

The Surfrider Foundation, Maui Chapter



Hearing scheduled for Monday, February 4, 2008 at 9 a.m., House Conference Room 309

Representative Joseph M. Souki, Chair
Representative Scott Y. Nishimoto, Vice Chair
Transportation Committee

LATE

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
Water Land Ocean Resources and Hawaiian Affairs

HB 3406 RELATING TO COMMERCIAL HARBORS MODERNIZATION TESTIMONY IN OPPOSITION

The Surfrider Maui Chapter **STRONGLY** objects to HB3406 on the grounds that such a transfer of authority to a quasi public company and gubernatorial appointees gives over harbor planning and financing responsibilities to partisan and special interests. Nowhere in the proposed legislation is any consideration given to resident harbor users or the general public.

State lawmakers who vote for this measure are abdicating themselves from responsibility and in so doing they place the process out of public reach. The taxpayers are losing a voice in this process.

This measure should not pass, and if it does, line item veto should be given to the mayoral representative of each county.

The Surfrider Foundation Maui Chapter further opposes HB 3406 because much of the need for harbor expansion is created by crowding from passenger vessels. Hawaii should exercise fiscal prudence by making needed improvements to freight docking facilities without expanding commercial harbor to accommodate passenger vessels.

Norwegian Cruise Lines has already pulled out of Hawaii, and it is questionable whether the Hawaii Superferry will remain in Hawaii long enough to enjoy the proposed improvements scheduled for completion in 2012.

Surfrider objects to harbor expansions that accommodate private companies unless these companies pay their fair share for improvements on their behalf.

It is objectionable that the improvements will translate into increases to freight services that will be passed along to end consumers, who will, in effect, be subsidizing the harbor expansion to accommodate cruise ships and the Hawai'i Superferry.

Jan Roberson, MPA
Maui Chapter Chair, The Surfrider Foundation
808 298-8254; maui@surfrider.org

The Surfrider Foundation is a 501(c)(3) FEIN 95-3941826

LATE

Maui Tomorrow
Protecting Maui's Future

Date: Feb. 3, 2008

To:

Chairman Ito and all Members of the House Committee on Water, Land, Ocean Resources and Hawaiian Affairs

(Hearing 9:00 am Feb.4, 2008)

HB 3406 (Oppose)

Fax: 1-800-535-3859

From:

Irene Bowie

Executive Director, Maui Tomorrow Foundation, Inc.

P.O. Box 299, Makawao, HI 96768

Phone: 808 268.0303/Fax: 808.873.0461/E-mail: director@maui-tomorrow.org

Dear Chairman Ito and Members,

I am writing to voice opposition to HB 3406 until public hearings are held on each of the affected islands. The public should be given a chance to participate and comment on a proposal which will affect neighbor islands in significant ways.

Maui Tomorrow Foundation feels that not enough is known about this public/private partnership (Aloha Tower Development Corporation). It appears as though this bill would transfer the development of all commercial harbors to what is basically a quasi-public entity.

The public needs more information about the Harbors Modernization Group in order to form an opinion and submit comments as to whether this new proposal is a sound idea.

Specific proposals for Kahului Harbor involve converting land currently designated as park land in our Community Plan into off-limits commercial industrial harbor areas. If you will recall, Aloha Tower Development Corporation vigorously resisted delivering agreed-upon land for Irwin Park in Honolulu and was sued by the Outdoor Circle in order to make that happen. Please be assured that the citizens of Maui County do not want the same situation to happen here.

On January 23rd, a public hearing was held on Maui by DOT Harbors and Belt Collins to take public comments on the Draft EIS for the Kahului Harbor Improvements and 2030 Master Plan. Approximately 50 members of the public testified and the vast majority opposed both of the harbor expansion alternatives outlined in the Draft EIS.

We want more information on the issuance of revenue bonds to finance the harbor improvements and are concerned that this bill will translate into increased costs of goods and services entering through the harbor.

We strongly urge you to hold public informational and public comment meetings on the each of the affected islands before considering passage of HB3406.

Mahalo,

Irene Bowie

Maui Tomorrow Foundation, Inc.

LATE

(Fax 2 Pages Including This Page)

(Please make and distribute copies to all committee members. Mahalo.)

2-2-08

To:

Chairman Ito and all Members of the House Committee on Water, Land, Ocean Resources and Hawaiian Affairs

(Hearing 9:00 am Feb.4, 2008)

HB 3406 (Oppose)

Fax: 1-800-535-3859

From:

Jeffrey Parker

Director, Kahului Harbor Coalition

P.O. Box 170

Haiku, HI 96708

Fax: 808 572-8917

Dear Chairman Ito and Members,

I am writing to voice our opposition to HB 3406 – at least until public hearings are held on each of the affected islands. The public has not yet had a chance to participate in these far-reaching proposals that will affect their lives in major ways.

Our organization is concerned that we do not know enough about the public/private partnership (Aloha Tower Development Corporation) and have not been given an opportunity to learn about it and submit comments on whether this new proposal is a good idea or not.

You may not be aware that the specific proposals for Kahului Harbor involve converting land currently designated as park land (in our Community Plan) into off-limits commercial industrial harbor areas. One of our concerns is that the Aloha Tower Development Corporation vigorously resisted delivering the agreed-upon land for Irwin Park in Honolulu - and finally had to be sued by the Outdoor Circle to make that happen.

On January 23rd, a public hearing was held on Maui by DOT Harbors and Belt Collins to take public comments on the Draft EIS for the Kahului Harbor Improvements and 2030 Master Plan. 40 to 50 members of the public testified and all but one opposed both of the harbor expansion alternatives outlined in the Draft EIS. I have included a summation of the citizens' main concerns at the end of this letter – we think you should consider these comments before doing anything which commits the State to this course of action.

On Page 12 of HB 3406, it is stated that “The principal of and interest on harbor revenue bonds, to the extent not paid by the proceeds of the bonds, shall be payable solely from and secured solely by the revenues derived from harbors and related facilities..... including rents, moorings, wharfage, dockage, pilotage fees (etc.)” We are concerned that this will translate to increased costs of goods and services entering through the harbor, and every Hawaii citizen will pay dearly for these harbor improvements.

We strongly urge you to slow down and hold public informational and public comment meetings on the each of the affected islands before considering passage of HB3406.

Aloha

Jeffrey Parker

Kahului Harbor Coalition



Here are the main concerns about the harbor expansion proposals expressed by Maui testifiers at the recent public hearing on the Draft EIS held on January 23rd:

1. The failure of the Draft EIS to address cultural impacts.

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2. The failure of the Draft to examine secondary and cumulative impacts of the "large-capacity ferry" and cruise ships.
3. The failure of the Draft to study the issue of increased alien species introductions through the harbor caused by expansion of shipping.
4. The elimination of 5 surf breaks inside and near the harbor – some of the only safe surf spots on Maui's North Shore during wintertime.
5. The implication in the Draft that the canoe clubs "might have to find a new home" and be forced out of the Harbor.
6. Many testifiers felt that the harbor expansion (especially on the West Breakwater) is being driven by the Superferry and the cruise ships, two businesses that have failed to demonstrate their long term viability. The failure of the Superferry to generate much ridership, combined with its enormous operating expenses, means it may be out of business soon. Most testifiers support our cargo companies (i.e. Young Bros. and Matson) and want the State to purchase more land on the East Side to expand the land-based facilities for cargo. Regarding use of the Harbors' berth space, they want cargo ships prioritized over cruise ships.
7. A marine biologist enumerated the different endangered and threatened species that come into the Harbor or are just outside the Harbor's mouth and wondered why the Draft fails to include possible impacts to those species.
8. 2 acres of beach (in front of the old Chart House) will be eliminated in the proposals.

Feb. 3, 2008

TO: Representative Joseph M. Souki, Chair
Representative Scott Y. Nishimoto, Vice Chair
+ Members of the Committee on Transportation

Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
and Members of the Committee on Water, Land,
Ocean Resources + Hawaiian Affairs

From: Greg Westcott
Hu'ikū Maui Hawaii 96708

Re: Hearing on HB 3406 - Relating to Commercial Harbors
Modernization January 4, 2008 -

Please make copies and distribute to all members of
the Committee on Transportation and the Committee on
Water, Land, Ocean Resources + Hawaiian Affairs.

Testimony in Opposition

Dear Chair Joseph Souki, Chair Ken Ito and
Members

This testimony is submitted in opposition to
HB 3406. The legislation would add another
layer of bureaucracy to the Department of
Transportation, at public expense and would

further distance the decision making process from the community. The Department of Transportation which has a long history of waste, fraud and abuse must have more transparency, not less.

The proposal to expand the authority of the Aloha Tower Development Corporation statewide through the establishment of the Harbors Modernization Group, emphasizes commercial use over cultural and environmental issues. Public hearings must be held statewide to examine this proposal.

me ka oia'i,

Greg Westcott
Heiki Mau