

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND AND OCEAN RESOURCES**

**Monday, February 9, 2009
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 980
RELATING TO RECREATIONAL RENAISSANCE**

The purpose of House Bill 980 is to provide for the improvement and long-term maintenance of the state's parks, boating facilities and forest recreation areas through an initiative known as the Recreational Renaissance Program. This measure is consistent with the Administrative proposals contained in House Bill 1131 and Senate Bill 949 – RELATING TO RECREATIONAL RENAISSANCE. The Department of Land and Natural Resources (Department) strongly and enthusiastically supports this measure.

The Department's mission is to manage, restore and protect the natural and cultural resources that are the very essence of Hawai'i. These range from the Alakai Swamp and native forest trail, where you can wander through the mist-shrouded mountains of Kaua'i, to Ala Kahakai, one of 19 National Historic Trails that link three parks and a wealth of historic sites along Hawai'i's pristine shoreline.

Hawai'i's state parks and recreational areas are locations where residents can spend time with family and friends, practice cultural traditions, retreat from the hectic pace of daily life and gather sustenance for their families. They are also popular destinations for more than six million visitors annually. Unfortunately, over the past four decades, many of these places have suffered from degraded infrastructure, dilapidated facilities, spotty maintenance, minimal restoration and, in some cases, unsafe environments.

To ensure that our most precious natural and cultural resources are preserved for use by residents today and tomorrow, the department is fundamentally restructuring the maintenance, restoration, and management of these important places.

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

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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

The unprecedented “Recreational Renaissance” initiative aims to provide for a re-birth of recreational opportunities statewide and the continued stewardship of the 54 state parks, 20 small boat harbors, 25 boat ramps and landings, 275 miles of hiking trails and the Forest Reserve System.

The Recreational Renaissance initiative accelerates the state’s multi-year effort to repair, replace or improve facilities at state parks, trails and small boat harbors statewide. This new and unique plan includes 238 projects around the state, and leverages an investment of \$40 million over 12 years to generate new, non-taxpayer dollars that will support an additional \$200 million in capital improvements in the next five years to upgrade comfort stations, parking, small boat harbors and boat ramps, trails, cabins, piers, pavilions, interpretive programs and security.

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

Our \$240 million in infrastructure improvements will include restoring spaces the state has acquired in order to protect cultural and natural resources. In addition, DLNR will adopt national model standards for scheduled repair and maintenance of facilities and sites through the support of limited fees and concessions.

Most of these projects have already been designed or are in the master plan phase. More than \$30 million in projects are ready to begin construction this year, and more than \$20 million are ready to begin construction in 2010. Each island will receive integrated ocean and land-based recreational infrastructure improvements, including \$63,295,000 for 46 projects on Kaua‘i; \$40,940,000 for 39 projects in Maui County; \$58,285,000 for 60 projects on Hawai‘i; and \$72,580,000 for 73 projects on O‘ahu.

In addition, the Department is developing partnerships with educational organizations to provide interpretive opportunities to enrich visitors’ experiences and encourage them to embrace our shared kuleana, or responsibility, for these public spaces and resources.

Among the highlights of this measure are:

SECTION 2 of this measure creates a Recreational Renaissance Special Fund to support the initiative.

SECTION 3 creates a partnership between the Aloha Tower Development Corporation and the department to undertake projects related to Keehi Small Boat Harbor and the Triangle Island.

SECTIONS 4 and 5 provide the Department with additional flexibility in developing industrial parks and help address the growing demand in the State for available industrial lands;

SECTION 6 of the bill authorizes moorage for commercial vessels and commercial vessel activities in the Ala Wai and Keehi Small Boat Harbors;

SECTION 7 of the bill clarifies that moorage fees in state small boat harbors shall be set by appraisal and establishes utility and common area maintenance fees for users of state small boat harbors;

SECTION 8 clarifies that for any projects paid with state funds by the department pursuant to Act 118, Session Laws of Hawaii (SLH) 2006, as amended by Act 89, SLH 2007, as amended by Act 94, SLH 2008, that become eligible for federal reimbursement, the federal reimbursement funds shall be deposited into the Recreational Renaissance Special Fund.

SECTIONS 9 and 10 list the range of improvements and locations where Recreational Renaissance projects may occur.

This bill also authorizes an appropriation of \$3,000,000 for the Recreational Renaissance Special Fund in each year of the biennium.

The Department recommends the following revisions to the measure:

On page 3, lines 14 and 15, we suggest deleting the phrase "more than doubles the size of Ala Moana Beach park", as the Keehi lagoon project does not propose to do so.

On page 8, line 2 provides that the department may enter into partnership or a development agreement with, "a federal agency, county, or private party . . ." We suggests the phrase to read, "a federal or state agency, county, or private party..."

On page 13, line 8, it appears a phrase is missing when the bill states, "If a vessel pay,".

In summary, with the recommended revisions, the Department is in full support of this measure which will enable the Department to implement an innovative initiative to move ahead with improving, operating and maintaining recreational facilities statewide.



**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

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

Statement of
THEODORE E. LIU
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
Monday, February 9, 2009
9:00 a.m.
State Capitol, Conference Room 325

HB 980
RELATING TO RECREATIONAL RENAISSANCE.

Chair Ito, Vice Chair Har, and Members of the House Committee on Water, Land and Ocean Resources.

DBEDT strongly supports HB 980, 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.

State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813
Phone: (808) 587-2154

TRANSMITTAL OF TESTIMONY

COMMITTEE: HOUSE WATER, LAND, & OCEAN RESOURCES

HEARING DATE: Monday, February 9, 2009

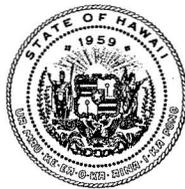
HEARING TIME: 9:00 a.m.

BILL NO.: H.B. 980, Relating to Recreational Renaissance.

TESTIFYING: Brennon T. Morioka, Ph.D, P.E.
Director of Transportation
or Designee

COPIES REQUIRED: 1

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:

February 9, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION
HOUSE BILL NO. 980, RELATING TO RECREATIONAL RENAISSANCE.
COMMITTEE ON WATER, LAND & OCEAN RESOURCES

The Department of Transportation (DOT) **supports** this bill, which will 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.

For these reasons, we ask for your favorable consideration on this bill.



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

LINDA LINGLE
Governor
MELISSA PAVLICEK
Chairperson
SANDRA PFUND
Chief Executive Officer

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

Statement of
Sandra Pfund
Chief Executive Officer
Aloha Tower Development Corporation
before the
House of Representatives
Committee on Water, Land and Ocean Resources
Monday, February 9, 2009
9:00 A.M.
State Capitol, Conference Room 325

in consideration of

HB 980 RELATING TO RECREATIONAL RENAISSANCE

Chair Ito, Vice-Chair Har, and Members of the House Committee on Water, Land and Ocean Resources.

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.

Chairman Ken Ito
Vice Chair Sharon Har
Committee Water, Land, & Ocean Resources
Melynda Dant
78-6775 Makenawai St.
Kailua Kona, HI
February 9, 2009

In Support :HB980

Dear Chairman Ito, and Vice-Chair Har and Committee Representatives

I support the Recreational Renaissance plan. We need the legislature to commit monies to implement this plan. Our outdoor recreation facilities are in poor condition. Our tourism industry relies on these state facilities to live up to common safety standards and our visitor's expectations. We are past the position of needing a plan, but later is better than never.

Now, we need to fund the plan without breaking the backs of the commercial harbor users, already paying 3% of our gross income on top of the GET. Our commercial fees go into a special fund that does not re-invest in the facilities that pay these fees. Commonly, the commercial users are easy targets to increase fees, ignoring the minimal fees if any the residents pay for use of these facilities. Park fees, fishing licenses, boat ramp fees etc need to be charged and increased. Most of the processing fees in the Small Boat Harbors would not even cover the costs of the paper, let alone the wages of state staff to process.

I am encouraged by the proactive approach this bill takes. I ask you to support HB980.

Sincerely,

Melynda Dant

Vice President
Fair Wind Cruises
Kona Hawaii

TESTIMONY BY THE ALA WAI MARINA COMMUNITY ASSOCIATION

In Opposition to HB-980 before the

**WRL Committee, Chaired by Representative Ken Ito
Sharon Har, Vice-Chair**

on

February 9th 2009

Room 325, State Capitol

Chair Ito, Vice-chair HAR, and honored members of the Committees, thank you for letting me to speak.

My name is Bruce Middleton, Chair of the Ala Wai Marina Community Association representing recreational boaters of the Ala Wai Small Boat harbor.

This bill is seriously flawed.

First, it was apparently written before the current economic downturn and erroneously assumes that the State would be in a position to fund the proposed "renaissance" improvements at a cost of \$240 million in G.O and reimbursable bonds. The painful truth is that is that with State revenues falling dramatically and likely to continue falling throughout 2009 – 2010, it would be sheer folly to pass such a pie-in-the-sky spending measure. *Clearly, now isn't the time to increase our debt load; rather it's a time to carefully conserve our shrinking financial resources and to deleverage our State's finances to the extent possible.*

Second, the bill is a nearly overwhelming conglomeration of divergent measures apparently intended to give DLNR sweeping new powers to act without need for public hearings under HRS § 200 and § 91. For example, DLNR already has the power to raise fees for boaters and other recreation users by simply changing its Administrative Rules under HAR § 13. But this procedure requires that it hold public hearings pursuant to HRS §91, which is intended to insure that the executive branch acts reasonably and with the *consent of the people*. By attempting to avoid these requirements, it seems that what DLNR is attempting to institute is not "renaissance," but *do-as-you're-told serfdom*.

Many important issues are addressed in this bill each of which deserves careful consideration individually such as the abolishment of the boating special fund, moving the environmental maintenance of the entire Moanalua Bay to the Boating Program, making the Ala Wai Small Boat Harbor a commercial facility which would endanger Keike Sailors and canoe paddlers, and the massive development of Keheii Lagoon largely at the sole discretion of DLNR. Having all these (and other) measures lumped together in a single bill prevents full and careful consideration of each by hampering public input and by overwhelming the committees with multiple complex issues, each fraught with potential unintended consequences.

Please stop this bill. Its flaws and defects aside, now is just not the time for massive spending and debt accumulation.

Thank you for your kind consideration.

Bruce M. Middleton


Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 980 Relating to Recreational Renaissance
House Committee on Water, Land & Ocean Resources
Monday, February 9, 2009, 9:00am, Rm. 325

The Nature Conservancy supports H.B. 980, with the amendments noted at the end of this testimony.

The Nature Conservancy is keenly aware that the public's positive experience of nature is critical to public support for protecting our native forests and reefs – places that are very special and truly unique to Hawai'i. We need to invest both in protecting our environment, remote and accessible, and improving visitors' and residents' experience of it responsibly and sustainably.

The DLNR's proposed Recreational Renaissance not only creates a mechanism for addressing the huge backlog of maintenance to our public outdoor recreation areas, it also sets up a sustainable mechanism that allows people to have a positive and enriching experience of the natural environment; become educated about Hawaii's globally unique but fragile resources; and share in the pride and protection of those resources.

In addition to providing much needed visitor amenities, we see other opportunities to protect some of our most fragile ecosystems – in places such as the Alaka'i, Ka'ena, Ahīhī-Kīna'u, and Puakō, with infrastructure and operational improvements including revenue streams to help manage and protect fragile resources; strategic fencing to protect against invasive species; boardwalks to prevent damage from use; mooring buoys that prevent anchor damage to coral reefs; and educational infrastructure, signage and staffing at popular but sensitive sites.

We also see an excellent opportunity to improve natural resource enforcement by the currently over-extended Division of Conservation and Resource Enforcement (DOCARE). In tandem with infrastructure upgrades, the Recreational Renaissance proposal should allow for the development and implementation of defined public safety and security systems at parks and harbors. These should be implemented in a manner that helps alleviate the burden that is presently placed on DOCARE to provide these services. As a result, DOCARE will be able to put more officers back in the field working on their primary responsibility of enforcing the State's natural resource laws and regulations.

We do have a few recommended amendments to this bill:

- **SECTION 2.** We do not believe the DLNR chair should have the unilateral discretion to transfer monies from other DLNR special funds into the recreational renaissance special fund. If the expenditures are consistent with the purposes of the special funds from which the monies are transferred, then the money should just be expended from the originating funds.
- **SECTION 9.**
 - The listing of improvements at water-based areas should include “public safety, security and enforcement capacity”; and
 - 'Ahihi-Kina'u Natural Area Reserve on Maui should be added to the list of locations identified for improvements because of its natural resource value and high visitor traffic.
- **SECTION 10.** The listing of improvements at land-based areas should include “environmental restoration/mitigation” and “public safety, security and enforcement capacity.”

BOARD OF TRUSTEES

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HISTORIC HAWAII FOUNDATION

VIA FAX: 586-8504

To: Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair
Committee on Water, Land and Ocean Resources

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

Committee Date: Monday, February 9, 2009
9:00 a.m.
Conference Room 325

Subject: Support of HB980, Relating to Recreational Renaissance

On behalf of Historic Hawai'i Foundation (HHF), I am writing to support HB980, 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.



680 Iwilei Road, Suite 690 / Honolulu, Hawaii 96817 / Tel (808) 523-2900 / Fax (808) 523-0800
Email preservation@historichawaii.org / Web www.historichawaii.org

041

February 6, 2009

Chair Ken Ito
Vice-Chair Sharon Har
House Committee on Water, Land and Ocean
State Capitol
Honolulu, HI 96813

Subject: **House Bill No. 980**

Dear Representatives Ito and Har and Members of the House Committee on Water, Land and Ocean,

As a recreation and tourism planner, I am very supportive of House Bill No. 980. By way of introduction, I am professional planning consultant and a member of Hawaii Tourism Authority's (HTA) Natural Resources Advisory Group (NRAG). My recent planning projects include: the *2003 Statewide Comprehensive Outdoor Recreation Plan (SCORP)* and its current update (*2008 SCORP*), which is in process; HTA's *Natural Resource Assessment*; and the *Diamond Head State Monument Master Plan*.

Section 1 of H.B. 980 succinctly describes the need for the bill. I hope that the State will try to attract more concessions at small boat harbors and parks as a means of bringing more revenues and/or maintenance services to help maintain our parks, trails and ocean recreation facilities. During these challenging economic times, local families will need to find cheaper ways to recreate, and our parks and ocean are an obvious choice for free to modest ways to recreate.

Through websites and blogs, "word-of-mouth" is increasingly being relied upon by travelers in making their travel decisions. I am convinced that if the Hawaii "product" is tarnished by poor and inadequate facilities at parks and small boat harbors, visitors will no longer find Hawaii appealing for the great natural resources it offers, especially compared to other unspoiled travel destinations around the world.

Please proactively upgrade our parks, trails and ocean recreation facilities by voting for House Bill No. 980.

Thank you very much for considering my testimony.

Mahalo,

Vincent Shigekuni
Vice President
PBR HAWAII

TESTIMONY IN SUPPORT OF THE INTENT OF HB 980 WITH SUGGESTIONS FOR IMPROVEMENTS

**The Committee on Water, Land and Ocean Resources
Monday, 9 February 2009 in Room 325 at 0900**

Chair Ito 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. 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 additional 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 Haseko 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 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. As with the live aboard permits, this 15% and 35% also needs to be described as a finite number (129 at Ala Wai and 82 At Keehi). 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 the Hawaii Prince Hotel and on the 800 row out on the breakwater, and that recreational users now holding permits in those areas will be accommodated at other locations within Ala Wai Harbor as commercial demand requires it.

SECTION 7 200-10 (1) puts the fees that will be charged to recreational boaters into the hands of a real estate appraiser. It does not say how this 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. Then in (2) it says that a 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 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. 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.

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, 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.

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. The \$6 million over two years will only allow the merest beginnings of the planning phase of this plan and will assure that the plan starts out two years behind. 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. Please correct the above problems, fund the project, and enable this bill so we can get started now!

Respectfully,

Reg White

[REDACTED]

Date..... Feb. 6, 2009

Name..... Betsy Morrigan

Phone..... [REDACTED]

Address.... [REDACTED]

Title..... Commercial Boating permittee(DOBOR)

.....Commercial Guided Tour Trail Permittee (DOFAW).

Owner..... Hawaii Pack and Paddle

To the Committee on Water, Land, and Ocean Resources:

TESTIMONY for HB 980 RECREATIONAL RENAISSANCE

Monday, February 9, 2009 at 9:00 A.M, Room 325

Ken Ito

Chairperson, Committee on Water, Land, and Ocean Resources

Aloha Mr. Ito:

This Recreational Renaissance initiative to improve the quality of our state's parks, trails, and boating facilities is an exciting and timely project. I applaud the purpose of this bill, and I am 100% behind the concept of bringing our state's parks, trails, and boating facilities to a much higher standard for the use and enjoyment by residents and visitors alike. On that level, I approve this bill. However, I do not approve the section of this bill that seeks a large portion of the funding by raising harbor/permit fees on the commercial boating tour operators to an unspecified amount.

PROBLEM WITH UNSPECIFIED SMALL BOAT HARBOR FEE INCREASES:

I have two commercial tour permits from the state: both a state commercial boating permit to offer guided kayak tours and a state trail hiking tour operator permit. I belong to the Ocean Tourism Coalition, ocean recreation tour boat operators who are all affected by this threat of unspecified fee increases. These are hard times, and our state harbor permit fees have been recently raised 266%. Many of us are now seeing our income slashed by 30%, 40%, even 50% --maybe more in the next year--due to the worldwide recession. Many commercial ocean recreation tour boat operators are literally having a hard time merely staying afloat here, in these economic hard times. Raising

boating fees again soon will sink many of us... and there will go the state's potential to collect the fees you need.

I cannot approve this bill as written where unspecified fee increases will hit one segment of the commercial users hardest of all, the commercial boaters. I ask you to amend this bill to consider all commercial permittees and concessionaires across the board and to offer a reasonable, small, and more specific schedule of increases starting no earlier than five years to allow time for us all to recover. Imposing higher fees on commercial ocean tour permittees soon will backfire, causing failure and bankruptcy and failure, resulting in less revenue for the state, not more.

STREAMLINING PARKS AND BOATING PERMITS AND CONCESSIONS:

More high quality concessions and commercial guided tour operations in both the parks and boating facilities will help pay for the state parks and harbors and will increase and enhance visitation. I approve Hawaii's Div. of State Parks designing and implementing a streamlined on-line reservation system designed with and for the commercial tour vendors similar to those in the DOFAW Na Ala Hele commercial trail operators program (CTTA). And for the visiting public, I approve attractive, up-to-date websites to view current activities and to make reservations.

COMMENTS ABOUT SPECIFIC FACILITIES ON THE ISLAND OF HAWAII:

In the list of harbor facilities scheduled for improvements on the island of Hawaii, one has been left out and needs to be included: Napo`opo`o Ramp.

This is a ramp for non-motorized vessels only, specifically kayaks, and is actively used on the island of Hawaii, South Kona. Napo`opo`o Ramp very much needs the kinds of improvements as the others mentioned and should be included in this Recreational Renaissance list of harbors and ramps as well as on the DLNR DOBOR facilities map.

Also on the island of Hawaii, Kekaha Kai State Park needs to be reclassified from a "wilderness" park to a regular park and to include camping here. This large state coastal park, with many miles of coastline for hiking, camping, and kayaking, is less than ten miles from Kailua-Kona, one of the fastest growing urban centers in the state. Campsites need to be planned for this park as well as in its close neighbor park Kiholo State Park, according to this new plan and also from years of previous public input and planning.

In closing, this Recreational Renaissance is a great plan whose details need to be adjusted before it goes further. Amend this plan to offer no commercial

tour operator fee increases in the next five years to allow commercial tour operators to recover from the recession. Thank you for hearing me out on this.

Date.....Feb. 6, 2009

Name.....GEOFF HAND

Phone.....808-325-0956

Address.....Kailua Kona, HI 96740

Title.....Commercial Boating permittee(DOBOR)

Commercial Guided Tour Trail Permittee (DOFAW).

Owner..... Adventures in Paradise

To the Committee on Water, Land, and Ocean Resources:

TESTIMONY for HB 980 RECREATIONAL RENAISSANCE

Monday, February 9, 2009 at 9:00 A.M, Room 325

Ken Ito

Chairperson, Committee on Water, Land, and Ocean Resources

Aloha Mr. Ito:

The Recreational Renaissance initiative to improve the quality of our state's parks and boating facilities is a great idea. I support the idea of bringing our state's parks, trails, and boating facilities to a more acceptable level for use and enjoyment by residents and visitors. The bill seems less than straightforward though on who is to pick up the burden of these improvements and commercial boating has already sustained huge increases recently.

I do not approve the section of this bill that seeks a large portion of the funding by raising harbor/permit fees on the commercial boating tour operators to an unspecified amount. There have already been large recent increases that almost tripled commercial ramp fees in the last 18 months from the \$75 up to \$200 month minimum or from 2% of gross income to 3% of gross income. This has already put my business at risk in the decreasing size market.

UNSPECIFIED SMALL BOAT HARBOR FEE INCREASES MAY PUT US OUT OF BUSINESS:

I have two commercial tour permits from the state: both are state commercial boating permits to offer guided kayak tours. These are hard times, and our state harbor permit fees have been recently raised 266%. Many of us are now seeing our income slashed by 30% - 70%. Raising boating fees again soon will wreck many of us, jeopardizing yet another segment of Hawaii's tourist economy.

I cannot approve this bill as written where unspecified fee increases will hit one segment of the commercial users hardest of all, the commercial boaters.

I ask you to amend this bill to consider all commercial permittees and concessionaires across the board and to offer no fee increases, but rather begin to charge for visitor uses of parks and facilities. Imposing higher fees on commercial ocean tour permittees is simply bad for Hawaii's failing economy at this time and devastating for my personal situation.

STREAMLINING PARKS AND BOATING PERMITS AND CONCESSIONS:

More high quality concessions and commercial guided tour operations in both the parks and boating facilities will help pay for the state parks and harbors and will increase and enhance visitation. I approve Hawaii's Div. of State Parks designing and implementing a streamlined on-line reservation system designed with and for the commercial tour vendors similar to those in the DOFAW Na Ala Hele commercial trail operators program (CTTA). And for the visiting public, I approve attractive, up-to-date websites to view current activities and to make reservations.

COMMENTS ABOUT SPECIFIC FACILITIES ON THE ISLAND OF HAWAII:

In the list of harbor facilities scheduled for improvements on the island of Hawaii, one has been left out and needs to be included: Napo`opo`o Ramp.

This is a ramp for non-motorized vessels only, specifically kayaks, and is actively used on the island of Hawaii, South Kona. Napo`opo`o Ramp very much needs the kinds of improvements as the others mentioned and should be included in this Recreational Renaissance list of harbors and ramps as well as on the DLNR DOBOR facilities map.

The Recreational Renaissance is a promising plan, but care needs to be shown in the plan to offer no commercial tour operator fee increases in the foreseeable future to insure commercial tour operators time to recover from the recession. Thank you



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

February 9, 2009

Testimony To: House Committee on Water, Land, & Ocean Resources
Representative Ken Ito, Chair

Presented By: Tim Lyons, CAE
Executive Director

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

Chair Ito 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 13 of the bill, lines 13 – 16, 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.

Dear Mr. Ito and Committee members,

We, the Waikiki Beach Catamaran Owners Association, request that the committee not approve the changes in section 6. Section 200-9 HRS, page 9, line 21 thru page 10 line 4. We would like the wording to remain the same which states "Provided that commercial catamarans for which valid permits or registration certificates have been issued by the department which allow the catamarans to operate upon Waikiki shore waters for hire, may be permitted to moor in Ala Wai Boat Harbor at facilities leased for commercial purposes."

According to Hawaii Administrative Rules (Part 3) there are some very good reasons for catamarans to moor in the Ala Wai Boat Harbor. 13-251-37 (a)6 "Catamarans shall be refused registration if they cannot be safely navigated in Waikiki ocean waters propelled by sail only." (Hence we are primarily sail operated and not equipped for long distance motoring). (a)7 "Catamarans shall be refused registration if they use mechanical propulsion using a propeller but do not have a propeller guard." (This is a safety precaution for swimmers and aquatic species but it is also a hindrance on power as it slows the catamaran down and adds extra fuel charges). All the catamarans on Waikiki beach are propelled primarily by sail only.

13-251-57 Waikiki Restricted Areas explains in b(2) "A sailing catamaran may temporarily operate in Zone A Waikiki ocean waters as a power driven catamaran when necessary to protect life or property." (Now days it is very difficult to sail in and out of Zone A by sail only so we do use auxiliary propulsion. However, if the catamarans have to motor long distances then this is a real burden on the auxiliary system. If we had bigger-heaver more powerful auxiliary systems this would cut down on our sailing ability, which according to the Waikiki shore water rules is paramount). Also with limited long distance motoring ability the catamarans need be near a harbor of safe refuge, close to their operating area in case of increasing winds or Kona storms. Since 1947, catamarans operating on Waikiki Beach starting with Woody Brown, Don Lipton and Herb Bessa, their catamarans never used mechanical propulsion at all for many, many years. During this time they moored their catamarans in the Ala Wai Yacht Harbor. It would be in our opinion a shame to deny Waikiki beach catamarans access to the Ala Wai Harbor after all we have been a colorful aspect to tourism and the Waikiki business community for many years. With our brightly colored sails we have been in many postcards, films and documentaries. All this is only possible with a harbor close by such as the Ala Wai Harbor.

The Waikiki Beach Catamaran Owners Association recommends the catamarans continue to operate under a commercial registration certificate, not a use permit. This is how we have operated for years. All of us are original owners, all holding registration certificates, which have been "grandfathered in" to every owner to operate their catamarans upon Waikiki ocean waters. This was enacted on November 6, 1981, authorizing the original commercial catamaran owner's to continue operations and be permitted to apply for and renew their registrations, subject to compliance to all other conditions set forth in the rules 13-251-51 Catamaran Registration Limitation.

What harm is it to allow all of us to keep our registrations, something that we have worked hard to protect for over 28 years and some of us much longer. Times are hard, the tourism economy is down

over 30% and businesses are struggling to stay afloat. We constantly have to upkeep our catamarans to comply with the wear and tear of operating on the beach. It takes a lot of time, money and effort to upkeep our catamarans. If you start changing the rules on us now and make it harder to run our catamarans, many of us may have to go out of business.

In conclusion we recommend that the remaining seven Waikiki beach catamarans have the opportunity to moor in the Ala Wai Yacht Harbor at a mooring approved by department. And the seven remaining Waikiki beach catamarans should be allowed to operate under a commercial registration certificate and not a use permit.

Sincerely,

George Parsons
Representative of the Waikiki Beach Catamaran Owners Association

From: Clark Hatch [hatch@hawaii.rr.com]
Sent: Saturday, February 07, 2009 12:58 PM
To: Rep. Sharon Har
Subject: WLO, 2/9/09. 9:00 A.M. HB 980

To: Committee On Water, Land, & Ocean Resources

Subject: WLO, 2/9/09. 9:00 A.M.
HB 980 (relating to Recreational Renaissance)

From: Clark Hatch
President
Diamond Head State Monument Foundation
(a non profit charity comprised of volunteers who help State Parks with beautification and upkeep of Diamond Head and its environs)

Please support HB980. Our Parks should be the pride of Hawaii, yet they've deteriorated to the point that we are ashamed of them. The Department of Land and Natural Resources Recreational Renaissance Plan gives us hope that the parks can be revived and become a place we love to visit and will come away with a pleasurable experience. We'll hear more compliments than complaints about the facilities and services and residents will be proud to talk about our parks. Through word of mouth the reputation of our parks will be restored and the news will travel fast thus enhancing the visitor experience as well.

Some of the parks are reaching the point of no return and are not attractive. Some are unsafe due to deteriorating trails, worn out rest rooms and lack of signage, etc.

Periodic and inadequate funding for the parks has led to band aid efforts to maintain the facilities. It doesn't work. It's time to invest in our most important and noticeable assets - our parks. It should be a top priority for our State. For without great parks our State loses its appeal for residents and visitors alike. Investment in our parks gives the best return for now and for future generations.

It takes a community to have good parks. And volunteers groups such as ours will continue to do our part to help the parks succeed. We'll continue to donate time to help the Parks Division meet the public's expectations for proper maintenance, good appearance, and a pleasurable experience when using the parks. However, we need our Government to invest in the infrastructure.

Respectfully,

CLARK G. HATCH

FW: Recreational Renaissance CAUTION letter to DLNR

Rep. Sharon Har

Sent: Monday, February 02, 2009 2:57 PM

To: [Redacted]

Cc: [Redacted]

Testimony for recreational renaissance bill.

From: Yacuk@aol.com [mailto:Yacuk@aol.com]
Sent: Monday, February 02, 2009 10:48 AM
Subject: Recreational Renaissance CAUTION letter to DLNR

Please read and consider the consequences to the local community. Oh, *and* the visitor industry-

February 2, 2009

Dear Ms. Laura:

RE: Paradise for Sale: \$1

At 75 years old I would have preferred not to have to fight any battles but when I learned the State plans to commercialize the Pali Lookout and Ka Iwi Park to accommodate visitors so to collect a fee I told my grandson it is time to put on the war paint. Shame on the Department of Land and Natural Resources for peddling paradise for \$1 and further weakening Hawaii's gracious aloha spirit. But more importantly is this action promotes segregation between us, *local people* and them, *the visitor*. We need to strike Ka Iwi and the Pali Lookout from the DLNR's hit list well buried within the glossy title of the state's "Recreational Renaissance" -- The overall plan has merit but got sloppy towards end when it took the 'status quo' route to commercialize two important landmarks. Today's Diamond Head Park complete with information center, T-shirt sales, non stop huge buses of tourists and two florescent lit soda vending machines are changes not to be proud of - this is not proper care of special places and very inconsiderate to future generations. I can only hope our Legislators see the writing on wall: **"Paradise for Sale for \$1" - Visitors Keep Right, Locals Stay Left" -**

Ms. Laura, I ask you reconsider your approach -- Status quo management is not healthy for Hawai'i -

Sara Yacuk
Hawaii Kai
808 372-7636

[Great Deals on Dell Laptops. Starting at \\$499.](#)

Testimony for HB980 on 2/9/2009 9:00:00 AM

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

Sent: Friday, February 06, 2009 2:20 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:00:00 AM HB980

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Erik Stein

Organization: Extended Horizons

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/6/2009

Comments:

Funding must be secured to rehabilitate Mala Boat ramp in LAHAINA. It is the only launch ramp in West Maui and serves all safety personnel as well as commercial permit holders and recreational fishers and boaters. THE SMART FIX would be to EMPTY THE SILTATION BASINS on LAND which are overflowing with silt and fill in the Harbor. This has never been done effectively. \$50,000 for bulldozers at the siltation basin would save \$500,000 and avoid dredging.

057

Submitted 1:18pm
AK

Water, Land & Ocean Resources Committee

February 5-2005

Ito, Ken Chairman

Har, Sharon Vice Chairman

Re: HB 980

MARK J. Meyer in Proper Persona

[REDACTED]

[REDACTED]

[REDACTED]

Is in Opposition of bill HB 980

Hearing February 9, 2009

0930 Room 325

The RECREATIONAL RENAISSANCE Bill: is very color full name for history that shows. However History shows that BLACK Times occurred shortly after the Renaissance as we must not forget.

Fact 1 There has not been an Environment Impact Study (EIA) for Commercial Vessel using the Ali Wai Harbor.

Fact 2 There are no Commercial Facility's in the Ali Wai such as Comfort Areas, Toilet Pump out station, fuel spill, Fire containment are not set up to protect the Public or environment for commercial operation. Children Sailing clubs and Canoe Clubs would be devastated if commercial vessels are in and out of the Ali Wai Harbor these are the training area for our clubs.

Fact 3 There has not been giving a new Master Plan of the Ali Wai or Keehi Harbor for Public input or review in HB 980 or any Bond measure for commercial operation to the best of my knowledge. However DNLR to only Presses for HB 980 for passage with no plan to be seen.

Fact 4 The Legislature up dated HAR, had given Department of Natural Land an Resources (DNLR) a rate increase in 2006 in 30percent increments for three years in the Ali Wai Small Boat Harbor in additional fees to be used for up grades. DNLR now Demands for further increases to Small Boat owners In HB 980, that would fund Commercial operation . DNLR seeks HB 980 without Public Hearings.

Fact 5 The Legislature up dated HAR 2007, Grants DNLR a 500 Percent increase in Parking fees to Boat Slip Permittee to further collect more funding for the Ali Wai Small Boat Harbor for so called up grades.

Fact 6 The Land Division in 2008, Grants DNLR further avenues to collect more Parking fees at the Ali Wai from the Public by contract with DIAMOND PARKING INC. This contract Dated October 23, 2008 is not being enforced by DNLR and to the best of my knowledge DOCARE and or DOBOR do not intend to

enforce DNLR contract concerns. This alone shows poor administration efforts on contracts issued by DNLR .

Fact 7 HB 980 Grants too much power to the DNLR Chairman for funding control without a check and Balance system in place and with disregard to Public Concerns or input is clear within this Bill.

Fact 8 As to Parking Fees in our State Parks for further ~~for further~~ Taxation collected by a Private Contractor it is the best of my knowledge this has not been for reviewed by the Public and or rates set-up. If DNLR intends to contract with vendors by State contract within State Parks , who will be enforcing contract concerns if DNLR is failing in enforcement of Contract with Diamond Parking Inc. at the Ali Wai Small Boat Harbor.

Fact 9 By adding to further increase of Fees to Small Boat Users, may have further cost damage to the State as many Small Boats would be given up or leave the area as rates would be too high in supporting personnel Vessels. Small Boat Harbors have a Small cottage industry to Service, Repair and Maintain Small Boats and the loss of this cottage industry would be a loss in State Taxes Paid by small Business. As this committee knows these are bad times to make rate increases without a plan By DNLR.

Fact 10 DNLR all ready has as staff of Information Technology how much more do we need to expand. DNLR needs to review their work staff for further expansion may be unnecessary. DNLR further grabs more funding in HB 980 without a plan.

Fact 11 HB 980 is simply the Cart before the Horse and would take away further resources from our Residents that enjoy our resources without the added commercial operation DNLR seeks to open up within our Harbors designed for recreation use.

Thank you for your time and consideration.



Mark J. Meyer

Chairman Ito and Committee Members
Committee on Water, Land & Ocean Resources

RE: HB980

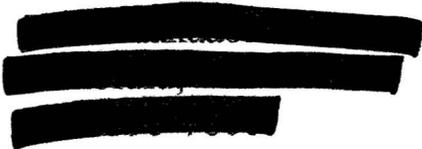
For more than 3 decades residents of Hawaii Kai as well as the people of the entire state of Hawaii have worked to keep the Ka Iwi coast in its natural state free of any and all structures either temporary or permanent.

Enough already! How long must the battle continue to keep this area pristine. The idea of "user fees" is not only an offense to those who worked so hard to keep this last piece of shoreline in its natural state, but to every resident of Hawaii and tourist alike. It most certainly will invite commercialism to this area at a time that could be detrimental to the Mauka side for the long term vision.

We must not ruin this last piece of spectacular view plain – both Makai and Mauka. Please remove Ka Iwi from HB 980.

Respectfully yours,


Elizabeth G. Matthews



Testimony for HB980 on 2/9/2009 9:00:00 AM

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

Sent: Thursday, February 05, 2009 9:01 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:00:00 AM HB980

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Greg Schmidt

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/5/2009

Comments:

In the future, one of the most valuable resources will be those that have existed without being managed by mankind but only by nature. Once you change what comes naturally from nature, there is no going back. Please consider the long term impacts to society and future generations of people.

Glenn S. Shiroma
Hilo, Hawaii

February 6, 2009

Representative Ken Ito, Chair
House of Representative
Committee on Water, Land, & Ocean Resources

Hearing: Monday, February 9, 2009
Conference Room 325 at 9:00 am

Re: TESTIMONY IN OPPOSITION

HB980, RELATING TO RECREATIONAL RENAISSANCE. Fortifies the recreational renaissance program of the Department of Land and Natural Resources through various amendments to state law

Dear Representative Ito and Committee Members:

I fully support the INTENT of the Department of Land and Natural Resources (DLNR) Director efforts to in long range planning of its recreational facilities.

HOWEVER, DLNR Director continues to engage in lack of governmental transparency by not involving the recreational users of DLNR trails, parks and small boating facilities.

As of writing this testimony, DLNR is trying to schedule statewide public informational meetings and internal DLNR staff briefings. As stated by DLNR Director's memo to DLNR staff, "We don't have \$240 million and neither does the state. We're asking permission to take out a loan and repay it over 20 years from a combination of user fees and other money we raise ourselves. Since the loan is partially repaid by user fees, we have to put the borrowed money into the things that the users are paying for. We're proposing to raise fees in harbors and at parks. So the borrowed money has to go to these outdoor recreational places."

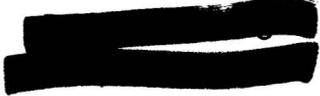
Further, on Thursday, February 12, 2009, at 4:00 pm, an informational briefing is scheduled for the Board of Land and Natural Resources (BLNR). Does briefing the BLNR after bills were submitted to the legislature, represent governmental transparency?

If DLNR Recreational Renaissance Plan estimated cost and funding of \$240 million were submitted to a financial institution or investment lender group, this proposal would be "RETURNED, INSUFFICIENT REVENUE STREAM DUE TO LACKING SOUND FISCIAL PLANNING."

Thank you for your consideration in this matter.

Sincerely,

Glenn S. Shiroma
Recreational Boater
Wailoa Small Boat Harbor – Hilo

James M O'Keefe


07 February, 2009

Hawaii State House of Representatives
Committee on Water, Land, and Ocean Resources
Monday, 09 February, 2009 at 9:00 AM, Room 325
Measure HB 980
Committee is requesting 1 copy, including original

I am a NRA-certified firearms instructor in pistol, rifle and home firearm safety. While I primarily teach civilians the safe and responsible use of firearms, I often work with law enforcement, corrections and military personnel in my classes. We are without a legal firing range in all of West Hawaii, which creates safety issues. The decades-old practice of using remote state lands, or privately owned quarries, and has become ever more impractical and unsafe as residential development, environmental set-asides, and competing uses encroach on many such areas. Driving 200 miles, round trip, to the one open range in East Hawaii, is expensive, time-consuming.

For nearly forty years, I have, along with many others, sought to have a safe range facility for instruction, practice and sporting use in West Hawaii.

DLNR staff in West Hawaii has been working to establish a public shooting range in West Hawaii for many years, and has a property in the Puu Anahulu area which would be ideal for a shooting range. It is remote, has no adjacent residential developments (and none likely in the future), no competing uses, no readily-evident environmental challenges, and is close enough to a large population center which lacks decent alternatives.

It is my understanding that this bill, if enacted, would allow the DLNR to take steps towards bringing this West Hawaii shooting range into being. There are many in the community, myself included, who will step forward to assist the DLNR in organizing, building and operating such a facility.

Please vote to support this bill.

James O'Keefe
Hilo

To Members of House Committee on Water, Land and Ocean Resources Committee
Committee Hearing, 9:00 AM Monday February 9, 2009 in Room 325

Testimony in opposition to HB 980:

I honestly wish I could have used the word “support” in the above heading. In the passages below you will detect a degree of negativity, but I do wish to begin on a positive note. I am in favor – very much so – of thoughtful and responsible development in the **Keehi Lagoon** area, which could result in very beneficial economic and recreational opportunities.

My name is Les Parsons, and I’m a long-time sailor/voyager and currently a live-aboard boater at the Ala Wai Small Boat Harbor. I’m well aware of the sad neglect and deterioration of this and various other recreational facilities in our beautiful state. For several years I have been involved in harbor matters, including attendance at various meetings and presentation of testimony at Legislative, Land Board and other less-formal hearings including the highly controversial (with near-unanimous opposition) paid parking “plan” which was recently imposed at the Ala Wai.

The DLNR has not been, and is not responsive to the voices and opinions of stake-holders as has been emphasized in official state Auditor reports. And by other means.

For that reason, and others, I hereby request members of this Committee to seek a Legislative Resolution calling for a fiscal and performance audit of DNLN’s Parks and Boating Divisions before consideration or approval is given to proposals in this expensive (and little-understood) “Renaissance” measure.

As is known to everyone, this is a time of economic hardship for many – both individuals as well as the state, and this IS NOT an appropriate time to seek ever-higher fees from those who have already recently seen slip and parking fee increases – the latter an egregious 1500 % increase for permit parking.

I believe an informal survey of boaters at any of the state harbors would reveal that most are totally unaware of HB980; today’s Hearing or any of the details of this cleverly-named “Renaissance”, which lacks specific information that would be included in any actual, viable plan. Only a relative handful of boaters were in attendance at the single “informational” presentation at the Ala Wai on January 14. A meeting which, unfortunately (intentionally?), was held at 10:00 AM – when many boaters who may have otherwise attended were at their jobs. For many years these harbor tenant meetings were held at a more-appropriate time, 6 PM.

DLNR/DOBOR is notorious for very poor dissemination of important information to the many who occupy slips or otherwise utilize harbor facilities* Numerous email addresses are on file, but few if any informational messages are sent to stakeholders. Why? Is it best that “we the people” are kept in the dark – uninformed – about various actions, policies or proposals of state entities?

I think not! Nor do I believe a single bare-bones newspaper item is sufficient when a proposal

such as this is being presented to you – our Representatives.

And one final question: would members of this Committee deem it a good idea to permit commercial boat operations within the Ala Wai harbor – large boats which could endanger the many paddlers and surfers who use these waters? As you may be aware, this notion has been proposed on previous occasion, and was wisely and soundly rejected.

I ask that you hold HB980. Thank you for reading/considering my testimony.

* One exception: utilization of expensive Certified Mail to notify every slip-holder in the state of the imperative need to annually renew an individual mooring permit. In addition, the many hundreds of individuals on moorage waiting lists also receive such a mailing. Each piece of this mail costs in excess of \$5, with a cumulative annual cost to DOBOR in the thousands! Wasteful. I've asked various state officials to try to find a means whereby this expensive mailing could be discontinued, but yet notifications could otherwise be made, or simply require a measure of individual responsibility to attend to the not-unexpected renewal process. My request has been un-heeded. Ignored. I really believe the large sums of money spent on Certified Mail postage could be better used. Our harbors most certainly have needs – this is not one of them.

With respect and Aloha,

Les Parsons

A large black rectangular redaction box covering the signature area.



Rep. Ken Ito, Chair, and Members of the
Committee on Water, Land, Ocean Resources
& Hawaiian Affairs:

**Re: House Bill 980 (Relating to Recreational Renaissance)
Monday, February 9, 2009, 9:00 a.m. (Conference Room 326)**

My name is Bill Foster, and I am providing written testimony in support of HB 980 in my capacity as Commodore of the Waikiki Yacht Club, a Hawaii nonprofit corporation operating a 150-slip marina within the Ala Wai Small Boat Harbor. While Waikiki Yacht Club does not ordinarily take positions on legislation, however that portion of HB 980 relating to ocean based recreation supports our mission of promoting the numerous water sports activities in which our Club engages. In addition to yachting, we host safe boating, junior and adult sailing, paddling and other educational programs open to the public and support numerous charitable activities linked to boating and paddling.

Over the past several years we, as well as our visiting guests from around the world, have observed and commented on the lack of adequate boating facilities in our state and the deterioration of the Ala Wai small boat harbor. Although some state docks are currently being replaced, others remain in disrepair due to the lack of adequate funding. The concept of using dedicated revenue from reasonable fees to pay debt service on GO Reimbursable Bonds used to improve our small boat harbors is a welcome approach and deserves your support. The key here is ensuring facilities are built and maintained to high standards and the revenue generated is indeed "dedicated" for this purpose.

Respectfully Submitted

Bill Foster

It's Commodore

cc: WYC Board

Because of time constraints this testimony has been reviewed by our Board, but not the entire membership and may not reflect the views of all members in our diverse membership.

066

Testimony for HB980 on 2/9/2009 9:00:00 AM

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

Sent: Friday, February 06, 2009 5:00 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:00:00 AM HB980

Conference room: 325

Testifier position: comments only

Testifier will be present: No

Submitted by: Darrell Tanaka

Organization: Individual

Address: Haiku, Hawaii

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/6/2009

Comments:

Where is the funding for Enforcement??? With all this money being spent, why can't a couple million be set aside for DOCARE??

Testimony for HB980 on 2/9/2009 9:00:00 AM

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

Sent: Saturday, February 07, 2009 3:42 AM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:00:00 AM HB980

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: EVANGELINE YACUK

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 2/7/2009

Comments:

THE GOVERNOR SHOULD NOT TAKE THIS PRESERVED LAND...KA IWI IS HISTORICALLY PERFECT AND PEOPLE WANT IT AS AN OPEN SPACE...DO NOT LET HER TURN IT INTO ANOTHER SUPERFERRY ERROR!
THE PEOPLE KNOW SHE CAN NOT AND SHOULD NOT USE HER POSITION OF POWER TO TAKE THE ISLAND BEAUTY AWAY!

Testimony for HB980 on 2/9/2009 9:00:00 AM

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

Sent: Saturday, February 07, 2009 4:59 PM

To: WLOtestimony

Cc: [REDACTED]

Testimony for WLO 2/9/2009 9:00:00 AM HB980

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: William E. Mossman

Organization: Individual

Address [REDACTED]

Phone [REDACTED]

E-mail [REDACTED]

Submitted on: 2/7/2009

Comments:

TESTIMONY IN OPPOSITION TO HB 980
WITH SUGGESTIONS FOR IMPROVEMENTS

The Committee on Water, Land and Ocean Resources
Monday, 9 February 2009 in Room 325 at 0900

Chair Ito and Respected Members of the Committee;

Although HB 980 presents some very supportable ideas, there are several provisions which force me to oppose it as written. Most of this testimony is based on testimony submitted by Mr. Reg White:

In SECTION 2, Chapter 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 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. No one from hiking trails nor beaches helped to build nor to maintain and operate those facilities and, in recent years, money has been slipped from the boating fund to help take care of and operate the trails and beaches. 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.

SECTION 7 200-10 (1) puts the fees that will be charged to recreational boaters into the hands of a real estate appraiser. It does not say how this 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. Then in (2) it says that a 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 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

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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. 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.

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, 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.

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. The \$6 million over two years will only allow the merest beginnings of the planning phase of this plan and will assure that the plan starts out two years behind.

This plan could be a fine economic stimulus and would provide many local jobs while the restoration and construction work is in progress. The expansion of our marina and boating facilities at Keehi Lagoon would also create many new permanent jobs for our people and put many millions of dollars into our state's economy. Please make this Bill supportable by correcting the above problems, and fund the project to enable this bill so we can get started now!

Respectfully,

William E. Mossman
Hawaii Boaters Political Action Association
282 Aikahi Pl., Kailua, HI 96734
808 2542267
HBPAA@aol.com



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

February 8, 2009

Testimony IN SUPPORT, WITH AMENDMENTS
by Dr. Maxwell Cooper, Director, HRA
Before the House Committee on Water, Land, and Ocean Resources
February 9, 2009, 9am, Rm 325
One copy requested.

Honorable Chair Ito, Vice Chair Har, Members,

HRA is happy to support this bill and be party to DLNR's Recreational Renaissance.

We are particularly pleased that the plans include two new much needed shooting ranges where there are none presently, one in West Hawaii, and another on Kauai. The recently completed 2008 SCORP (State Comprehensive Outdoor Recreation Plan) survey of recreational habits in Hawaii, required for the state to receive federal grants, showed that of the respondents, 25% shoot pistol or rifle, 15% archery, and indicated more ranges are needed.

We note with satisfaction that tax monies are not to be used for the Renaissance program. Hawaii hunters and shooters already pay "user fees" in terms of a 10% federal excise tax on firearms, ammunition, and archery equipment. These funds are returned to the State under the Pittman-Roberson program and DLNR administers them, earmarked for improvement in multiple use habitat and range development. Our understanding is that the Renaissance program plan is to use these particular monies toward the long-term annual costs of maintaining the planned shooting ranges. **We respectfully request that P-R funds be incorporated specifically into Section 2 of this bill as a source of maintenance funding for shooting ranges.**

We respectfully request that Section 10 of this bill specifically include reference to the two proposed range sites, one on the Island of Hawaii, the other on Kauai.

Thank you for the opportunity to testify on behalf of HRA.

Dr. Max Cooper,
Director
808 225-6944

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Hawaii's Thousand Friends

25 Malama Ave., Suite 102, PMB 282 • Kailua, HI 96724 • Phone/Fax: (808) 262-0682 E-mail: hf@tffa.net

Committee is requesting original and 1 copy

Ken Ito, Chair of the Committee

**Committee on Water, Land, and Ocean Resources
HB 980, Recreational Renaissance
February 9, 2009, 9:00 a.m., State Capitol Room 325**

Testimony Concerning Recreational Renaissance, HB 890

Hawaii's Thousand Friends
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.

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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 waters of the State; and
 4. Conformity with, and implementation of, federal laws and requirements.
- §200-26 Arrest or citation.
- §200

Hawaii's Thousand Friends, Page 3, HB980

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

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

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

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

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

On February 11, 2002, we also testified to your Committee that the state government of Hawaii has made binding commitments not to develop Keehi Lagoon:

- March 21, 1978 memorandum between the Governor's office, DLNR, U.S. Fish & Wildlife provides that "The entire area of Keehi Lagoon will be for recreation and wildlife."
- Agreement between the State and U.S. Fish and Wildlife sets aside Keehi Lagoon as mitigation for loss of habitat for the Hawaiian Stilt caused by the construction of the Reef Runway (Letter from Dale Coggeshall, Pacific Islands Administrator, U.S. Fish and Wildlife Service, to Susumu Ono, Chairman BLNR, February 24, 1981).

Hawaii's Thousand Friends, Page 4, HB980

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

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.