

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
FINANCE**

**Monday, April 6, 2009
4:00 PM
State Capitol, Conference Room 308**

**In consideration of
SENATE BILL 636, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

The purpose of Senate Bill 636, Senate Draft 1, House Draft 1, 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. As such, the Department of Land and Natural Resources (Department) strongly and enthusiastically supports this measure with amendments.

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

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
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

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

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

The Recreational Renaissance initiative accelerates the State's multi-year effort to repair, replace or improve facilities at parks, trails and small boat harbors statewide. This new and unique plan includes 238 projects around the state, and leverages an investment of \$40 million over 2 years to generate new, non-taxpayer dollars that will support an additional \$200 million in capital improvements in the next five years to upgrade comfort stations, parking, small boat harbors and boat ramps, trails, cabins, piers, pavilions, interpretive programs and security. Our \$240 million in infrastructure improvements will include restoring spaces the state has acquired in order to protect cultural and natural resources. In addition, the Department will adopt national model standards for scheduled repair and maintenance of facilities and sites through the support of limited fees and concessions.

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

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

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

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

The Department wishes to point out that park entry fees are a common and time-tested national and international means to raise funds to support the operations of parks from the very people who are using and impacting the park resources. All of our National Parks charge entry fees; many state and international parks charge entry fees; and Hawaii charges an entry fee at Diamond Head State Monument. Indeed, one of the benefits of the Diamond Head entry fee was to provide steady presence, which eliminated much of the bad behavior including nearly eliminating vehicles' break-ins. Similarly entry points at other parks will help reduce break-ins of vehicles; provide educational opportunities to enhance park visits, improve behavior of visitors thereby reducing costs of graffiti and vandalism, and reduce the likelihood of homelessness within public parks.

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

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

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 authorizes 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 an undefined amount for the Recreational Renaissance Special Fund in each year of the biennium.

The Department recommends the following revisions and amendments to the measure:

On Page 3, beginning on Line 1, the Department requests the dollar amount of the appropriation be included so the language reads the same as the original bill as follows:

“(1) A one-time \$240,000,000 upgrade to park and boating facilities financed by \$40,000,000 in general obligation bonds and \$200,000,000 in reimbursable general obligation bonds;”

On Page 4, lines 1 and 2, the Department would recommend deleting the statement:

“more than doubles the size of Ala Moana beach park”

On Page 12, Line 5, the Department suggests adding a sentence stating that commercial vessels shall not exceed 65 feet in length.

On Page 13, Line 12, the Department suggests adding language that the appraiser will take into account that these are public facilities.

On Page 14, Line 10, the Department suggests adding similar language as Section 7 (1), stating that commercial fees will be implemented according to appraisal categories, schedule A and schedule B.

On Page 16, Lines 21 and 22, and on page 19, Lines 8 and 9, add the following phrase:

“safety, security, and enforcement capacity; emergency mitigation; and other improvements.”

On Page 22, Line 12, the Department requests the following dollar amount:

“renaissance special fund the sum of \$3,000,000 or so much”

On Page 22, Line 22, change the effective date to “upon its approval.”

In summary, with the recommended revisions and amendments, 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.

WRITTEN TESTIMONY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON FINANCE
ON
SENATE BILL NO. 636, S.D. 1, H.D. 1

April 6, 2009

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Senate Bill No. 636, S.D. 1, 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 Senate Bill No. 636, S.D. 1, 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.



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF
SB 636 SD 1 HD 1 Relating to Recreational Renaissance
House Committee on Finance
Monday, April 6, 2009, 4:00 pm
State Capitol, 415 South Beretania, Conference Room 308
testimony@capitol.hawaii.gov**

Hawaii Office
212 Maunaloa St
Suite 110
Honolulu, HI
96815
Phone: 808-933-4500
Fax: 808-933-4505
www.tpl.org

Dear Chairperson Oshiro and Committee Members:

The Trust for Public Land (TPL) supports SB 636 SD 1 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 service to the community. The upkeep and maintenance of Hawai'i's parks, trails, and ocean recreation facilities is also 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



IOLANI PALACE

PH (808) 522-0822 FAX (808) 532-1051

TESTIMONY OF KIPPEN DE ALBA CHU

COMMITTEE ON FINANCE
Rep. Marcus Oshiro, Chair
Rep. Marilyn Lee, Vice Chair

Monday, April 6, 2009
4:00 pm / Agenda #3

SB 636 SD1 HD1

Chair Oshiro, Vice Chair Lee, and members of the Committee, thank you for this opportunity to testify in **strong support** of the Department of Land and Natural Resources' Recreational Renaissance Program as proposed in Senate Bill 636 SD1 HD1.

The Iolani Palace State Monument is one of the locations listed in this bill. As a private non-profit tasked with maintaining and preserving state-owned property, The Friends has struggled with very limited funds. In fact, within the last decade, The Friends only received a one-time capital improvement project grant appropriation of \$1.5 million in 2003 to perform various repairs, restoration work, and disaster preparedness. Other critical maintenance projects have been deferred indefinitely, such as the deteriorating condition of the historic iron fencing and wall surrounding the entire Palace complex.

SB 636 seeks to address this lack of funding by issuing general obligation bonds. The Friends welcomes this approach, given that it is practically impossible for us to raise private capital funds for buildings we do not own.

In these times of economic hardship, we need to think creatively in trying to take care of some of our State's most important cultural treasures. We therefore embrace the "Recreational Renaissance" initiative by DLNR and urge you to pass this measure.

Thank you again for allowing us to testify in full support.

WAIKIKI NEIGHBORHOOD BOARD NO. 9

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

April 6, 2009

House Committee on Finance
The Honorable Marcus Oshiro and Committee Members

Subject: Opposition to SB636 SD1, HB1

Aloha Representative Oshiro,

The Waikiki Neighborhood Board (WNB) is opposed to SB636 as modified following introduction.

The WNB is greatly concerned with the impact on both the State to make the improvements required to accommodate commercial use and the increased costs to the recreational boat users of the Ala Wai Yacht Harbor.

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

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

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

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

Mahalo,

---signed---
Robert J. Finley
Chair





Ocean Tourism Coalition

The Voice for Hawaii's Ocean Tourism Industry
820 Mililani Street, #810
Honolulu, HI 96813
(808) 205-1745 Phone (808) 533-2739 Fax
office@oceantourism.org

February 9, 2009

TESTIMONY TO: HOUSE COMMITTEE ON FINANCE

4:00 Room 308

Representative Marcus Oshiro, Chair

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

Subject: SB 636 RELATING TO RECREATIONAL RENAISSANCE

Conditional Support of SB 636 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 some amendments. This proactive plan, properly administrated would make a significant positive improvement in our Harbors, Parks, and recreational areas. These are our proposed amendments:

Page 4, Line 14-15: DELETE [as long as those moneys are not currently going to the general fund]

Page 13, Line 1-12: ADD "two times the moorage fee plus utility/common area maintenance fees assessed for a recreational vessel of the same size, whichever is greater.

Page 14, Line 7: ADD dry dock areas

Page 14, Line 11: ADD boat ramp widening, revetments, and improvements, dry dock access improvements

There are still many things to be worked out; with an over \$200 million deferred harbor maintenance shortfall, the devil is in the details.

For example: How do you protect the slip holders in a small rural facility utilized by the entire community--but having very limited slip holders or ramp users--from being massively negatively impacted if they actually had to support the cost of maintaining and repairing their facilities and did not get the collective help from the other harbors and resources?

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. As an industry we just cannot afford any significant increase in what we are already paying. We are paying more than our fair share! We are not complaining, but do not want to see a draconian open ended fee system added on to our already strained resources to the point where it drives us out of business. Like I stated earlier, the devil is in the details.

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

Thank you,

James E. Coon, President
Ocean Tourism Coalition

Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 636 HD1 Relating to the Dept. of Land & Natural Resources
House Committee on Finance
Monday, April 6, 2009, 4:00pm, Rm. 308

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports S.B. 636 HD 1.

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.

BOARD OF TRUSTEES

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KAUAI
Chamber
of
Commerce

April 6, 2009
586-6201

Committee: Finance

Date: April 6, 2009, 4:00 p.m., Conference Room 308. To: Fax: 1-808-

Dear Representatives Marcus Oshiro, Marilyn Lee and Committee Members

RE: Senate Bill 636, SD1, HD1, Relating to Recreational Renaissance

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

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

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

Should I be of any assistance, please do not hesitate to contact me directly at 245-7363 or email at randall@kauaichamber.org. Aloha.

Sincerely yours,

Randall Francisco
President

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

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

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

President

Norman Kawachika, P.E.
SSFM International
Ph: (808) 531-1308
Fx: (808) 521-7348

President-Elect

John Katahira, P.E.
The Limtiaco Consulting Group
Ph: (808) 596-7790
Fx: (808) 596-7361

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Fx: (808) 533-0226

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Fukunaga & Assoc.
Ph: (808) 944-1821
Fx: (808) 946-9339

National Director

Janice Marsters, Ph.D.
Engineering Solutions
Ph: (808) 488-0477
Fx: (808) 488-3776

Directors

Terrance Arashiro, P.E.
Austin, Tsutsumi & Assoc.
Ph: (808) 533-3646
Fx: (808) 526-1267

Beverly Ishii-Nakayama, P.E.
Shigemura, Lau, Sakanashi,
Higuchi & Assoc.
Ph: (808) 942-9100
Fx: (808) 942-1899

Joel Yuen, P.E.
Insynergy Engineering
Ph: (808) 521-3773
Fx: (808) 521-3993

Ginny M. Wright
Executive Director
P.O. Box 88840
Honolulu, HI 96830
Ph: (808) 234-0821
Cell: (808) 741-4772
Fx: (808) 234-1721
Email: gwright@acechawaii.org

Website: www.acechawaii.org

April 5, 2009

EMAILED TESTIMONY TO: House Finance Committee

**Hearing Date: Monday, April 6, 4:00 p.m., Conference Room 308
(House Committee on Finance)**

Honorable Representatives Marcus R. Oshiro, Chair, Marilyn B. Lee, Vice Chair, and
Members of the House Committee on Finance

Subject: SB 636, Relating to DLNR (Recreational Renaissance)

Dear Chair Oshiro, Vice Chair Lee, and Committee Members,

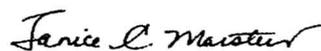
The American Council of Engineering Companies of Hawaii (ACECH), representing more than 70 consulting engineering firms in Hawaii with more than 1,500 employees, **is in strong support of SB 636, Relating to DLNR (Recreational Renaissance)**. Senate Bill 636 provides for the improvement and long-term maintenance of the state's parks, boating facilities and forest recreation areas through an initiative known as the Recreational Renaissance Program. ACECH commends DLNR for this innovative and visionary proposal to provide what we feel are much needed and long overdue improvements to State recreational facilities, and to better manage the State's natural and cultural resources.

It is woefully apparent that the DLNR needs more funds to properly manage and protect the States and that the current funding mechanisms do not adequately allow for the work that must be done. We strongly recommend that the funding that was provided for in the original bill be restored, i.e., an appropriation of \$240,000,000, financed by \$40,000,000 in general obligation bonds and \$200,000,000 in reimbursable general obligation bonds.

We believe that the projects proposed by DLNR would provide construction infrastructure spending at a time when our economy badly needs such initiatives. ACECH member firms look forward to assisting DLNR with their project design needs, and creating facilities and improvements that all of Hawaii's citizens can be proud of, and visitors and residents alike will enjoy.

ACECH appreciates this opportunity to express our strong support for this bill and urges you to pass it. Please let us know if you have any questions regarding our testimony.

Kind Regards,



Janice C. Marsters
National Director



CAPT. NANCY W. SWEATT
75-5822 Pelekila Place, Kailua Kona, HI 96740
808-329-3030/800-328-1218
info@dolphinjournneys.com - www.dolphinjournneys.com

April 4, 2009

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, SB 636 - Relating to DLNR (Recreational Renaissance)

Rep. Marcus Oshiro & Rep. Marilyn Lee:

I support the Recreational Renaissance 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 SB636 is essential for our state. Please pass this bill.

Mahalo.

Nancy W. Sweatt



Hawaiian Trail and Mountain Club

April 5, 2009

Finance Committee

Re: SB 636
Hearing on April 6, 2009 at 4:00 PM
Conference room 308

Dear Chairperson:

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

As supporters of the Renaissance Plan we thank you for your continued support of the Recreational Renaissance Bill. Please also support the Recreational Renaissance CIP budget.

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

Tom Mendes

Tom Mendes, President,
Hawaiian Trail and Mountain Club

HISTORIC HAWAII FOUNDATION

VIA WEB: 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: Monday, April 6, 2009
4:00 p.m.
Conference Room 308

Subject: **Support of SB636, SD1, HD1
Relating to DLNR (Recreational Renaissance)**

On behalf of Historic Hawai'i Foundation (HHF), I am writing to support SB636, SD1, HD1, which provides for a variety of activities to develop funding support for State Parks.

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.

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.

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.

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.



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN SUPPORT OF
SB 636 SD 1 HD 1 Relating to Recreational Renaissance
House Committee on Finance
Monday, April 6, 2009, 4:00 pm
State Capitol, 415 South Beretania, Conference Room 308
testimony@capitol.hawaii.gov**

Dear Chairperson Oshiro and Committee Members:

The Trust for Public Land (TPL) supports SB 636 SD 1 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 service to the community. The upkeep and maintenance of Hawai'i's parks, trails, and ocean recreation facilities is also 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

**Committee on Finance
Hearing
Monday, April 06, 2009, 4:00 p.m.
Conference Room 308**

Representative Marcus R. Oshiro, Chair



Testimony on SB636, SD1, HD1

Dear Chair Oshiro and Members of the Committee:

My testimony is in STRONG SUPPORT of SB636, SD1 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.

SB636, SD1 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 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 SB636, SD1, HD1. Mahalo!

Me ke aloha pumehana
With warm aloha,

PAHIO DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to read "Lynn P. McCrory", is written over the printed name.

Lynn P. McCrory
President

Hawaii's Thousand Friends

25 Matalunu Ave., Suite 102., FAIB 262 • Kailua, HI 96734 • Phone/Fax: (808) 252-0522 E-mail: hff@java.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

SB 636, SD1, HD1, (HSCR1272) Relating to Recreational Renaissance

NOTICE OF HEARING

DATE: Monday, April 06, 2009
TIME: 4:00 p.m.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

April 6, 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 ~~58636~~ 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 Keehi Lagoon as follows:

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

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

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

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

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

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

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

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 SB636 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 65-year lease proposed for the Ala Wai Boat Harbor), or even use the excuse that tax revenues will increase, unless the actions are totally consistent with the public trust. In making this pronouncement, the

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

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

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

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

The State's plan may be illegal

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

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

Once a contract is awarded, it is too late.

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

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

Now here we are again asking you, for good reason, not to advance this sweeping and drastic bill, SB 636, SDJ. H)1.

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.



Hawaii Chapter AMERICAN PUBLIC WORKS ASSOCIATION

Chapter Office
501 Sumner Street, Suite 620
Honolulu, HI 96817

Telephone
(808) 531-1308
Facsimile
(808) 521-7348

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Past President
Chandra Tanaka
Actus Land Lease

March 16, 2009

FAX: 586-6001

Hearing: Monday April 6, 2009 – 4:00pm – CR 308

House Committee on Finance

Honorable Representatives Marcus R. Oshiro, Chair, Marilyn B. Lee, Vice Chair and Members of House Committee on Finance

Subject: SB 636 SD1 HD1 – Relating to the Department of Land & Natural Resources

The American Public Works Association Hawaii Chapter represents over one hundred engineering design professionals in public and private sector. **We Support SB 636 SD1 HD-1 - Relating to the Department of Land & Natural Resources.** This bill relating to the State DLNR's Recreational Renaissance is a comprehensive look at all of the State's parks, boating facilities and forest recreational areas. The State DLNR's facilities are in extreme need of funding for major repairs, maintenance and development of their infrasture and facilities that serves our Public and Visitors. This plan will manage, restore and protect Hawaii's natural and cultural resources.

Thank you for an opportunity to express our views regarding this bill.

Sincerely,
American Public Works Association, Hawaii Chapter

Lester H. Fukuda, P.E., FACEC



April 4, 2009

Testimony Supporting SB636 Relating to DLNR (Recreational Renaissance)
To the Committee on Finance
Hearing April 6, 2009
Room 308 @ 4:00 PM

Dear Chair and members of the committee,

Aloha, my name is Ronnie Grover. I have worked diligently in the marine industry here in Hawaii for some 20 years. I am the General Manager for NaPali Sea Tours, Inc dba: Kauai Sea Tours, a commercial passenger tour operator on the island of Kauai. We employ up to 40 Kauai residents who depend on our ocean recreation industry to support their families. We have the privilege of sharing the beauty of Kauai's coastal waters and NaPali Coast State Park with residents and visitors alike.

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

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

Sincerely,

Ronnie Grover
General Manager
Kauai Sea Tours
PO Box 51004, 4310 Waialo Rd.,
Eleele, HI 96705
808 335 5309 T. 808 335 5180 F.
seatour@aloha.net



THE LIMTIACO CONSULTING GROUP
CIVIL ENGINEERING AND ENVIRONMENTAL CONSULTANTS

April 4, 2009

Hearing Date: Monday, April 6, 4:00 p.m., Conference Room 308

Representative Marcus R. Oshiro, Chair, Representative Marilyn B. Lee, Vice Chair and Members of the Committee on Finance

Subject: In Support of SB 636, SD1, HD1 Relating to the Department of Land and Natural Resources

Dear Chair Oshiro, Vice Chair Lee and Committee Members:

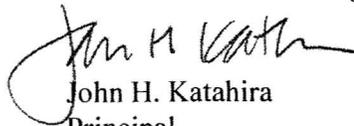
The Limtiaco Consulting Group, Inc., a Hawaii-owned small business engineering firm, and is in strong support of SB 636, SD1, HD1. In addition, I have reviewed Ms. Laura Thielen's recent testimony and support her proposed revisions.

As a parent to two young children, I frequently choose outdoor activities to fill their day. (After all, we do live in Hawaii.) However, many of the park facilities are not well-maintained and I often do not trust using simple essentials, such as safety issues and restroom facilities.

This bill provides the necessary first step to improve our state parks, trails and small boat harbors. Not only will such improvements provide a huge reason for Hawaii residents to recreate, but think of the economic possibilities: more mainland and international tourism revenue, and more local revenue since recreational improvements will provide our residents an alternative to mainland vacations. Eco-tourism is a booming market and this bill will allow our facilities to match the outstanding environment Hawaii has to offer.

Thank you for the opportunity to testify in strong support of SB 636, SD1, HD1.

Respectfully,
The Limtiaco Consulting Group, Inc.


John H. Katahira
Principal

RE: HE 980 HD2. & HE 1766 - relating to Recreational Renaissance Cn \ Water Activities in the small boat Harbors throughout the State of Hawaii -

SB636 – Strongly opposed

Date: April 6, 2009

Re: WTL Testimony

Dear Sirs,

This Bill is too costly, far-reaching and concentrates power in too few hands with very little financial oversight.

Regarding *SECTION 1. (2) Additional fee increases to better support ongoing operations and maintenance at boat harbors and parks.*

The ONLY source of additional fee increases is the current slip holders. We have been a “captured” fee source for too long. Any and all “Fee” increases are applied to current slip holders. Additional increases for this bill are NOT WARRANTED and unfair to propose they be applied to only the existing slip holders.

Regarding Specifically SECTION 2. Chapter 171, Hawaii Revised Statutes

The Ala Wai Boat Harbor was given to the State with the provision it be kept in fortuity for RECREATION ONLY. **This bill for commercial vessels in the harbor violates this provision.**

The mooring fees shall be set by appraisal categories schedule A and schedule B, to be determined by the department, and shall increase accordingly, annually, by an amount equal to the consumer price index increase, if any; provided that:

Permitting the DLNR to determine fee increases again allows the State to collect fees from the only captured fee source available. The determination of fee increases should **not** be proposed by **interested parties** that will personally **financially profit** from the increase.

Sincerely,
Dennis Cooney

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

President

Norman Kawachika, P.E.
SSFM International
Ph: (808) 531-1308
Fx: (808) 521-7348

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John Katahira, P.E.
The Limtiaco Consulting Group
Ph: (808) 596-7790
Fx: (808) 596-7361

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Fx: (808) 533-0226

Past President

Jon Nishimura, P.E.
Fukunaga & Assoc.
Ph: (808) 944-1821
Fx: (808) 946-9339

National Director

Janice Marsters, Ph.D.
Engineering Solutions
Ph: (808) 488-0477
Fx: (808) 488-3776

Directors

Terrance Arashiro, P.E.
Austin, Tsutsumi & Assoc.
Ph: (808) 533-3646
Fx: (808) 526-1267

Beverly Ishii-Nakayama, P.E.
Shigemura, Lau, Sakanashi,
Higuchi & Assoc.
Ph: (808) 942-9100
Fx: (808) 942-1899

Joel Yuen, P.E.
Insynergy Engineering
Ph: (808) 521-3773
Fx: (808) 521-3993

Ginny M. Wright
Executive Director
P.O. Box 88840
Honolulu, HI 96830
Ph: (808) 234-0821
Cell: (808) 741-4772
Fx: (808) 234-1721
Email: gwright@acechawaii.org

Website: www.acechawaii.org

April 5, 2009

EMAILED TESTIMONY TO: House Finance Committee

**Hearing Date: Monday, April 6, 4:00 p.m., Conference Room 308
(House Committee on Finance)**

Honorable Representatives Marcus R. Oshiro, Chair, Marilyn B. Lee, Vice Chair, and
Members of the House Committee on Finance

Subject: **SB 636, Relating to DLNR (Recreational Renaissance)**

Dear Chair Oshiro, Vice Chair Lee, and Committee Members,

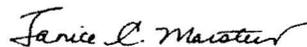
The American Council of Engineering Companies of Hawaii (ACECH), representing more than 70 consulting engineering firms in Hawaii with more than 1,500 employees, **is in strong support of SB 636, Relating to DLNR (Recreational Renaissance)**. Senate Bill 636 provides for the improvement and long-term maintenance of the state's parks, boating facilities and forest recreation areas through an initiative known as the Recreational Renaissance Program. ACECH commends DLNR for this innovative and visionary proposal to provide what we feel are much needed and long overdue improvements to State recreational facilities, and to better manage the State's natural and cultural resources.

It is woefully apparent that the DLNR needs more funds to properly manage and protect the States and that the current funding mechanisms do not adequately allow for the work that must be done. We strongly recommend that the funding that was provided for in the original bill be restored, i.e., an appropriation of \$240,000,000, financed by \$40,000,000 in general obligation bonds and \$200,000,000 in reimbursable general obligation bonds.

We believe that the projects proposed by DLNR would provide construction infrastructure spending at a time when our economy badly needs such initiatives. ACECH member firms look forward to assisting DLNR with their project design needs, and creating facilities and improvements that all of Hawaii's citizens can be proud of, and visitors and residents alike will enjoy.

ACECH appreciates this opportunity to express our strong support for this bill and urges you to pass it. Please let us know if you have any questions regarding our testimony.

Kind Regards,



Janice C. Marsters
National Director

TO: Representative Marcus Oshiro, Chair
House Committee on Finance

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

HEARING: April 6, 2009, 4:00 PM, Conference Room 308
SUBJECT: Testimony in Strong Support of SB 636, SD1, HD1, Relating to the Department of Land and Natural Resources

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 strong support of SB 636, SD 1, HD1 which will enable the Department of Land and Natural Resources to implement its proposed Recreational Renaissance plan.

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 public's 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 particularly 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.

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 of our cultural past.

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.

TO: Committee on Finance

DATE: Saturday, April 4, 2009

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

HEARING: Monday, April 6, 2009, 4 p.m.

SUBJECT: SB 636 SD1 HD1 - Relating to Recreational Renaissance - **strongly oppose**

Aloha Representatives,

Our island state allows finite opportunities to experience the solitude and breath-taking 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.

Please remove the Ka Iwi shoreline, Kaena Point and all 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.

SB 636 HD1 Testimony (Oppose)
FIN, 4/6/09, 4 pm, Rm 308

Dear Chair Oshiro, Vice Chair Lee and members of FIN Committee,

Aloha. This Bill is essentially an attempt by the DLNR to get your legislative approval and authorization for the State to issue \$240 million of GO Bonds (\$200 million of which would be reimbursable) for the Renaissance Plan. We expect that you will make absolutely sure that the DLNR has the cash or a fool proof plan to acquire the where-with-all to pay the debt service. And, that the payment plan is fair and equitable to all of the participating “debtors”.

SB 636 HD1 proposes that DLNR be given \$40 million GO Bonds (tax-payer dollars) for the first two years and they will use it to generate “new, non-taxpayer dollars that will support an additional \$200 million for CIP in the next 5 years to upgrade. . . “ all of the 238 CIPs in the Renaissance Plan. The Chair of the BLNR goes on to testify (WTL – 3/23/09) that, “ The department has come up with a way to raise new non-taxpayer dollars to make the payments on the bond debt”. She adds that, “While the bulk of the improvements will be paid from the State commercial and industrial lease rents in urban areas . . .”, “modest increases in user fees; specifically a five-year phase-in increase of boaters slip fees . . .” would be required. Have you been provided sufficient (or any) details on these statements that would help you to evaluate the worthiness of a \$240 million GO Bond issue??

In view of the fact that the projected debt service amount has not been provided, nor has the “specific state land parcels to create a dedicated revenue source to pay for the reimbursable GO Bonds issuance” been identified or developed, nor has the amount or type of funds that would be transferred from the Boating, Parks and Land and Development Special funds to the Renaissance Special Fund been revealed, nor has the upper limits of the boater fee increase plan been established. A great amount of uncertainty exists that does not bode well for such a large (\$240 million) bond issue.

Uncertainty also hangs heavy over the major development and revenue source of the Renaissance Plan i.e. the Keehi Triangle and the new Keehi Marina. There is a problem that could prevent the proposed development of these two key projects. The problem is our own HRS 190D-21 which states that “no lease shall be awarded within state waters designated as being necessary for national defense purposes”. Because of its proximity to the Honolulu International Airport, the entire Keehi Lagoon is covered by two Security Zones designated on 1/18/06 by 33CFR Part 165.1407. The Keehi Lagoon area may also be a Federal Naval Defensive Sea Area established by Executive Order prior to WWII and designated in 32CFR 761.3. In addition, the proposed Keehi Triangle area is also subject to Federal/State of Hawaii mitigation agreements resulting from the 1978 Reef Runway development that effectively restrict the use of that area to public recreation and wildlife preservation. Final resolution has not yet been reached. Despite the obvious

importance of this problem, it is disappointing to note that it is not even mentioned in the Bill or Plan. The degree of uncertainty rises commensurately!!

I believe that the legislative machinations that were employed to resurrect the Renaissance Plan in its current SB 636 HD1 form added to the perception that the Bill/Plan is plagued with uncertainties and that it does not stand on firm ground. Firm ground is where we want to be when considering a \$240 million bond issue!!

Please hold this Bill. It needs a lot more work.

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

SB 636 HD1 Testimony (oppose)

Dear Chair Oshiro, Vice-chair Lee and members of the FIN Committee,

Aloha. The DBOR boating fees go into the Boating Special Fund and can only be used for boating requirements. **HB 980 HD2** will change that by creating a new **DLNR Renaissance Special Fund**, into which the boating fees would be transferred and lumped together with two other DLNR special funds from the State Parks and the Forestry and Wildlife Divisions. Neither HB 980 nor the DLNR Renaissance Plan specifies how much money each of the three designated special funds would transfer to the Renaissance Special Fund to meet the projected debt service for the \$200 million of reimbursable Bonds requested. Despite this, the DLNR Plan does allocate the total \$240 million Bond requests to 238 specific capital improvement projects divided into two categories, “land-based” and “water-based”. This Plan would facilitate the DLNR’s use of the transferred boating fees on any of the 115 “land-based projects” (e.g. hiking trail/roadway maintenance, cabin/outhouse repair, etc.) that make up **63%**, or \$150 million of the \$240 million total CIP funding requirement established in the Renaissance Plan. The “water-based” projects (boating facilities) get the remaining **37%**, or \$90 million. **Is this allocation of the Bond funds fair and equitable??**

We believe that the allocation of Bond funds to the “land-based” and “water-based” projects should be in accordance with the amount of funds that the Boating Special Fund (“water-based” projects) and the State Parks and the Land and Development Special Funds (“land-based” projects) transferred to the Renaissance Special Fund. There is no information on what the total Bond debt service would be, nor has the amount of the special fund transfers to the Renaissance Special Fund (or how they would be determined) been revealed. Information on the Land and Development Special Fund is sparse and presented as “examples” with uncertain commitment. Is this the phantom source of the pot of gold that would provide the “new non-tax revenue from commercial and industrial rents on state lands” that would make the \$240 million GO Bond issue fly?? If it is, then it should be more clearly described, because without it, the increased boater fees and yet to be established Park user fees are not enough to even reach take-off speed.

Budget and Finance Director Georgina Kawamura testified previously that “*The projected revenue stream as estimated by DLNR will be sufficient to pay the \$67.8 million general obligation reimbursable bond debt service*” (for the 2010/2011 biennium), and that she also strongly supports the non-reimbursable \$40 million in GO Bonds scheduled for the same biennium, (totaling \$107.8 million). The boaters are skeptical and want to know:

- What is the total reimbursable bond debt service projected for 2010 and 2011?
- What part (how much) of the estimated projected revenue stream would come from the Boating Special Fund transfers to the Recreational Renaissance Special Fund??

- What are the other fund sources and amounts that make up the rest of the estimated projected revenue stream??

This is important because the stated DLNR Renaissance Plan strategy is to implement a one-time, substantial upgrade to all of its recreational facilities in order to become “proactive” rather than “reactive”. The success of the Renaissance Plan is therefore predicated on the fulfillment of its 5 year \$240 million plan. So, I ask you, “How realistic (feasible) is it to expect the Legislature to authorize \$240 million in GO Bonds over the Plan’s 5 year period??

2010 - \$42 million (includes \$20 million GOC tax-payer dollars)
2011 - 66 million (includes \$20 million GOC tax-payer dollars)
2012 - 43 million
2013 - 37 million
2014 - 52 million

The unequal and seemingly arbitrary allocation of CIP funds between the “Water-based” and “Land-based” categories becomes more disturbing because the DLNR has not identified any credible source of repayment of its proposed bond issue borrowing except the boating special funds. Moreover, to make matters worse, the increases to the boating user fees to pay the \$200 million reimbursable bond debt service are left open ended with the upper fee limits (“Schedule B”) to be determined by the DLNR using a “State approved appraiser” at some undetermined time, and no criteria is established. In addition, the Bill states that annual fee increases would be imposed over a five year period to progressively reach the ultimate “Schedule B” level, but there is no Schedule B, and we don’t know what it would be and when it would be established. Boaters have good reason to be worried that they would be carrying a disproportionate share of the Renaissance Plan financing costs and are growing skeptical of the feasibility of the entire Plan.

SB 636 HD1/ Renaissance financial plan is not built on a credible foundation and therefore highly questionable. We cannot support this Bill. Please hold it.

Mahalo,

Marilyn Cambra

Testimony in Opposition to SB 636 HD 1 – Recreational Renaissance

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

April 5, 2009

Ref.: SB 636 HD 1, HB 980 HD 2,

Aloha to the members of the Finance Committee. It has not gone unnoticed that you in the Finance Committee have one of the hardest tasks in the State government. You need to find compromises between the needs of the State, available funds, and still maintain the quality of life we strive toward in the communities of Hawaii.

To that end, I ask you to please not support the Recreational Renaissance Bill. It is poorly crafted, ill-conceived, and full of loopholes that we will regret for years to come. Please do not vote for legislation that will further restrict family access to the beaches and parks that make living in Hawaii so special.

If the model for pay as you go recreation is Hanauma Bay, it is a dismal failure. Most days, even work days, the parking lot is full and many cars are waved on. Perhaps it's because after queuing for paid parking people are unwilling to give up their stall, perhaps it the commercialization of the Bay, regardless, beautiful Hanauma is no longer a beach where many local families picnic and play.

Repair and maintenance of our park facilities require funding, and new sources of revenue are easier to tap than looking for efficiencies in the existing budget or raising fees. Perhaps rather than rushing into poorly drafted legislation, State agencies should be given a few months to scrub their budgets and develop proposals, and the legislature should reconvene in a few months to review them.

Though many have said, everything is on the table, have State agencies actually reviewed all revenue sources to see if more can be generated, are there efficiencies of scale or coordination to be realized, reductions in duplication, cooperation with community and City and County to develop further efficiencies. These are not easy solutions, if they were easy they would have been done. And certainly raising certain taxes and penalties is an option, especially those that discourage negative behavior.

Aloha,

Amy Monk

7476 Kekaa Street
Honolulu, Hawaii 96825
396-5959

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 10:16 AM
To: FINTestimony
Cc: takahashimark@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Mark Takahashi
Organization: Individual
Address: 6729 Hawaii Kai Dr. Honoulu, HI. 96825
Phone: 389-4515
E-mail: takahashimark@yahoo.com
Submitted on: 4/6/2009

Comments:
I strongly support this bill with its amendments.

We must position ourselves as a worldclass destination....Our harbors and facilities are in disrepair and do not match the mission of the state to be a world class destination.

Please pass these measures readily and support the tourism in our state. We are counting on our legislators to keep tourism alive.

FINTestimony

From: mailinglist@capitol.hawaii.gov
sent: Monday, April 06, 2009 10:17 AM
To: FINTestimony
Cc: mbender@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Mary Bender
Organization: Individual
Address: 520 Lunalillo Home Road Honoulu, HI. 96825
Phone: 396-0384
E-mail: mbender@hawaii.rr.com
Submitted on: 4/6/2009

Comments:
I strongly support this bill with its amendments.

We must position ourselves as a worldclass destination....Our harbors and facilities are in disrepair and do not match the mission of the state to be a world class destination.

Please pass these measures readily and support the tourism in our state. We are counting on our legislators to keep tourism alive.

FINTestimony

From: rawcohi@cs.com
Sent: Friday, April 03, 2009 10:17 PM
To: FINTestimony
Subject: Testimony against SB 636, HD1 and urging the solicitation of community consensus

SB 636, HD1 is not ready to go. Please Hold this bill!! Then send it out to the affected community to develop consensus and come back with a winner.

House Committee on Finance in room 308 on Monday, 6 April 2009 at 1600

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

Chair Oshiro and respected members of the Committee;

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

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

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

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

2. This dream RR special fund makes it even more difficult to assign costs as it further commingles expenses and charges so that it becomes more and more difficult to separate them one from the other for charging to the responsible department. That is to say, that by creating a fourth master fund and then mixing the monies from the original three special funds, it becomes very difficult to "follow the money". This is only important because two of the funds receive regular taxpayer support while the boating special fund must, by law, be entirely self supporting. This is why the boaters resent it when their money is spent on projects other than boating facilities. Turn this proposed system around and let each fund pay it's own bills fed when and as required by the RR fund.

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

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

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

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

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

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

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

I could go on, but to what end? At this point I think it becomes obvious that this dream is not yet ready for prime time. It needs to go back to the department and the stakeholders to be worked into something that will serve us all as we go forward together. In the mean time, the department can go ahead and lease out the proposed light industrial lands and they can generate the income into the special funds so they will be able to pay for any bonds required to complete the job, and they may even find out that with the income generated and the return of Ala Wai to full revenue generating capacity they truly don't even need the bonds after all.

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

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

Thanks,

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

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 7:55 PM
To: FINTestimony
Cc: hatch@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: CLARK HATCH
Organization: Diamond Head State Monument Foundation
Address: 3859 Pokapahu Place Honolulu, Hawaii 96816
Phone: 808-739-2515
E-mail: hatch@hawaii.rr.com
Submitted on: 4/4/2009

Comments:

Please support Senate Bill 636, the Recreational Renaissance Plan.

As you know, most of our State Parks are deteriorating so badly that they're unsafe and are not attractive. Periodic and inadequate funding for parks has led to band aid efforts to maintain the facilities. Our parks are a precious asset and need to be upgraded so they are safe and more pleasing to the eye so our residents and visitors will enjoy using them. Now, more than ever, our parks will be appreciated as a fun outing at little or no cost to use.

SB 636 will allow DLNR to improve and revitalize our State parks now. It is the answer to a seemingly intractable problem. What a psychological boost it would be for our State in these uncertain times.

Respectfully,

CLARK G. HATCH
President, Diamond Head State Monument Foundation

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 7:03 AM
To: FINTestimony
Cc: bilniceguy@hotmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William Beadle
Organization: Individual
Address: 1720 Ala Moana, 1406 A Honolulu, HI 96815
Phone: 808-352-0350
E-mail: bilniceguy@hotmail.com
Submitted on: 4/5/2009

Comments:

I am a resident of the Ala Wai Harbor neighborhood and a slip holder in the Harbor. I am opposed to any commercialization of the Ala Wai. Reasons include: lack of slips for recreational use, congestion(both boat and vehicle) created, increased traffic in the harbor channel creating hazardous conditions for recreational boaters and junior sailors. The intent of the Ala Wai is to provide access to the ocean for recreational boaters, we cannot utilize Kewalo Basin or Honolulu. Don't subvert the original intent of the use of this harbor.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 8:05 AM
To: FINTestimony
Cc: jct3kona@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: J. Curtis Tyler III
Organization: Individual
Address: 73-1305 Hiolani Street Kailua-Kona, HI 96740
Phone: 808 325-6600
E-mail: jct3kona@hawaii.rr.com
Submitted on: 4/5/2009

Comments:

Thank you for your continued support of the Recreational Renaissance bill and the related CIP budget.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 8:52 AM
To: FINTestimony
Cc: mckraft@hotmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Michael Kraft
Organization: Individual
Address:
Phone: 808 372 4661
E-mail: mckraft@hotmail.com
Submitted on: 4/5/2009

Comments:
SUBJECT: SB 636 SD1 HD1

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

Sincerely,

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 9:30 AM
To: FINTestimony
Cc: maxwell_cooper@msn.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: Yes
Submitted by: Maxwell A. Cooper
Organization: Hawaii Rifle Association
Address:
Phone: 808-225-6944
E-mail: maxwell_cooper@msn.com
Submitted on: 4/5/2009

Comments:

HRA supports DLNR's proposed Recreational Renaissance. Long overdue maintenance and new development of trails, parks, boating facilities and shooting ranges is needed to maintain Hawaii as a primary tourist destination and provide residents with continued recreational opportunities.

Thank you for the opportunity to testify in support.

Dr. Max Cooper,
Director, HRA

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 9:54 AM
fo: FINTestimony
Cc: HARRISMDW001@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: William Harris
Organization: Individual
Address: 1765 Ala Moana Blvd. #1880 Honolulu, HI 96815
Phone: (808) 941-8151
E-mail: HARRISMDW001@hawaii.rr.com
Submitted on: 4/5/2009

Comments:

I oppose the provisions in SB 636 that would commercialize the Ala Wai Boat Harbor. While the breadth of this verbally inflated "Recreational Renaissance Program" bill (I was not aware that Hawaii had experienced a "Recreational Dark Ages") precludes the understanding of all of its ramifications I can state the following:

The Ala Wai small boat harbor will be degraded by commercial boat operations. Hobron lane is the primary exit from the harbor and boat operations here will only increase the traffic impediments.

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

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 2:37 PM
To: FINTestimony
Cc: jbmkona@gmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: jean bevanmarquez
Organization: Individual
Address: 83-5358a mamalahoa hwy Honaunau, Hawaii
Phone: 8089876249
E-mail: jbmkona@gmail.com
Submitted on: 4/5/2009

Comments:

We need to act on this recreation renaissance to make Hawai'i's natural beauty welcoming to residents and visitors. The deplorable and dangerous condition of most harbors and ramps invite ill-will and lawsuits. Please invest in access to our wonderful natural resources and invite the world to visit our incredible islands. Inviting people here now is like asking people to come to a run down dirty hovel. Act now to upgrade Hawai'i.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 7:21 PM
To: FINTestimony
Cc: drleisure1@aol.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

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: po box 1137 Kihei, HI 96753
Phone: 808-298-5399
E-mail: drleisure1@aol.com
Submitted on: 4/5/2009

Comments:

Additional Testimony on Senate Bill 636 by Dr. George R. Harker speaking for Dr Leisure's Friends of Makena State Park.

Some of the problems with this bill using Makena State Park as the example since I know it pretty well.

The intent of the bill is to set up a funding source for needed park improvements. The bonds sold will be paid by revenue generated from a number of places including user fees. Fees that are charged only to visitors.

2.7 million is proposed to be spent on improvements to Makena as per Master Plan.

Without the improvement MSP had 526 million visitors in a recent year. Slightly more than half are visitors.

The improvements are scheduled four or five years out.

There is no practical and cost effective way to just charge the visitor. So the financial obligation of the bonds must be met. The easiest way will be to charge every user.

Many will stop using the resource because they do not wish to pay or can not. The fees will be raised as necessary to met the bond obligations. This of course will obfuscate the problem even more.

The visitor already pays a tax on car, hotel, and a premium on getting here. Many tourist will not or can not pay such charges and will opt out of coming to Hawaii. Perhaps the administration that is proposing this idea is not aware that the United States economy is having trouble. Some say a recession while others see a depression unlike anything previously seen. Not a good time to interfere with the tourist industry which we are so dependent on.

HRS 115 talks of beach and ocean access as a "fundamental right." Anyone blocking that access is subject to fines. I would think it would be prudent to get an opinion from the Attorney General on the legality of denying access to the ocean and beaches of Makena State Park as they are currently doing and then asking the same question when an access fee is charged.

Who will own the state parks when the state can not generate the money to pay the bond holders?

This year I have seen a twenty percent decline in park visitation compared with the year previous 2008. The Hawaiian Tourist Authority figures are based on, I believe, 2007. The decline in visitor usage at Makena State Park will continue with or without a user fee. A

user fee will no doubt dramatically accelerate the decline.

For these reasons I strongly suggest that SB 636 not be passed.

Dr. George R. Harker
Jr. Leisure's Friends of Makena State Park PO Box 1137 Kihei, HI 96753

808-298-5399
DrLeisure1@aol.com
DrLeisure.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 2:37 PM
To: FINTestimony
Cc: snojima@grayhongnojima.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Sheryl E. Nojima
Organization: Individual
Address: 841 Bishop Street, #1100 Honolulu, HI 96813
Phone: 521-0306
E-mail: snojima@grayhongnojima.com
Submitted on: 4/5/2009

Comments:

This bill provides the necessary first step to improve our state parks, trails and small boat harbors. Not only will such improvements provide a huge reason for Hawaii residents to recreate, but think of the economic possibilities: more mainland and international tourism revenue, and more local revenue since recreational improvements will provide our residents an alternative to mainland vacations. Eco-tourism is a booming market and this bill will allow our facilities to match the outstanding environment Hawaii has to offer.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 3:45 PM
To: FINTestimony
Cc: janice@engrsol.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: Yes
Submitted by: Janice Marsters
Organization: American Council of Engineering Companies
Address: P.O. Box 88840 Honolulu, HI
Phone: 808 371-8504
E-mail: janice@engrsol.com
Submitted on: 4/5/2009

Comments:

The American Council of Engineering Companies of Hawaii (ACECH), representing more than 70 consulting engineering firms in Hawaii with more than 1,500 employees, is in strong support of SB 636, Relating to DLNR (Recreational Renaissance). ACECH commends DLNR for this innovative and visionary proposal to provide what we feel are much needed and long overdue improvements to State recreational facilities, and to better manage the State's natural and cultural resources.

We believe that the projects proposed by DLNR would provide construction infrastructure spending at a time when our economy badly needs such initiatives. ACECH member firms look forward to assisting DLNR with their project design needs, and creating facilities and improvements that all of Hawaii's citizens can be proud of, and visitors and residents alike will enjoy.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 3:56 PM
to: FINTestimony
Cc: rgrune@nxgnco.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: Yes
Submitted by: Randy Grune
Organization: Amreican Marine Corporation
Address: 65 N. Nimitz Hwy., Pier 14 Honolulu, HI 96817-5021
Phone: 545-5190
E-mail: rgrune@nxgnco.com
Submitted on: 4/5/2009

Comments:

Thank you for your continued support of the Recreational Renaissance bill.

We ask that the unique opportunity develop portions of the Keehi area for commercial/industrial use be thoughtfully considered relative to the needs of the maritime community.

Additionally, please support the Recreational Renaissance CIP Budget.

Thank you.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 7:05 PM
To: FINTestimony
Cc: drleisure1@aol.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

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: po box 1137 Kihei, HI 96753
Phone: 808-298-5399
E-mail: drleisure1@aol.com
Submitted on: 4/5/2009

Comments:

Testimony of Dr. George R. Harker to Senate copy of testimony previously submitted to Governor's Advisory Council

Testimony of DR. George R. Harker regarding the proposed "Recreational Renaissance" plan proposed by the Hawaii Department of Land and Natural Resources at Governor Lingle's Maui Community Advisory Council meeting, Thursday, March 20, 2009 at Kihei Community Center, from 5 to 9 p.m.

Some History of Funding at Makena State Park

Let us take a closer look at how the Department of State Parks handles funding at Makena State Park.

The new Recreational Renaissance program looks to invest \$2.7 million into improvement to Makena State Park based on the 1976 Master plan for the park.

For starters it must be noted that Makena State Park today is an undeveloped state park with a few beach accesses with limited parking and eight portable toilets. Nothing in the park reflects the content of the 1976 park plan.

In fact things in the park appear to have been placed with the idea of blocking any effort to implement the original park plan. Case in point is the beach access parking. About a hundred paved parking stalls exist in two parking areas which run perpendicular to the ocean. The park plan calls for a few hundred parking spaces in rows running parallel to the beach.

A care takers home was intended to sit with other buildings as a park headquarters just north of the Puu Olai cinder cone.

The "care taker's home" is actually built between the two parking lots. It is inhabited by a DOCARE officer and his family. The house initially was set withing the Kiawe trees with a modest yard carved out of the wood lot. Today it is surrounded by a gravel yard where a couple of storage containers, a dumpster and various equipment associated with the NARS operation down the road are parked. The tree trunks and other material cleared from around the home is piled in a row around the perimeter. Road ruts radiate from this hub into the different quadrants of the park. One path runs through the wetland area that runs behind the dunes that line Big Beach.

The remains of a few junk cars populate the wetland in various stages of decomposition. Each a site of toxic materials that should have been removed years ago from the park .

The need for life guards at Makena State Park has been recognized for years. In fact life guards had been in place in 1994. Liability issues forced the program to be discontinued

after about six months.

After witnessing a drowning in 2004, I made a concerted effort to see what could be done about the matter. I talked with State Park officials and County Water Safety officers. The heart of it is that legislation to place lifeguards at Makena was brought forward in the 2005 legislature cleared both houses without a dissenting vote. Nevertheless the two houses could not reconcile how the matter was to be funded and the bills died broken on a shore break between the Senate and the House.

Skipping ahead to 2007 a half million dollars was put into the budget of Makena State Park specifically earmarked for life guards. More specifically \$406,000 was allocated for manpower with another \$100,000 allocated for equipment. The legislative intent was that a like amount of money would be available in 2008.

In other words over \$1,000,000 was available for improvements at Makena State Park. An amount that is over a third of what the proposed Renaissance program would provide. We are in the eighth month of the second year of this allocation and it appears that little of the money has been spent. It is clear that there are no life guards at Makena State Park. The standard refrain which I have been hearing since 2007 is that life guards are in training and will be available in another month and a half.

As I understand the Renaissance program fees will be collected in two years and the projects costing \$2.7 will begin in the fourth or fifth year.

I have no confidence in the DLNR to executed this plan. The record with the life guards clearly demonstrates what the DLNR is capable. This failure to properly utilize funds for projects at Makena State Park is not new. Funded improvements to handicapped accessible restrooms consist of a couple of concrete slabs and the placement of two portable handicapped accessible toilets in the park.

The difference between the other botched projects at Makena State Park and the life guard fiasco is that people die or are seriously injured. Some forty serious neck compression injuries occurred between July 1, 2007 and February 1, 2009.

For the DLNR to be asking for funds extracted from our visitor, when they can not properly administer the funds they have been allocated by the legislator is rather hypocritical.

The Recreation Renaissance program concept can be implemented today with the placement of lifeguards at Makena State Park. Many other things can be done using the resources available and without the need of trying to extract funds from our mainland visitors that have already paid a premium to get here and utilize our parks and beaches.

Thanks for the opportunity to testify. Don't hesitate to contact me if you have any questions.

Dr George R/ Harker
Dr Leisure's Friends of Makena State Park
808-298-5399
DrLeisure.com
DrLeisure1@aol.com

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 6:10 PM
fo: FINTestimony
Cc: mike_elliotti@msn.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Michael Elliott
Organization: Hawaii 4x4 Association
Address: 98-1827 A Kaahumanu St Aiea, HI
Phone: 808-225-2968
E-mail: mike_elliotti@msn.com
Submitted on: 4/5/2009

Comments:

To the Honorable Committee Members,

As current President of the Hawaii 4x4 Association I along with our membership are in strong support of SB 636. After discussing with the Director of DLNR her vision for the department and desire to partner with community organizations, it has become obvious that SB 636 is a continuation of leadership at DLNR. If this effort does not pass we may lose the battle in maintaining and protecting many of the lands and aquatic resources that are under the care of DLNR. Finally, a progressive forward leaning plan that takes into account the concerns of a large variety of organizations. As avid 4 wheelers we support LNR's and Ms. Theilen's efforts to open additional trails and build off road vehicle racks for 4x4 vehicles. We need places to go that are properly managed to take the pressure off areas that need to be protected. This plan along with future efforts will help and allow for a long term protection of critical resources and land areas. The Hawaii 4x4 Association is onboard and we want to see SB 636 pass.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 5:27 PM
To: FINTestimony
Cc: tmznakasone@hawaiiantel.net
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Martin Nakasone
Organization: Individual
Address:
Phone:
E-mail: tmznakasone@hawaiiantel.net
Submitted on: 4/5/2009

Comments:

Similar to most public recreational improvement programs in the State, the Hawaii's Parks and Small Boat Harbors do not receive the adequate funding to provide our locals and tourists a safe, friendly and clean facility. The communities donate many hours of labor and appreciable amounts of monies to keep the sites open, but piecemeal improvements by the State only provide a bandage, hiding the effects of low priority projects.

We simply must provide a comprehensive program to keep our parks and harbors open to our residents and for our visitor industry. We need to continue to provide our people a proud environment to truly stand behind our common slogan of "living in paradise".

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 8:58 AM
To: FINTestimony
Cc: jnishimura@fainc.org
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Jon Nishimura
Organization: Fukunaga & Associates, Inc.
Address: 1388 Kapiolani Blvd Honolulu, HI 96814
Phone: 944-1821
E-mail: jnishimura@fainc.org
Submitted on: 4/6/2009

Comments:

We are in strong support of Senate Bill 636, Senate Draft 1, House Draft 1, 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.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, April 06, 2009 8:58 AM
To: FINTestimony
Cc: ChrisTStevens@gmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Chris Stevens
Organization: Individual
Address: 96817
Phone:
E-mail: ChrisTStevens@gmail.com
Submitted on: 4/6/2009

Comments:

First I'd like to thank the House for your continued support of the Recreational Renaissance bill. This comprehensive plan is important to the state recreational facilities that matter to the residents of Hawaii. Please also support the Recreational Renaissance improvements budget.

Thank you for the opportunity to testify.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 8:57 AM
To: FINTestimony
Cc: ChrisTStevens@gmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Chris Stevens
Organization: Individual
Address: 96817
Phone:
E-mail: ChrisTStevens@gmail.com
Submitted on: 4/6/2009

Comments:

First I'd like to thank the House for your continued support of the Recreational Renaissance bill. This comprehensive plan is important to the state recreational facilities that matter to the residents of Hawaii. Please also support the Recreational Renaissance improvements budget.

Thank you for the opportunity to testify.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 8:48 AM
To: FINTestimony
Cc: larry@lawrencehoover.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Lawrence Hoover
Organization: Individual
Address: 1741 Ala Moana Blvd. Unit 14 Honolulu, Hawaii
Phone: 808-946-6094
E-mail: larry@lawrencehoover.com
Submitted on: 4/6/2009

Comments:

Senators:

I am opposed to SB636 as it will create more problems than it is supposed to solve.
Thanks, Larry.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, April 06, 2009 8:13 AM
To: FINTestimony
Cc: refrey2001@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Richard Frey
Organization: Individual
Address:
Phone:
E-mail: refrey2001@yahoo.com
Submitted on: 4/6/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Monday, April 06, 2009 3:58 AM
To: FINTestimony
Cc: drgeorgepc@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Dr. George Carayannis
Organization: Ala Wai Boat Association
Address: 1741 Ala Moana Blvd.#70
Phone: 808 781 - 6164
E-mail: drgeorgepc@yahoo.com
Submitted on: 4/6/2009

Comments:

I wish to bring up to your attention reasons why this legislation scheduled for hearing by your Committee should not be approved.

Specifically:

Section 2 amends 200-2.5 HRS by adding "submerged lands", "request for proposals", "chapter 190D" to subparagraph (a).

Section 5 uses the amended 200-2.5 HRS as the authority to allow the "department of land and natural resources" to lease the "submerged lands" (as well as the fast lands already authorized) of the Ala Wai SBH, and specifically eliminates the use of 171-53 HRS.

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

Also it is important to note that the public hearings required in the legislative process imposed by 171-53 HRS, provide the public with the opportunity to become aware of a proposal and to provide opportunities for public input to the Legislative Committee hearing the Bill. The amendments proposed in Section 2 and Section 5 of this Bill will eliminate the involvement and control of the Legislature (and thus the public) by removing Section 171-53 HRS from the process of leasing submerged land. Please don't let that happen.

In brief, SB636 represents another ill-conceived legislation that would essentially "privatize" selected portions of our existing public recreational boating facilities. This would reduce the number of existing public boat slips intended for middle-class boaters by leasing these slips out to become private slips that would command fees that would be four to five times the current (public) fee levels. Public ocean access opportunities provided by these submerged lands (slips) and protected by our constitution would be severely reduced. Given the growing demand for boat slips (and ramps), we strongly oppose SB636 because it allows the conversion of existing public boat slips to private boat slips that the average boating public can't afford - without increasing the total number of boat slips in Hawaii. Let those that want the private high-end marinas develop their own marinas instead of trying to take away the public boating facilities already being used by the "average" middle class boaters whose user fees actually paid for the facilities.

Please do not let this happen.

Sincerely

Dr. George Carayannis

Hawaii boater at the Ala Wai boat harbor since 1963

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, April 05, 2009 10:50 PM
To: FINTestimony
Cc: jnapali@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: joshua Comstock
Organization: Individual
Address:
Phone:
E-mail: jnapali@yahoo.com
Submitted on: 4/5/2009

Comments:

I support the recreational renaissance bill.
This bill will allow us to give a much needed face lift on our state parks. Mountains to the ocean. As well as generate funds to care for them in the future. Way over due.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, April 05, 2009 10:48 PM
To: FINTestimony
Cc: info@luau.de
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Antje Gruenewald
Organization: Individual
Address: 1741 Ala Moana Blvd.#16 Honolulu,HI,96815
Phone:
E-mail: info@luau.de
Submitted on: 4/5/2009

Comments:

As a resident of the Ala Wai Small Boat Harbor I strongly oppose the plans to commercialize and privatize the Ala Wai Boat Harbor. There are already enough areas for commercial boats and too few slips for private boaters on Oahu. On top it would be unsafe and put surfers, kayaks, canoes in danger. Please do not pass that bill!!!

Honorable Senators,

As a long-time user of Hawaii's parks, I have witnessed the slow decline of facilities and recreational opportunities over the last two decades. The deferred maintenance and lack of cleaning makes it painful to visit some of the parks and think what visitors to the state must think. Malaekahana on Oahu is particularly run down.

I therefore strongly support SB 636, the Recreational Renaissance plan. The Department of Land and Natural Resources has developed an innovative and far-sighted way of addressing not just today's problems, but the problems of the next decade. That the plan does not require the commitment of any general funds makes it even more attractive in these tough economic times.

Thank you for considering my testimony.

Tom Helper
230 Aikane St.
Kailua, HI 96734
254-2817

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 12:17 PM
To: FINTestimony
Cc: blakemcelheny@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position:
Testifier will be present: No
Submitted by: Blake
Organization: Individual
Address: Pupukea, HI
Phone:
E-mail: blakemcelheny@yahoo.com
Submitted on: 4/6/2009

Comments:
Aloha. Hope all is well with you.

Please pass SB 636 in order to support the Recreational Renaissance.

Thank you very much.

Take care,
Blake McElheny

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Saturday, April 04, 2009 3:49 PM
To: FINTestimony
Cc: cutlass99@gmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Mike Rush
Organization: Individual
Address:
Phone:
E-mail: cutlass99@gmail.com
Submitted on: 4/4/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 03, 2009 10:17 PM
To: FINTestimony
Cc: jayndar1438@aol.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Jason K. Lum
Organization: Individual
Address:
Phone:
E-mail: jayndar1438@aol.com
Submitted on: 4/3/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 03, 2009 10:54 PM
To: FINTestimony
Cc: princeofwaikiki@hotmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Raymond A. Gruntz
Organization: Individual
Address: 1765 Alamoana Blvd. Honolulu, HI 96815
Phone: 949-0492
E-mail: princeofwaikiki@hotmail.com
Submitted on: 4/3/2009

Comments:

Aloha All:

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

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

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

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

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

these commercial Vessels would be 15% or 129 Berths.

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

PLEASE REMOVE THE LEASING OF SUBMERGED LANDS AND KEEP THE COMMERCIAL BOATS OUT OF THE ALAWAI SMALL BOAT HARBOR, IT'S NAME SAYS IT ALL IT IS FOR SMALL BOATS, NOT THE BIG BOATS.

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

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

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

Aloha,

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 7:31 AM
To: FINTestimony
Cc: konaron@yahoo.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Ron Finelli
Organization: Individual
Address: 73-4469 Hane st Kailua Kona
Phone: 8083255956
E-mail: konaron@yahoo.com
Submitted on: 4/4/2009

Comments:

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

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 8:29 AM
To: FINTestimony
Cc: bnakashima@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

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: 4/4/2009

Comments:

I am fully in support of SB 636, Recreational Renaissance bill. It will be legislation that will enable our state to support and provide for activities and facilities that people need and deserve.
In order to achieve this goal, I urge you to support the CIP Budget that will enable DLNR to fulfill their vision.
Thank you.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 1:16 PM
To: FINTestimony
Cc: hilodik@gmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Richard Hoeflinger
Organization: Individual
Address: 15-1094 Road B Keaau, HI
Phone: 982-5094
E-mail: hilodik@gmail.com
Submitted on: 4/4/2009

Comments:

I support SB636 as it addresses funding to develop a long-needed public shooting facility on the Island of Hawaii.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 1:48 PM
To: FINTestimony
Cc: suziecooney@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Suzie Cooney
Organization: Individual
Address:
Phone:
E-mail: suziecooney@hawaii.rr.com
Submitted on: 4/4/2009

Comments:

Aloha,

I am in support of SB636 as a recreational user of dirt bikes. I have ridden the legal trails on Oahu and hope that Maui will soon benefit from a similar effort.

Our community of riders wish to obey the law and safety is of the utmost import items on our agenda. Currently there is no safe or legal place to ride, as this sport continues to grow in popularity.

The model put forth is a solid model.

Thank you for your time and consideration.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 2:15 PM
To: FINTestimony
Cc: careyandwally@hotmail.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: Carey Johnston
Organization: Individual
Address: 1661 Ala Moana Blvd Honolulu HI 96815
Phone: 9270160
E-mail: careyandwally@hotmail.com
Submitted on: 4/4/2009

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, April 04, 2009 2:18 PM
To: FINTestimony
Cc: dct@hawaii.rr.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Attachments: Opposition to 2009 SB 636.pdf



Opposition to 2009
SB 636.pdf ...

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: oppose
Testifier will be present: No
Submitted by: David Tanabe
Organization: Individual
Address: 488 Kaumakani St Honolulu, HI
Phone: 271-9839
E-mail: dct@hawaii.rr.com
Submitted on: 4/4/2009

Comments:

I oppose the Recreational Renaissance bill now identified as SB 636 for procedural and substantive reasons.

Procedural Defects in SB 636

The Recreational Renaissance Bill (HB980 HD2), which would create a new state special fund and establish the foundation for user fees at state parks, crossed over from the House weeks ago but appeared to be stalled on the Senate side.

Apparently, last week, a legislative maneuver was used to totally gut a nondescript Department of Land and Natural Resources (DLNR) housekeeping Senate bill that had crossed over to the House and to replace its contents entirely with the complete HB980 HD2.

This maneuver was done by the House Water, Land and Ocean Resources Committee (WLO), which heard the original SB636 (relating to conveyance procedures) on March 16 and had no testimony pertaining to gutting the bill. WLO decision-making was delayed until March 23 when it passed SB636 with amendment. The first real public hint of this deception was in the committee report issued on March 25. Following House second reading approval on March 27, the amended bill was assigned to the Judiciary committee, but later reassigned to WLO and House Finance (the path of the original HB980). Then, on Friday, March 3, the hearing notice was posted for the Finance Committee hearing on Monday, March 6.

Now, rather than correctly proceeding with and negotiating the checks and balances of a two-chamber legislature, the Recreational Renaissance bill is right back on the House side, and has been assigned to the very same committee that already gave its approval. If approved by the House side again, it will provide the illusion of having progressed legitimately and publicly through the legislative process, but it has not.

The "new" Recreational Renaissance bill is SB636, and it is scheduled for a hearing with the House Finance Committee (again) on Monday, April 6, at 4 p.m., in Room 308.

Substantive Defects in SB 636

DLNR is still refusing to back off from its initial proposal to charge fees at Ka Iwi (Lighthouse Trail), even though it has admitted that it used grossly incorrect counts to justify fees there. In fact, on February 18 DLNR admitted in writing: "You are correct that the 29,000 figure will be significantly less and might not meet the cost of a collection booth attendant." Yet, DLNR refuses to remove Ka Iwi from its proposed list of fee-charging sites.

DLNR is also refusing to remove Ka Iwi from its Recreational Renaissance plan entirely (as called for by Hawaii Kai Neighborhood Board (HKNB)), even though the list of permitted projects at all the listed parks (including Ka Iwi) would clearly violate the Ka Iwi State Park Master Plan. DLNR officials tried to assure the HKNB that they have no *intention* of a building spree at Ka Iwi, but that's not what the bill *says*. If passed, the law could be interpreted in later years as permission to build "comfort stations; pavilions; cabins; camping areas; picnic areas; visitor/educational/ranger station centers; concession facilities; caretaker residences ...," etc. This, in turn, provides the slippery slope in favor of the would-be developers of privately-owned preservation-zoned land in Ka Iwi Mauka, thereby jeopardizing the status of Ka Iwi, and by extension, all preservation-zoned land statewide.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 06, 2009 10:13 AM
To: FINTestimony
Cc: kathy@seabreezewatersports.com
Subject: Testimony for SB636 on 4/6/2009 4:00:00 PM

Testimony for FIN 4/6/2009 4:00:00 PM SB636

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Kathleen Takahashi
Organization: Individual
Address: 6729 Hawaii Kai Dr. Honoulu, HI. 96825
Phone: 306-7609
E-mail: kathy@seabreezewatersports.com
Submitted on: 4/6/2009

Comments:

I strongly support this bill with its amendments. Did anyone see the headline recently...
"Revitalization of tourism crucial to state's recovery"?

We must position ourselves as a worldclass destination....Our harbors and facilities are in disrepair and do not match the mission of the state to be a world class destination.

SB636 is the preferred vehicle because it encompasses the entire plan which includes the small boat harbors as well as the State Parks.

We need these amendments and funding to ensure that we can operate commercial vessels at Keahi Lagoon, fund the projects, and implement long needs change to the way we do business.

Please pass these measures readily and support the tourism in our state. We are counting on our legislators to keep tourism alive.