HB 1312 HD2, SD1

NEIL ABERCROMBIE





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of WILLIAM J. AILA, JR. Chairperson

Before the Senate Committee on WAYS AND MEANS

Friday, April 01, 2011
9:00 AM
State Capitol, Conference Room 211

In consideration of HOUSE BILL 1312, HOUSE DRAFT 2, SENATE DRAFT 1 RELATING TO SMALL BOAT HARBORS

House Bill 1312, House Draft 2, Senate Draft 1 authorizes the Department of Land and Natural Resources (Department) to use the Request for Proposal process to enter into a public-private partnership to develop portions of the Ala Wai Small Boat Harbor that are currently underutilized to maximize revenue generating potential. The Department supports this measure.

The Department notes that it already has the statutory authority to lease fast lands and has recently entered into a development agreement for the development of the haul-out and fuel dock areas within the Ala Wai Small Boat Harbor. The Developer paid an initial development fee of \$150,000 and is currently paying \$15,000 per month while working to obtain the necessary permits.

The Department supports offering the remaining site located at the Ala Wai Small Boat Harbor Office on a request for proposal basis. The Department also supports the leasing of submerged lands similar to the Hawaii and Waikiki Yacht Clubs.

By extending the leasable areas of the Ala Wai Small Boat Harbor to the submerged lands, a new funding stream will be opened to the Department to support its long-range repair and maintenance goals for public harbor facilities. The Department has been in favor of such an initiative for many years and sees this as a stepping-stone to self-sufficiency.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI

WILLIAM M. TAM 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
INSTORIC PRESERVATION
KAHOOLAWE BLAND RESERVE COMMISSION
LAND
STATE PARKS

Regarding: HB 1312 and HB 1566-Setting Mooring Fees by appraisal and Commercial Vessels

Dear Senator Ige and Members of the Senate Ways and Means Committee,

I am OPPOSED to HB 1312 and HB 1566.

It is my understanding that these bills contain provisions that will allow some commercial use of the Ala Wai Yacht Harbor.

If you vote to allow commercial boats of the kind that are now restricted to Kewalo

Boat Harbor to use the Ala Wai Harbor/Channel, and on a daily basis enter and exit the

Harbor from the area behind the Hawaii Prince Hotel to the open ocean, you will be voting for
inevitable fatalities in the Ala Wai Harbor. Large boats maneuvering in this area amongst high school
paddlers, kayakers, the Yacht Club Junior Sailing Programs, surfers, divers, and occasional large groups
of Akule Fishermen will result in fatal accidents. Any licensed captain who has operated large boats in
these waters can attest to this fact. It will only take a large swell or strong cross wind or an inattentive
boat captain to create a disaster.

The Ala Wai was designed as a pleasure boat harbor, SPECIFICALLY. It was NEVER intended for commercial vessel use.

While I know the State budget is not in good shape, and everyone is looking for new income potential, Commercial use of the Ala Wait Boat Harbor is a very bad idea. If you pass this legislation, I will write each of you and remind you of my prediction when the first fatality occurs caused by a commercial boat colliding with someone in the Ala Wai Channel. It would be nice to never have to write that letter.

Sincerely,

Gary W. Bilyk, DDS

1600 Kapiolani Blvd. #1400

Honolulu, HI. 96814

Representative DAVID Y. IGE, CHAIR

Representative MICHELLE N. KIDANI, VICE CHAIR

In consideration of both: <u>HB1566 HD1, SD1</u> RELATING TO SMALL BOAT HARBORS

HB1312 HD2, SD1 RELATING TO SMALL BOAT HARBORS

Testimony of: NANCY MUETING, ALA WAI HARBOR CONDOMINIUM RESIDENT

Contact: nancymueting@hotmail.com

Testifier position: OPPOSED

Before the Senate Committee: WAM

Date: 4-1-11

State Capitol Conference Room: #211

Time: 9:00 a.m.

Copies provided: 1

Submittal date: _____

Dear Chair Ige, Vice Kindani and members of the Committee:

I am testifying against certain proposals for the Ala Wai Harbor that are present in both HB1312 and HB1566:

- 1. That lease revenues be deposited in the Boating Special Fund
- 2. Unlimited office space and commercial uses
- 3. Office space and commercial use proposed unspecified at to building height

To satisfy stringent Waikiki District Design Standards, where the Ala Wai Harbor resides, it must get more attention to its appeal as experienced by visitors. Thus, appropriations should first deposit in an Ala Wai Harbor Fund then distributed to a general fund for boating facilities of a remote nature.

Office space is a private use not consistent with the Governor's order for public use. In bills, the square footage is not limited to the Boating Division. Commercial space use of the land is unlimited and not specific as to whom it benefits in all cases. Both types of uses specified could proliferate non-conforming uses that shun rather than invite the public.

With unlimited office and commercial space offered, is the potential for a skyscraper to satisfy that need. It would result in harm to the ocean views of visitor neighboring properties.

In conclusion, to prevent the Ala Wai Harbor from decline, create its own special fund to insure the standards of Waikiki are met. Office space and commercial uses of the land need to specify their public orientation in the bills to clarify intent. There is concern that building in the harbor will go above the low profile currently set destroying its value as urban relief.

Your consideration is appreciated, thank you.

Manuy Mucting
Nancy Mueting

Representative DAVID Y. IGE, CHAIR

Representative MICHELLE N. KIDANI, VICE CHAIR

In consideration of: <u>HB1312 HD2, SD1</u> RELATING TO SMALL BOAT HARBORS

Testimony of: NANCY MUETING, ALA WAI HARBOR LANDSIDE RESIDENT

Contact: nancymueting@hotmail.com

Testifier position: **OPPOSED**

Before the Senate Committee: WAM

Date: 4-1-11

State Capitol Conference Room: #211

Time: 9:00 a.m.

Copies provided: 1

Submittal date:

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 11:16 AM

To:

WAM Testimony

Cc:

siestarace@yahoo.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: curtis collins Organization: Individual

Address: Phone:

E-mail: siestarace@yahoo.com Submitted on: 3/30/2011

Comments:

The legislature has been actively proposing bills that will have a negative impact on harbor users.

The following bills are still on track to be passed this session.

HB 931. Requires boats to leave the harbor every 90 days. OPPOSITION TO 90 DAY RULE

I strongly oppose HB 931.

This ill-conceived idea will create considerable cost and inconvenience for both boat owners and harbor personnel without creating any real benefit.

Harbor slip holders are already required to navigate outside the harbor on an annual basis, an exercise referred to as a "buoy run".

Requiring harbor tenants to make buoy runs every 90 days will create a highly arbitrary and unfair burden on boat owners that fails to consider the actual condition of the vessel or the owner's right to use their vessel in a manner that is consistent with their personal interests and schedule.

Is a boat owner who leaves the harbor 4 times during the summer really different than one who leaves the harbor once each quarter? As long as a boat owner pays their slip rent and maintains their boat in a safe condition, why is the number of times they leave the harbor an issue? What problem is being solved?

To implement this rule in a non-discriminatory manner will require that all buoy runs be observed by harbor personnel who would take approximately 30 minutes per buoy run to watch the boat leave the slip, exit the harbor, and return to the slip. For 800 boats in the Ala Wai Harbor as an example, this would cost over 1600 man hours per year.

Since the harbor offices are closed Sundays, Mondays, holidays, and furlough days, many boaters will have to compete for a limited number of Saturday appointments. When Saturday appointments are not available many boaters will have to take time off from work to satisfy this requirement.

Additionally this rule may force boat owners to make buoy runs in dangerous weather or high surf when the boat is not safe to operate, thus creating an unintended liability for the State.

Considering the cost and inconvenience this rule creates, I urge you to oppose this bill.

HB 1312. Leasing harbor lands to private businesses.

I strongly oppose HB 1312 & amp; HB

Note that HB 1312 is " The Honey Bee Bill". avoid all the ills Honey Bee brings to the Ala Wai.

Obviously, they need this bill approved in order to validate what DLNR has done.

The bill SPECIFICALLY cites the November 2008 deal. No one goes into the legislative process unless they need to.

note that the use of Ala Wai for wedding chapels is carefully left out of the text of the bills.

JUST SAY NO The ALA WAI Does not need two wedding chapels, no usable boatyard And no usable fuel dock in the Ala Wai.

HB 1566. Sets mooring fees by appraisal. Allows commercial vessels to moor in the Ala Wai. Leases harbor lands to private businesses.

OPPOSITION TO INCREASING MOORING FEES

I oppose the proposed change in the way mooring fees are to be set.

DLNR has already implemented an 80% increase in mooring fees for Schedule B (new mooring permits) and annual increases in Schedule A (existing mooring permits) bringing them to par by 2014. The currently scheduled increases also call for a CPI adjustment each year.

There is no justification for fee increases beyond those that have already been implemented.

Furthermore, having an appraiser arbitrarily set fees without public hearings or input would be a violation of the transparency constituents should expect from their government.

In lieu of raising mooring fees, I would respectfully suggest that the State look into ways to improve the efficiency of the harbor management and concentrate on filling the large number of slips that have gone empty for long periods of time while hundreds of eager boaters have waited for 5 or more years for a slip assignment.

SB 1549. Sets mooring fees by appraisal. Allows commercial vessels to moor in the Ala Wai. Leases harbor lands to private businesses.

OPPOSITION TO COMMERCIAL MOORING

I am opposed to the traffic congestion, parking problems, and disruption that would be caused by allowing commercial operators to moor boats at the Ala Wai Harbor.

The Sate already has a facility for commercial operators at nearby Kewalo Basin, a location much better able to handle traffic, parking and general disruption.

It's interesting to note that Kewalo Basin does not have enough demand from commercial operators to fill its slips and has begun allowing recreational boaters to use the facilities.

Allowing commercial operators at Ala Wai harbor would not increase revenue for the State, it would simply shift revenue from HCDA to DLNR.

Considering the 5 year or longer waiting list for recreational slips at the Ala Wai, and the lack of demand for commercial slips at Kewalo Basin, it seems that your constituents would be much better served by leaving the Ala Wai Harbor dedicated solely to recreational use.

SB 1555. Sets mooring fees by appraisal. Allows commercial vessels to moor in the Ala Wai. Leases harbor lands to private businesses.

OPPOSITION TO COMMERCIAL MOORING

I am opposed to the traffic congestion, parking problems, and disruption that would be caused by allowing commercial operators to moor boats at the Ala Wai Harbor.

The Sate already has a facility for commercial operators at nearby Kewalo Basin, a location much better able to handle traffic, parking and general disruption.

It's interesting to note that Kewalo Basin does not have enough demand from commercial operators to fill its slips and has begun allowing recreational boaters to use the facilities.

Allowing commercial operators at Ala Wai harbor would not increase revenue for the State, it would simply shift revenue from HCDA to DLNR.

Considering the 5 year or longer waiting list for recreational slips at the Ala Wai, and the lack of demand for commercial slips at Kewalo Basin, it seems that your constituents would be much better served by leaving the Ala Wai Harbor dedicated solely to recreational use.

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 8:49 AM

To:

WAM Testimony

Cc:

freeoceanaxs@yahoo.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose
Testifier will be present: No
Submitted by: Noa Napoleon
Organization: Individual

Address: Phone:

E-mail: <u>freeoceanaxs@yahoo.com</u>

Submitted on: 3/30/2011

Comments:

I am a local resident and a long time surfer. I oppose privatization of the Ala Wai Harbor in all its varied forms, including the sort HB 1312 and HB 1566 envisions. I have great concern that partial privatization will lead one day to full privatization, further diminishing public access. Many believe that the real culprit for loss revenue at the Alaw Wai Harbor is mismanagement. Failure to address management problems will continue to ensure revenue shortages despite the rule changes. Safety issues are also a huge concern for me because of the close proximity of the surf spots that will create what some have called a gauntlet for surfers attempting to access the waters from this Harbor. In addition, commercial parking will pit private business against recreational users who will be forced to park elsewhere when private events dictate this.

Mahalo, Noa Napoleon

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 8:27 AM

Cc:

WAM Testimony bib@hawaii.rr.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Brian Barbata Organization: Individual

Address: Phone:

E-mail: <u>bjb@hawaii.rr.com</u> Submitted on: 3/30/2011

Comments:

Please be careful with this bill. It appears to be a general bill to allow the leasing of recreational harbor lands to raise revenue. But a major part of it is hidden in Section 2(c): "(7) Any and all uses described or referred to in the request for qualifications or request for proposals issued by the division of boating and ocean recreation of the department on November 25, 2008." This is an agreement already made with a Japanese company (Honey Bee) to allow them to build and operate two wedding chapels on the properties currently designated as a boat repair yard and a fuel dock. This is an inappropriate use of a recreational harbor, and will result in reduced services to boaters. DLNR and Honey Bee have been very quiet and careful about how this process has been handled since 2008, for good reason. Don't let them slip this through and change Ala Wai forever.

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 3:07 PM

To:

WAM Testimony

Cc:

cascadesunrise@hotmail.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Les Parsons Organization: Individual

Address: Phone:

E-mail: cascadesunrise@hotmail.com

Submitted on: 3/30/2011

Comments:

Dear Members of the Senate WAM Committee,

I wish to make a brief statement in strong opposition to HB1312.

For many years both astute members of the Legislature and Hawaii's boaters had considered the submerged lands of our public harbors to be sacrosanct. Accordingly, time and again, provisions such as encompassed in this unfortunate and ill-advised measure have been rejected.

It is my sincere hope this odious measure will be discarded by this Committee. There is little if anything here which would in any substantive way enhance our State's overall economic situation.

It is my understanding that lease revenue would go to the Boating Special Fund, not the General Fund and its obvious urgent need.

As for DLNR/DOBOR's recent history pertaining to (questionable) long-term leases, I urge you to please familiarize yourselves with the status of the now-defunct, but much-needed former Ala Wai Boatyard property and the ensuing controversy - plus the current adverse impact on boaters.

Thank you for your attention and consideration.

Les Parsons Ala Wai Small Boat Harbor tenant 945-3648

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 31, 2011 2:02 PM

To:

WAM Testimony

Cc:

streamfellow@yahoo.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Dwight Streamfellow

Organization: Individual

Address: Phone:

E-mail: streamfellow@yahoo.com

Submitted on: 3/31/2011

Comments:

Oppose HB 1312 and HB1566, The Ala Wai Harbor should continue to solely dedicated to recreation use. Commercialisation of the Harbor would create conflict with the overall high recreation use. Kewalo Basin has open commercial slips available. There is no justfication to change the Ala Wai's current use.

Sent:

mailinglist@capitol.hawaii.gov Thursday, March 31, 2011 1:46 PM

To:

WAM Testimony

Cc:

captdave@boats4u.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Dave Cooper Organization: Individual

Address: Phone:

E-mail: captdave@boats4u.com

Submitted on: 3/31/2011

Sent:

mailinglist@capitol.hawaii.gov Thursday, March 31, 2011 12:32 PM

To: Cc: WAM Testimony rromo@hawaii.rr.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Robert Romo Organization: Individual

Address: Phone:

E-mail: rromo@hawaii.rr.com Submitted on: 3/31/2011

From: Sent: mailinglist@capitol.hawaii.gov Thursday, March 31, 2011 7:46 AM

To:

WAM Testimony

Cc:

jm.marine@hotmail.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: John Morton Organization: Individual

Address: Phone:

E-mail: jm.marine@hotmail.com

Submitted on: 3/31/2011

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 2:01 PM

To:

WAM Testimony

Cc:

cowgirlinhawaii@yahoo.com

Subject:

Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Beth Malvestiti Organization: Individual

Address: Phone:

E-mail: comgirlinhawaii@yahoo.com

Submitted on: 3/30/2011

mailinglist@capitol.hawaii.gov

Sent:

Wednesday, March 30, 2011 4:20 PM

To:

WAM Testimony

Cc:

Subject:

careyandwally@hotmail.com
Testimony for HB1312 on 4/1/2011 9:00:00 AM

Testimony for WAM 4/1/2011 9:00:00 AM HB1312

Conference room: 211

Testifier position: oppose Testifier will be present: No Submitted by: Carey Johnston Organization: Individual

Address: Phone:

E-mail: careyandwally@hotmail.com

Submitted on: 3/30/2011

Representative David Y. Ige, Chair

Representative Michelle N. Kidani, Vice Chair

In consideration of both: <u>HB1566 HD1</u>, RELATING TO SMALL

BOAT HARBORS

HB1312 HD2, RELATING TO SMALL BOAT HARBORS

Testimony of: ALA WAI HARBOR LANDSIDE COALITION
One hundred & eighty individuals

Position: OPPOSED

Submitter: Lavonne West, former İlikai Association board member

Submitter contact: 946-4666

Before the House Committee: WAM

Date: 4/1/11

State Capitol Conference Room: #211

Time: 9:00 a.m.

Copies provided: 1

Submittal date:

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