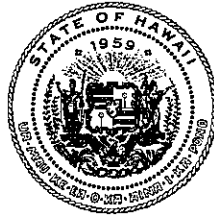
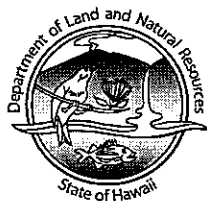


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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

On Senate Bill 2817 Senate Draft 1– Relating To Honolulu Bay

**BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS**

February 25, 2008

Senate Bill 2817 Senate 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 acquisition and management plan for the purchase, development and maintenance of Lipoa Point as a public open space. The bill also requires the Advisory Committee to submit a progress report to the 2009 Legislature. Lastly, the bill appropriates an unspecified sum. While the Department acknowledges the intent of the bill, it nonetheless 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:

Rather than establishing a separate advisory committee, the Department recommends pursuing the acquisition of those lands under the State's existing Legacy Lands Program. The Legacy Land Conservation Commission was created in 2006 for the specific purpose of advising the Board of Land and Natural Resources (Board) on acquisition of lands having a value to the State. The acquisition of Honolulu Bay and Lipoa Point for use as a public open space is precisely the type of acquisition that is contemplated under the Program.

Additionally, the Department urges the Legislature instead to consider and pass Senate Bill 3102 or its companion measure House Bill 3180, which are administration bills that seek to allow moneys from the Land Conservation Fund to be used for the operation, maintenance, and management of acquired lands. That measure would provide the proper vehicle to perform management and maintenance responsibilities proposed in Senate Bill 2817.

Notwithstanding the above, should this bill be enacted, the proposed Honolulu Bay acquisition and management plan must comply with the provisions of Section 171-30, Hawaii Revised Statutes ("HRS"), which provides the Board the exclusive responsibility to acquire private land for the State for public purposes. Section 171-30(e), HRS, further provides that no land shall be purchased for a sum greater than the highest value fixed by an independent appraiser contracted for by the State.

**MAUI LAND & PINEAPPLE COMPANY, INC.**

February 22, 2008

The Honorable Rosalyn H. Baker, Chair
The Honorable Shan S. Tsutsui, Vice Chair
Committee on Ways and Means
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street, Room 211
Honolulu, Hawaii 96813

Subject: SB 2817, SD1 (SSCR2248-08) – Relating to Honolua Bay

Dear Honorable Chair Baker, Honorable Vice Chair Tsutsui and Committee Members:

Maui Land & Pineapple Company, Inc. ("ML&P") does not feel that creation of the temporary Honolua Bay advisory committee to develop a plan for the acquisition and management of Lipoa Point is necessary at this time. ML&P requests that the task of the advisory committee be amended to concentrate their efforts on developing a management plan to protect the marine resources in the Honolua Bay Marine Life Conservation District.

The County of Maui has already initiated a process where they are facilitating discussions with individuals and community groups interested in the future of the Lipoa Point-Honolua Bay area. These efforts have shown early signs of progress and ML&P remains hopeful that the participants will be able to build consensus through this process. ML&P believes that the creation of another advisory entity at this stage could prove to be potentially disruptive to a promising course of action that is currently underway. While we appreciate the positive intent of this bill, we believe it is unnecessary at this time because of the collaborative efforts between the community, the County of Maui and ML&P.

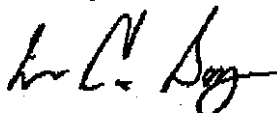
The Honolua Bay Marine Life Conservation District is an area that is very popular with visitors that come to Maui. Most recently, there have been concerns raised relative to the volume of use and how it may be adversely impacting the fauna and flora in the bay. The creation of a temporary Honolua Bay 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.

The Honorable Rosalyn H. Baker, Chair
The Honorable Shan S. Tsutsui, Vice Chair
February 22, 2008
Page - 2 -

ML&P respectfully requests your support in amending the legislation to provide that the task of the advisory committee concentrate their efforts on developing a management plan to protect the marine resources in the Honolulu Bay Marine Life Conservation District.

We sincerely appreciate the opportunity to provide our comments. 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

February 22, 2008

In Support of: SB2817 "RELATING TO HONOLUA BAY"

Hearing on Monday Feb 25, 2008 10:30AM

Testimony To: Ways and Means Committee

Presented by: John Lundin

Hawaii Democratic Party State Central Committee

District 5/ Lahaina Maui

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.

LINDA LINGLE
GOVERNOR



PROCUREMENT POLICY BOARD
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AARON S. FUJIOKA
ADMINISTRATOR

**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

WRITTEN COMMENTS
OF
AARON S. FUJIOKA
ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE
SENATE COMMITTEE
ON
WAYS AND MEANS

February 25, 2008

SB 2817, SD 1

RELATING TO HONOLUA BAY.

Chair Baker, Vice Chair Tsutsui and committee members, thank you for the opportunity to testify on SB 2817, SD 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 21 and 22, 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.

testimony

From: Tamara Paltin [tamara@savehonolua.org]
Sent: Friday, February 22, 2008 7:55 PM
To: testimony
Cc: kokua@savehonolua.org
Subject: SB 2817-WAM committee

Testimony for: Ways and Means Committee
Monday, February 25, 2008 at 10:30am
Testimony from: Tamara Paltin

Aloha Hawaii State Senate Ways and Means Committee,

I live in Kahana, Maui and I would like to submit written testimony on SB2817 regarding Honolulu. I had the pleasure of meeting with Senators Tokuda and Hee as well as Representative Berg, this past October at a Managing Better Together workshop on Oahu and gave them some literature about what is going on at Honolulu, so of course I am very grateful for their, as well as the rest of the committee's support and desire to help ? save? Honolulu .

I have, however, some concerns as to the specific content of this bill, as it seeks to form yet another committee, when there are many public/county/private committees meeting right now to try and decide a plan. If it is at all possible, it would be much more beneficial to have money set aside to garner more money from other agencies towards the eventual purchase of the land. If that is not possible, I propose instead of creating yet another committee, bring all the stakeholders to the table in a revolutionary way, like we tried to show Senator's Hee and Tokuda in October with the community conservation network's

(CCN) managing better together learning network.

I think that what the community conservation network does is the future for Hawaii. There is no outside person/agency that can monitor and take care of public resources better than the people who

live there and use those resources if you give them the chance.

DLNR/State can not be every place, fix everything, they have limited funds, manpower, etc. Communities can be everywhere, all the time; they CAN do it because they care and want to help if you provide support for us in the legislature. Let the people, the community form a solution and implement the plan with the help and guidance of those who have done it before; those who can teach them the process to create their very own community based management plan.

Right now our community is trying to decide where to go from here, how specifically we will ?save? Honolulu. It is a very difficult process that many of us have been involved with at Honolulu for a long time. Because this is an area that is very dear to all our hearts, we don't always agree on what should be done and we can not trust those who do not know Honolulu to decide the future without all of our input.

We need your help, we have never done something like this, but the community conservation network has. They've done it throughout Fiji with great successes and are at work in Hawaii right now. The state could really make the difference in a successful management of this precious ecosystem, they could provide the facilitator that brings the community together to create and implement the plan to malama Honolulu.

The legislature has an opportunity to support our entire community right now by providing an experienced facilitator to bring all stakeholders together with a goal to ? Revitalize the health of the Honolulu Ahupua'a through community based management utilizing Hawaiian values and practices.?

I believe the communities dedication to save Honolulu whether it be through petitions, beach clean-ups, t-shirt sales shows the commitment on our communities part, now we need a willingness from the state to help us move on to the next step. Solutions designed and implemented by those who live here and want to see the health restored.

Mahalo for reading my testimony and for supporting communities.

Malama Pono
Tamara Paltin
4790 Lower Honoapi'ilani Road
Lahaina, HI 96761



February 24, 2008

Testimony of: Save Honolua Coalition
Testimony to: Senate Ways and Means Committee
Senator Roz Baker, Chair
Senator Shan Tsutsui, Vice Chair
Subject: Senate Bill 2817 – Relating to Honolua Bay

Dear Honorable Chair Baker, Honorable Vice Chair Tsutsui 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 2817 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.

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

We therefore support the acquisition of land around Honolua Bay and Lipoa Point – and additionally Punalau and lands mauka. The preservation of the land upslope is critical to restoring health to this area, is in line with the West Maui Community Plan and has been passionately supported by thousands within our community.

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

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

Email: kokua@savehonolua.org ~ **Website:** www.savehonolua.org

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.

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.

We pray you will help save Honolua with a financial commitment!□

However, if this Bill goes forward with the formation of a temporary committee, we suggest the following:

1. The hired consultant will be a professional with experience in community management planning. We recommend a facilitator from the Community Conservation Network.
2. Consideration of additional committee members:
 - One member representing Aha Moku Council
 - One cultural representative from the immediate community
 - One member with conservation land use planning expertise
3. Funding for an independent archaeological study.
4. Funding for soil and water testing.

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

testimony

From: Elle Cochran [ellecochran@gmail.com]
Sent: Saturday, February 23, 2008 6:07 PM
To: testimony
Subject: SB2817, WAM, 2/25/08 at 10:30am

To: Senator Roz Baker Chair of the Ways and Means Committee, Senator Shan Tsutsui Vice-Chair of the Ways and Means Committee and Senator Kalani English of Ways and Means,

I am writing in support of SB2817 being heard on Monday 2/25/08 at 10:30am. I appreciate the State wanting to get involved with the preservation of our cherished Honolua. I am hoping to include not only Lipoa Point in this acquisition but also the lands Mauka of Lipoa Point which were in the proposed Master Plan. My intention from the very start of the Save Honolua Coalition was to acquire ALL lands in the Lipoa Point Master Plan.

I would like to address Section 2.(2) I believe the name of this group is The Honolua Advisory Council and Section 2 (3) The Save Honolua Coalition.

I would like to express my deep and heartfelt concern for the lands in and around Honolua where I physically live and breathe in its essence everyday. I therefore, wish to be a part of this planning process to manage Lipoa Point and hopefully lands Mauka for public use, preservation and revitalization. I want to clarify that I am not affiliated with any groups in paragraphs (1) through (5).

Mahalo for your time and consideration,

Elle Cochran
Resident of Honolua Valley

testimony

From: *Scott Werny* [clearwater@hawaii.rr.com]
Sent: Sunday, February 24, 2008 9:38 AM
To: testimony
Subject: Committee on Ways and Means; Monday 2/15, 10:30 a.m.; SB2817 SD1

Re: Testimony in strong support of SB 2817 SD1, Relating to Honolua Bay

Aloha Ways and Means Committee Chair Senator Rosalyn Baker, Vice Chair Senator Shan Tsutsui and Committee Members,

Please accept this testimony in strong support of SB 2817, SD1 RELATING TO HONOLUA BAY, creating a temporary Honolua Bay advisory committee to develop an acquisition and management plan for Lipoa Point on the island of Maui, and appropriating funds.

Honolua Bay has been a popular and important place on Maui for hundreds of years. From the Honolua Stream to Lipoa Point and Honolua Bay, the area has remained an important place for recreation such as surfing and diving. Recent proposals by the land owner to develop the surrounding lands could jeopardize the character and environment in this area, and efforts to acquire the lands to preserve Honolua Bay should be actively explored.

I suggest that the Advisory Committee include seats for the Surfrider Foundation Maui Chapter, Save Honolua Coalition, Hawaii Wildlife Fund, County of Maui Office of the Mayor, Sierra Club, and Project S.E.A.-Link.

Mahalo for your leadership,
Scott Werny
Honolulu, HI
Co-Chair, Surfrider Foundation Oahu Chapter
www.surfrider.org/oahu

The Oahu Chapter works actively to improve ocean water and beach quality, to keep and open access to the ocean for all to enjoy, and to assure that all development on our island is responsible by having minimal impact on our coastal environment.

testimony

From: Matthew Iacchei [m_iacchei@yahoo.com]

Sent: Sunday, February 24, 2008 10:54 AM

To: testimony

Subject: Testimony in strong support of SB 2817 SD1, Relating to Honolua Bay

Aloha Ways and Means Committee Chair Senator Rosalyn Baker, Vice Chair Senator Shan Tsutsui and Committee Members,

Please accept this testimony in strong support of SB 2817, SD1 RELATING TO HONOLUA BAY, creating a temporary Honolua Bay advisory committee to develop an acquisition and management plan for Lipoa Point on the island of Maui, and appropriating funds.

Honolua Bay has been a popular and important place on Maui for hundreds of years. From the Honolua Stream to Lipoa Point and Honolua Bay, the area has remained an important place for recreation such as surfing and diving. Recent proposals by the land owner to develop the surrounding lands could jeopardize the character and environment in this area, and efforts to acquire the lands to preserve Honolua Bay should be actively explored.

I suggest that the Advisory Committee include seats for the Surfrider Foundation Maui Chapter, Save Honolua Coalition, Hawaii Wildlife Fund, County of Maui Office of the Mayor, Sierra Club, and Project S.E.A.-Link.

Mahalo for your leadership,

Matthew Iacchei

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