

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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COMMISSION ON WATER RESOURCE MANAGEMENT

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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE BOARD OF LAND AND NATURAL RESOURCES**

**On House Bill 3262, House Draft 1— Relating To Honolulu Bay**

**BEFORE THE HOUSE COMMITTEE ON  
FINANCE**

**February 22, 2008**

House Bill 3262, House Draft 1 proposes to establish a temporary Honolulu Bay Advisory Committee (Advisory Committee), to be administratively placed within the Department of Land and Natural Resources (Department), to develop a Honolulu Bay management plan for the Honolulu Marine Life Conservation District (MLCD). The bill also requires the Advisory Committee to submit a progress report to the 2009 Legislature. Lastly, the bill appropriates an unspecified sum. The Department opposes this bill, and has concerns with any fiscal impacts the bill will have on the Executive Supplemental Budget request. In as much, the Department offers the following comments:

The Department has been actively working with the various parties named as members of the advisory committee in this bill for over the past three years on the development of a watershed plan for the area. Through the Department's Division of Aquatic Resources, and in concert with the Land-Based Sources of Pollution Local Action Strategy Steering Committee, numerous studies and workshops have been held with the landowner adjacent to the Honolulu MLCD and all interested stakeholders. The Local Action Strategy Steering Committee has produced a number of reports on the impacts of recreation in the bay and a summary of the research and data that has been acquired over the last 10 years.

The steering committee is currently sponsoring a series of workshops with all stakeholders including the Save Honolulu Bay Coalition, the Honolulu Advisory Council, Maui Unite, Maui Land and Pineapple Company, the County of Maui, and various other stakeholders to work towards a common goal and vision for the land and waters of Honolulu Bay. This effort will result in the beginning framework of a watershed plan for the site.

Given that three advisory groups already exist for Honolulu Bay, and that they do not agree on a common management strategy, the Department feels that creation of a fourth group will only serve to add further confusion and complexity to the management of this area. Instead, the Department feels that its current efforts toward constructive reconciliation of differences between established advisory groups and other stakeholders noted above are likely to produce a more timely and durable solution. The Department therefore respectfully opposes this measure, and suggest it be deferred.



LINDA LINGLE  
GOVERNOR



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**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Tel: (808) 587-4700 Fax: (808) 587-4703  
www.spo.hawaii.gov

TESTIMONY  
OF  
AARON S. FUJIOKA  
ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE  
HOUSE COMMITTEE  
ON  
FINANCE

February 22, 2008

HB 3262, HD 1

RELATING TO HONOLUA BAY.

Chair Oshiro, Vice Chair Lee and committee members, thank you for the opportunity to testify on HB 3262, HD 1. The State Procurement Office's (SPO) testimony is limited to Section 3 that provides for a "non-bid" contract with a consultant.

The SPO does not support the language to exempt from HRS chapter 103D, the contract for a consultant to develop a management plan for the Honolua bay marine life conservation district.

Statutory exemptions are contrary to the Hawaii Public Procurement Code (Code), section 103D-102, HRS, on the applicability of the chapter that states in part ". . . shall apply to all procurement contracts made by governmental bodies whether the consideration for the contract is cash, revenues, realizations, receipts, or earnings, . . ." Any governmental agency with the authority to expend funds should be in compliance with chapter 103D, which promotes the policy of fair and equitable treatment of all persons who deal with the procurement system; fosters effective broad-based competition; and increases public confidence in public procurement.

The SPO is against statutorily exempting specific purchases from the Code, as it is not in the best interest of government, the business community, and the general public. The Code establishes a time-tested, fair, and reliable set of rules and processes for award of contracts. The competitive procurement processes of the Code are to insure that all potential providers are afforded the opportunity to compete for the required services. To the extent agencies may need specific purchases to be exempted from Code requirements, the Code provides an exemption process.

The Code should not be viewed as an obstacle to a purchasing agency's mission, but rather as the single source of public procurement policy to be applied equally and uniformly to obtain its requirements. It was the legislature's intent for the Code to be a single source of public procurement policy. If individual agencies are exempted and allowed to develop their own individual processes, it becomes problematic for the administration and vendors/contractors that must comply with a variety of processes. Fairness, open competition, a level playing field, and government disclosure and transparency in the procurement and contracting process are vital to good government. For this to be accomplished, we must participate in the process with one set of statutes and rules.

In conclusion, there is no compelling reason to statutorily exempt the contract for a consultant to develop a management plan for the Honolua bay marine life conservation district. The SPO recommends amending Page 4, lines 10 and 11, as follows:

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2008-2009 for development of the Honolua Bay management plan under section 2 of this Act, including the hiring of a consultant ~~without regard to chapter 103D, Hawaii Revised Statutes,~~ to develop the plan.

Thank you.

February 21, 2008

In Support of:            HB3262 "RELATING TO HONOLUA BAY"

Testimony To:            House Committee on Finance

Presented by:            John Lundin  
Hawaii Democratic Party State Central Committee  
District 5/ Lahaina Maui  
808-269-3421

## **RESOLUTION**

**Hawaii Democratic Party  
State Central Committee**

### **TO PROTECT HONOLUA BAY/ LIPOA POINT**

**Whereas, all undeveloped land at and around Lipoa Point, which is adjacent to Honolua Bay in West Maui, holds great cultural, environmental, archaeological and recreational significance and should be preserved in perpetuity, and**

**WHEREAS, the County of Maui and the State of Hawaii have the power of eminent domain over privately held lands for public purposes and protection of undeveloped lands with great cultural, environmental, archeological and recreational significance is a significant public purposes, and**

**WHEREAS, the people of the County of Maui and the State of Hawaii are in favor of protecting the few remaining undeveloped areas of great cultural, environmental, archaeological and recreational significance,**

**NOW THEREFORE, BE IT RESOLVED by the Hawaii Democratic Party that the Mayor of the County of Maui and the council of the County of Maui, the State of Hawaii and the government of the United States be urged to use public funds, and if necessary, the power of eminent domain, to acquire Lipoa Point and the other undeveloped areas of Honolua Bay, and**

**BE IT FURTHER RESOLVED by the Hawaii Democratic Party that copies of this resolution be transmitted to the Chairperson of the Council of the County of Maui, the Mayor of the County of Maui, the Governor of the State of Hawaii, the Speaker of the House of Representatives of the State of Hawaii, the President of the Senate of the State of Hawaii, and members of the Hawaii congressional delegation.**

**VOTED & APPROVED on April 14, 2007, unanimously.**



February 21, 2008

Testimony of: Save Honolua Coalition  
Testimony to: House Finance Committee  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair  
Subject: House Bill 3262 – Relating to Honolua Bay

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

The Save Honolua Coalition, as a voice for the community, recognizes and is grateful for your intent to benefit Honolua through your proposed legislation. While we appreciate the efforts of the state government to take positive action for Honolua, we respectfully request that the bill be modified to more faithfully reflect the desires of the community.

We feel that the formation of another committee as suggested in Bill 3262 is not necessary at this time as there is already a coalition of community members and stakeholders that are close to the situation and issues.

Save Honolua Coalition is currently working with the land owner, our local community, Kupuna, stakeholders and environmental experts to develop a community-based management plan for the area. We are utilizing a DLNR published resource that was created with several partners, including the Community Conservation Network to guide our process. We feel confident that the community working together will create a solution with broad support.

Instead of funding the formation of another committee, we respectfully request that the bill be revised to earmark state funds for the acquisition of land in the Honolua Ahupua'a.

SHC has launched a coordinated effort to gather land acquisition funds from county, state, federal and private sources with the goal of establishing a community land trust. We also recognize the possibility that the land owner can donate land as well.

Maui County has already earmarked \$1,000,000 for the purchase of Honolua lands. If the state does not make a financial commitment in this session, we cannot further our effort and request funds from the federal government. We need your help now to save this cherished area.

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**Save Honolua Coalition**  
**2580 Keka'a Dr. #115-123**  
**Lahaina, HI 96761**

**Email:** [kokua@savehonolua.org](mailto:kokua@savehonolua.org) ~ **Website:** [www.savehonolua.org](http://www.savehonolua.org)

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February 21, 2008

Save Honolua Coalition has held more than 30 public meetings with speakers from County and State government, including the Mayor of Maui County, Hawaiian Practitioners and Kupuna, and environmental experts. Our volunteers have collected more than 15,000 signatures on our petition supporting land acquisition and we are in the process of filing for 501(c)(3) tax-exempt status.

SHC was honored to be acknowledged by the Maui News as one of the organizations in their recent article "People Who Made a Difference in 2007".

We pray you will help us Save Honolua!

We sincerely appreciate the opportunity to provide testimony to your committee.

Malama pono,

**Save Honolua Coalition**

*Our vision: To revitalize the health of the Honolua Ahupua'a through community-based management utilizing Hawaiian practices and values.*

Kahu David Kapaku – President  
Tamara Paltin - Vice President & Secretary  
Nikki Stange – Treasurer  
John Carty – Board Member  
Wayne Cochran – Board Member  
Wayne Nishiki – Board Member  
Silahis Taverna – Board Member



MAUI LAND & PINEAPPLE COMPANY, INC.

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February 20, 2008

The Honorable Representative Marcus R. Oshiro, Chair  
The Honorable Representative Marilyn B. Lee, Vice Chair  
Committee on Finance  
Hawaii State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 308  
Honolulu, Hawaii 96813

Subject: HB 3262, HD1 (HSCR431-08) – Relating to Honolua Bay

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

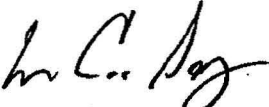
Maui Land & Pineapple Company, Inc. strongly supports HB 3262, HD1 (HSCR431-08) – Relating to Honolua Bay.

The Honolua Bay Marine Life Conservation District is an area that is very popular with the visitors that come to Maui. Most recently, there have been concerns raised relative to the volume of use and how it may be adversely impacting the fauna and flora in the bay. The creation of a temporary Honolua Bay Advisory Committee that will be tasked to develop a management plan to protect the marine resources in the bay will insure that the bay will be there for all to enjoy in the future.

Maui Land & Pineapple Company, Inc. respectfully requests your strong support of the subject legislation.

We sincerely appreciate the opportunity to provide our testimony. If you have any questions or wish to discuss our testimony, please do not hesitate to contact me at (808) 877-3882.

Mahalo,

  
Warren A. Suzuki  
Senior Vice President





Ocean Tourism Coalition

*The Voice for Hawaii's Ocean Tourism Industry*  
820 Mililani Street, Ste. 810 Honolulu, HI 96813-2038  
(808) 205-1745 Phone (808) 533-2739 Fax  
office@oceantourism.org

February 22, 2008

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

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

Tim Lyons, CAE  
Executive Director

Subject: H.B. 3262, HD 1 - RELATING TO HONOLUA BAY

Chair Oshiro and Members of the Committee:

I am James E. Coon, President of the Ocean Tourism Coalition (OTC), Hawaii's statewide organization representing the Ocean Tourism Industry. We represent the 300 small commercial passenger vessels operation out of state harbor and launch ram facilities. We support this bill based on the HD 1.

We agree with the intent of this bill and preserving the Honolua Bay and Lipoa Point area. Honolua Bay MLCD is the primary destination for the handful of sailing catamarans that operate from Kaanapali Beach with snorkeling charters. These are important stakeholders whose livelihoods depend on access to this bay and should have representation which House Draft 1 does.

Thank you.

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
Finance Committee  
Honolua Advisory Council

February 22, 2008

In support of HB 3262, Relating to Honolua Bay

Aloha Chairman Oshiro and committee members;

The Honolua Advisory council would like to go on the record in support of the current version of HB 3262.

We believe that the forming of a body as proposed by the bill will compliment the efforts of the community and other organizations in preserving, restoring and rejuvenating the natural resources in the area.

The community, organizations and landowners are working together to create a land management plan for the areas surrounding Honolua Bay. The creation of a committee as proposed in HB3262 will complete the bigger picture of the area.

Please support the passing of HB3262 in its current form.

Mahalo for your time and consideration.

Respectfully submitted on behalf of the Honolua Advisory Council.

Donna Willard  
February 20, 2008