

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

HOUSE COMMITTEE ON FINANCE

H.B.980 HD1, RELATING TO RECREATIONAL RENAISSANCE

Testimony of Chiyome Leinaala Fukino, M.D.      Written  
Director of Health      Testimony Only

March 3, 2009  
5:00 p.m.

1    **Department's Position:** The Department supports this measure because ensuring that Hawaii's parks,  
2    trails, and ocean recreation facilities are improved and maintained may encourage active use of the  
3    resources thereby promoting the well-being of Hawaii's people.

4    **Fiscal Implications: None**

5    **Purpose and Justification:** The purpose of House Bill 980 HD1 is to provide for the improvement and  
6    long-term maintenance of the state's parks, boating facilities and forest recreation areas through an  
7    initiative known as the Recreational Renaissance Program. The Department strongly supports this  
8    measure because it will sustain our natural resources and outdoor spaces where current and future  
9    generations can be physically active. Continued improvement, maintenance and promotion of state  
10    parks and trails have the potential to attract more residents to take part in the active recreational  
11    opportunities that are available in Hawaii. In the United States and Hawaii, there is a severe lack of  
12    physical activity among adults and adolescents. Regular physical activity contributes significantly to  
13    health outcomes, sense of well-being, and maintenance of a healthy weight. Regular physical activity  
14    has been shown to reduce the risk of certain chronic diseases such as high blood pressure, stroke,  
15    coronary heart disease, diabetes, and osteoporosis. During these difficult fiscal times for everyone,

**HB980 HD1**

**Page 2 of 2**

1 support for this measure will provide attractive and affordable recreational options available to Hawaii's  
2 families. This measure is an opportunity to take care of Hawaii's natural resources and the health of the  
3 public.

4 Thank you for the opportunity to provide testimony.

5

6



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE  
GOVERNOR  
THEODORE E. LIU  
DIRECTOR  
MARK K. ANDERSON  
DEPUTY DIRECTOR

No. 1 Capitol District Bldg., 250 South Hotel St., 5th Flr., Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [www.hawaii.gov/dbedt](http://www.hawaii.gov/dbedt)

Tel.: (808) 586-2355  
Fax: (808) 586-2377

**THEODORE E. LIU**

**Director**

Department of Business, Economic Development, and Tourism  
before the

**HOUSE COMMITTEE ON FINANCE**

Tuesday, March 3, 2009

5:00 p.m.

State Capitol, Conference Room 308

in consideration of

**HB 980 HD 1**

**RELATING TO RECREATIONAL RENAISSANCE**

Chair Oshiro, Vice Chair Lee, and members of the House Committee on Finance.

DBEDT strongly supports HB 980 HD1 which would ensure that Hawaii's parks, trails, and ocean recreation facilities are at world class levels. As a result several positive impacts to the economy will follow.

Open space, conservation, and the quality of the recreational environment is an investment that produces important economic benefits. This is particularly true for Hawaii which depends on the quality of its natural environment as an important part of its tourism product. Domestic and international tourism has been negatively impacted by the current recession and credit crisis. To be competitive in attracting tourism back to the Islands as the economy recovers, it is important that the natural environment and recreational opportunities be first class.

In addition to this very direct economic imperative for tourism, upgrading our nature-based recreational environment is important for:

- Attracting Investment: Parks and open space create a high quality of life that attracts tax-paying businesses and residents to communities;

- Preventing Flood Damage: Floodplain protection offers a cost-effective alternative to expensive flood-control measures;
- Safeguarding the Environment: Open space conservation is often the cheapest way to safeguard drinking water, clean the air, and achieve other environmental goals.

This bill will help the State grow smart, attract investment, revitalize urban areas, and boost tourism, all while safeguarding the environment and preserving parks and open space.

Thank you for the opportunity to provide this testimony.



## ALOHA TOWER DEVELOPMENT CORPORATION

TOPA Financial Center, Bishop Street Tower, 700 Bishop Street, Suite 1701, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Website: [www.alohatower.org](http://www.alohatower.org)

**LINDA LINGLE**  
Governor  
**MELISSA PAVLICEK**  
Chairperson  
**SANDRA PFUND**  
Chief Executive Officer

Telephone: (808) 586-2530  
Fax: (808) 586-3046  
E-mail: [atdc@alohatower.org](mailto:atdc@alohatower.org)

Statement of  
**Sandra Pfund**  
Chief Executive Officer  
Aloha Tower Development Corporation  
before the  
**House of Representatives**  
**Committee on Finance**  
Tuesday, March 3, 2009  
5:00 P.M.  
State Capitol, Conference Room 308

in consideration of

**HB 980, HD1**  
**RELATING TO RECREATIONAL RENAISSANCE**

Chair Oshiro, Vice-Chair Lee, and Members of the House Committee on Finance.

The Aloha Tower Development Corporation (ATDC) commends the Department of Land and Natural Resources (DLNR) for their effort to develop a comprehensive and coordinated infrastructure improvement program for state parks, recreational boating facilities and trails. The ATDC recognizes the importance of the purpose and intent of this measure and believes that a comprehensive approach to improving the state's recreational facilities will produce significant benefits to the state.

House Bill 980 includes the participation of ATDC in providing assistance to the Recreational Renaissance Plan through the development of future recreational opportunities and revenue generation through the creation of new land area in the Keehi Lagoon. If the legislature passes this bill, ATDC is prepared to assist DLNR in its implementation.



## HAWAII KAI NEIGHBORHOOD BOARD

**GREG KNUDSEN**  
At-Large  
Chairperson

**ELIZABETH REILLY**  
At-Large  
Vice Chairperson

**JEANETTE HANSON**  
Subdistrict #6  
Secretary-Treasurer

**RENÉ GARVIN**  
At-Large

**NORMA KEHRBERG**  
At-Large

**ROBERT CLARK**  
Subdistrict #1

**MARIAN GREY**  
Subdistrict #2

**CARL MAKINO**  
Subdistrict #3

**STEPHEN GEIMER**  
Subdistrict #4

**GARY WELLER**  
Subdistrict #5

**DAVID LIVINGSTON**  
Subdistrict #7

**MATT DIRKS**  
Subdistrict #8 (elect)

**DAVID TANABE**  
Subdistrict #9

**AARON ISGAR**  
Subdistrict #10

**WAYNE LEVY**  
Subdistrict #11

Hawaii Kai  
Neighborhood Board No. 1  
c/o Neighborhood Commission  
530 So. King St., Rm. 406  
Honolulu, Hawaii 96813  
Phone: (808) 768-3710  
Fax: (808) 768-3711

Web Pages:  
• [www.honolulu.gov/nco/nb1](http://www.honolulu.gov/nco/nb1)  
• [HKNB.org](http://HKNB.org)

*Hawaii Kai Neighborhood Board meets the last Tuesday of every month (except Dec.), 7 p.m., Hahaione Elementary School cafeteria. The public is welcome to attend.*

### Testimony Opposed to House Bill 980 – Recreational Renaissance Bill

House Committee on Finance  
Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

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

### STATE WOULD LOSE MONEY WITH FEES AT KA IWI; RECREATIONAL RENAISSANCE VIOLATES KA IWI MASTER PLAN

On February 24, the Hawaii Kai Neighborhood Board agreed “to oppose the imposition of user fees at Ka Iwi Scenic Shoreline, including at Makapuu Lighthouse Trail, and to support the removal of Ka Iwi from the list of state parks affected by House Bill 980 (‘Recreational Renaissance’ Bill).”

The board approved its position after a presentation and discussion with representatives from DLNR that included the following points:

- While user fees are not listed in HB 980, they are implicit in its financial plan, and DLNR has announced its intention of imposing user fees at Ka Iwi.
- DLNR’s estimate of fee collections at the Makapuu Lighthouse Trail at Ka Iwi was derived from the wrong data and was incorrect.

Instead of making money at Ka Iwi, the state would lose money there. According to correct Hawaii Tourism Authority data, only 29,400 non-resident tourists used the trail in 2007. Based on \$5 per car (with multiple occupants) and \$1 per walk-in, the state might average about \$1.50 per non-resident hiker. This would bring in less than \$45,000 a year – and the cost of an attendant to collect the fees is \$85,000, plus the cost of a ticket booth and other probable amenities.

DLNR has acknowledged to me that they used the wrong data, and that their collections would not cover the costs of imposing fees at Ka Iwi. Yet, during our neighborhood board meeting last week, the DLNR representatives said nothing about rescinding their plan to impose fees at Ka Iwi.



## HAWAII KAI NEIGHBORHOOD BOARD

House Committee on Finance: Testimony Opposed to HB 980

March 3, 2009

Page 2 of 2

- Fees would commercialize Ka Iwi and cause the state to market the area to more and more tourists in order to generate revenue. This would drive out local use, as is evident at Diamond Head and Hanauma Bay where fees are already imposed.
- The board is also calling for the complete removal of Ka Iwi from the Recreational Renaissance plan. The Ka Iwi State Park Master Plan (1997) made specific recommendations intended to keep the Ka Iwi area in a natural, undeveloped condition. There is no mention of user fees in the document. The Recreational Renaissance is incompatible with this approved master plan.
- Further, Section 10 of HB 980 details a list of construction projects (including “comfort stations; pavilions; cabins; camping areas; picnic areas; visitor/educational/ranger station centers; concession facilities; caretaker residences,” etc.) that would be authorized at any or all of a detailed listing of state parks – including Ka Iwi. While the current administration insists that it has no major building plans at Ka Iwi, future administrations might use HB 980’s authorization to force unwanted and un-needed development into the Ka Iwi park.
- Further, the list of authorized projects on state land at Ka Iwi, including “cabins,” would have an extremely negative effect on the on-going community battle to prevent development on privately owned preservation land in the Ka Iwi Mauka area.
- Charging fees at Pali Lookout, the other Oahu site proposed for fees, would drastically alter the now enjoyable experience for visitors and residents alike.
- The imposition of user fees on non-resident tourists is also “nickel and dollaring” tourists at a time when visitor counts are dropping. This contradicts efforts by the Hawaii Visitor and Convention Bureau to promote the value of a Hawaii vacation. HVCB recently produced a list of 150 free things to do in Hawaii, including a stop at Pali and hiking the Makapuu Lighthouse Trail.

There are many good proposals and much needed projects included in the Recreational Renaissance plan. However, it should be amended to eliminate the imposition of non-resident tourist user fees, and Ka Iwi Scenic Shoreline park should be removed entirely from the plan to ensure that the area remains open and pristine.

Aloha,



Greg Knudsen, Chairperson  
Hawaii Kai Neighborhood Board  
1205 Kaeleku Street  
Honolulu, Hawaii 96825  
395-3725, 224-0790  
knudsen123@gmail.com



WRITTEN TESTIMONY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 980, H.D. 1

March 3, 2009

RELATING TO RECREATIONAL RENAISSANCE.

House Bill No. 980, H.D. 1, will provide the Department of Land and Natural Resources (DLNR) with the statutory authority necessary for DLNR to implement the Recreational Renaissance Plan.

The Department strongly supports House Bill No. 980, H.D. 1, as it provides a comprehensive framework for DLNR to upgrade and maintains State parks, trails, and ocean recreational facilities at world-class levels. Furthermore, the bill enhances DLNR's ability to protect our natural resources. In addition to providing for the improvement and maintenance of the parks, trails and ocean facilities, the Plan addresses the funding necessary to implement the Plan.

The Department has been working with DLNR primarily on the funding aspect of the Plan and strongly supports the \$40 million in general obligation bond funding and \$67.8 million in general obligation reimbursable bond funding for the upcoming biennium budget period. The projected revenue stream as estimated by DLNR will be sufficient to pay the \$67.8 million general obligation reimbursable bond debt service. The Department will work closely with DLNR to ensure that revenues are sufficient to pay the reimbursable debt service prior to the general obligation reimbursable bonds being issued.

Thank you for the opportunity to provide testimony on this measure.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA  
DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA  
IN REPLY REFER TO:

March 3, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 980, H.D.1,  
RELATING TO RECREATIONAL RENAISSANCE.

COMMITTEE ON FINANCE

The Department of Transportation (DOT) **supports** the intent of this bill, which is to provide the statutory framework for a comprehensive, statewide plan to improve, protect, and sustain our state parks, our small boat harbors, and our ocean recreational facilities. We are pleased to see the Department of Land and Natural Resources (DLNR) embark on this new strategic plan to upgrade and expand land and ocean-based infrastructure on all islands. In particular, the DOT supports DLNR's two major initiatives to expand recreational opportunities in the Keehi Lagoon Triangle and to add capacity for commercial mooring space outside of Honolulu Harbor. With the development of the Kapalama Military Reservation (KMR) in Honolulu Harbor, DLNR's capacity to accommodate certain commercial operations outside of Honolulu Harbor will greatly assist the DOT in resolving our harbor congestion issues.

The Committee on Water, Land, and Ocean Resources made numerous amendments to Senate Bill No. 980. We defer the merits of these amendments, to DLNR.

Thank you for the opportunity to testify on this bill.

*Hawaii's Thousand Friends*

251 Hahaione Ave., Suite 102., P.O. Box 262 • Kailua, HI 96734 • Phone/Fax: (808) 252-0522 E-mail: [HTF@lava.net](mailto:HTF@lava.net)

Committee is requesting original and 1 copy

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

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
*Conference Room 308*

**HB 980, HD1 (HSCR538) Relating to Recreational Renaissance  
March 3, 2009, Conference Room 308, State Capitol**

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

Committee Chair and Members:

Careful legislators among you who have spent significant parts of your lives trying to make government work better through sound laws, are hardly going to enjoy examining a proposed law like HB980 that takes considerable assets of the State and hands them over to private parties because, as this proposal states, "Keeping our parks, trails, and ocean recreation facilities at world class levels requires more resources than have been available in the past." This is classic Nobel economist Joseph Stiglitz privatization pattern: a rightist government sweeps into office, does not like its bills and responsibilities, and gives the state's public trust resources to its friends. This kind of privatization, exemplified in this bill, cannot proceed in Hawaii without unraveling important public advantages this legislature has been at great trouble to build over many years. It is plain from this bill that the Department of Land and Natural Resources does not want the responsibilities you have given it, so it has come to you for permission to dump them. This bill does not lead to any Renaissance at all.

Hawaii's Thousand Friends has been concerned about Public Trust lands and their preservation from its inception 25 years ago. We have also been concerned about preserving the trust status of the ceded lands (a matter that is not resolved.) There are many of both kinds of lands in this extensive package that names each and every one of the parks and boating harbors of the state. What we are particularly upset about is that throughout this proposed law it is stated that this program will be done "all other laws

notwithstanding", a designation that makes it impossible to place the issues this legislation raises in any kind of legal framework.

For example, in the matter of boating, this proposed law does the following:

Eliminates all laws and rules governing boating facilities. The following are a few of the laws from which private business will be exempt:

- §200 - 1 Definitions, including;
  - Beaches encumbered with easements in favor of the public
  - Ocean waters, all waters seaward of the shoreline within the jurisdiction of the State
  - Shoreline
- §200-2 Board of land and natural resources, powers and duties.
- §200 -3 Ocean recreation and costal areas programs, including:
  1. Managing and administering the ocean-based recreation and coastal areas programs of the State;
  2. Planning, developing, operating, administering, and maintaining small boat harbors, launching ramps, and other boating facilities and associated aids to navigation throughout the State. (Emphasis added)
  3. Developing and administering an ocean recreation management plan;
  4. Administering and operating a vessel registration system for the State;
  5. Regulating the commercial use of boating facilities;
  6. Regulating boat regattas and other ocean water events;
  7. Administering a marine casualty and investigation program;
  8. Assisting in abating air, water, and noise pollution
  9. Conducting public education in boating safety;
  10. Administering the boating special fund;
  11. Arising in controlling shoreline erosion
  12. Repairing seawalls and other existing coastal protective structures under the jurisdiction of the State; and
  13. Removing nonnatural obstructions and public safety hazards from the shoreline, navigable streams, harbors, channels, and costal areas of the State.
- §200-6 Limitation of private use of ocean waters and navigable streams.
- §200-10 Permits and Fees
- §200-11 Existing Permits
- §200-13 Marine Inspections
- §200-14 Violation of Rules and Penalty
- §200-16 Mooring of Unauthorized Vessel in State Small Boat Harbors and Offshore Mooring Areas; Impoundment and Disposal Proceedings.
- §200-21 Declaration of policy. The legislature hereby finds, determines, and declares that this part is necessary to promote and attain:
  1. The full use and enjoyment of the waters of the State;
  2. The safety of persons and the protection of property as related to the use of the waters of the State;
  3. A reasonable uniformity of laws and rules regarding the use of the saters of the State; and
  4. Conformity with, and implementation of, federal laws and requirements.
- §200-26 Arrest or citation.
- §200

On March 27, 2002, we testified to your Committee on the matter of Kechi 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 Kechi 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.

We include in this testimony our testimony regarding HB 1766, HD1 as it pertains to the Ala Wai Small Boat Harbor because HB 1766 and HB 980 overlap in subject matter, and our opposition to this Bill is recited there with more particulars.

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 55-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?

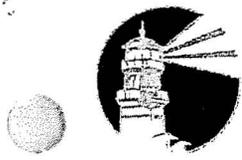
Once a contract is awarded, it is too late.

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.

Now here we are again asking you, for good reason, not to advance this sweeping and drastic bill, HB 980, HD1.

Because the huge inventory of lands and facilities listed in this bill belongs to the people of Hawaii in general, and to the Public Trust Lands and Ceded Lands in part, and cannot be disposed of under the Constitution, laws and agreements of the State of Hawaii, as this bill proposes, we strongly urge this Committee to hold this bill.



# Ocean Tourism Coalition

*The Voice for Hawaii's Ocean Tourism Industry*  
820 Mililani Street, #810  
(808) 537-4308 Phone (808) 533-2739 Fax  
office@oceantourism.org

March 3, 2009

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

Presented By: Tim Lyons, CAE  
Executive Director

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

Chair Oshiro and Members of the Committee:

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

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

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

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

With the above exception, we support this bill.

Thank you.



Ocean Tourism Coalition

*The Voice for Hawaii's Ocean Tourism Industry*  
820 Mililani Street, #810  
(808) 205-1745 Phone (808) 533-2739 Fax  
office@oceantourism.org

March 3, 2009

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

Representative Marcus Oshiro, Chair

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

Subject: H. B. 980 HD1 RELATING TO RECREATIONAL RENAISSANCE

**Conditional Support of HB 980 HD1 with proposed amendments**

Chair Oshiro and Members of the Committee:

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

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

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

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

Thank you,

James E. Coon, President; Ocean Tourism Coalition

Committee on Finance  
Hearing  
Tuesday, February 3, 2009, 5:00 p.m.  
Conference Room 308

Representative Marcus R. Oshiro, Chair



**Testimony on HB980, HD1**

Dear Chair Oshiro and Members of the Committee:

My testimony is in STRONG SUPPORT of HB980, HD1. My name is Lynn McCrory and I am the President of PAHIO Development, Inc. We are a locally owned and operated time share development company on the island of Kauai. I was the Kauai member of the Board of Land & Natural Resources for eight years.

HB980, HD1 provides the changes needed to HRS to implement the Recreational Renaissance program proposed by Department of Land & Natural Resources. The Recreational Renaissance program will provide the sorely needed funding for the deferred repairs and ongoing maintenance for many of our State parks and boat harbors. This innovative approach with a combination of fee increases, new fees, and dedicated State owned lands for revenue production, along with the use of general obligation and general obligation reimbursable bonds to initially move forward on the work needed, is an example of what government should be looking to do in these economic times. The amendments within HD1 provide further specifications and additions that will clarify work to be done at various locations.

At the time when the people of our islands will be spending more of their time utilizing our natural resources, the State will be moving to make them better for everyone. I humbly ask for your consideration for SUPPORT of HB980, HD1. Mahalo!

Me ke aloha pumehana  
With warm aloha,

PAHIO DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to read "Lynn P. McCrory", written in a cursive style.

Lynn P. McCrory  
President

# HISTORIC HAWAII FOUNDATION

**VIA WEB:** [www.capitol.hawaii.gov/emailtestimony](http://www.capitol.hawaii.gov/emailtestimony)

**To:** Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Committee on Finance

**From:** Kiersten Faulkner *Kiersten Faulkner*  
Executive Director, Historic Hawai'i Foundation

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

**Subject:** **Support of HB980, HD1 Relating to Recreational Renaissance**

On behalf of Historic Hawai'i Foundation (HHF), I am writing to support HB980, HD1, which provides for a variety of activities to develop funding support for State Parks and recreation.

HHF supports efforts to preserve and protect the historic and cultural resources of the Hawaiian islands. Many of the anticipated capital improvements will be used for historic and cultural resources within the state parks, including many parks with the primary function of preserving and interpreting sites significant to the history of Hawai'i.

While HHF does not take a position on the various funding mechanisms and proposals, we would caution against commercializing the public parks and resources, and urge that any implementation of new fees and other income-generation be compatible with the parks' purposes and sensitive to the need to avoid commercialization or devaluing the ambience and quality of the parks.

Many state-owned historic sites, buildings, trails and landscapes would benefit from the increased maintenance and stewardship contemplated in the bill. Besides being a public benefit in its own right, the revitalization of these important resources will also serve a general economic development goal. In a study into the economic benefits of historic preservation completed last year, HHF found that improving historic resources attracts cultural heritage tourism.

The National Trust for Historic Preservation lists the economic benefits of heritage tourism as creation of jobs, increased tax revenues, diversification of the local economy, opportunities for public-private partnerships, increasing historic attraction revenues, preserving local traditions and culture, generating local investment in historic resources, and building community pride in its heritage. A 2002 study by the Travel Industry Association of America reported that heritage and cultural tourists consistently stay in a place longer and spend more money than other types of travelers.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.





# Hawaii Rifle Association

State Affiliate of the National Rifle Association  
Founded in 1857

March 2, 2009

Committee on Finance;  
Tuesday, March 3, 2009 at 5:00 p.m, Room 308;  
HB 980 HD 1 IN SUPPORT  
2 copies

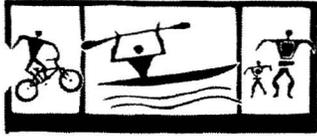
HRA supports the package and appreciates the inclusion of two shooting ranges.

Mahalo,

Dr. Max Cooper  
Director, HRA  
225-6944

---

# OUTFITTERS



KAUAI

1  
Sea Kayaks  
Mountain Bikes  
Backpacking  
Guided Tours, Rental, Sales and Service

March 2, 2009

To: Finance Committee  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair  
Committee on Water, Land and Ocean Resources

From: Richard Haviland, President  
Outfitters Kauai, Ltd

Hearing: Tuesday, March 3; 5:00 pm, House Conference Room 308

Subject: Support of HB 980 HD1, Relating to Recreational Renaissance

Thank you for considering late testimony in support of House Bill 980 HD1. This measure is proposing specific amendments to state statues that will enable the Department of Land and Natural Resources (DLNR) to pursue its proposed Recreational Renaissance initiative. The Bill provides a framework for DLNR to fund a strong program of capital improvements to existing facilities, enhanced maintenance, and innovative, exciting new facilities.

Our company has had the privilege of providing safe and appropriate opportunities for visitors and residents to see, enjoy, and learn about the great natural resources of Kaua'i since 1988. Accordingly and also appropriately, we have paid substantial fees to different various DLNR agencies to contribute to the maintenance and upkeep of the parks and facilities. And we have had the privilege of working closely with many dedicated and resourceful DLNR staff members over the years. Personally, my family and I very frequently recreate on State lands and waters maintained by DLNR agencies. The list of DLNR facilities that we are fortunate to enjoy the use of is extensive, and we are truly appreciative.

Our long-term every-day experience with DLNR facilities and familiarity with DLNR staff provides us with a great deal of insight on the day-to-day reality of operating and maintaining DLNR recreational facilities. We also have great familiarity with the importance of the quality of DLNR facilities to the island economy. There are two things I know for sure- DLNR has NEVER had adequate funding commensurate with the quality of the resources, and the importance of DLNR recreational facilities is VITAL to the island economy and quality of life.

We support HB980 because it will provide DLNR with more and better funding sources than ever before, without being overly burdensome to taxpayers or totally riding on the back of commercial operators. It provides a mechanism to charge reasonable user fees to users who are not Hawaii Resident Taxpayers.

---

Outfitters Kauai, Ltd

P.O. Box 1149, Poipu Plaza, 2827A Poipu Rd, Poipu Beach HI 96756  
Voice: 808-742-9667/742-7421, Fax 808-742-8842, Toll Free 888-742-9887  
Web site: <http://www.outfitterskauai.com>, e-mail: [info@outfitterskauai.com](mailto:info@outfitterskauai.com)

1

---

# OUTFITTERS



KAUAI

Sea Kayaks  
Mountain Bikes  
Backpacking  
Guided Tours, Rental, Sales and Service  
continued

2

Our company operates bicycle tours in the Koke'e and Waimea Canyon area. Therefore, we would request that, if non-resident user fees are implemented at Koke'e State Park, that a mechanism be included that will allow for our bicycle tours to pay a reasonable fee to contribute to the maintenance and upkeep of the parks, and continue to operate as we have going back to the early 1990's.

In December 2008 a catastrophic flash flood devastated Polihale State Park facilities causing the park to be closed and remain closed since. Polihale is a jewel, and park closure is a significant loss to the many residents who enjoy the beach, fishing, and surfing there. What's more, it's the endpoint to our company's Napali Coast Sea Kayak Tour that we operate in the summers. That tour is well-known globally by adventure seekers and is a draw for island tourism. It's our understanding that under the present difficult economic environment that money for repairs may not be available for months resulting in the continued closure of Polihale State Park for an indefinite period. This would cause an economic loss for our company and would be quite a disappointment to island residents and visitors.

HB980, if passed, will provide for a mechanism for more timely funding of emergency repairs to DLNR facilities that suffer catastrophic damage, and could result in at least a partial re-opening of Polihale on a more timely basis. This is a very meaningful thing for Kauai people and also our company, employees and their families.

For the above listed reasons and many more, please pass HB980 HD1.

Most sincerely and with all due respect,

Richard Haviland

---

Outfitters Kauai, Ltd

P.O. Box 1149, Poipu Plaza, 2827A Poipu Rd, Poipu Beach HI 96756

Voice: 808-742-9667/742-7421, Fax 808-742-8842, Toll Free 888-742-9887

Web site: <http://www.outfitterskauai.com>, e-mail: [info@outfitterskauai.com](mailto:info@outfitterskauai.com)

2



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF  
HB 980 HD 1 Relating to Recreational Renaissance  
House Committee on Finance  
Tuesday, March 3, 2009, 5:00 pm  
State Capitol, 415 South Beretania, Conference Room 308  
testimony@capitol.hawaii.gov**

Hawaii Office  
1177 Kalia Road, 8th Floor  
Honolulu, HI 96813  
KALIA  
Phone: 808-933-2300  
Fax: 808-933-2305  
www.tpl.org

Dear Chairperson Oshiro and Committee Members:

The Trust for Public Land (TPL) supports HB 980 HD 1 Relating to the Recreational Renaissance.

TPL conserves land for people to enjoy as parks, gardens and other natural places, ensuring livable communities for generations to come. Nationwide, TPL has five program initiatives: (1) providing parks for people, (2) protecting working lands (farms, ranches, and forests), (3) conserving natural lands (wilderness, wildlife habitat), (4) safeguarding heritage lands (cultural and historical resources), and (5) preserving land to ensure clean drinking water and the natural beauty of our coasts and waterways. In Hawai'i, TPL has worked with public and private partners to conserve over 36,000 acres of land in the State, with a focus on coastal lands and lands important to Hawaiian communities.

TPL has partnered with the Department of Land and Natural Resources (DLNR) on several projects including the acquisition of 40 acres at Lumaha'i Beach on Kaua'i in 2001, and 3, 716 acres in Moanalua Valley on O'ahu in 2007. TPL realizes that stewarding and managing public lands for parks and recreational purposes is a vital and daunting task. The State's parks and recreational areas play a critical role in enhancing the health and wellbeing of Hawai'i's people. TPL supports DLNR's efforts to develop creative and innovative solutions for the maintenance and improvement of Hawai'i's recreational infrastructure.

Mahalo for this opportunity to testify.

Lea Hong  
Hawaiian Islands Program Director

Jeannine Johnson, Legislative Sub-Committee Chair

## **Kuli'ou'ou / Kalani Iki Neighborhood Board #2**

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

March 2, 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

HB 980 HD1 RELATING TO RECREATIONAL RENAISSANCE.

Hearing: Wednesday, March 04, 2009 at 5 pm in Conference Room 308

Aloha Chair Oshiro, Vice Chair Lee and Honorable Committee Members,

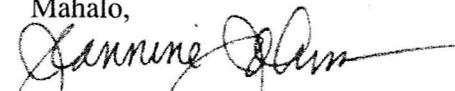
As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, it is my duty to inform you **Neighborhood Board #2** opposes HB980 HD1 which purports to provide funding and tools to enable the DLNR to upgrade and maintain state parks, trails and ocean recreational facilities to "world class levels" through various amendments to state law. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

Although there was recent good news regarding Governor Linda Lingle's decision to change the land use designation of the Ka Iwi makai lands from urban to conservation, many in our East O'ahu communities were dismayed at the introduction of HB980 HD1 which establishes a special fund financed through the building of new facilities, land acquisition, building an industrial park, harbor fees, etc., all at the discretion of the DLNR.

The most troubling part of the "recreational renaissance" plan is the proposed building of comfort stations, cabins, camping areas, concession facilities, boardwalks, marina facilities, parking control stations and "other improvements" to be constructed at Ka Iwi State Scenic Shoreline. The community has fought for 30 years to keep this area in its natural state and vehemently objects to the DLNR using it to finance its upgrade and maintenance of its other parks.

Therefore, at its February 5, 2009 meeting, **Neighborhood Board #2** voted to oppose HB980 and support the deletion of the Ka Iwi State Scenic Shoreline from the DLNR's recreational renaissance plan. Your opposition to HB980 is respectfully requested.

Mahalo,



Legislative Sub-Committee Chair

**Kuli'ou'ou / Kalani Iki Neighborhood Board #2**

cc via email: Chair Robert Chuck  
Sen. Sam Slom  
Rep. Lyla Berg  
Rep. Barbara Marumoto



CAPT. NANCY W. SWEATT  
75-5822 Pelekila Place, Kailua Kona, HI 96740  
808-329-3030/800-328-1218  
[info@dolphinjournneys.com](mailto:info@dolphinjournneys.com) - [www.dolphinjournneys.com](http://www.dolphinjournneys.com)

Rep. Marcus Oshiro & Rep. Marilyn Lee  
Chair of the Committee on Finance,  
State Capitol Room 308  
415 South Beretania Street  
Honolulu, HI

RE: House Majority Bill on Recreational Renaissance, HB 980 HD 1

Rep. Marcus Oshiro & Rep. Marilyn Lee:

I support the Recreational Renaissance HB980 HD 1!  
This plan is the best solution for Hawaii, the local residence and our visitor industry alike.

I am a daily user of Honokohau Harbor. I greet my guests each day and deal with the constant embarrassment of the facility. Bathrooms are in disrepair and the piers are unsafe. We have fortunately had only 2 accidents of tourist falling in the crevices between the dock and the wall. I could write you a volume of the problems.

The Recreational Renaissance HB 980 HD is essential for our state. Please pass this bill.

Mahalo.

*Nancy W. Sweatt*



# Sierra Club

## Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803

808.537.9019 hawaii.chapter@sierraclub.org

### HOUSE COMMITTEE ON FINANCE

March 3, 2009, 5:00 P.M.

*(Testimony is 2 pages long)*

### TESTIMONY IN SUPPORT OF HB 980, HD1, WITH AMENDMENTS

Aloha Chair Oshiro and members of the Committee:

The Sierra Club, Hawai'i Chapter, with over 5500 dues paying members statewide, supports the intent of HB 980, establishing a new methodology for funding and support our public parks and trails. The Sierra Club's mission is to "explore, enjoy, and protect the wild places of the earth" -- a mission made particularly difficult when our public parks, trails, and marinas are in a despicable condition.

It is clear that the current model of support for our public areas is broken. Hawai'i is one of most beautiful places in the world. This beauty, however, is not reflected in the deplorable condition of our public parks and trails. Years of neglect have made us too tolerant of broken bathrooms and reliant on volunteer organizations, such as the Sierra Club, to take on the responsibility to fix and maintain our trails.

Although almost everyone agrees our public resources deserve better, in the crush of budgeting our parks frequently fall second to other critical components of government, such as the funding for education or the public health system. This is why the Sierra Club has reluctantly agreed to support the concept of charging a "visitor fee" for the sole purpose of supporting our public resources. This concept is somewhat antithetical to the Sierra Club's mission of getting people into the outdoors, but we cannot continue down the same path without making a change. We hope that this reluctant tradeoff will lead to more people enjoying the outdoors because of the improved facilities, educational opportunities, and enhanced relationships with outdoor organizations.

The Sierra Club also supports the concept of dedicating funds from the *appropriate* use of State lands. A constant source of dedicated funds will, hopefully, lead to better

management of our parks, trails, and marinas for the benefit of residents and visitors alike.

We would like to suggest an amendment to Section 3. The Sierra Club has historically opposed development of Keehi Lagoon. We still believe this concept may be flawed. Consider:

- (1) this area was originally designed to be a mitigation effort for endangered species as a result of the development of the reef runway; and
- (2) development of a large industrial facility on property at or near sea level seems inappropriate considering all that we know about sea level rise.

Accordingly, we would like to add a line to Section 3 that indicates this shall be a discretionary process and that the Department stating:

Nothing in this Section shall be interpreted to require the Department to proceed with the proposed development of Keehi small boat harbor and triangle island, nor shall it remove the ordinary permitting and review process that would accompany a project proposed of this nature by the Department of Land and Natural Resources.

We understand the Department may suggest other language. We are happy to work together to craft something that allows the parties to continue discussion of this proposed project.

Thank you for the opportunity to testify.

## Testimony opposing HB 980 HD1

Dear Chair Oshiro and members of the Committee,

Aloha. It appears to me that the World, National and Hawaii economic conditions speak loudly against funding this Recreational Renaissance Plan. However, in case we are dealing with an Administration that can't see the obvious, here is a "blinders on" focus on the specific content of the Bill. HB 980 HD1 presents an appealing idea, but its Financial Plan indicates that the feasibility of the Plan is doubtful.

The Recreational Renaissance Plan embodied in HB 980 HD1 requires \$240 million (\$40 million GO Bonds in the first two years, and \$200 million GOR Bonds reimbursable by DLNR over five years). This total is made up of 238 specifically identified CIP projects listed in the DLNR Recreational Renaissance Plan and divided into two categories:

- "Land-based" (Parks and Forestry) facilities and areas listed in Section 10 of the Bill = 115 projects @ \$150 million (63%), and
- "Water-based" facilities and areas (DBOR) listed in Section 9 of the Bill = 123 projects @ \$90 million (37%).

The one page DLNR Renaissance Financial Plan (Appendix B) states that *"the following revenue sources are essential to support the debt service on the \$200 million Reimbursable GOR Bonds:*

- *\$3 million in annual lease rents from those nearly 124,000 acres of public lands managed by the DLNR.*
- *\$4 million in projected annual revenues collected by Parks and Boating Divisions from a combination of scheduled increases in small boat harbor fees, limited commercial uses of the Ala Wai and Keehi Harbors and entry fees for non-residents at eight high tourist destination parks.*
- *Within six years generating \$6 million in new revenues from currently vacant lands with high development potential, to be developed through public-private partnerships."*

Although the foregoing totals only \$13 million, the Financial Plan further states that "DLNR must develop \$19,791,206 in new revenue by FY 2020 to support the debt service on the (\$200 million) GOR Bonds"?? This is the extent of the details provided on the revenues upon which the entire Recreational Renaissance Plan is based and offered in support of the amendments proposed in HB 980 HD1.

**What is needed, but not provided, is the projected amount of individual fees that the boaters, hikers and park users would be required to pay for the debt service on the new \$200 million GOR Bonds and the added operations and maintenance costs. The**

thousands of users of these facilities and areas need to know what their projected fees would be in order to evaluate the feasibility of the entire Renaissance Plan. They also need to know what measures are to be employed to ensure equitable administration of the collection and allocation of funds between the Land-based and Water-based elements when the Boating, Parks and Land and Development Special Funds are “pooled” together into the new Renaissance Special Fund. Is the Renaissance Plan feasible if the separate Boating, Parks and Land Development funds are restricted to their respective activities and projects??? For instance: Can the Boating user-fees be used on non-boating projects, and vice-versa? Would allocations be restricted to deposits?? Etc.

The “pie in the sky” illusion presented by the “renaissance vision” is a façade that has a good surface appeal, but it is deceiving in that:

- It is propped up on proposed “new revenues” that are not properly defined, appear inequitable and therefore opposed;
- It employs huge developments ( Keehi Triangle/Marina) that have been tried before with hardly a nibble and would probably require much more time than this Renaissance Plan offers before a “shovel got ready”.

Add to this, the effort to empower the Director DLNR to exercise control over establishing fees and administering the Renaissance Special Funds without public input, and draw in the inescapable real world economic conditions; we believe that you will find good reason for HB 980 to be held. It is so recommended. We don’t want to sign a blank check.

We also oppose the amendments in Section 6 to Section 200-9 to transfer 15% of Ala Wai and 35% of Keehi recreational berths to commercial vessel berths because there is a high and growing demand for recreational moorings; and oppose the Section 7 amendments to Section 200-10 (c ) (1) and (2) that introduce the use of DOT tariffs or a licensed Appraiser to establish mooring fees. Oppose because: the use of DOT tariffs would reduce the fees for certain commercial vessels while all other fees are being increased; the cost for an appraiser would be additive, increasing fees unnecessarily; Amendments conflict with subpara (5) which retains the current “3% of gross” rule.

Thank you for your consideration of our position,

Sincerely,

William E. Mossman  
Hawaii Boaters Political Action Association  
282 Aikahi Pl., Kailua, HI 96734

TO: Committee on Finance

DATE: Sunday, March 1, 2009

FROM: Natalie Iwasa  
1331 Lunalilo Home Road  
Honolulu, HI 96825  
808-395-3233

HEARING: Tuesday, March 3, 2009, 5 p.m.

SUBJECT: HB 980 - Relating to Recreational Renaissance - oppose

Aloha Representatives,

Our island state allows only finite opportunities to experience the solitude and breathtaking beauty of nature offered by our state parks. I understand the need to maintain our parks. However, we also need to maintain a balance with our quality of life.

Over the years, we have added user fees to places such as Diamond Head and Hanauma Bay. These parks no longer offer the same pleasure they once did. Adding user fees to parks such as the Ka Iwi shoreline *at a minimum* would require a collection booth, more signs and toilet facilities. These types of improvements turn parks into tourist attractions and take away the natural appeal they have without them.

I have two boys, ages 10 and 6, who have yet to visit most of the places listed in Sec. 10 of this bill. I want to be able to show them the beauty of Kaena Point and the magnificence of the Ka Iwi shoreline without having to go through a line and "educational" booth.

I understand the need to raise funds to maintain our parks and suggest current laws be enforced and fines issued for illegal activities. Not only would funds increase but our parks would be improved at the same time.

Please remove the Ka Iwi shoreline, Kaena Point, Pali Lookout and any other parks that would require the addition of collection booths and other tourist improvements from the list. Once we start construction, we cannot return the land to its natural state, and part of Hawaii's most precious resource will be forever lost.

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

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

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

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

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

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

And I object.

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

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

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

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

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

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

**Testimony on HB 1766 – Relating to Small Boat Harbors**  
**Testimony on HB 980 – Relating to Recreational Renaissance Program**

House Committee on Finance  
House Committee on Water, Land & Ocean Resources  
Hearing Date: Wednesday, March 3, 2009, 5:00 p.m.  
Conference Room 308

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

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

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

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

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

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

I write to oppose HB 1766 and HB 980.

Mahalo for your time.

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

FROM: Sara Collins, Ph.D., Legislative Committee Chair  
Society for Hawaiian Archaeology  
Telephone: 808-348-2937  
Email: sara.l.collins.sha@gmail.com

HEARING: March 3, 2009, 5:00 PM, House Conference Room 308 (Agenda #8)  
SUBJECT: Comments on HB 980, H.D. 1, Relating to a Recreational Renaissance

I am Dr. Sara Collins, Legislative Committee Chair of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. We are testifying in support of HB 980, H.D.1 which will enable the Department of Land and Natural Resources to implement its proposed Recreational Renaissance plan. If implemented as proposed, the Recreational Renaissance provides the funding and policy commitments needed to significantly improve the protection and management of archaeological and cultural sites found in State Parks. Of the 54 parks open for public use, 19 include historic and archaeological sites that are listed in the National or State Register of Historic Places and 29 parks have archaeological site complexes representing a diverse record our cultural past.

While the improvements envisioned by Recreation Renaissance are far-reaching and systemic, there are three elements that are of particular interest to our organization and consistent with our mission:

Interpretation and Education: The plan calls for a major and almost immediate investment in the development and installation of interpretive displays and materials for selected parks. Many of the interpretive and education themes presented will focus on the archaeology and history of the parks and will further the publics' understanding of archaeology and the need for site protection.

Site Restoration: Archaeological site and historic building restoration projects are among the 2010 to 2016 capital improvement projects identified in plan. These restoration efforts will not only help preserve these sites, but make it possible for them to become an integral part of State Parks interpretive and educational initiatives.

Management of Cultural Resources: The policy commitments being made to improve DNLR's management of its recreational facilities also apply to its routine management of cultural resources. Just as facilities and infrastructure will be systematically inventoried and their condition monitored and repaired on a cyclical schedule, mechanisms and procedures will be established to systematically inventory and monitor the condition of its cultural resources, including archaeological sites. We are particular encouraged by DLNR's efforts to work with the National Parks Service (NPS) when developing an assets management plan. NPS cultural resource managers have made significant progress in adapting the NPS assets management plan, which was primarily facilities-oriented, to the management of cultural resources nation-wide.

Thank you for the opportunity to testify and for considering our comments. Should you have any questions, please feel free to contact me at the above telephone number and email address.

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

My name is Calvert G. Chipchase, III. I am a boater and have been a slip tenant at the Ala Wai since 1980. I strongly oppose HB 980 HD-1 for the following reasons:

1. Lumping the special boating fund in with other funds administered by the DLNR would facilitate DLNR using the special boating fund money for non boating projects. Since the special boating fund was specifically set up to maintain boating facilities, the fees paid to the fund would become an unconstitutional tax upon boaters.
2. The DLNR has not identified any credible source of repayment of its proposed bond issue borrowing except the special boating fund. Given the current state of the economy, it would be imprudent for the state to borrow so much money with so few resources to repay it. The special boating fund could not support the debt service, no matter how high the boating fees are raised. Charging tourists to go to the Pali lookout or Diamond Head will not raise enough revenue.
3. In the 17 years since DLNR took over managing the small boat harbors from the DOT, it has proven its inability to manage them effectively. Through my own observation over that period of time, the slips in the Ala Wai have been allowed to deteriorate to the point of being unusable and thus incapable of generating revenue, which in turn made the special boating fund incapable of repairing the unusable slips. DLNR's response was to increase rental fees on the fewer remaining usable slips. I do not think the DLNR can be trusted to administer such a large and expensive undertaking as that contemplated by the bill.

Thank you for your time.

Calvert G. Chipchase, III  
Attorney at Law  
Certified Public Accountant  
1088 Bishop Street, Suite 1009  
Honolulu, HI 96813  
(808) 536-0281

Honorable Representative Marcus R. Oshiro, Chair  
Honorable Representative Marilyn B. Lee, Vice Chair  
House Committee on Finance

RE: HB 980, HD1 – relating to Recreational Renaissance Commercial Water Activities  
in the small boat Harbors throughout the State of Hawaii – **IN STRONG OPPOSITION**

Good Afternoon Chair Oshiro, Vice Chair Lee and Finance Committee Members:

Thank you for the opportunity to speak on a very interesting House Bill relating to increasing larger Commercial Water Activities in the small boat harbors on the various islands of Hawaii. There are 2 on the Island of Oahu, Ala Wai and Keeahi Lagoon Small Boat Harbors, which demands improvements to be made be scrutinized under a microscope. I am in favor of improving the conditions of these 2 small boat harbors, but can not understand how increasing larger races, such as the Transpac and other larger yacht races would benefit the smaller recreational boat owners, who also dock their vessels at the same harbors. There might be a private partnership with the State on increasing funding to maintain and develop these 2 small boat harbors to accommodate much larger sized vessels, I don't see how the State would also be able to finance improvements to the Aloha Stadium to attract professional teams to the islands for games at the Aloha Stadium. The State's DLNR, will have exhausted it's funding for either 1 of the major re-development project, even with outside funding. There is also the question of whether there is enough resident and visitor interest to make both venues successful to the State. A similar comparison might be with the High-end Housing market buying craze of Hawaii. Several of them are not able to sell out their luxury condominiums as in the past, due to the uncertain economic situation of Hawaii and the rest of the world. There is also the fact that due to Global Warming, the waters surrounding the Islands of Hawaii is coming closer to the shoreline, further shrinking the land mass, which would make it very difficult to dredge the submerged lands to accommodate larger and larger vessels.

These are reasons why I **STRONGLY OPPOSE HB 980, HD1.**

Daisy Murai, a resident of Kapahulu  
3039 Kaunaoa Street  
Honolulu, HI 96815  
March 2, 2009

Date: March 3, 2009 (Tuesday)  
Time: 5:00 pm  
Place: Conference Room 308  
Fax: 586-6001

**HB980**

**Tuesday, March 3, 2009**

**Conference Room 308, 5:00p.m.**

**To:           House of Representatives  
                  Committee on Finance**

**From:        Hui Aloha Kiholo**

**RE:          HB980**

Aloha,

We are a diverse group of individuals who have been actively stewarding the area of Kiholo for many years. We are lineal descendants with kuleana that goes back hundreds of years and we are community members as well who have more recently found Kiholo as a place we love and care about. We do volunteer clean ups in the area throughout the year and have been an active part of Kiholo's resource protection and education. We have worked with Parks, DLNR and DOCARE over the years in our efforts to help manage the area and keep up with ever increasing public pressure and impact on Kiholo's precious resources.

It has been a frustrating journey in the last few years as funds have not been available for the different projects and critical needs this park reserve has suffered without. This is a bill that isn't begging for money as usual but rather is a plan to be able to generate funds to malama and take care of it's own mission which should not be neglected. Because we are in such a dire financial state as a nation, this breath of fresh air should be given a chance and allowed to benefit our precious Hawaiian resources which have suffered greatly and will continue to decline if always on the back burner.

We believe it is critical to the future of our parks to act now.

Respectfully Submitted,  
Hui Aloha Kiholo, (Officers)  
Billy Mitchell  
Ku'u lei Ke'ake'alani  
Mike Hind

## Ala wai Testimony

March 3, 2009

REGARDING HB 1766 HD1 and HB 980 HD 1

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

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

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

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

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

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

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

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

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

and those only for their own financial gain!

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

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

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

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

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

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

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

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

Ala Wai Testimony

disaster.

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

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

the Ala Wai Boat Harbor.

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

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

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

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

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

thank you for considering my opposition to these bills.

Sincerely,

Gary W. Bilyk, DDS

phone 947-8888

Testimony In Support of HB980 HD1  
Relating to Recreational Renaissance

By

Al Lardizabal, Director of Government Relations  
Laborers' International Union of North America Local 368

To the Committee on Finance  
Tuesday, March 3, 2009, 1:00 p.m.  
Room 308, State Capitol

Chair Marcus Oshiro, Vice Chair Marilyn Lee and Members of the Committee:

The Laborers' Union supports this measure providing a comprehensive plan to implement repair and maintenance of recreational facilities within the state that includes 238 CIP projects at \$240 million, (\$150 million for land based projects and \$90 million for ocean based projects) and \$4.9 million in 20 support projects.

Thank you for the opportunity to present this testimony.

**FINTestimony**

---

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

Testimony of

**Ala Wai Harbor Ad Hoc Committee**

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

Date: March 3, 2009

Time 5 pm

Rm 308

**House Committee on Finance**

Dear Chair Oshiro and members,

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

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

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

3/3/2009

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

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

**FINTestimony**

---

**From:** Noa Napoleon [freeoceanaxs@yahoo.com]  
**Sent:** Monday, March 02, 2009 5:15 PM  
**To:** FINTestimony  
**Subject:** HB 1766/ HB 980 Receational Renaissance

Testimony of

Noa Napoleon  
in **opposition** to

HB 1766 and HB 980

The Recreational Renaissance bill

**House Committee on Finance**

Dear Chair Oshiro,

As you know HB 980, and HB 1766, are parts of the same legislation crafted by DLNR and the Governor called the Recreational Renaissance. All of the people I've spoken with regarding this proposed recreational plan are apposed to it because they feel other methods could have been explored to generated funds for harbor repairs. The Ala Wai harbor community has long believed that management issues at DOBOR should have been addressed first if harbor officials are sincere about preserving recreational opportunities for the public. State assets such as recreational harbors should not be the target of privatization nor should the public be left out in the cold on key decisions related to those assets. SB 68 extending additional regulatory function to DLNR, feel, is a more sensible direction for DLNR. Any proposal that seeks fundamental rule changes should be viewed with suspect. The harbor community deserves to have DOBOR manage issues within the current legal framework. Rules changes that propose to privatize portions of small boat harbors are not in our best interest under these circumstances.

Concerning the portion of the plan that deals with submerged lands and certain parcels on harbor lands. First, SB 68 extending regulatory function to DLNR is a more sensible approach for DLNR if rules must be changed. DLNR administrators are admitting they need to get authorization from the legislature to lease out portions of the states small boat harbor's that are currently restricted to commercial vessels. Lifting the commercial restriction and further insulating DLNR administrators from public scrutiny, we fear, could have grave consequence in terms of public access and protecting the unique recreational opportunities that such harbors provide. Large commercial boats we feel would not just disrupt but immediately diminish the public's stake in the harbor. They will be intrusive and dangerous besides being an environmental problem.

The fact is there are clear alternatives to the plan the Governor and DLNR officials are offering in the Renaissance proposal. SB 1315 sending DOCARE to Department of Public Safety, I believe, compliments SB 68, which seeks to allow DLNR to permit Ocean waters commercialism originating from private or public harbors/ lands. This plan frees up additional cash for harbor maintenance while

allowing small harbor's to remain recreational / commercial free harbors. This course also prevents the sort of work overload I feel the Renaissance mandate would likely create for the Boating division which is understaffed as it is. In addition, the ceded lands moratorium may just make this bill moot if it is determined that submerged Lands are also considered ceded lands protected by the moratorium.

While the Renaissance proposal finds cash for "harbor upgrades" it still falls way short of correct longstanding management defects such as the sort cited in the several Marion Higa audits regarding DOBOR and DOCARE. The public is asking for our harbors to be maintained in a way that protects their character, that means keeping the harbors recreational, no long term commercial leases, no staffing issues, no privatization, no excuses etc.

Why SB 68 and SB 1315 are preferred, and what about the redundancy argument those who oppose SB 68 are making? Here is my rebuttle to this argument.

- 1.) The public has a vested interest and right to ask DLNR to promulgate uniform rules that resolve, reaffirm, and or strengthen the public interest in the Waters running Mauka to Makai.
- 2.) Rule making (which DLNR has not done properly) is warranted in this case because the process is designed to resolve questions of jurisdiction and rules especially where there are safety concerns and or where the state would be liable for injury / lawsuits. The current rules (which DLNR officials admit need revamping) do not regulate certain uses in areas now in question. This I assume is the reason for this legislation.

The reason we need the Ocean Waters bill is to better define DLNR responsibility, and to guide the division in a process that limits commercialism in areas in favor of the public as well as regulates (permits) commercial activities that appears to conflict with public uses. This bill raises the issue of caps and commits to regulating water commercialism in general.

I suggest that SB 68, if amended slightly, would in addition to its already stated intent also intend to....

- 1.) close all loopholes
- 2.) add and clarify additional responsibility as well as generate funds for the state.
- 3.) assist in finalizing the rule's now under review by the AG's office.

In terms of the Redundancy argument, I agree with opponents of SB68 that bills requiring commercial permitting over an area "already regulated" would be redundant. To the degree that this legislation attempts to duplicate the Administrative Rules regarding Ocean Waters it would be redundant, but I don't believe it does this because in this case we are asking (requiring) DLNR to regulate areas they have said they are unsure about. Its not redundant to attempt to cap or limit commercialism where DLNR has admitted there is increasing user conflict and where vagueness in the rules are contributing to the problem. What is redundant, and perhaps illegal, is the rule write currently under review by the AG. This deals with the whole problem of indiscriminately issued ORMA decals and Blue Cards. We are being told for example that DLNR is rewriting ORMA Rules to specify enforcement and or permitting requirements in areas previously overlooked by boating officials. These include but are not limited to so-called roving industries, the use of private water ways, and the issue of permitting charter Catamarans at the Ala Wai Harbor. Regulating this activity would involve the prudent use of ORMA decals so that simply limiting the amount of decals DOBOR issues for a given area would go a long way to resolving rules regarding this. So why haven't DOBOR officials explained to legislators how they are using this rule write process to achieve these objectives since they feel SB 68 is so redundant? Are they really looking to regulate Ocean Waters, are they being honest about regulating Catamarans that already moor commercially at the Ala Wai harbor? Or are they conceding the fight based on faulty assumptions about

not needing to regulate certain companies, sort of like how DOT refused to require EIS for the Super ferry based on an assumption about EIS requirement. By stalling the rule write process (2 years in the hopper) the Chairperson is being a bit deceptive because as I pointed out the Catamarans already moor their boats in the harbor. We are leary of government official who seem to use the financial crisis to push the Renaissance proposal, which is now proposing to privatize the bulk of Hawaii's small boat harbors. This seems more like a government taking which uses a drummed up public crisis to fundamentally challenge the public stake in recreational harbors. Why is DLNR sitting on the Rules since Jan 2007, and what if anything do these rules say about commercial mooring at the Ala Wai, about regulating public water ways? This to me is a form of fast tracking when state officials cite, erroneously, usually, the so called plight of the public harbors along with the failing economy as an excuse to move an agenda toward its desired end. The Chairperson for example believes that DOBOR and DOCARE are being sidetracked by non-harbor issues, that the division resources are being depleted by this etc. This is not true because in fact harbor officials hardly ever respond to harbor complaints let alone parking or any other so-called non-harbor issue they can point to. Sending DOCARE to Public Safety is the right thing to do for many reasons.

In other words the now two year in the making DOBOR rule write supposedly under review by the AG should have already set out solutions to enforcement in these previously unspecified areas, in addition to addressing staffing shortages which have long been issues there. Since the DLNR commercial constituents see SB 68 as redundant, they (DLNR), should be explaining to legislators what those so-called new rules would do to solve questioned raised about so-called private water ways, surf and kite schools, and other types of commercial activities that misuse public lands etc. The Governors plan looks like a self serving reorganization plan that does nothing to address better overall harbor management, nor does it propose any alternative to the old approach other than to say we need to privatize, we need money for upgrades etc.

The rules governing DOCARE have recently been fundamentally changed by a Land Board approval. It is feared that with this the Chairperson as well as division administrators will be even more insulated against complaints from the public. I do worry that DLNR is writing enforcement rules separately in order to deliberately offset the effect of laws (charters) specified in the HRS regarding recreational harbors, DLNR's civil duties etc. I invite Legislators to scrutinize the recent rule changes that DOBOR submitted to BLNR to see what I'm attempting to explain about a dual process. If anything all the Renaissance proposal does is further shelter two renegade state divisions from public scrutiny. The renaissance proposal moreover is a huge admission that DOBOR has failed to properly manage state harbors. We need an investigation into how DLNR allowed things to get so out of hand. Large amounts of cash are being squandered and management issues are never addressed. Our only recourse is a new legislative mandate that forces compliance from DLNR, otherwise all we get is more incompetence and confusion about which rules apply at any given time. Any investigation into the whole private water ways issue should Begin with how DLNR sold the once public pier to the Hilton for one dollar. What are its impacts on the public since the so-called private water way at the Hilton has been used illegally by other commercial vessels claiming to be affiliated with the Hilton? Complaints about unruly commercial companies and safety issues at this location are either ignored outright or treated with contempt by DLNR officials.

Noa Napoleon

## **FINTestimony**

---

**From:** rawcohi@cs.com  
**Sent:** Monday, March 02, 2009 2:18 PM  
**To:** FINTestimony  
**Subject:** Testimony regarding HB980 HD1 on Tues 3/03 in room 308 at 1700

### **TESTIMONY REGARDING HB 980 IF YOU CAN'T FIX IT - SHRED IT!**

The House Committee on Finance  
Tuesday, 03 March 2009 in Room 308 at 1700

Chair Oshiro and Respected Members of the Committee;

My name is Reg White. I earn my living as a commercial passenger boat operator and I have been a recreational boater all of my life. I am a tenant and a resident of Ala Wai Boat Harbor. This bill is a most refreshing breeze blowing through our recreational boating and ocean resource management here in Hawaii and I truly wish I were speaking today in full support of this measure. After years of enduring a regime that took the money and ran, a bunch that cared nothing for the health of Hawaii's outdoor resources, this new direction at DLNR is most welcome and wonderful. The first thing they did was to make a plan, something that has been missing all this time. This plan is very new and therefor most certainly a work in progress, and we must give them sufficient flexibility to accommodate changes in direction when it is called for in order to reach the goals of the plan. This bill, HB 980, tries to implement this new plan to rehabilitate the deteriorated outdoor recreational facilities of Hawaii, to add more facilities to our boating inventory, to rehabilitate our trails and beaches and then to maintain those resources and facilities over time as we go along. It also plans to create a dditional revenue sources in order to help to pay for all this work. This truly is the job that we see as the responsibility of DLNR to the recreational communities of Hawaii and it's truly wonderful to see this present management team rise to the occasion.

In making the plan quickly and looking for revenue sources to pay for the intended expenditures, as you might expect, they made a couple of mis-steps. That's why we have this hearing process, and that's why I'm addressing this committee today.

In the preamble of this act and in 206J-5.6 of this bill the department says they want to develop at Keehi Lagoon, via any of a host of partnership varieties or outright leasing of the properties, income to pay for this plan, while at the same time increasing the size of the boating industry in Hawaii. This is in order to generate income to pay for some of the rest of the costs to carry out the plan. This is wonderful news and a great idea that will also create many new jobs and opportunities in our industry but it will not work unless we here in this legislature, make resolutions, or an act, that will expedite the permitting process for a partnership or a lease holder to build out these facilities in a meaningful period of time. The plan has a goal of six years to completion, progressively paying more of it's own way as it progresses. To wait twenty two years to go through the permitting process as has happened to 20Haseko out at Ewa with their marina project will not get us to the goals of this plan. I leave this responsibility to you respected members of the committee for handling, as especially in this time of

economic distress, time will be of the essence if we are to have any chance of reaching these noble goals and creating these new permanent jobs. If expedited, this part of the bill truly is an economic stimulus plan!

In section 171 - (a) (3) There is established the Recreational Renaissance Fund into which we will authorize the placement of the newly generated income and monies from other special funds dedicated to similar purposes. Here I worry that my boating money might just be spent to build more hiking trails or restore some beaches as has happened in the past. It becomes important to find a way to keep the funds going to their original destinations. The boating special fund built the boating and harbor facilities that have been allowed to run down due to neglect by the department. Certainly not the fault of this team that is now trying to fix our problems, but the risk is still there as time passes. No one from hiking trails nor beaches helped to build nor to maintain and operate those facilities as, in recent years, money has been slipped from the boating fund to help take care of and operate the trails and beaches at our expense. This needs to be fixed so it will not happen in the future. Trails, parks and beaches must pay their own way to the same extent as that required of the boaters.

In SECTION 6, 200-9 (b) this bill authorizes 15% of the slips in Ala Wai Small Boat Harbor and 35% of the slips at Keehi Small Boat Harbor to be used by commercial operators. This is done in order to help increase the revenue available to fund this project. It will work, but as with Lahaina Harbor, the commercial boats at Ala Wai need to be limited to not more than 65 feet in length. The bill needs to make it clear that the commercial moorings in Ala Wai will be restricted to the front row facing Holomua Street east of Hobron Lane, and it must make it clear that recreational users now holding permits in those areas will be accommodated at other locations within Ala Wai Harbor as commercial demand requires it. Commercial traffic allowed at Ala Wai Harbor must be in consideration of the roadway access available and the parking required for such operations. There is ample commercial space available at the commercial harbor, Kewalo Basin, just down the street, and it has slips available now, even in its present deteriorated condition. Truly, there is not as much demand for commercial slips at Honolulu as the department seems to anticipate.

SECTION 7 200-10 (1) puts establishment of the fees that will be charged to recreational boaters into the hands of a real estate appraiser. This bill does not limit the appraiser's comparisons to like products, namely other marinas that are owned, operated, and maintained by a municipality, county or state. It does not say how this appraisal will result in fees, just that they will be based on the appraisals received. It also says that these fees shall increase annually according to any CPI index without any justification of need. Then in (2) it says that at the option of the department this system may also spill over to the commercial fees as well. Sorry, but none of us can sign on to a pie in the sky fee increase without knowing what it will amount to. Not for our recreational use, not for our homes nor for our businesses. Let's remember why the State of Hawaii owns the waterfront facilities in Hawaii. It is to keep boating affordable for the people of Hawaii. It is not the state engaged in a real estate for profit venture. The term "fee" has been defined at the federal level in MTSA 2002 and in Hawaii by court decision (CASSI vs DLNR Hawaii) to be the recovery of the cost to provide a facility or a service to a vessel or its operator. That's what we pay, a mooring fee, and this definition applies. The boaters of Hawaii, session before last, approved a fee increase of 10% across the board for each of two possible \$20 million dollar reimbursable bond issues to be authorized by the legislature so the department would have sufficient funds to start repairs to our boating facilities. One of those bonds was issued and we took one 10% fee increase to pay for it, and many of those repairs are underway. Now in this bill we have a similar situation, except that this time we are being asked to authorize an unknown fee level increase and a continuing

automatic annual increase in those fees without any need to justify a like increase in the cost to provide our facilities or services received. The increases are also not in any way tied to the issue of the reimbursable bonds needed to do the job as we did in the past. The justification for any fee increase has to come from open records of the department submitted to and corroborated by the state auditor, or from an agreed to increase to pay for bonds issued. Let's face it, if the boaters are going to have to pay more, the money had better be shown to 100% be spent on boating needs and services, not on any of the other parts of this plan. As it is now, the boaters pay for services and facilities to be used by the general public when they visit the beaches near our marinas to surf, picnic or fish.

Regarding sub paragraph (6), no other municipal, county, or state marina charges a CAM. If we do indeed pay a CAM, then the fees for use of the facilities must be reduced by a similar factor. More water goes to the wash down hoses at the launching ramp than is paid for by all the annual fees of the trailer boating public. This is to say nothing of the free showers and restrooms provided to the beach users at our marinas, and the 300 free parking spaces at Ala Wai, paid for by the boaters. Many berths at the marinas have independent electrical service on a meter and purchase their service directly from HECO. Common area maintenance is done by the marina staff and is included in the fee structure. Again, lots of the required cleanup is caused by non tenant passerby traffic and beach users, not the boaters. How do we resolve the responsibility for this cleanup and maintenance. It most certainly is not a justification for a CAM on the boaters backs.

In Hawaii we have a multi tiered fee structure amongst the various marinas. Unfortunately the system is tired backwards. The harbors that lose the most money above their income each year are the ones with the lowest fees and the boaters with the highest fees are left to pickup the deficit. I do not think that the fee tiering should be reversed to make the distant, small harbors pay their own way, but I do think they each should have to pay the same fee toward their services that I do. There should be just one fee charged to berth a recreational boat in the state of Hawaii, regardless of where the boat is berthed.

SECTION 12 does not provide the \$40 million dollars required to implement the first phase of this Recreational Renaissance plan as described in the preamble. Without this kick start the work to generate the income to pay for the remainder of the program simply cannot be accomplished. This plan is a fine economic stimulus. It will provide many local jobs while the restoration and construction work is in progress and the expansion of our marina and boating facilities at Keehi Lagoon will create many, many new permanent jobs for our people and put many millions of dollars into our state's economy right now when we need it so sorely, and it will continue to generate money into our economy on into the future due to the new businesses and permanent job opportunities created here.

**I would love to give my unconditional support to this well meant plan, but, if you cannot see your way clear to correct the problems that I have laid out for you above and if you cannot fund the project with the initial \$40 million dollars to get the plan rolling, then you must hold this bill!**

Respectfully,

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

3/2/2009

(808) 222-9794  
RawcoHI@cs.com

---

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

## **FINTestimony**

---

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

**Dear Finaance Committee Chair and members;**

**Oppose HB980 "Recreation Renaissance Plan"**

**Oppose HB1766 State DLNR to commercialize the Ala Wai boat harbor**

**Testifier position: oppose**

**Testifier will be present: No**

**Submitted by: Rochelle Leong**

**Address: 1134 Kinau St., Honolulu, HI 96814**

**Phone: 808-223-2499**

**E-mail: rochelle.leong@yahoo.com**

**Submitted on: 3/2/2009**

**FINTestimony**

---

**From:** Linda Wong [leiahi@hawaii.rr.com]  
**Sent:** Monday, March 02, 2009 6:28 AM  
**To:** FINTestimony  
**Subject:** 3/3/2009Testimony for FIN committee 5:00:00 PM HB980  
**Importance:** High

**Testimony for FIN committee 3/3/2009 5:00:00 PM HB980**

Conference room: 308  
 Testifier position: oppose  
 Testifier will be present: No  
 Submitted by: Linda Wong  
 Organization: Diamond Head Neighborhood Board; but not testifying for Board.  
 Address: 3071 Pualei Circle #203 Honolulu, HI. 96815  
 Phone: 808-923-7484  
 E-mail: [leiahi@hawaii.rr.com](mailto:leiahi@hawaii.rr.com)  
 Submitted on: 3/1/2009

Dear Finaance Committee Chair and members;

I have worked for the State of Hawaii for 25 years. I have always been taught that "Health nd Safety" is our paramount priority and responsibility. If you let the big boats into our SMALL BOAT HARBOR our island Paddlers, Surfers, Free Divers, and the Youth who train with very small Mini Sail Craft, are in danger.

THE SOUNDS OF A COMMERCIAL BOAT ENGINE CAN BE HEARD WHEN LARGE BOATS COME TO RE-FUEL AT THE ALAWAI FUEL DOCK. THE SURFERS WHO PARK CARS AT Ala Moana Park and surf across the entrance to Bowls, surf spot, sometimes can not be seen by the big boats. The big boats take longer to stop or change their direction.

The smell of the fuel used, and the crew getting all those boats fit for sea, is not appropriate a residential area. And what of Hawaii being 'green'? I have a dear freind who is an owner of a condo at the Ilikai Marina. His windows face the Ocean and even now the sounds of some of the small boats can be upsetting when the various noises mentioned above are heard.

All this information was documented at the last hearings on the Attempted Commercialization of the Ala Wai Small Boat Harbor. Ala Wai is the only small boat Harbor in our State that is self-supportong. The funds made in the Ala Wai Boat Harbor are spent all over the State of Hawaii.

The ALA WAI SMALL BOAT HARBOR IS JUST THAT, FOR SMALL BOATS and there are a lot of problems with this boat harbor at it's present capacity, without adding Commerical Day trippers, and party boats.

About 8 years ago this take over was attempted for the same reasons. We are under attack once again, putting Party boats, Commercial Day trippers for tourists to go fish, is just that even though the Bills state to berth or tie up in the Small Boar Harbor only.

When a freind on a Neighborhood Board asked the Question WHO IS BEHIND THESE BILLS, HE DID NOT GET ANSWERS.

THE GOVERNORS REP.was ASKED AND HAD NO KNOWLEDGE ABOUT THESE BILLS AT THE GOVERNOR LEVEL! SO WHO, ARE THE LOCAL OR MAINLAND DEVELOPERS ???.

3/2/2009

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

You are still killing the golden geese and I expect will forever. Too bad for the local residents fo Hawaii.

Thank you for this opportunity to testify.

*Linda Wong*

Linda Wong

3071 Pualei

## FINTestimony

---

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

---

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



**PRINCE OF WAIKIKI** show details Feb 8  Reply 

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

> To: [FINTestimony@capitol.hawaii.gov](mailto:FINTestimony@capitol.hawaii.gov)  
> CC: [princeofwaikiki@hotmail.com](mailto:princeofwaikiki@hotmail.com)  
> Date: Sun, 8 Feb 2009 17:18:24 -1000  
> Subject: Testimony for HB980 on 2/9/2009 9:00:00 AM  
>  
> Testimony for FIN ON 3-3-09 5PM 3RD FLOOR, ROOM 325 CONFERENCE ROOM (BILLS HB980 AND HB1766) AGAINST BOTH BILLS, WILL BE @ HEARINGS:  
> RAYMOND A. GRUNTZ, WAIKIKI NHB#9  
  
> Conference room: 325  
> Testifier position: oppose  
> Testifier will be present: No  
> Submitted by: Raymond A. Gruntz  
> Organization: Individual  
> Address: 1765 Alamoana Blvd. Apt 1482 Honolulu, HI.  
> Phone: 808-949-0492  
> E-mail: [princeofwaikiki@hotmail.com](mailto:princeofwaikiki@hotmail.com)  
> Submitted on: 2/8/2009  
>  
> Comments:  
> Here we go again, putting Large Boats in the Alawai Small Boat Harbor is a unsafe thing. Like I said 6 years ago, Paddlers, Suffers, Free Divers, and the resulting noise, of diesel engines, above my bedroom, DON'T MIX. You can bet Rep's of the Local Surfers & Paddles will be at these hearings.  
> As a Waikiki NHB #9 Member, the Waikiki Board Voted against, any( Commercial Activity) in our

3/1/2009

Ali Wai Small Boat Harbor 6 years ago.

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

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

>

> ALOHA

>

> Raymond A. Gruntz

> Member Waikiki Board 9

> Director Ilikai Marina Condo Assoc

> Director Waikiki Area Residence Assoc.

>

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

>

>

---

Express your personality in color! Preview and select themes for Hotmail®. [See how.](#)

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 9:14 PM  
**To:** FINTestimony  
**Cc:** zebradoves@aol.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Margaret O'Kelly  
Organization: Individual  
Address: 1848 Kahakai #903  
Phone: 783-8587  
E-mail: zebradoves@aol.com  
Submitted on: 3/2/2009

Comments:  
TESTIMONY IN OPPOSITION TO HB-980 HD-1  
HOUSE COMMITTEE ON FINANCE  
By Margaret M. O'Kelly

Tuesday, 03 March 200, room 308 at 5:00 PM

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

My name is Margaret O'Kelly. For more than 10 years I have been a boater at the Ala Wai small boat harbor and I strongly oppose this bill.

Our economy, both nationally and locally, is deteriorating with unprecedented speed into chaos, and according to an increasing number of respected economists, could well end up in a long period of depression. Unfortunately, the mainstream media has not been reporting the true gravity of the crisis. Here are a few titles from recent financial publications that better reflect what we're actually facing economically:

&#183; Dow finishes below 7,000 for first time since '97  
&#183; No Bailout Can Mend the Economy Now &#183; Newly Poor Swell Food Banks Nationwide  
&#183; Forecasters: Economy worse in '09 &#183; Fleckenstein: World's economies tumbling like dominoes &#183; State Budget Troubles Worsen.  
&#183; Stock Decline Hits Depression Levels &#183; 2009 Economic Jump Start Unlikely &#183; The Big Money: Truth hits Detroit at last &#183; J.C. Penney fights for survival &#183; Is the US heading for a depression? The US economy is contracting sharply. Is there a danger that it will go from recession to depression?  
&#183; Rising Debt May Overwhelm Obama's Bailout GM Break-up Close as Saab Files Bankruptcy &#183; US commercial property activity at 12-yr low -NAR &#183; Commercial Real Estate's Crisis Point Approaching?  
&#183; Get Ready for Mass Retail Closings (220,000 stores may close) &#183; Popular Rage Grows as Global Crisis Worsens &#183; The Great Depression Has Arrived--Collapsing American Dreams

It was easy money, excess borrowing, and reckless, sub-prime loans made to those who were never really qualified for them that got us into this mess, and with HB-980-HD1, this is precisely the road Governor Lingle and Laura Thielen are asking you to go down now. The arrower this time is DLNR.

They're asking for \$40 million in G.O. bonds plus \$200 million in G.O. reimbursables, based on smoke and mirror revenue projections falsely representing that DLNR will be able to service this new bond debt by leasing our harbor lands to real estate developers.

Apparently they're unaware that the real estate bubble has long since burst, and sadly, haven't figured out that any offers for public lands in today's market will amount to a pittance, a small fraction of the property's true and historic worth.

On top of this, the Administration propose to lock-in its give-away leases for 65 years, or nearly three full generations!

Whatever doubtful merit the Administration's controversial "Recreational Renaissance" may have had when originally conceptualized some time ago, in today's economic climate, it has morphed into an icon for the very recklessness that got us into our present economic imbroglio in the first place.

In effect, DLNR is a sub prime borrower and its attempt now to push through HB-980 HD-1 at a time of such economic crisis is a new paradigm of foolishness, even for this administration.

Please don't be a sub-prime lender. If our state is to make it out of this economic mess in the shortest possible time, it needs to be de-leveraging, not increasing its debt burden - especially to finance such frothy schemes as DLNR's "Recreational Renaissance ."

Please, no more sub-prime loans: Stop HB-980 HD-1.

Thank you for your kind attention.

Margaret O'Kelly  
Honolulu,

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 9:25 PM  
**To:** FINTestimony  
**Cc:** DrLeisure1@aol.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: George R. Harker  
Organization: Dr Leisure's Friends of Makena State Park  
Address: Kihei, HI  
Phone: 298 5399  
E-mail: DrLeisure1@aol.com  
Submitted on: 3/2/2009

### Comments:

Testimony of Dr. George R. Harker, Dr. Leisure's Friends of Makena State Park

To: Committee on Finance

Tuesday, March 3, 2009 at 5:00 pm Room 308 Measure HB 980 HD 1 Understand Committee is requesting 2 copies (including original)

I support the concept of a Recreational Renaissance but HB 980 HD 1 is not the way to proceed.

Following down the page is testimony I presented at the public hearing on Maui February 20, 2009 in which I suggested things that can be done without additional funding.

Also I note the failure of the State Parks Department to establish life guards at Makena State Park for which funding was provided by this body effective July 1, 2007. Two deaths, some forty neck compression injuries and numerous other injuries have occurred during this time when life guards could have made a difference. Yet they were not there. How many deaths and serious injuries does it take to get State Parks to act?

Park visitors that I have spoken with on the idea of a park access fee are indignant. They are very aware that they pay taxes on their rental car, pay taxes on their hotel room, and pay a premium to come to Maui. It is insulting to suggest that visitors should pay an additional fee to use a state park which suffers from chronic neglect.

I suggest the Finance committee raise these questions with Laura H. Thielen about the Recreation Renaissance. Let this year go by as an opportunity for the State Parks Department to get its act together and revisit the issue of charging admission to state parks at a future time.

Thank you for this opportunity to testify.

Dr. George R. Harker  
Dr. Leisure's Friends of Makena State Park PO Box 1137 Kihei, HI 96753  
808-298-5399 Testimony of DR. George R. Harker regarding the proposed "Recreational Renaissance" plan proposed by the Hawaii Department of Land and Natural Resources

Friday, February 20, 2009 in Kahului, Maui at the Maui Waena Intermediate School cafeteria, 95 Onehe'e Avenue, from 5 to 9 p.m.

As reported in the Maui News: The proposed "Recreational Renaissance" plan focuses on restoring and preserving Hawai'i's state parks, various popular trails and ocean recreation facilities, and represents a new and innovative approach to developing and maintaining outdoor recreational properties in the State.

"We are encouraging state park users and boaters, hunters and fishers, campers and hikers and anyone who wants to see improvements to these important recreational areas, to come and listen to our plan and give their input. Timely public support is critical to being able to make these needed changes that will benefit our communities statewide," said Laura H. Thielen, DLNR Chairperson

How could anyone be opposed to something with the handle "Recreational Renaissance." With a name like that it has to be good. On checking into the specifics for Makena State Park I was only able to find that \$2.7 million was designated for trail improvements. Having some familiarity with the state park at Makena I was a bit puzzled by this designation and the related allocation for there are no defined trails in the park. The park is crossed by numerous deer trails and rutted paths caused by the DLNR's machinery. Oh, yes the trail cut through by the triathlon once a year would qualify. Most of the park, including the Puu Olai is in fact closed to the public. Hiking access is prohibited.

Most of the things one would expect to do in a state park are actually prohibited. Night fishing, camping, hiking, kayak launching, having a fire, drinking a beer, ad nauseam. A renaissance in the recreational activities usually associated with a state park would be most welcome.

There has been building a desire and support for just such a renaissance. In support of that assertion let me present petitions for 24/7 access of the park signed by 500 people.

Much of what needs to be done at Makena State Park could be achieved simple by a change in attitude on the part of those who administer the park. Some items would require funds. But the main problem is attitude and focus. Case in point is the problem with lifeguards. A half-million dollars became available on July 1, 2007 for this. Today some eighteen months later and life guards are only occasionally seen assisting in the recovery of drowning victims or looking for that lost swimmer called in to 911.

Following is a listing of things that are needed and could be done at Makena State Park. Renaissance or not these are things that need to be addressed.

#### List of Needs and Suggestions for Recreational Renaissance

1. Need to open the park twenty-four seven
2. Need to allow beach and ocean access in accordance with law HRS 115 (Stop closing the access gate to the main parking areas at 7:45 pm) Stop citing people using this designated beach access for its intended purpose for being in a closed park.
3. Need to allow camping
4. Need to allow possession and consumption of alcoholic beverages
5. Need to allow fires in containers on the beach as allowed under state park regulations
6. Need to allow landing and launching of Kayaks
7. Need to stop blocking handicapped and regular visitor access by vendor
8. Need to be aware that 31% of the users of Makena State Park utilize Little Beach.
9. Need to be aware that the Sunday night drum circle involves twenty to twenty-five thousand users (20,000 - 25,000) a year.
10. Need to stop turning area around caretakers home into "base yard" parking for Ahihi reserve rangers. Provisions for life guard parking should be in available parking lots in closer proximity to where they will be working
11. Need for Life guards to be on station immediately, not three months from now as I have heard repeatedly from May 2007.
12. Life guards need to be presented to the public in Makena State Park in the same manner as they are on the Kamaole Beach parks in Kihei. That is to say there should be life guard parking at Big Beach Access I and Big Beach Access II. It should be obvious to the park

visitor that the beach is guarded and these people are available for there assistance.

13. Need for grading of shoulders for parking

4. Need for grading of Black Sand beach for access. I do not enter this area with my truck since I broken a tierod last year.

15. The internal trails recently established by park personnel using the all terrain vehicles should be allowed to stay in a vegetated state.

16. Accessing the beach through the salt flat/marsh area with vehicles should be discontinued.

The toxic residual from a recently removed vehicle should also be removed. At the moment the salt flat is flooded and the material is spreading unchecked. Not a good idea.

17. Need for horse back riding trails

18. Need to open the entire park to hiking.

19. Need to stop the residences at 5500 Makena Rd (The area in what was designated to be part of the park in 1976 plan) from introducing tertiary treated sewage into the groundwater adjacent to the fish pond. Much of this material travels to the ocean and will change the character of the offshore reef.

20. Need to protect and nurture the Wedge Tailed Shearwater which nests on the Puu Olai.

21. Need to remove the half dozen colonies of Feral cats located within the park. (They are known to prey on the Shearwater)

22. Need to remove the rock slide warning signs at Black Sand Beach from the base of the area affected by the rock slides. (A rather cynical placement of the signs. Right where the rocks will fall.)

This is only a partial listing of things that need to be done in the spirit of a Recreational Renaissance of the Hawaii State Parks with a particular emphasis on Makena State Park and the environs. Many of the items do not require expenditures of money. Those that do either have funding already available (Lifeguards) or it could be obtained. Don't discount the park visitor as a source of support. I do not mean in a financial sense through admission fees. Today many park visitors pick up trash and move gravel to fill ruts in the parking area of their own volition. There are volunteer groups ready and willing to do various projects in the part. All they need is coordination and direction coming from who ever has the authority to administer the state park.

Thank you for an opportunity to offer testimony. Please do not hesitate to contact me for clarification or other information regarding these ideas.

Sincerely,

Dr. George R Harker  
PO Box 1137  
Kihei, HI 96753  
808-298-5399

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 10:17 PM  
**To:** FINTestimony  
**Cc:** mark@bluewaterrafting.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: MARK DERENSIS  
Organization:  
Address: 1280 South Kihei Rd., Ste 205 Kihei, HI  
Phone: 808 879 0669  
E-mail: mark@bluewaterrafting.com  
Submitted on: 3/2/2009

Comments:

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 02, 2009 11:22 PM  
**To:** FINTestimony  
**Cc:** teruyap004@hawaii.rr.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Paul Teruya  
Organization: Individual  
Address:  
Phone:  
E-mail: teruyap004@hawaii.rr.com  
Submitted on: 3/2/2009

**Comments:**

I have been going to the beach at the Ala Moana Boat Harbor for over thrity years. My life will change for the worse suddenly if it is taken away to the average person like me. Please do not take it away from us. Mahalo, Paul Teruya

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 03, 2009 8:25 AM  
**To:** FINTestimony  
**Cc:** jmabbott@hawaii.edu  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

Please do not charge local people access to State parks and beaches!

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 03, 2009 7:27 AM  
**To:** FINTestimony  
**Cc:** bnakashima@hawaii.rr.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
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  
Submitted on: 3/3/2009

**Comments:**

Strongly support the Recreational Renaissance plan and am particularly in favor of the establishment of a public shooting range on the island of Hawaii.

A public shooting range would provide a safe location for hunters, competitive shooters and law enforcement to practice.

A world class shooting range would lure national and international competitions to be held thereby boosting the local economy.

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 03, 2009 7:49 AM  
**To:** FINTestimony  
**Cc:** cwright614@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Craig Wright  
Organization: Individual  
Address: 1651 Ala Moana  
Phone: 944-0426  
E-mail: cwright614@yahoo.com  
Submitted on: 3/3/2009

### Comments:

Please defeat HB 980. This measure will do great harm to the marine industry in Hawaii at this time of economic depression.

The few marinas in Hawaii are not profit centers to be exploited by raising fees and permitting commercial development. The land occupied by the Ala Wai was donated for public recreation use, and not for business purposes. HB 980 will hasten the decline of the recreational boating industry in Hawaii and deny the people of Hawaii a small harbor with access to the ocean.

Vote No on HB 980.

Thank you,  
Craig Wright

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 03, 2009 7:38 AM  
**To:** FINTestimony  
**Cc:** gdowning@hawaii.rr.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

### Comments:

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

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

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 03, 2009 8:43 AM  
**To:** FINTestimony  
**Cc:** bbshimokawa@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

If any fees to enter State Parks is allowed it should be charged only to tourists not Kam`aina. Why should we local people have to pay to enjoy & recreate in these parks that belong to us, the public. By allowing HB980 to pass you will be eliminating alot of local people from using these State Parks for whatever reasons they do. Then, before you know it you're going to say that you need to increase the fees which will then more than likely decrease the amount of tourists who would visit these unique beautiful parks that Hawai`i has to offer. I strongly oppose HB980.

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 8:08 PM  
**To:** FINTestimony  
**Cc:** gkaaihue@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

I am opposed to the DLNR's attempt to impose a fee to enter Hawaii's State parks and beaches. We're already inundated with enough state fees. I believe another approach would best serve the recreationalist and overburdened taxpayers of this state.

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 02, 2009 7:32 PM  
**To:** FINTestimony  
**Cc:** jonnyboy1325@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

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

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 8:14 PM  
**To:** FINTestimony  
**Cc:** mckraft@hotmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Michael Kraft  
Organization: Individual  
Address: 1741 Ala Wai unit 32 Honolulu Hawaii  
Phone: 474 2911  
E-mail: mckraft@hotmail.com  
Submitted on: 3/2/2009

**Comments:**

REF: HB #980 & HB# 1766

DOBAR had acted in bad faith and ignored the publics 100% rejection of the parking plan which was forced on us. We can expect the same shabby treatment if DOBAR gets the decision power it seeks.

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 7:53 PM  
**To:** FINTestimony  
**Cc:** laolalake@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

As a native of the islands I feel that we cannot let our open spaces and beaches that we have enjoyed for decades slip out of our hands the way that the Californians have lost all their beach rights. We have lost enough already....please don't take MORE away from us.

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 7:42 PM  
**To:** FINTestimony  
**Cc:** kuumehananani@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: R. Ku'ulei Keakealani  
Organization: Individual  
Address:  
Phone:  
E-mail: kuumehananani@yahoo.com  
Submitted on: 3/2/2009

Comments:

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 02, 2009 5:40 PM  
**To:** FINTestimony  
**Cc:** ahopman@earthlink.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position:  
Testifier will be present: No  
Submitted by: Arius Hopman  
Organization: Hanapepe Economic Alliance  
Address: POB 441 HI 96716  
Phone: 808 3350227  
E-mail: ahopman@earthlink.net  
Submitted on: 3/2/2009

Comments:

---Recreational Renaissance Bill HB980 IS NOT AVAILABLE ON THE NET! WHY?? THE PUBLIC NEEDS TO SEE IT.

---THERE HAS BEEN NO PUBLIC HEARING!

---DLNR PARKS WAS UNRESPONSIVE TO COMMENTS AT THEIR KAUAI INFORMATIONAL MEETING.

--DO NOT THROW GOOD MONEY AFTER BAD. EVENTUALLY THE PUBLIC WILL HAVE TO PICK UP THE AB...WHO ELSE? THE PROBLEM IS NOT BUDGET IT IS MISMANAGEMENT OF, AND LACK OF TRANSPARENCY OF THE BUDGET.

---THE DEPARTMENT ITSELF NEEDS AN OVERHAUL. IT IS RUN TOP DOWN, PLANTATION STYLE, IT MUST BECOME A PUBLIC SERVICE.

---THE FOLLOWING NOTES WERE GIVEN AT THE KAUAI MEETING TO CURT COTTRELL. I HOPE THEY WERE INCLUDED IN TESTIMONY:

NEW POLICY OPPORTUNITY FOR NA PALI STATE PARK:

New rules for Kalalau would go a long way towards cleaning up the murky and unfair situation there. Here are some possibilities.

---Hunters with licenses and volunteer waivers should be allowed to overnight on Na Pali without a permit. Hunting parties could go out to the "hunter's blind spot" (mile 4-9) to cull the overpopulation of goats and pigs.

---Trail maintenance volunteers (with training) and other service volunteers carrying a volunteer waiver (as per DLNR spokesperson Deborah Ward quoted in TGI should be encouraged. They could become members of Parks' Kokua Partnership Program and show before-and after photos or some other proof of their work. This could greatly ease DLNR budget constraints.

---Privatize garbage removal from Kalalau Beach by boat. Surf forecasts show many calm days even during winter months. DLNR would save bundles.

---Create an Annual Pass for Na Pali camping. Say, \$200. The 5 day per month rule could till apply.

---Children under 15 and seniors over 55 should be able to camp free (5 day/mo).

---Enforcement must identify themselves and show proof of their official capacity.

---Enforcement should walk in or use boats whenever possible: Budget consideration.

---Enforcement may not destroy property or scatter food. Items taken are impounded and recorded as such, re-claimable by the owner at the judge's discretion.

---Campers/hikers should be allowed to record (photo, video, audio) any enforcement activity in the Park.

---Enforce the helicopter altitude rules and other aviation rules.

---Tour helicopters are for profit and now use Na Pali Park air space. Commercial activity is illegal in the Park. They should at least pay a fee like campers who use the Park legitimately.

---Tour helicopters should be restricted to week days and eventually over-flights of the park should be permanently banned.

---All helicopters should be required to display large license plates on bottom and sides, so, like cars, they can be identified.

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 6:01 PM  
**To:** FINTestimony  
**Cc:** konaron@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Ronald Finelli  
Organization: West Hawaii Gun Club  
Address: 73-4469 Hane St #14 B HI  
Phone: (808) 989-1758  
E-mail: konaron@yahoo.com  
Submitted on: 3/2/2009

**Comments:**

Please support HB 980 HD1. This is critical legislation, especially for the island of Hawaii

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 6:09 PM  
**To:** FINTestimony  
**Cc:** karenhand@hawaiiintel.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Geoffrey Benard Hand  
Organization: Adventures in Paradise  
Address: 73-1093 Oluolu St. Kailua Kona HI 96740  
Phone: 8083250956  
E-mail: karenhand@hawaiiintel.net  
Submitted on: 3/2/2009

Comments:  
Please vote no on Recreational Renaissance Bill

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 02, 2009 5:13 PM  
**fo:** FINTestimony  
**Cc:** jbmkona@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jean Bevanmarquez  
Organization: Individual  
Address:  
Phone:  
E-mail: jbmkona@gmail.com  
Submitted on: 3/2/2009

### Comments:

Mahalo hearing DLNR's vision of a recreation renaissance for our state. I have long said that we have so much untapped opportunity for the visitor and kama'aina, as well.

First, I believe that with relatively minor investment in our shoreline facilities (restrooms, interpretive boards, peak time docents, etc.), enhanced trails for hiking, particularly mauka, and more camping facilities (even if privately operated or on lease by the State), we would capture a greater visitor base that wants to really experience Hawai'i. We seem to have a myopic view of our attributes - only beaches and big hotels - that visitors often are startled that we have such rich resources and features beyond the and and glitz.

On the other hand, we have allowed our public facilities to remain in a deplorable condition. State harbor facilities, launch ramps, restrooms, and pavilions are run down, and dangerously so. I have a hard time reconciling the monies that are invested in advertising the state and operating HTA and the Visitors Bureaus, when once the visitors get here, they experience foul, broken restrooms, minimal interpretation, and broken down piers and ramps, and few if any opportunities to experience our amazingly beautiful mountains. Let's spend some of THAT money on our facilities.

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 4:46 PM  
**To:** FINTestimony  
**Cc:** kaimalu1@hawaiiantel.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

I am opposed to the HB980 because I do not think the State should be able to rent or sell Public lands. By privatizing State Parks it will deny free access to all local people of Hawaii.

The State has mismanaged the funds for numerous years up to the present and I would not like to see anymore funds in their hands without proper accounting and auditing. With this plan by having a special fund with the Chairperson in charge deciding who and where and when the funds are used is not a good idea based on their past performance. You do not reward a child who has not completed his chores with a raise in allowance. I feel this is what we would be doing if we were to pass this bill and allow the DLNR to control this "special fund" by this "Recreational Renaissance Plan";

Mahalo for your time & for allowing me to testify.

Richard. T. Ing

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 3:39 PM  
**To:** FINTestimony  
**Cc:** billyp@philpotts.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

Comments:

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 3:19 PM  
**To:** FINTestimony  
**Cc:** jeanniechesser@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

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

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 1:36 PM  
**To:** FINTestimony  
**Cc:** nurseducator@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

I oppose this bill, HB 980. I am a boat owner, ocean user, and kama'aina in HI since August 1965. Our ocean and beaches MUST remain in good repair and open and accessible to all residents and visitors. Decisions should be placed in the hands of the users and families who enjoy these waters, harbors, and beaches

William Marshall  
Ala Wai Small Boat Harbor, Honolulu

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 3:07 PM  
**To:** FINTestimony  
**Cc:** gsheehan@mauibiz.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Greg Sheehan  
Organization: Individual  
Address: 1955 Main Street, 400 Wailuku, HI  
Phone: 808244-2200  
E-mail: gsheehan@mauibiz.com  
Submitted on: 3/2/2009

**Comments:**

Please support the Recreational Renaissance bill. Bills such as this will help Hawaii to become and remain a world class location of parks and recreational services.

## **FINTestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 2:45 PM  
**To:** FINTestimony  
**Cc:** billfkr@webtv.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

**Comments:**

Aloha, when I first came to the harbor in 1967, there was Aloha. Now, what has happened? There are rules, regulation, money rules the State. I sailed the Pacific from Mexico twice, and to New Zealand, and spent time in Europe in harbors, and it is so sad to see how well-run, even in Tonga-- how people welcome people to their Harbors. I don't mind paying a little extra, but maintain the harbor. When I 1st came, there were 2 people in the Harbor office. Now they have at least 5 or 6. With a modern computer, they should have fewer people in the office, more maintaining the place. I am concerned that the fees I pay are not efficiently spent.

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**sent:** Monday, March 02, 2009 1:13 PM  
**To:** FINTestimony  
**Cc:** eenoka@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Elizabeth A Enoka  
Organization: Individual  
Address: 3457 Aliamanu St Honolulu  
Phone: 8084224228  
E-mail: eenoka@gmail.com  
Submitted on: 3/2/2009

### Comments:

I am against bill HB980 because I feel that the people of Hawaii should not have to pay to access the beaches and parks of Hawaii. My family (our 4 children) myself and my husband all surf and enjoy the beaches almost every weekend, for decades!! It is our R&R. It is a place where we enjoy togetherness and the beauty of the ocean.

### WHAT IS HAPPENING TO HAWAII?

I can see charging a small and reasonable fee to the tourist that go to the popular state parks etc, but that they should remain free of charge to the local's. There are numerous Canoe Clubs, surfers, stand up paddlers, fishermen, boaters etc....that have a right to access the ocean that we are SURROUNDED by and not be charged to enjoy all that the ocean offers. Please take into consideration that many of the local people are having a difficult time just making ends meet and to be charged to go to the beach or to a state park would be even more of a hard ship. We need these outdoor places for our children and their children's children to enjoy FREE OF CHARGE!! Keep Hawaii local and let's not follow in the footsteps of the mainland ways!!

Mahalo

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 10:00 AM  
**To:** FINTestimony  
**Cc:** kaimalu1@hawaiiantel.net  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Melissa Malulani Ling-Ing  
Organization: Common Ground Hawai'i  
Address: 383 N. Kainalu Drive Kailua, Hawaii 97834  
Phone: 808-261-1959  
E-mail: kaimalul@hawaiiantel.net  
Submitted on: 3/2/2009

### Comments:

Aloha,

My name is Melissa Malulani Ling-Ing. I am the spokesperson for Common Ground Hawai'i which represents thousands of surfers, paddlers & other recreational ocean users. On behalf of our grassroots org. and along with myself I am opposed to House Bill 980. The reason being, it is too vague. This bill sounds like it is giving an "blank check" to the State DLNR to charge whatever they want whenever they want. Also, I do not agree with the State charging local people any more fees to access the mountains and/or the ocean whether it be in ways of parking fees or just an access fee to a State park. I totally understand that the State needs funds to maintain our parks and recreational facilities, however, there needs specifics, not just say you are going to create a special fund and collect from the public??? I think most local people of Hawai'i are already financially strapped, therefore may I suggest you implement charges to various parks that are popular to tourists a reasonable fee instead of charging the local people. Whatever happens to "the good things in life are free"? How about our keiki, don't we want them to go to the beach, hike, learn about our environment? How are they going to do that if they are unable to pay a fee to access these places? I do not even want to get into the issue of Native Hawaiian Cultural rights and how this will affect us if we cannot afford to pay a fee to practice them? Mahalo for your consideration & time into this matter.

Melissa Malulani Ling-Ing

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 02, 2009 9:42 AM  
**To:** FINTestimony  
**Cc:** bassboss61@yahoo.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

Comments:

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**ent:** Sunday, March 01, 2009 6:30 PM  
**To:** FINTestimony  
**Cc:** dengilbert@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

Conference room: 308  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Dennis Gilbertson  
Organization: Individual  
Address: 1765 Ala Moana Blvd. Apt.292  
Phone: 941-4709  
E-mail: dengilbert@gmail.com  
Submitted on: 3/1/2009

**Comments:**

To All Responsible Legislators,

Our bedroom stands 60 yards from pier 54 at the Ala Wai and looks straight away to the level of the navigation deck on the HikiNo, now at berth there. Approximately 200 other apartments, our neighbors in the Ilikai Marina Building, are similarly situated.

Within those 60 yards is a narrow 2 lane street. Trucks delivering food and drink plus trash trucks, tourist buses, trolleys, cabs and other hotel traffic compete for this space and leave their noise and filth behind. The recreational boats add noise and confusion at times but the harbor was built for them so we are our neighbors too.

To add commercial noise and traffic at this part of the Ala Wai would be an irresponsible action, a source of continuing, damaging problems.

Do not create serious, perpetual trouble for all but rethink this abominable threat to an already difficult situation. If absolutely necessary, the commercial activity should be confined to the outer piers, as far from the congestion existing at the inner piers as possible.

Dennis Gilbertson

## FINTestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**sent:** Sunday, March 01, 2009 3:20 PM  
**To:** FINTestimony  
**Cc:** princeofwaikiki@gmail.com  
**Subject:** Testimony for HB980 on 3/3/2009 5:00:00 PM

Testimony for FIN 3/3/2009 5:00:00 PM HB980

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

### Comments:

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

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

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

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

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

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

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

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