per Park Per Year</b>	 <b>\$ 78,130</b>

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

<sup>2</sup> 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.

<sup>3</sup> State Parks contracts for County lifeguard services at four State Parks.

<sup>4</sup> 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.

<b>Examples of Types of Existing Leases that Provide Immediate Revenues:</b>				
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:

<b>Examples of Properties with Immediate Revenue Potential:</b>			
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
<b>TOTAL State Park Visitors at all Parks</b>	<b>9,176,350</b>	<b>10,140,300</b>
<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>
<b>Nuuanu Pali State Wayside</b>	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>
<b>Waimea Canyon/Kokee State Park</b>	*	734,600
<i>Tourist</i>	*	<i>629,500</i>
<i>Resident</i>	*	<i>105,100</i>
<b>Haena State Park</b>	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>
<b>Makena State Park</b>	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>
<b>Iao Valley State Monument</b>	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>
<b>Kekaha Kai</b>	*	235,700
<i>Tourist</i>	*	<i>133,800</i>
<i>Resident</i>	*	<i>101,900</i>
<b>Akaka Falls State Recreation Area</b>	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>
<b>Makapuu Point Lighthouse</b>	*	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



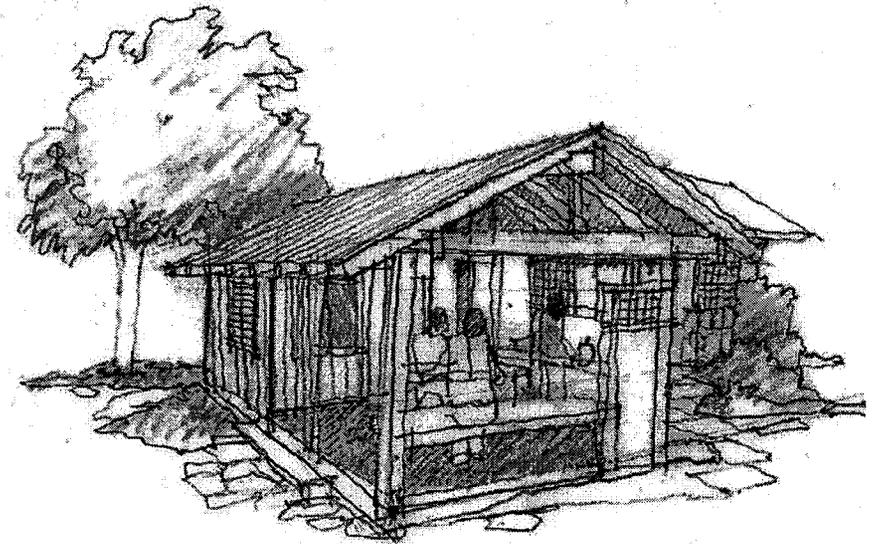
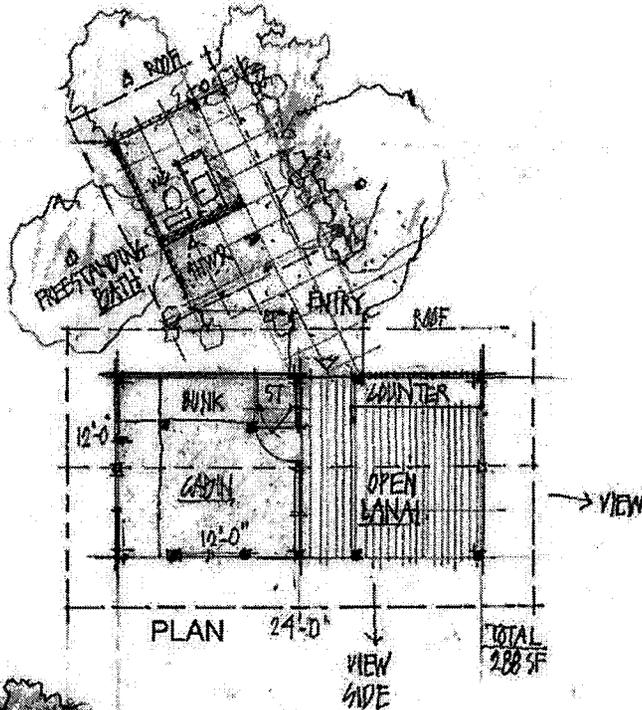
## Back to Nature

Approximately 348 sq. ft. of roofed area.

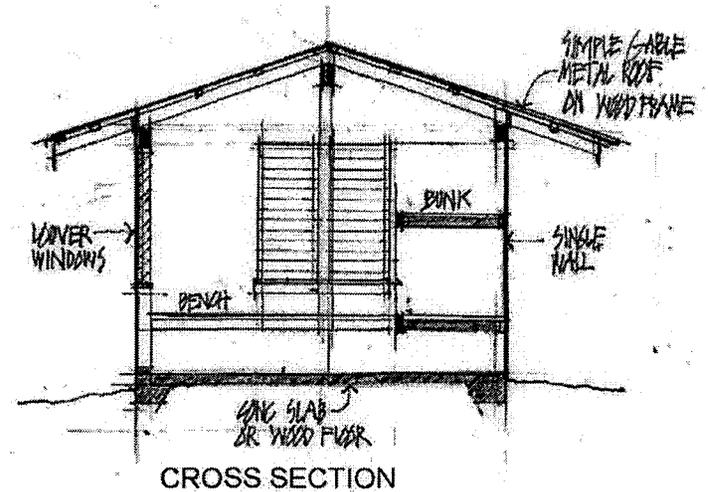
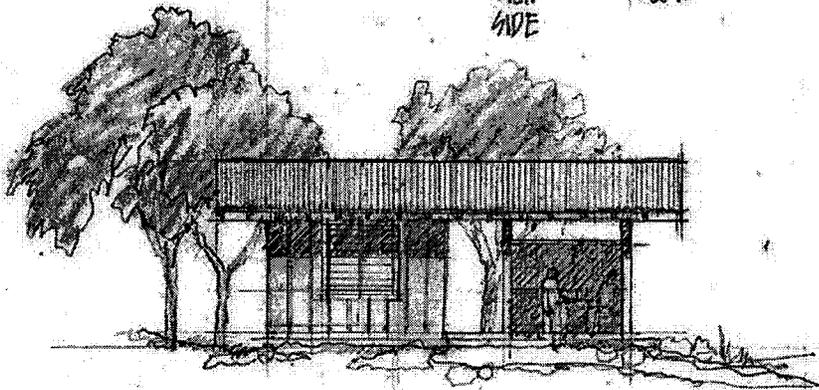
A two room structure that provides a sleeping area and an open lanai for cooking, dining and socializing.

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



## kim4 - Elizabeth

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**From:** Fukuda, Lester [les.fukuda@hdrinc.com]  
**Sent:** Saturday, April 04, 2009 4:57 PM  
**To:** WAM Testimony  
**Subject:** HB 1766 HD2, SD1 - Relating to Small Boat Harbors - Monday April 6th - 9:30am - CR 211  
**Attachments:** Picture (Metafile) 1.jpg

### **HB 1766 HD2 - SD1 Relating to Small Boat Harbors**

Monday April 6, 2009, 9:30am, CR 211

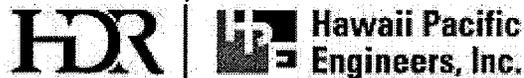
Honorable Senators Donna Mercado Kim, Chair, Senator Shan S. Tsutsui, Vice Chair and Members of Senate Committee on Ways and Means

The American Public Works Association, Hawaii Chapter would like to offer comments to HB 1766, HD2, SD1 Relating to Small Boat Harbors:

We agree with the Department of Land & Natural Resources that this bill should be either **Held ... OR ... Modified to include the provisions of the State DLNR Recreational Renaissance or SB 636 SD1 HD1 Relating to the Department of Land & Natural Resources.**

Mahalo for allowing us to express our concerns.

**Les Fukuda, Vice President**



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WAIKIKI NEIGHBORHOOD BOARD NO. 9

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813  
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

April 4, 2009

Senate Committee on Ways and Means  
The Honorable Donna Kim and Committee Members

Subject: Opposition to HB1766

Aloha Senator Kim,

The Waikiki Neighborhood Board (WNB) voted in Opposition to HB1766 at our March 10, 2009 meeting.

In addition to the following testimony the WNB is greatly concerned with the impact on both the State to make the improvements required to accommodate commercial use and the increased costs to the recreational boat users of the Ala Wai Yacht Harbor. We are also concerned that this bill has progressed in spite of the majority of testimony submitted in opposition to it.

The AlaWai Yacht Harbor in our opinion is not a proper location for commercial boat usage. Residents are concerned that the infrastructure of the Yacht Harbor is inadequate to meet commercial use, heavy bus traffic, early morning trash removal, delivery trucks to support the commercial vessels and the fire safety during refueling of these large vessels.

We were pleased that the State has taken recent action to renovate the existing facility to make it safer and more appealing to private users and the public in general. The recent parking charges and preservation of the free parking for beach users was well received.

Over the years the WNB voted to support the Hilton Grand Waikikian, renovation of the Duke's Lagoon and improvements to Dewey Lane to support these projects. Adding tour busses, delivery trucks, fuel trucks and related vehicles to the current traffic mix may well disrupt the existing neighborhood and over stress the access roads.

Once again the WNB opposes this bill and hopes the Senate will take appropriate action to preserve the quality of life for the Waikiki Residents in this area.

Mahalo,

---signed---

Robert J. Finley  
Chair





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[www.hgea.org](http://www.hgea.org)

The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Ways and Means

Testimony by  
Hawaii Government Employees Association  
April 6, 2009

H.B. 1766, H.D. 2, S.D. 1 –  
RELATING TO SMALL BOAT  
HARBORS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports H.B. 1766, H.D. 1, S.D. 1 as amended by the Senate Committee on Water, Land Agriculture and Hawaiian Affairs. We opposed earlier versions of the bill that called for the leasing of submerged lands and using the RFP process for public-private management and operation of the harbor.

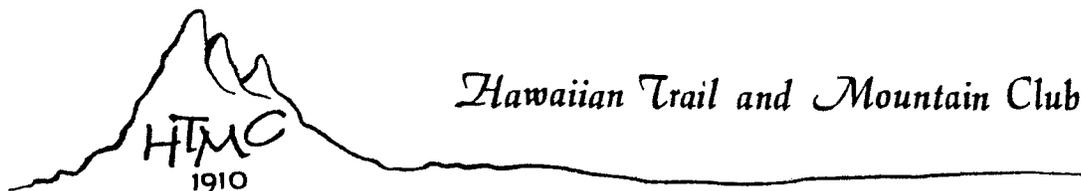
More specifically, we support the following changes in H.B. 1766, H.D. 2, S.D. 1:

- (1) Eliminating the authorization for the Board of Land and Natural Resources to lease submerged lands within an existing state boating facility;
- (2) Eliminating the list of designated areas within Ala Wai Harbor where the Department of Land and Natural Resources is authorized to lease fast lands using the request for proposals process for public-private development, management, and operation of the harbor;
- (3) Removing the provision that made it unnecessary for the Legislature to adopt a concurrent resolution in order to allow the lease of submerged lands;

With these amendments, we can support H.B. 1766, H.D. 2, S.D. 1. Thank you for the opportunity to testify on this measure.

Respectfully submitted,

*Kevin Mulligan*  
Nora A. Nomura  
Deputy Executive Director



April 5, 2009

Committee on Ways and Means

**Re: HB 1766**  
Hearing on April 6, 2009 at 9:30 AM  
Conference room 211

Dear Chairperson:

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.

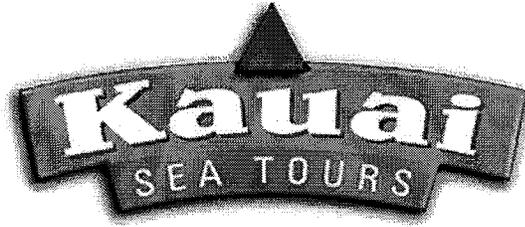
As supporters of the Renaissance Plan we feel that:

- House Bill 1766 is inadequate to address all recreational improvements across the State. We respectfully request that you support the real Recreational Renaissance, Senate Bill 636 that is a comprehensive plan to address recreational facilities across the state.
- Please support Senate Bill 636 and the recreational Renaissance CIP budget.

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



April 4, 2009

Testimony Relating to Not Supporting HB 1766  
To the Committee on Ways and Means: HB1766  
Hearing April 6, 2009

Chair Senator Donna Mercado Kim  
Vice Chair Senator Shan S. Tsutsui and members of the committee,

Aloha, my name is Ronnie Grover. I have worked diligently in the marine industry here in the State of Hawaii for some 20 years. I am the General Manager for NaPali Sea Tours, Inc dba: Kauai Sea Tours, a commercial passenger tour operator on the island of Kauai. We employ up to 40 Kauai residents who depend on our ocean recreation industry to support their families. We have the privilege of sharing the beauty of Kauai's coastal waters and NaPali Coast State Park with residents and visitors alike. In all these years I have watched our parks and small boat harbors crumble with little manpower or support from legislature. As a commercial operator our small company has a direct impact on the fragile economy and have been good citizens paying GE taxes, harbor fees, landing fees on up to 12% of our ticket prices are paid to the State yet we see no support, please help Kauai.

I urge you to not support HB 1766 which is not effective to address the needs of the State and is specific to Ala Wai and Keehi but does not support our failing harbors across the state.

Please support SB636 relating to DLNR Recreational Renaissance. Our small boat harbors and parks across the State are in drastic need of repair and maintenance. In our own Port Allen Small Boat Harbor many slips have long been condemned and some have totally collapsed. This harbor is one of the most important harbors on Kauai for fishermen, divers, and canoe clubs, fishing clubs, commercial passenger sightseeing and numerous other recreational users. The harbor is sadly in need of repair for many years and each year it is passed by for proper funding. If not for the efforts of private citizens who have helped to fix the docks, half of this harbor would not have been viable for the past 2 years. I hope that we will not see an injury take place before any funds are designated to fix this valuable infrastructure.

In regard to the NaPali State Park and other treasures across the State, please support the real SB636, DLNR needs this bill to fund the manpower with proper regulations to provide support to the State's treasured park lands and ocean resources. Although I am unable to travel to Honolulu to present testimony in person I would like to thank you for the opportunity to submit my testimony via this correspondence.

Sincerely,

Ronnie Grover  
General Manager

Kauai Sea Tours

PO Box 51004, 4310 Waialo Rd.,

Eleele, HI 96705

808 335 5309 T. 808 335 5180 F.

[seatour@aloha.net](mailto:seatour@aloha.net)

HB 1766 HD2 SD1 Testimony (Oppose)

Dear Madam Chair Kim, Vice Chair Tsutsui and members of the WAM Committee,

Aloha.

We are grateful that the Senate WTL Committee removed the provisions in HB 1766 HD2 that made it unnecessary for the legislature to adopt a concurrent resolution in order to allow the lease of submerged lands. It also eliminated:

- The authorization for the Board of Land and Natural Resources to lease submerged lands within an existing state boating facility, and
- The list of designated areas within Ala Wai Harbor where the DLNR was authorized to lease submerged lands as well as fast lands using the RFP process for public-private development, management, and operation of the harbor.

It becomes difficult, if not impossible, to legislate parameters of a lease in terms of a number of “berths” (as this Bill does) when the DLNR lease can no longer contain submerged lands (aka “berths”). We therefore recommend that Section 5 (b) (1) (A) (B) and (C) be deleted in conformance with the elimination of the authority of the DLNR to lease submerged lands, and Section 5. (b), “permissible uses under the lease shall include:”, could be restricted to “uses” that are dependent only on “fast land” as authorized by 200-2.5 HRS and include submerged lands previously leased as part of fast land parcels such as the refueling dock. However, given the diminished attractiveness of such an RFP (i.e. sans submerged lands), it might not even be worth the effort. Moreover, when you add in:

1. The strong and legitimate public opposition to adding commercial vessels to the Ala Wai harbor, and
2. The imposition of a State approved “appraiser” to establish the moorage fees, which anyone who is familiar with “user fees” can recognize as a “sham” to raise fees without allowing public awareness and input opportunities;

**it becomes obvious that this Bill does not serve the public interest.**

We ask that you please consider holding this entire Bill.

Sincerely,

William E. Mossman  
Hawaii Boaters Political Action Association

## kim2 - Arline

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 10:24 PM  
**To:** WAM Testimony  
**Cc:** hbpaa@aol.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM  
**Attachments:** HB 1766 HD2 SD1 Testimony.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: William E. Mossman  
Organization: Hawaii Boaters Political Action Association  
Address: 282 Aikahi Pl. Kailua, HI 96734  
Phone: 808 2542267  
E-mail: [hbpaa@aol.com](mailto:hbpaa@aol.com)  
Submitted on: 4/4/2009

Comments:  
HB 1766 HD2 SD1 Testimony (Oppose)

Dear Madam Chair Kim, Vice Chair Tsutsui and members of the WAM Committee,

Aloha.

We are grateful that the Senate WTL Committee removed the provisions in HB 1766 HD2 that made it unnecessary for the legislature to adopt a concurrent resolution in order to allow the lease of submerged lands. It also eliminated:

&#183; The authorization for the Board of Land and Natural Resources to lease submerged lands within an existing state boating facility, and

&#183; The list of designated areas within Ala Wai Harbor where the DLNR was authorized to lease submerged lands as well as fast lands using the RFP process for public-private development, management, and operation of the harbor.

It becomes difficult, if not impossible, to legislate parameters of a lease in terms of a number of "berths" (as this Bill does) when the DLNR lease can no longer contain submerged lands (aka "berths"). We therefore recommend that Section 5 (b) (1) (A) (B) and (C) be deleted in conformance with the elimination of the authority of the DLNR to lease submerged lands, and Section 5. (b), "permissible uses under the lease shall include:", could be restricted to "uses" that are dependent only on "fast land" as authorized by 200-2.5 HRS and include submerged lands previously leased as part of fast land parcels such as the refueling dock. However, given the diminished attractiveness of such an RFP (i.e. sans submerged lands), it might not even be worth the effort. Moreover, when you add in:

1. The strong and legitimate public opposition to adding commercial vessels to the Ala Wai harbor, and

2. The imposition of a State approved "appraiser" to establish the moorage fees, which anyone who is familiar with "user fees" can recognize as a "sham" to raise fees without allowing public awareness and input opportunities;

it becomes obvious that this Bill does not serve the public interest.

We ask that you please consider holding this entire Bill.

Sincerely,

William E. Mossman  
Hawaii Boaters Political Action Association



THE LIMTIACO CONSULTING GROUP  
CIVIL ENGINEERING AND ENVIRONMENTAL CONSULTANTS

April 4, 2009

EMAILED TESTIMONY TO: [WAMTestimony@Capitol.Hawaii.gov](mailto:WAMTestimony@Capitol.Hawaii.gov)

**Hearing Date: Monday, April 6, 9:30 a.m., Conference Room 211**

Senator Donna Mercado Kim, Chair, Senator Shan S. Tsutsui, Vice Chair and Members of the Committee on Ways and Means

**Subject: In opposition of HB 1766, HD2, SD1 Relating to Small Boat Harbors**

Dear Chair Mercado Kim, Vice Chair Tsutsui and Committee Members:

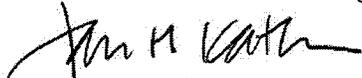
The Limtiaco Consulting Group, Inc., a Hawaii-owned small business engineering firm, appreciates this opportunity to express two major concerns regarding HB 1766, HD2, SD1.

1. As currently drafted, HB 1766, HD2, SD1 does not address all recreational improvements – parks, trails and harbors – across the State. A properly-worded bill is provided as SB 696, which is rectifies this problem.
2. Amend HB 1766, HD2, SD1 to delete language for submerged land leases. This does not belong in this bill.

Instead of HB 1766, HD2, SD1, I prefer SB 696 which provides DLNR the ability to make critical improvements, repairs, and maintenance to Hawaii's various outdoor recreational places critical to Hawaii's tax-paying residents, as well as visitors who select Hawaii because of its outdoor recreation.

Thank you for the opportunity to testify in opposition of HB 1766, HD2, SD1.

Respectfully,  
*The Limtiaco Consulting Group, Inc.*

  
John H. Katahira  
Principal

**kim4 - Elizabeth**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 3:51 PM  
**To:** WAM Testimony  
**Cc:** rgrune@nxgnco.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Randy Grune  
Organization: American Marine Corporation  
Address: 65 N. Nimitz Hwy., Pier 14 Honolulu, HI 96817-5021  
Phone: 545-5190  
E-mail: [rgrune@nxgnco.com](mailto:rgrune@nxgnco.com)  
Submitted on: 4/5/2009

**Comments:**

HB 1766 is not effective to address the recreational needs of the state.

We ask that you support SB 636 which is a comprehensive plan to address the recreational facilities across the state.

Additionally, we ask that you support the Recreational Renaissance CIP Budget.

Thank you.

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 10:23 AM  
**To:** WAM Testimony  
**Cc:** randy.grune@amsghq.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Randy Grune  
Organization: American Marine Corporation  
Address: 65 N. Nimitz Hwy., Pier 14 Honolulu, HI 96817-5021  
Phone: 545-5190  
E-mail: [randy.grune@amsghq.com](mailto:randy.grune@amsghq.com)  
Submitted on: 4/5/2009

**Comments:**

HB 1766 is not effective to address the recreational needs of the state. We ask that you support SB 636 which is a comprehensive plan to address recreational facilities across the state. Additionally, we ask that you support the Recreational Renaissance CIP Budget. Thank you.

## kim4 - Elizabeth

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 3:38 PM  
**To:** WAM Testimony  
**Cc:** randy.grune@amsghq.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Randy Grune  
Organization: American Marine Corporation  
Address: 65 N. Nimitz Hwy., Pier 14 Honolulu, HI 96817--5021  
Phone: 545-5190  
E-mail: [randy.grune@amsghq.com](mailto:randy.grune@amsghq.com)  
Submitted on: 4/5/2009

**Comments:**

HB 1766 is not effective to address the recreational needs of the state.

We ask that you support SB 636 which is a comprehensive plan to address recreational facilities across the state.

Additionally, we ask that you support the Recreational Renaissance CIP Budget.

Thank you.

## kim4 - Elizabeth

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, April 03, 2009 10:47 PM  
**To:** WAM Testimony  
**Cc:** princeofwaikiki@hotmail.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
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](mailto:princeofwaikiki@hotmail.com)  
Submitted on: 4/3/2009

**Comments:**

Aloha All:

This Bill is all about MONEY, to that end, I have the following suggestion to raise, AS MUCH OR MORE REVENUE,(THAN THE COMMERCIAL BOATS, DNLR WANTS IN THE ALAWAI HARBOR.

At present 15% = (129 Berths)these Boats, Berthed @ the Alawai Small Boat Harbor are LIVE A BOARDS, THEY PAY DOUBLE the Berth fee's as the other boats.

If DNLR would increase the present 15% LIMIT to 30% or more, LIVE A BOARD LIMITS, the increased REVENUE, would be EQUAL TO OR MORE than the Commercial Vessels would pay.IF MOVED TO THE ALAWAI.

No one who lives in the Alawai Small Boat Harbor area and calls it home, wants the Air Pollution, or the Commerical sounds that go with the Big Boats, as they would leave the Berths, sounding the boat horns, as REQUIRED by Mara time Law for Safety, NOISE,IS THE NUMBER ONE COMPLAINT,IN WAIKIKI.

living at the Ilikai Marina Condo, the first row of boats, is only 60 feet from my Building.It is the first row that DNLR wants for the Commercial Vessels as well as the 700 and 800 Rows.

these commercial Vessels would be 15% or 129 Berths.

As mentioned above more money, could be generated by the increase of LIVE A BOARD BERTHS, Equal to or more than the 15% LIMIT NOW.

The Waikiki Neighborhood Board # 9, is on record for the past Eight Years, as supporting (NO COMMERCIAL ACTIVITY'S,) in the Alawai Small Boat Harbor.

The Waikiki Area Residence Association, is also on record not Supporting Commercial Boats in the Alawai Small Boat Harbor.

The AOA of the Ilikai Marina as well as the AOA of the Ilikai Association of Condo Owners, do not support this bill.

Aloha,

Raymond A.Gruntz  
Member Waikiki Neighborhood Board #9  
Director Waikiki Area Residence Association Former Director Ilikai Marina Association

**kim4 - Elizabeth**

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**From:** rawcohi@cs.com  
**Sent:** Friday, April 03, 2009 10:03 PM  
**To:** WAM Testimony  
**Subject:** Testimony in opposition to HB 1766, HD2, SD1 Monday 4/06 at 0930 in room 211

**HB 1766, SD1 is truly poison to all concerned. Hold this bill!!**

Senate Committee on Ways and Means in room 211 on Monday, 6 April 2009 at 0930

THOUGHTS REGARDING THE PROPOSED RECREATIONAL RENAISSANCE  
HB 1766 or SB 636 or HB 980 or by whatever other name

Chair Kim and respected members of the Committee;

I do truly feel that we are lucky to have a DLNR management team that cares about our natural and recreational resources. I do think the proposed Recreational Renaissance Plan is a wonderful dream. Unfortunately this particular dream was put together without any stakeholder input. As a result, it misses the point in several very important places and therefore, this great dream could easily become our financial nightmare. It must have stakeholder input before enactment!

Did you know that Ala Wai Boat Harbor, verified by Marion Higa, was running at about a \$1.2 million annual surplus above costs until the slips had to be pulled out of service for maintenance? Did you know that the department is on the last legs of the slip renewal project at Ala Wai and that it soon will be restored to full revenue producing capability?

Has it ever occurred to you that if you lease out part of Ala Wai Harbor it will give to DLNR the same amount of income as they generate at present but will cost the boaters of Hawaii double what they now pay for the same thing? Don't give out the facilities that we have worked and paid for! Lease out undeveloped land for building new facilities, that's a real gain for all! Modify this bill so that the department may at any time, lease out for development into marinas or maritime enterprises, any presently undeveloped submerged and/or fast lands for such purposes. You'll aid in building an industry and you'll create jobs.

1. The harbors and boating facilities of Hawaii are owned and operated by the state for only one reason: To keep boating affordable for the people of Hawaii. This dream wants to turn all of our recreational marine facilities into "world class" establishments. Unfortunately, "world class" is not affordable for the average Hawaii boater. No, we must leave "world class" to the private developers like those at Koolina and concentrate on the original goal of providing serviceable facilities to the people of Hawaii at an affordable cost. We pay a "fee" and a "fee" has been defined over and over in law and case law as the recovery of the cost to provide a service or a facility. This means that all fees must regularly be justified and increased or reduced by the actual cost, not a real estate appraisal nor the cost of living or the consumer price index etc. Please do not change this system that enforces responsibility and accountability in the administration of our recreational harbors.

2. This dream RR special fund makes it even more difficult to assign costs as it further co-mingles expenses and charges so that it becomes more and more difficult to separate them one from the other for charging to the responsible department. That is to say, that by creating a fourth master fund and then mixing the monies from the original three special funds, it becomes very difficult to "follow

the money". This is only important because two of the funds receive regular taxpayer support while the boating special fund must, by law, be entirely self supporting. This is why the boaters resent it when their money is spent on projects other than boating facilities. Turn this proposed system around and let each fund pay it's own bills fed when and as required by the RR fund.

3. This bill speaks of leasing out land to make the division self supporting and to pay the reimbursement of the bond issues requested. This is a fine thought and it just might be doable, but that remains to be seen. The department has had the authority to do this for over twenty years and hasn't so far gotten around to it. Before issuing any bonds based for repayment by this plan, it should first be implemented and proven. The proposed land to be leased out seems to have many encumbrances that could deny the leasing of state marine waters of the area involved, or at the very least it could delay implementation of development, therefore delaying income from the leases. These concerns need to be addressed prior to issuing any bonds to be reimbursed by these leased out assets.

4. Bitter developer experience has proven that the present permitting process to plan and build marina facilities, even on private land, is mind boggling at best and totally destroying at worst. Cases in point:

a) Haseko and their effort for over 22 years to get permits to build a marina on land that they own at Ewa. Now, after all those years of determined effort, the permitted marina being built is about half the size originally proposed.

b) Jacoby in their quest to double the size of Honokohau Harbor at no cost to the state, on land leased from the state. A project that would have produced significant income into the boating special fund as well as creating businesses and jobs on the big island. Jacoby finally gave up and walked away.

Therefore, this bill must include provision to expedite the permitting process for development of marina and maritime facilities on land leased for the purpose from the state. This is no different from the same process approved for development of renewable energy sites.

5. Section 2 of this bill allows the chairperson to independently make many decisions that presently first require board or even legislative approval. Please do not destroy this system of checks and balances that preserves our land and our submerged lands.

6. Allowing commercial operations in Ala Wai Boat Harbor ignores the fact that the harbor is in the very center of a residential neighborhood and that there is no space on the roadways within the marina to handle all the traffic required by commercial operations. Forcing commercial operations into the limited recreational marina space we have in Hawaii is a disservice to the recreational boating community. There is a waiting list for recreational space at both of the marinas in question, Ala Wai and Keehi, and there is no waiting list for commercial space just four blocks down the street at Kewalo Basin, a commercial harbor. Leave the commercial operators at Kewalo and keep the traffic and noise off the streets and out of the channels in our recreational harbors. Do not change the use of our recreational harbors.

I could go on, but to what end? At this point I think it becomes obvious that this dream is not yet ready for prime time. It needs to go back to the department and the stakeholders to be worked into something that will serve us all as we go forward together. In the mean time, the department can go ahead and lease out the proposed light industrial lands and they can generate the income into the special funds so they will be able to pay for any bonds required to complete the job, and they may

even find out that with the income generated and the return of Ala Wai to full revenue generating capacity they truly don't even need the bonds after all.

Please bear in mind that in 2002 to 2004, prior to the recent almost 19% increase in fees, Ala Wai was generating a \$1.2 million annual surplus above costs. This is verified in Marion Higa's reports. In 2007 the stakeholders agreed to an across the board 8% increase in the base mooring fees and to two additional increases of 10% each dependant on the release of two \$10 million dollar reimbursable bonds. One of these bonds was issued and the fees were increased. All you have to do is issue the second \$10 million dollar bond and the second 10% fee increase will take place to more than cover the repayment of the funds at today's interest rates. The department has used the funds from the first bond issue to restore revenue flow by repairing or replacing deteriorated facilities at the most rewarding locations. The second issue will serve to restore the second tier income producing facilities to the revenue stream and better serve the boaters of Hawaii. When this work is completed, boating in Hawaii my well be able to support itself once again. All of this is already in place without HB1766 or HB980 or SB636 or whatever other disgui se this bill may take on during the remainder of this session.

Please hold HB 1766 or SB636 or HB 980 or whatever it's called today.

Thanks,

Reg White  
1540 S. King St.  
Honolulu, Hawaii 96826-2929  
(808) 222-9794  
RawcoHI@cs.com

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

## kim4 - Elizabeth

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 7:33 AM  
**To:** WAM Testimony  
**Cc:** konaron@yahoo.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ron Finelli  
Organization: Individual  
Address: 73-4469 Hane st Kailua Kona  
Phone: 8089891758  
E-mail: [konaron@yahoo.com](mailto:konaron@yahoo.com)  
Submitted on: 4/4/2009

**Comments:**

The Recreational Renaissance bill is extremely important to pass, especially in these tough times. The citizens of Hawaii need the improvements and projects to help soften the trials of the economic recession from which we all suffer. Please support this legislation

## kim4 - Elizabeth

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 8:40 AM  
**To:** WAM Testimony  
**Cc:** bnakashima@hawaii.rr.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Brian Nakashima  
Organization: Hawaii Island Public Shooting Range Working Group  
Address: 81-6347 Keopuka Mauka Pl. Kealahou, HI  
Phone: 808-323-2757  
E-mail: [bnakashima@hawaii.rr.com](mailto:bnakashima@hawaii.rr.com)  
Submitted on: 4/4/2009

**Comments:**

I believe that any attempt to upgrade and provide for recreational activities in the state is commendable.

However, I believe that the Recreational Renaissance measure as proposed by the Department of Land and Natural Resources is a more effective means of providing for these activities.

I strongly urge that no other bills be allowed to dilute or detract from a more complete measure as the Recreational Renaissance measures proposed by DLNR. I have attended local meetings regarding the measure and consider the proposals worthy of strong support.

**kim4 - Elizabeth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 11:44 AM  
**To:** WAM Testimony  
**Cc:** seatour@aloha.net  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Ronnie Grover  
Organization: Kauai Sea Tours  
Address: 4310 Waialo Rd/ 4353 Waialo RD Eleele, HI 96705  
Phone: 808-335-5309  
E-mail: [seatour@aloha.net](mailto:seatour@aloha.net)  
Submitted on: 4/4/2009

**Comments:**

Please do not support HB1766 as it does not effective to help the facilities across the state.

## kim4 - Elizabeth

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**From:** Charles Carroll [cclandc@yahoo.com]  
**Sent:** Saturday, April 04, 2009 1:04 PM  
**To:** WAM Testimony  
**Subject:** HB 1766 Hd 1 Sd1

Dear Sirs;

My name is Charles Carroll. I am the President of the Board of Directors of the Ilikai.

Undoubtedly, you know that the Ilikai is directly across the street from the Ala Wai boat harbor. What you may not know is that the Ilikai has over 1000 apartments, and of these, almost 700 are private residences. The Ilikai is home for these people. Many of these people have lived here for 20 years, some since the buildings inception.

The changes you are considering to the boat harbor would significantly impact our residential neighborhood.

There would be increased noise, at unreasonable hours, increased traffic to contend with, and increased pollution from the diesel boats and ground transportation.

We are concerned that vans (or buses) entering the harbor will exit via Dewey Lane. Permission to use Dewey Lane was given by the Iliaki (who owned it) to provide pedestrian beach access. It was never intended to be used as a thoroughfare for vehicles.

We believe that the changes that you are contemplating will adversely effect our residents enjoyment of their homes.

It will forever change what is now a relatively quiet residential neighborhood for the worse.

I have received many e mails and calls pertaining to this matter, and I can honestly say that not a single one of them has been in favor of this proposal. To the contrary, several people have asked me why their government seems like it is always pursuing money, rather than preserving our quality of life. When does this pursuit of money end? Why isn't our quality of life of greater value?

On behalf of the residents of the Ilikai I urge you to defeat this proposal.

Thank you for your consideration.

Charles Carroll

**kim4 - Elizabeth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 2:16 PM  
**To:** WAM Testimony  
**Cc:** careyandwally@hotmail.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Carey Johnston  
Organization: Individual  
Address: 1661 Ala Moana Blvd Honolulu HI 96815  
Phone: 9270160  
E-mail: [careyandwally@hotmail.com](mailto:careyandwally@hotmail.com)  
Submitted on: 4/4/2009

Comments:

## kim4 - Elizabeth

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 4:09 PM  
**To:** WAM Testimony  
**Cc:** cutlass99@gmail.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Mike Rush  
Organization: Individual  
Address:  
Phone:  
E-mail: [cutlass99@gmail.com](mailto:cutlass99@gmail.com)  
Submitted on: 4/4/2009

Comments:

**kim4 - Elizabeth**

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**From:** Bobbi [beegee@pixi.com]  
**Sent:** Saturday, April 04, 2009 7:32 PM  
**To:** WAM Testimony  
**Subject:** Bill HB1766 HD1 SD1

Aloha,

Regarding Measure HB1766 HD1 SD1 to be heard Monday April 5, 2009 at 9:30am I am definitely OPPOSED to this bill.

I cannot understand the reason for the privatization of Ala Wai Boat Harbor. It will only raise the rates in the harbor for boaters and in this economy this is NOT what one wants to do if they have any conscience. AND there are already residential units in Ala Wai Boat Harbor. As for commercial boats. There are now believe it or not.

Respectfully,  
B. Godes

## kim4 - Elizabeth

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, April 04, 2009 7:45 PM  
**To:** WAM Testimony  
**Cc:** costbenefit@hawaii.rr.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Diana Cummings  
Organization: Individual  
Address:  
Phone:  
E-mail: [costbenefit@hawaii.rr.com](mailto:costbenefit@hawaii.rr.com)  
Submitted on: 4/4/2009

**Comments:**

I strongly oppose this bill and will be very disappointed if it passes. I can not believe that Hawaii will sell its soul for anything. Where is the aloha in that? Please, please do not pass this bill.

## kim4 - Elizabeth

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**From:** Pfeffer [pfefferr001@hawaii.rr.com]  
**Sent:** Saturday, April 04, 2009 9:04 PM  
**To:** WAM Testimony  
**Subject:** HB1766HD1SD1 Committee: WAM Monday April 6, 2009, 9:30AM Conference Room 211

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

*I am opposed to HB1766HD1SD1. This bill gives public property that belongs to the people of Hawaii to the developers and allows them to make fortunes using the public's land for a pittance. This bill steals the land from the Hawaiian people, the fishermen, the boaters, the canoe paddlers and the surfers.*

*If this bill passes I will work to defeat any representative who voted for the bill and betrayed the public trust. I will support a legal challenge to require an EIS for any work done in the name of this bill. This bill promotes a dangerous mix of commercial boats, sailboat classes, surfers, and non-commercial boaters in an already crowded harbor.*

*Roger Pfeffer*

**kim2 - Arline**

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**From:** Les Parsons [cascadesunrise@hotmail.com]  
**Sent:** Saturday, April 04, 2009 9:31 PM  
**To:** WAM Testimony  
**Subject:** Comments - HB 1766, HD2, SD1

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Senate Committee on Ways and Means  
Decision Making HB 1766, HD2, SD1  
April 6, 2009 at 9:30 AM  
Conference Rm. 211**

**OPPOSE**

**Honorable Senator Donna Mercade Kim, Chairperson  
Honorable Senator Shau Tsutsui, Vice-Chair  
Honorable Committee Members**

**I am a long-time sailor/voyager and a boater at the Ala Wai Small Boat Harbor. My name is Les Parsons. I understand your committee will accept written comments prior to decision-making. Mine will be brief.**

**I am both dismayed and perplexed as to why this measure is being considered by your Committee. I, and others, presented both written and oral opposition testimony when this bill was heard late in the evening on March 23, 2009 by the Senate WTL Committee.**

**NOT ONE PERSON appeared before the Committee to submit oral testimony in support of the bill!**

**Yet it passed out of the Committee with but a few letters written in support. Furthermore, it is not generally known what party or parties would financially benefit by passage of HB 1766, HD2, SD1. Who's behind the proverbial curtain? A deep-pockets mainland corporation? We don't know!**

**I urge you to carefully review previous written opposition testimony by informed and concerned citizens and stakeholders who would be adversely and perhaps irreparably affected – some of whom likely would wish to pursue a possible/probable legal remedy to this outrageous scheme for privatization and commercialization of the Ala Wai. A scheme which wise lawmakers in the past have soundly rejected.**

**Thank you for considering my comments.**

**Les Parsons**

**1741 Ala Moana Blvd. #82**  
**Honolulu, HI 96815**

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 12:25 AM  
**To:** WAM Testimony  
**Cc:** HARRISMDW001@hawaii.rr.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: William Harris  
Organization: Individual  
Address: 1765 Ala Moana Blvd. #1880 Honolulu, HI 96815  
Phone: (808) 941-8151  
E-mail: [HARRISMDW001@hawaii.rr.com](mailto:HARRISMDW001@hawaii.rr.com)  
Submitted on: 4/5/2009

### Comments:

I oppose this bill on the grounds that the Ala Wai small boat harbor will be degraded by commercial boat operations. Hobron lane is the primary exit from the harbor and boat operations here will only increase the traffic impediments.

The large commercial boats will pose a hazard to surfers in Ala Moana Bowl, canoe paddlers, recreational sailors, and swimmers because of the narrow channel they must all use.

In addition, while the state may profit from the revenues, C&C will take a loss, since property values and the concomitant property taxes from the nearby Ilikai buildings will be diminished as a result of the early morning noise generated by the boat operations.

I am writing to urge you to REJECT BILLS HB-1766 AND HB-2. Although the details of these bills differ to some degree, THEY SHARE THE FOLLOWING PRIMARY FLAWS:

1. **UNWARRANTED COMPLEXITY.** The bills seek to provide a methodology for determining usage fees for the submerged and fast lands comprising the Ala Wai Small Boat Harbor, by establishing a cumbersome and expensive scheme of appraisals that are explicitly de-linked from the value of the use of those submerged and fast lands. This scheme will, without doubt, lead to numerous rounds of individual negotiations and court challenges at inestimable additional expense to the State. Abandoning for the moment the argument that existing usage fees established for the harbor are or are not adequate, if the intent of these bills is to provide a methodology for increasing those fees and the State's incident revenues, a reasonable methodology already exists and is the methodology that has been used to increase usage fees throughout the history of the harbor. The mechanisms proposed by these bills are unnecessary.
2. **PIECEMEAL LEASING OF PUBLIC SUBMERGED AND FAST LANDS.** The bills provide for piecemeal leasing of small lots of the publicly owned submerged and fast lands comprising Ala Wai Small Boat Harbor, and establish a slippery slope whereby it is entirely conceivable that other coastal lands under the control of DLNR and other State agencies may be leased to private entities in small lots. If either, or both, of these bills is approved and implemented, the day that portions of Hawaii's beaches, bays, reefs and other coastal resources become the exclusive domains of private entities will not far behind.
3. **INADEQUATE PROTECTION OF TRADITIONAL GATHERING RIGHTS AND CULTURAL PRACTICES.** By providing exclusive access to extensive areas of the submerged and fast lands comprising Ala Wai Small Boat Harbor, the bills eliminate traditional access to those lands, and infringe upon the public trust doctrine set forth in Hawaii's constitution.
4. **COMMERCIALIZATION OF LANDS SET ASIDE FOR RECREATIONAL PURPOSES.** Both bills seek to convert submerged and fast lands comprising Ala Wai Small Boat Harbor from recreational use to commercial use. Hawaii's boating public and associated industries suffer from a very limited supply of slips and mooring opportunities for recreational vessels. The conversion proposed by these bills will reduce the number of slips and moorings for recreational vessels by an amount that is significant for both the Ala Wai Small Boat Harbor and for the State overall, without making adequate provision for timely replacement of the associated recreational resources. Furthermore, the conversion is unnecessary given the existing pattern of commercial uses at the adjacent Kewalo Basin harbor. Although Kewalo Basin has recently been removed from DLNR control, the viability of Kewalo Basin for commercial uses is well-established by the longstanding history of such uses at that facility, and is not impaired by the transfer from DLNR's control. Given the existing supply of

commercial mooring opportunities at Kewalo Basin, and the number of vacant or under-utilized slips in that harbor, it is difficult to presume that there is unsatisfied market demand for such commercial mooring, and to further presume that that demand must be satisfied at Ala Small Boat Harbor. In considering these bills, one must ask the question: What is to be gained (and who, ultimately, will profit) by commercializing Hawaii's recreational resources?

5. **AQUIESCENCE OF STATE RESPONSIBILITY FOR MANAGEMENT OF STATE LANDS.** Bill 1766 provides for privatization of the management of what is perhaps the jewel of Hawaii's small boat harbors, removing that responsibility from DLNR and placing it in the hands of one or more private, for-profit entities. When State agencies are permitted to acquiesce in their responsibilities to the people of Hawaii, the State fails to govern.

While the subject bills have many other individual and common flaws, those noted above are more than sufficient for you to REJECT BILLS HB-1766 AND HB-2.

Mahalo for your kind and reasoned consideration of these comments.

Submitted by: Gordon S. Wood  
1164 Bishop Street, Suite 124  
Honolulu, Hawaii 96813

Date: 5 April 2009

## kim2 - Arline

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**From:** Bill Beadle [bilniceguy@hotmail.com]  
**Sent:** Sunday, April 05, 2009 7:02 AM  
**To:** WAM Testimony  
**Subject:** HB1766 Opposed

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Aloha Legislators,

I am a resident of the Ala Wai neighborhood and a slip holder in the Ala Wai Harbor. I am opposed to any commercialization of the Ala Wai for the following reasons: limited slips and long waiting lists for recreation boaters, increased congestion of both harbor and roadways, increased hazards for recreational boaters and junior sailors. Commercial boating doesn't belong in the Ala Wai, residential condominiums look right down on the front row, where commercial operators would start up their diesels at 5 a.m. for their early departure to the fishing grounds. Buses and transport vehicles would jam the already crowded street in front of the Ilikai and Prince Hotels. The junior sailors would be learning their skills in the channel as dozens of commercial boats hustle in and out of the channel trying to squeeze as many buks as possible out of the day. One incident will take away any evenues that DOBOR thinks they will make, not to mention the loss of life or limb by a young sailor.

Please kill this legislation, it has never passed the sniff test of public hearing and input.

Aloha, William Beadle  
1760 Ala Moana, 1406 A  
Honolulu, HI 96815  
CI: 808-352-0350

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 8:16 AM  
**To:** WAM Testimony  
**Cc:** jct3kona@hawaii.rr.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: J. Curtis Tyler III  
Organization: Individual  
Address: 73-1305 Hiolani Street Kailua-Kona, HI 96740  
Phone: 808 325-6600  
E-mail: [jct3kona@hawaii.rr.com](mailto:jct3kona@hawaii.rr.com)  
Submitted on: 4/5/2009

### Comments:

HB 1766 is not effective to address the recreational needs in the state. Please support the real Recreational Renaissance, Senate Bill 636, including the related CIP budget, which is a more comprehensive plan to address recreational facilities throughout Hawaii nei.

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 8:50 AM  
**To:** WAM Testimony  
**Cc:** mckraft@hotmail.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Michael Kraft  
Organization: Individual  
Address:  
Phone: 808 372 4661  
E-mail: [mckraft@hotmail.com](mailto:mckraft@hotmail.com)  
Submitted on: 4/5/2009

Comments:  
Committee: WAM

DATE: Monday April 6, 2009, 9:30AM

PLACE: Conference Room 211

POSITION: OPPOSE

SUBJECT: HB1776 SD1 HD1

I am opposed to this bill. I am a boat owner and residence of Hawaii. This bill is nothing more than a power grab by the DNL. It will not benefit the people of Hawaii. It will commercialize Public Land. Public Land is meant for free use of the public. This bill is meant to benefit the rich at the cost of the poor. This is not a time to increase the cost to the public, Hawaii is a very expensive place, there has to be some activities that people can afford. These bills will add additional costs to the public. This bill is designed to get rid of the common boater and turn the harbor into one meant for millionaires. Many people I have spoken to feel someone is getting paid off to support this bill. Is this true? If this bill continues expect continuous legal action. Please do not let this bill continue further

Sincerely,

Michael C. Kraft  
PO Box 88691  
Honolulu Hawaii 96830  
808 372 4661

## kim4 - Elizabeth

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 2:42 PM  
**To:** WAM Testimony  
**Cc:** snojima@grayhongnojima.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Sheryl E. Nojima  
Organization: Individual  
Address: 841 Bishop Street, #1100 Honolulu, HI 96813  
Phone: 521-0306  
E-mail: [snojima@grayhongnojima.com](mailto:snojima@grayhongnojima.com)  
Submitted on: 4/5/2009

**Comments:**

1. As currently drafted, HB 1766, HD2, SD1 does not address all recreational improvements - parks, trails and harbors - across the State. A properly-worded bill is provided as SB 696, which rectifies this problem.
2. Amend HB 1766, HD2, SD1 to delete language for submerged land leases. This does not belong in this bill.

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 10:21 AM  
**To:** WAM Testimony  
**Cc:** ailaw001@hawaii.rr.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: william and melva aila  
Organization: Individual  
Address: 86-630 Lualualei Homestead rd. Wai'anae, Hawai'i 96792  
Phone: 330-0376  
E-mail: [ailaw001@hawaii.rr.com](mailto:ailaw001@hawaii.rr.com)  
Submitted on: 4/5/2009

### Comments:

Aloha Chair Kim! and members of the committee on Ways and Means. Please hold HB 1766 HD2 SD1. this bill is not needed. Repairs to the Ala Wai are on schedule. The findings section of the Bill is not accurate. There is no protection nor appeal process for the public should they disagree with an appraised fee. The appraised fee will likely be compared to private facilities which is not an accurate comparison. The language in this bill as it directs DLNR to offere up an RFP process is confusing and difficult to understand. For all of the reasons listed above please hold this bill. Mahalo for the opportunity to testify against HB 1766 HD1 SD1.

## kim2 - Arline

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 05, 2009 2:31 PM  
**To:** WAM Testimony  
**Cc:** jbmkona@gmail.com  
**Subject:** Testimony for HB1766 on 4/6/2009 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 4/6/2009 9:30:00 AM HB1766

Conference room: 211  
Testifier position: support  
Testifier will be present: No  
Submitted by: jean bevanmarquez  
Organization: Individual  
Address: 83-5358a mamalahoa hwy Honaunau, Hawaii  
Phone: 8089876249  
E-mail: [jbmkona@gmail.com](mailto:jbmkona@gmail.com)  
Submitted on: 4/5/2009

### Comments:

Upgrading of the harbors, shoreline parks and mauka facilities is vital to conserving our visitor industry as well as respecting out kama'aina. The deplorable condition of most harbor and ramp facilities must be improved for safety and usability. Clean, maintained restrooms, designated trails and shoreline access are vital to welcoming people to our cherished outdoor resources. We have more beautiful environments than anywhere in the world, yet we look less than third world. It is now time to invest in this resource.