

**TESTIMONY**  
**GM 616**

April 7, 2008

Via E-Mail

Clayton Hee  
Chair, Senate Committee on Water and Land  
Hawaii State Capitol, Room 228  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Governor's Message 616: Hawaii Community Development Authority -  
Reappointment of Jonathan Lai

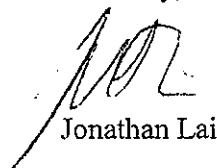
To The Honorable Chair Clayton Hee, Vice Chair Russell Kokubun and Members of the  
Committee:

I have appreciated my three-plus years serving as one of the County designees as member of the Hawaii Community Development Authority ("HCDA") and more recently taking on the role as Chairperson in November 2007 after serving as Secretary for several years. My term as authority member is scheduled to end on June 30, 2008. I humbly request that you consider me for reappointment on the HCDA. Enclosed is a copy of a recent resume.

During the past three-plus years, I have gone through HCDA's ups-and-downs. Although I was saddened by Daniel Dinell's resignation as executive director, I am equally excited by the new energy that Anthony Ching has brought in the past several months. Although much has been accomplished during the past three years, I would like to continue to serve in the HCDA and our community as I am excited about what we can achieve in the next four years.

If you would like to meet with me regarding my request for reappointment, please do not hesitate to contact me at 544-8342. Thank you very much for your consideration.

Sincerely,



Jonathan Lai

Enclosure

Senator Clayton Hee, Chair  
Senate Committee on Water & Land

Wednesday, April 9; 2:45 PM  
Hawaii State Capitol, Conference Room 414

**Re: GM 616 - Submitting for consideration and confirmation to  
the Hawai'i Community Development Authority (HCDA),  
Gubernatorial Nominee, JONATHAN WAI YUN LAI,  
for a term to expire 6-30-2012.**

Chair Hee, Vice Chair Kokubun, and Members of the Committee:

I am writing in support of the nomination of Jonathan Wai Yun Lai to the Hawaii Community Development Authority (HCDA).

Jonathan joined Watanabe Ing & Komeiji LLP in 1995 and became a partner in 2003. He oversees the firm's Creditor's Rights and Business Law Group and significantly contributes to the work of the Non-Profits Group. Hard-working, analytical, and evenhanded, Jonathan's clever sense of humor and even-tempered manner have earned him the respect of his clients and peers.

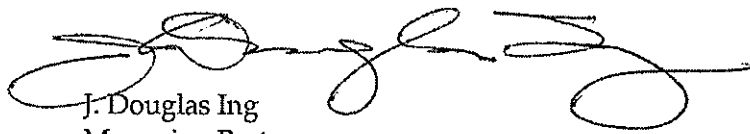
Jonathan has served as a director for the Collection Law Section of the Hawaii State Bar Association as well as the treasurer of the Bankruptcy Law Section.

A devoted family man, Jonathan gracefully balances the demands of partnership with his commitments to family and community.

Since his appointment to in 2004, Jonathan has served the Authority with earnest enthusiasm and the dedication. HCDA has benefited from Jonathan's contributions and his continued role will undoubtedly bring about further positive changes. I respectfully urge the Committee to approve Jonathan Lai's confirmation to the Hawaii Community Development Authority. Please feel free to contact me at (808) 544-8300 if you have any questions.

Mahalo for the opportunity to provide comments.

Very truly yours,



J. Douglas Ing  
Managing Partner  
Watanabe Ing & Komeiji, LLP



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE  
GOVERNOR  
THEODORE E. LIU  
DIRECTOR  
MARK K. ANDERSON  
DEPUTY DIRECTOR

No. 1 Capitol District Bldg., 250 South Hotel St., 5th Flr., Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
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Tel.: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**THEODORE E. LIU**  
Director

Department of Business, Economic Development, and Tourism  
before the

**SENATE COMMITTEE ON WATER AND LAND**

Wednesday, April 9, 2008

2:45 P.M.

State Capitol, Conference Room 414

in consideration of  
**G.M. 616**

**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE HAWAII  
COMMUNITY DEVELOPMENT AUTHORITY (HCDA), GUBERNATORIAL NOMINEE,  
JONATHAN WAI YUN LAI, FOR A TERM TO EXPIRE 6-30-2012.**

Chair Hee, Vice Chair Kokubun, and Members of the Senate Committee on Water and  
Land.

The Department of Business, Economic Development & Tourism (DBEDT) respectfully  
supports the gubernatorial nomination of Mr. Jonathan W. Y. Lai to serve a full 4-year term as a  
county member of the Hawaii Community Development Authority (HCDA), an agency  
administratively attached to DBEDT.

I have worked with Mr. Lai for four years and find him to be an informed and committed  
member of the Authority. Since January of this year, he has also served as the Chairperson  
having been elected by his fellow members.

We urge your favorable consideration of his nomination to serve as a member of HCDA.  
Thank you.



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA'KO  
KALAELOA

Linda Lingle  
Governor

Jonathan W. Y. Lai  
Chairperson

Anthony J. H. Ching  
Executive Director

STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER AND LAND

Wednesday, April 9, 2008

2:45 P.M.

State Capitol, Conference Room 414

**G. M. 616 - SUBMITTING FOR CONSIDERATION AND  
CONFIRMATION TO THE HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY (HCDA),  
GUBERNATORIAL NOMINEE, JONATHAN WAI  
YUN LAI, FOR A TERM TO EXPIRE 6-30-2012.**

As the Executive Director of the Hawaii Community Development Authority (HCDA), I wholeheartedly support the gubernatorial nomination of Mr. Jonathan Wai Yun Lai, to continue his service as a member of the Hawaii Community Development Authority. Mr. Lai is a "county member" of HCDA and was originally chosen by the Governor from a list of four nominees submitted by the City Council in 2004 pursuant to HRS, 206E-3(b). The City Council has just endorsed his continuing service on the Authority for another 4-year term.

Mr. Lai has been serving on the Authority since July 2004. Mr. Lai is a Junior Partner at the law firm, Watanabe Ing & Komeji LLP. His practice includes residential foreclosure, loan documentation, real estate conveyancing work, bankruptcy, collections law and banking.

Mr. Lai is licensed by the State of Hawaii Bar Association, as well as the United States District Court of Hawaii. He is a member of the Hawaii State Bar

677 Ala Moana Boulevard  
Suite 1001  
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96813

Telephone  
(808) 587-2870

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(808) 587-8150

E-Mail  
contact@hcdaweb.org

Web site  
[www.hcdaweb.org](http://www.hcdaweb.org)

Association (HSBA), the American Bar Association, the American Bankruptcy Institute, and has served on the HSBA Collection Law Section Board of Directors since 2001.

Mr. Lai's experience and background in real estate law and financing contributes an important perspective to the Authority in decision-making on various development and financing issues. Beyond his obvious professional qualifications, Mr. Lai is an engaged and committed member of the Authority. He contributes valuable insights on both Kakaako and Kalaeloa issues, our two legislative mandated community development districts that are at very different stages of development.

We feel that Mr. Lai's contribution to the Authority during his previous term has been notable, and we look forward to his continued service. We urge your favorable consideration of his nomination to continue to serve as a member of the Hawaii Community Development Authority.

Thank you for this opportunity to testify in support of Mr. Lai.

**THE SENATE  
COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell Kokubun, Vice Chair**

April 9, 2008, 2:45 P.M.  
Hawaii State Capitol

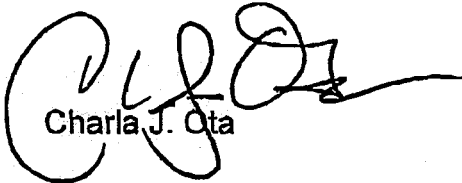
**Testimony Supporting Reappointment of Jonathan Lai to Hawaii  
Community Development Authority ("HCDA")**

Dear Chair Hee, Vice Chair Kokubun and members of the Committee:

Thank you for the opportunity to testify in strong support of Mr. Lai's reappointment as to the HCDA. I have known Mr. Lai professionally and personally for over 25 years and I have no doubt he will continue to be a great asset to the HCDA if reappointed. Mr. Lai can be counted on to provide excellent leadership and vision to any organization with which he is associated.

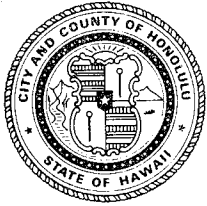
Thank you for considering my testimony in strong support of Mr. Lai's reappointment.

Sincerely,



Charla J. Ota

Post Office Box 396  
Kaneohe, HI 96744-0396  
(808) 330-7051



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

**Charles K. Djou**

*Councilmember, District IV*

*Chair, Intergovernmental Affairs Committee*

Phone: (808) 768-5004 / Facsimile: (808) 768-5011

Email: [cdjou@honolulu.gov](mailto:cdjou@honolulu.gov)

Web: [www.honolulu.gov/council/d4](http://www.honolulu.gov/council/d4)

**TESTIMONY TO**  
**THE COMMITTEE ON WATER AND LAND**

**ON**

**G.M. 616, RELATING TO THE REAPPOINTMENT OF MR. JONATHAN W. Y. LAI  
TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA)**

DATE: WEDNESDAY, April 9, 2008

TIME: 2:45 P.M.

LOCATION: CONFERENCE ROOM 414

**RE: TESTIMONY SUPPORTING MR. JONATHAN W.Y LAI TO BE RE-APPOINTED TO HCDA**

Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land:

Thank you for the opportunity to present testimony in support of Governor's Message 616.

I strongly recommend Mr. Jonathan W. Y. Lai to be re-appointed to the Hawaii Community Development Authority as the county representative for the City and County of Honolulu. Mr. Lai's nomination was unanimously approved by the Honolulu City Council last month.

I have known Mr. Lai for several years as a classmate at USC Law School and as a colleague within the legal community in Honolulu. Mr. Lai is a partner at Watanabe Ing Kawashima & Komeiji LLP. His professional experience and extensive community involvement makes him an exceptional HCDA board member, and I have been impressed by his energy and insight in helping to improve our community.

Mr. Lai is a tireless worker and his integrity is exemplary. He welcomes challenges, and is extremely self-motivated. As an outstanding member of our community, Mr. Lai will continue to make a significant contribution to the HCDA.

I am confident in recommending Mr. Jonathan Lai and encourage you to vote for his confirmation. If you'd like to discuss his attributes in more detail, please don't hesitate to contact me. Best wishes!



APRIL 8, 2008

Support

TESTIMONY OF MICHAEL D. FORMBY

G. M. 616 – SUBMITTING FOR CONSIDERATION AND CONFIRMATION  
TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA),  
GUBERNATORIAL NOMINEE, JONATHAN WAI YUN LAI,  
FOR A TERM TO EXPIRE 6-30-2012

COMMITTEE ON WATER AND LAND

Honorable Chair Hee and Members of the Committee:

It is my pleasure to recommend Jonathan Wai Yun Lai to continue his service as a member of the Hawaii Community Development Authority. As the Department of Transportation's designee to the Hawaii Community Development Authority, I have found Jonathan to be an effective leader and I whole-heartedly support his nomination for his continued service on the Hawaii Community Development Authority board.

Thank you for your consideration and support.

**TESTIMONY**  
**GM 616**  
**(END)**

**TESTIMONY**  
**HCR 117**

**Kawaihapai Ohana**  
c/o Thomas T Shirai Jr  
P O Box 601  
Waialua, HI 96791  
email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

Hearing Notice  
Wednesday, April 9, 2008  
2:45 PM  
State Capitol Conference Room 414

Senate Committee on Water & Land  
Senator Clayton Hee, *Chair*

**RE: Testimony Supporting HCR 117 (Requesting the Department of Land & Natural Resources Land Division to Assemble Various State, County & Community Agencies to Meet and Develop a *Hanapepe Salt Pond* Resource Management Plan)**

Aloha Senator Hee & Committee Members,

The *Kawaihapai Ohana* supports HCR 117. The *Kawaihapai Ohana* is a *Native Hawaiian Organization* recognized by the *Department of Interior*. The *Kawaihapai Ohana* and its *kuleana* regarding *Waialua Moku* has an emphasis on the Northwest Coastline encompassing the *Ahupua'a* of *Kamananui, Mokule'ia, Kekahi, Auku'u, Kawaihapai, Kealia and Kaena*. The *Kupuna* of *Kawaihapai Ohana* made and gathered *pa'akai* at *Kaena Ahupua'a*.

The intent of HCR 117 has guidelines in *PASH (Public Access Shoreline Hawaii)* and is part of an *Ahupua'a System*. *Hanapepe Salt Pond* is a surviving place where *pa'akai* is made for commercial and subsistence purposes. Therefore, HCR 117 encourages communities to develop similar *Resource Management Plan* where *pa'akai* was gathered and made within their area. Currently the *Kaena NARS (Natural Area Reserve System) Fencing Project* is in progress. Gathering and making *pa'akai* for subsistence purposes maybe incorporated into its *Resource Management Plan*. The excerpts below are from *The Hawaiian Annual (Thrum 1905)*:

**Salt Pans**

***"The salt likely came from Kaena Point from salt water evaporation in the holes of rocks so plentiful on that stormy cape. Or it may have been made on the salt pans of Paukawila, near the stream of that name, where a few years ago this industry, on a small scale existed."***

Mahalo for the opportunity to provide testimony supporting HCR 117 which protects *Hanapepe Salt Ponds* for future generations. *Malama Aina*.

Thomas T Shirai Jr  
*Kawaihapai Ohana - Po'o*

**Thomas T Shirai Jr**  
P O Box 601  
Waiialua, HI 96791  
email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

Hearing Notice  
Wednesday, April 9, 2008  
2:45PM  
State Capitol Conference Room 414

Senate Committee on Water & Land  
Senator Clayton Hee, *Chair*

**RE: Testimony Supporting HCR 117 (Requesting the Department of Land & Natural Resources Land Division to Assemble Various State, County & Community Agencies to Meet and Develop a Hanapepe Salt Pond Resource Management Plan)**

Aloha Senator Hee & Committee Members,

I support HCR 117. Although I'm a lifetime resident of *Mokule'ia* with lineage dating back several generations in *Waiialua Moku*, HCR 117 will develop a Resource Management Plan needed for the protection of *Hanapepe Salt Pond* where *pa'akai* is made for commercial and subsistence purposes which confirms with *Native Hawaiian Gathering Rights* contained in *PASH (Public Access Shoreline Hawaii)*.

My *tutu kane (David Peahi Keao Jr)* and his elders made *pa'akai* on *Ohana* owned land at *Kaena Ahupua'a (Grant 1665)* where the *Kaena NARS (Natural Area Reserve System)* is situated. I was fortunate enough to experience *holoholo* to *Kaena* with my Grandparents and among this was gathering *pa'akai*. However, we stopped going to *Kaena* in the early 1970's because the area became undesirable to make and gather *pa'akai* along with the depletion of seafood resources thru over fishing, usage and continued *opala*. Aggressive efforts led by the *Mokule'ia Community Association* coordinating with the *Army* along with overwhelming *kokua* from *North Shore Neighborhood Board #27* and the *North Shore Community* resulted in massive removal of derelict vehicles along with other *opala* at *Kaena Ahupua'a*.

If passed, HCR 117 would not only protect *Hanapepe Salt Pond* but also encourage revival of other places throughout our state where *pa'akai* was gathered and made. This would include *Kaena Ahupua'a* and enhance the *Kaena NARS Fencing Project* in protection and restoring this *wahi pana*.

Thank you for the opportunity to provide testimony supporting HCR 117 protecting *Hanapepe Salt Pond* now and future generations. *Malama Aina*.

**Thomas T Shirai Jr**  
*Mokule'ia, Waiialua*



***Ke Kula Ni'ihau O Kekaha  
Learning Center***

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
**Committee on Water and Land**

Brian K. Gerardo  
Ke Kula Ni'ihau O Kekaha Charter School  
808-337-0481

Hearing Date: Wednesday, April 9, 2008 at 2:45 PM

Testimony in support of H.C.R. NO. 117 requesting DLNR to assemble various agencies to meet and develop a Hanapepe Salt Pond Resource Management Plan

Aloha Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land

I am a student at KKNOK and I'm 17 years old in the 12<sup>th</sup> grade. My school is KKNOK and we are here to support HCR #117. The reasons why I support this is so that someone can sit down and talk so somebody can take care of the place and we don't lose salt or pollute the place with something else.

Not only that is because malihini come to our island from the mainland and build helicopter runways then later on in life they might take away our salt and build something over it.

These are the reasons I really support HCR #117.

**Brian Gerardo**



***Ke Kula Ni'ihau O Kekaha  
Learning Center***

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
**Committee on Water and Land**

Kelsey Anuenuenaniokalani Kanahele  
Ke Kula Ni'ihau O Kekaha Charter School  
808-337-0481

Hearing Date: Wednesday, April 9, 2008 at 2:45 PM

Testimony in support of H.C.R. NO. 117 requesting DLNR to assemble various agencies to meet and develop a Hanapepe Salt Pond Resource Management Plan

Aloha Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land

My name is Kelsey Anuenuenaniokalani Kanahele and I go to Ke Kula Ni'ihau O Kekaha and I'm supporting the HCR # 117.

The reasons why I think that you guys should have somebody to support that beach because there's too much tourist going over there. Most of them think that they own the land, and they belong here. I think that you guys should put a sign on the outside of the park by the main highway to tell the tourist not to go over there. And that's not a good thing that they should build houses close by the salt beds because that's not a good thing for the salt beds. Because that's not a good thing for the salt.

These are the reasons why you guys should stop it.

**Kelsey Anuenuenaniokalani Kanahele**



***Ke Kula Ni'ihau O Kekaha  
Learning Center***

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
**Committee on Water and Land**

Kuuleimomi Gampong  
Ke Kula Ni'ihau O Kekaha Charter School  
808-337-0481

Hearing Date: Wednesday, April 9, 2008 at 2:45 PM

Testimony in support of H.C.R. NO. 117 requesting DLNR to assemble various agencies to meet and develop a Hanapepe Salt Pond Resource Management Plan

Aloha Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land

Aloha, my name is Kuuleimomi Gampong. I am in the 11<sup>th</sup> grade at Ke Kula Ni'ihau O Kekaha. I am writing this in support of the HCR # 117.

Some reasons for my support is because we grew up around the beach. Me and my family have parties and family meetings there. Salt Pond Beach Park means a lot to a lot of people. We also made a movie about salt making at Salt Pond. The Nobrega family has been making salt at Salt Pond for many years and it's part of our culture and history.

These reasons are why we as Hawaiians must take care of our land, beaches, and family. Culture and history means a lot to me and so does Salt Pond. This beach is full of memories.

**Tiffany K. Gampong**

*Tiffany K. Gampong*





***Ke Kula Ni'ihau O Kekaha  
Learning Center***

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
**Committee on Water and Land**

Shaina Kuuleialoha Kanahale  
Ke Kula Ni'ihau O Kekaha Charter School  
808-337-0481

Hearing Date: Wednesday, April 9, 2008 at 2:45 PM

Testimony in support of H.C.R. NO. 117 requesting DLNR to assemble various agencies to meet and develop a Hanapepe Salt Pond Resource Management Plan

Aloha Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land

Aloha, my name is Shaina and I go to Ke Kula Ni'ihau O Kekaha charter school and I am a supporter for HCR # 117.

The reason I am a supporter is to sit down and talk about the people who drink and smoke who throw their cigarette butts and beer bottles by the beds. And another reason is the helicopters that fly pass and pollute the air. And my last reason is because some people don't know how to malama the aina.

These are the reasons why we should support HCR # 117 and to make sure that it is taken care of.

Shaina K. Kanahale

*Shaina K. Kanahale*



Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
**Committee on Water and Land**

Haunani Seward  
Director/Ke Kula Ni'ihau O Kekaha Charter School  
808-337-0481

Hearing Date: Wednesday, April 9, 2008 at 2:45 PM

Testimony in support of H.C.R. NO. 117 requesting DLNR to assemble various agencies to meet and develop a Hanapepe Salt Pond Resource Management Plan

Aloha Chair Hee, Vice Chair Kokubun and members of the Committee on Water and Land

I serve as the Director and Curriculum Coordinator of Ke Kula Ni'ihau O Kekaha located in Kekaha, Kaua'i. I support H.C.R. NO. 117 and the need to develop a comprehensive Resource Management Plan for Ku'unaka'iole or the salt pans at Hanapepe.

I support this resolution for two reasons.

1. As an educational resource for students throughout the State
2. To perpetuate the Hawaiian culture for future generations

Last summer our students began work on producing a video documenting the legend of how salt making came to be at Ku'unaka'iole at Hanapepe. The legend is told in both standard English and the Ni'ihau dialect. Further, the process of making salt today was also filmed in English. Upon its completion, the intent is to share it with students throughout the State through of school's library system.

My family does not have ancestral rights to the haloko ulu pa'akai or salt beds, but friends provide me with the salt which I use on a daily basis. I have used salt from Ku'unaka'iole as a ho'okupu (offering) when visiting sacred places like Kaho'olawe, Northwest Hawaiian Islands, Ni'ihau, and many wahi pana(storied place) throughout Hawaii nei.

I support a resolution to develop a Resource Management Plan for Ku'unaka'iole, Hanapepe that will preserve this precious wahi pana for the future generations.

Me ka mahalo

Haunani Seward

**TESTIMONY**  
**HCR 117**  
**(END)**

**TESTIMONY**  
**HCR 347**

My name is Chris Evans and I am one of the Marine Science faculty at Hawai'i Pacific University and a Board member of the non-profit organization "Reef Check Hawaii". I am writing in support of HCR #347 to be presented at a public meeting on April 9<sup>th</sup>, 2008 at 2:45 pm in Conference room 414. I have done extensive coral reef research in Kane`ohe Bay and other areas around O`ahu and believe that this resolution would help protect our fragile and unique marine resources here in Hawai'i.

The ornamental fishery industry has been growing considerably over the years here in Hawai'i and is having a significant impact to our fragile and unique living marine resources. It has always been of some issue but now more than ever because of the number of commercial fishermen and the numbers of fish, invertebrates, and live rock that are being permanently removed from our reefs there is no denying that they are having a significant impact on these public resources.

Many of these fish and other resources are being taken by destructive means that not only puts the organism at risk of survival but also does permanent damage to the coral reefs here in Hawai'i. Many fishermen do not know that much about the organisms and the reefs and break corals, roll over rocks, and prod and poke into any hole in the reef to obtain their prey. Many use nets and some even use poisons like bleach to stun the fish in order to catch them. Feather duster worms being removed by the thousands in some cases actually live inside the coral or rocks and to get the animal the coral or reef rock must be pried apart or broken to obtain the whole worm. In the process many of the animals die before ever getting to the pet shop and the corals that surrounded the worm are permanently damaged sometimes completely killing the coral or other plants and animals that were living beside these creatures.

To tell you the truth, there are not that many fish out there to begin with to even take any. Hawai'i's reefs have already been so damaged and fished out that they are often a sorry example of a healthy coral reef. Just go and dive somewhere that has not been so impacted by people and you will see the difference in the numbers of fish, different kinds of fish, and the health of the reef. Even someplace like Hanauma Bay that is overrun by thousands and thousands of visitors but protected has many more fish than anywhere else I can dive from the shore.

Another terrible aspect of this fishery is that many beautiful fish that are taken from the reef will never last more than a few weeks without live coral or other live food to feed on. Many butterfly fish only eat live coral. Moorish Idols, cleaner wrasses, other wrasses, and many of the angel fish are almost impossible to keep in an aquarium unless you are an expert and have the right kind of environment and food. Many fish including some butterfly fish and other organisms like barber pole shrimp have one and only one mate and when the collectors come through, they don't care that these animals have a significant other and are being separated from their mates forever.

The other problem is that very few of the employees who work in the pet shops know enough to advise the home aquarist of what to buy and not to buy and how to maintain them. I know through experience and I am a marine biologist. I have worked as an aquarist in a public marine aquarium and have set-up and maintained my own salt water aquariums. Even with the best of my efforts very few of the fish that I have bought have survived for more than a few months, or if I was really lucky for more than a year in my home aquariums. This is much shorter than their natural life span and not a pleasant thing to experience if you care about living things. Many of the fish and invertebrates in the pet shops should never have been collected and sold as there is little to no chance that they will

survive at all given their special needs. Yet, this does not deter the collectors from collecting them and the stores in selling them.

It is about time we do something about this and at least set some limits and rules to what can and cannot be taken, how many, and how they are removed from the reef. Of course the Department of Land and Natural Resources (DLNR) does not want to do this. They have hardly ever been proactive in regards to protecting our natural marine resources but that is the agency that is best suited to deal with this problem.

In addition to the wording in the Resolution I recommend that the language be further clarified to include other resources besides fish including invertebrates, marine algae, and live rock. It may also be needed to clarify that DLNR be requested to confer with not only all geographic area stakeholders but geographic and natural resource stakeholders which would include organizations like Reef Check, the National Marine Sanctuary Program, and others that also have interests in all of Hawai`i's natural marine resources. For Kane`ohe Bay it might also be recommended to include researchers at the University of Hawai`i's Hawai`i Institute of Marine Biology that conduct research throughout the Bay and not only have a vested interest but also have significant expertise in this area.

Thank you so much for your time and consideration of my testimony and I hope that you all vote to support this Resolution.

Sincerely, Christopher W. Evans

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair  
Committee on Water and Land  
Wednesday, April 9, 2008

**In support of HCR 347**

As an aquarium fish collector on Oahu, I have no desire to see our resources depleted and would welcome effective regulations to ensure that our fisheries are managed in a sustainable and responsible manner. Appropriate and reasonable regulations will not only help to sustain our business for the future, but ensure that others are able to enjoy our fish through ocean recreation and other activities.

Recently, it has become evident that there is an issue on Maui with user conflict between the small number of aquarium fishermen and the large dive tour industry. As a result, tour operators are upset and fishermen are facing intimidation and harassment. Resolving this issue is important to the well being of both sides, and HCR 347 provides a much needed avenue for this process. Although Oahu does not suffer from this problem, the development of regulations for our fishery will benefit us in the future.

When creating regulations concerning commercial fisheries, it is important to understand that the livelihoods of many people are at stake. As such, any new fishing regulations must have a sound scientific basis, and be created with the interests of all concerned parties in mind. The DLNR's ability to create administrative rules under HRS Chapter 91, with significant public input, provides the best avenue for this process.

I strongly support HCR 347, and urge the committee to pass it.

Thank you for the opportunity to testify,



Matthew Ross  
Commercial Aquarium Permit #17653

**To: Senate Sergeant-At-Arms Office**  
**Regarding: HCR 347**

### TESTIMONY

**I am in support of the house resolution as long as there is reasonable regulations imposed that are established by all parties involved.**

**I am a licensed commercial tropical fish collector in Maui. This is my occupation and is also my main form of income. I dive several days a week; it is a full time job. My territory is mainly West Maui, Lanai, & occasionally Molokai. I fish for a wide variety of fish and do not emphasize on one species in particular. This can be verified by submitted C-6 catch reports that I fill out monthly in detail. I feel that this resolution stemming from SB3225 is not necessary unless scientific data states that it is, however, I also do not feel like wasting anymore of my time or resources to fight with a special interest group that has deep pockets. I, as one of the very few commercial fishermen on Maui, am willing to work with the DLNR to establish FRA's for the entire island of Maui, not just the south region. If the point is to create breeding grounds for fish replenishment, then we should take into account that reefs and fish surround the whole island and one area is just as acceptable as another, and would prove to be just as effective! Without scientific data to verify anyones opinions, then we must proceed with caution and allow DLNR to do the research and provide them the funding needed to accomplish this task.**

**Bag limits are not necessary, and would cripple the licensed collectors. This could be explained in detail with DLNR when the discussion is to be had. FRA's cannot make up 33% of Maui solely based on the leeward side of the island as proposed in SB 3225 as this would shut the entire fishery down. The rest of Maui is inaccessible due to no harbor access causing excess fuel consumption, and the most important being rough water conditions. The entire South east, East, and North shore is under small craft advisory the majority of the year. The two full time collectors, myself included can only operate on the leeward side of the island. This is also why dive companies operate on the leeward side, its dangerous on the other parts of Maui's coastline. The vast majority of (around 75%) Maui's coastline does not get fished!!!! And this should be taken into consideration, as these are already non defined FRA's. The leeward side is where the argument lies, this is because of user conflict amongst a snorkel company operator and a couple of dive companies. I will work with DLNR to compose a FRA system for the whole coastline of Maui with emphasis on areas where the diving/snorkel companies operate so that there are no future problems.**

**Proposing regulations for Kaneohe Bay, and South Maui seems skewed. Kaneohe Bay is a very small area, that is not the main fishing grounds in Oahu where most**



**collectors operate. There are many more collectors in Oahu then Maui, Maui is a larger island. Maui has two commercial companies, boasting two full time divers, and three part time divers, yet the language being used regarding South Maui seems to be very excessive. This is to appease one industry while disregarding another. The ocean does not belong to ANY industry and should be shared by all!!**

**So, to summarize, I am in support of a resolution and would be happy to collaborate with DLNR in some fair regulations that will quell the unrest.**

**Respectfully submitted,  
Eric Koch  
Maui  
License # 20150**

**David A. Krupp, Ph.D.**

**Professor of Marine and Biological Sciences**

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Windward Community College  
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Honorable Ken Ito: Chairperson  
Water, Land, Ocean Resources and Hawaiian Affairs Committee  
House of Representatives  
Twenty-Fourth Legislature, 2008  
State of Hawai'i

Dear Representative Ito and Members of the Committee:

I offer written testimony in support of HCR 347:

**Urging the Department of Land and Natural Resources (DLNR) to proceed immediately with the adoption of rules to regulate the ornamental reef fishery industry in south Maui and Kāne'ohe Bay.**

At the Public Hearing:  
Water, Land, Ocean Resources and Hawaiian Affairs Committee  
April 9th, 2008  
Conference Room #414

I am a coral reef biologist teaching marine and biological sciences and coordinating the Pacific Center for Environmental Studies (PaCES) and Marine Option Program at Windward Community College. I also hold an Affiliate Faculty position at the Hawai'i Institute of Marine Biology where I study various aspects of the biology and ecology of coral reefs. As President of Reef Check Hawai'i, a non-profit coral reef monitoring organization, I am heavily engaged in promoting the conservation of Hawai'i's coral reefs. Finally, as Chair of the Kāne'ohe Bay Regional Council, I frequently hear from the community about the importance of protecting our reefs so that future generations of Hawai'i's people will have opportunities for partaking of the bounty these reefs have to offer.

My experiences tell me that Hawai'i's reefs are in trouble. From land-based pollution, to global environmental change, to invasive species, to destructive resource extraction practices (e.g., overfishing), Hawai'i's coral reefs need the additional help that legislative action can provide.

Therefore, I support HCR 347, which urges the Department of Land and Natural Resources (DLNR) to proceed immediately with the adoption of rules to regulate the ornamental reef fishery industry in south Maui and Kāne'ohe Bay.

I believe that effective management of the marine aquarium trade is necessary to ensure that this valuable resource can be sustained for years to come. Possible management options may include the establishment of no-take marine protected areas (MPAs) to reestablish the fish populations that are essential components of healthy reef ecosystems – ***there is a growing body of scientific evidence that suggests that MPAs may actually enhance a fishery in adjacent areas outside the MPAs.*** In addition, the DLNR should consider the establishment of bag limits where ornamental fish are allowed to be collected.

It is also my belief that specific management decisions be based on the best science available. Consequently, I would recommend that language be included that solicits and heavily weighs the professional opinions of marine fisheries scientists with specific expertise in marine ornamental fisheries and coral reef ecologists with specific expertise in the biology and ecology of Hawaiian coral reef fishes. The researchers at the Hawai'i Institute of Marine Biology (HIMB) may have much to offer in these regards. HIMB should also be specifically listed as one of the to-be-consulted stakeholders when DLNR confers with its geographic stakeholders.

Finally, the resolution should also include language that directs and funds DLNR to conduct objective scientific studies designed to assess the effectiveness of the specific rules and regulations enacted. In the interest of all of the stakeholders, fisheries management must be a fluid process, one that requires constant reassessment and readjustment to be sure that management decisions are sound.

Hawai'i's coral reefs are important resources that protect our shores from erosion, contribute millions of dollars to our economy, provide food, medicines and recreation for the people who live here, and serve as the foundation for our unique island lifestyle. We must protect these important natural resources.

Earlier this year, the legislature recognized that 2008 has been designated as the International Year of the Reef. Resolution HCR 347 translates this recognition into action by helping our islands to sustainably manage important natural resources that are being overexploited to the detriment of the reef. I urge the passage of HCR 347.

Thank you for this opportunity to testify.

Sincerely,

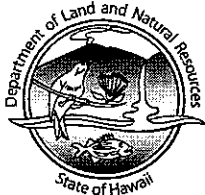
A handwritten signature in black ink, appearing to read "David A. Krupp". The signature is fluid and cursive, with a large initial "D" and "K".

David A. Krupp

**TESTIMONY**  
**HCR 347**  
**(END)**

**TESTIMONY**  
**SCR 4**

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  
Kahoolawe Island Reserve Commission  
Land  
State Parks

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

**On Senate Concurrent Resolution 4 – Authorizing The Issuance Of Non-Exclusive Easement Covering Portion of Submerged Lands At Lahaina, Maui, For Maintenance and Repair Of Existing Concrete Pillars And Improvements Purposes**

**BEFORE THE SENATE COMMITTEE ON  
WATER AND LAND**

April 9, 2008

Senate Concurrent Resolution 4 seeks the approval of the Legislature to issue a non-exclusive easement for submerged lands at Lahaina, Maui, for the maintenance and repair of existing concrete pillars and improvements purposes. The Department of Land and Natural Resources (Department) strongly supports this Administration measure.

The original decks makai of Lahaina Front Street were constructed in the 1920s. Sometime in 1966 or 1967 when Lahaina Yacht Club acquired the Front Street property, the building was restored, and the open deck and some of the piers were replaced. In 1982 or 1983, Lahaina Yacht Club replaced some piers.

In 1987, Lahaina Yacht Club filed a conservation district use application with the Department to bring the existing deck into conformance with the law.

On September 25, 1987, under agenda item H-5, the Board of Land and Natural Resources (Board) granted an after-the-fact conservation district use permit for the clubhouse deck and proposed roof construction over state submerged lands. Furthermore, the Board assessed Lahaina Yacht Club a \$1,000 fine for unauthorized use and occupancy of state submerged lands.

On February 12, 1988, under agenda item F-7, the Board approved the direct issuance of a term, non-exclusive easement to Lahaina Yacht Club for the maintenance and repair of existing concrete pillars and for the use and maintenance of the roof construction over the clubhouse wood deck subject to certain terms and conditions.

On August 2, 1989, the Department issued Grant of Easement No. S-5182 to Lahaina Yacht Club for a term of twenty (20) years, commencing February 12, 1988 and expiring on February 11, 2008. The annual rent for the first ten (10) years was \$3,000 and for the remaining ten (10) years was/is \$5,661.

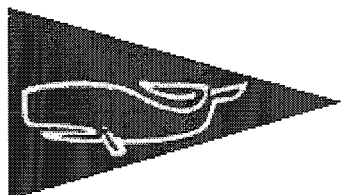
On January 25, 2008, under agenda item D-4, the Board approved a one (1) year holdover from February 12, 2008 to February 11, 2009 and granted a term, non-exclusive easement to Lahaina Yacht Club effective February 12, 2009. The annual rent is to be based on fair market determined by an independent real estate appraiser.

This concurrent resolution is requested to allow for the issuance of a non-exclusive easement for state submerged lands as required under Section 171-53, Hawaii Revised Statutes.

**testimony**

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**From:** Brian Blundell [bkblah@maui.net]  
**Sent:** Tuesday, April 08, 2008 5:48 AM  
**To:** testimony  
**Subject:** SCR-4  
**Attachments:** Lahaina Yacht Club.doc



**Lahaina Yacht Club**  
**Brian K. Blundell Chairman**  
**Board of Trustees**  
835 Front St. Lahaina, HI. 96761

**TESTIMONY IN FAVOR OF SCR 4 BEFORE THE SENATE**  
**COMMITTEE ON WATER AND LAND APRIL 9, 2008**

Aloha Senator Hee and Committee members,

I would like to take this opportunity to testify in favor of SCR 4. The Lahaina Yacht Club was chartered in 1966 and at that time they purchased the building that was falling into the ocean. After applying for and receiving all permits required at the time they restored the building. Since then several of the piers holding the deck have had to be replaced.

In 1987 the club was approached by DLNR and informed that a conservation district use permit was required, this permit was applied for and received and after the payment of a \$1,000.00 fine the permit was issued for a period of 20 years.

This permit expired February 2008 and because the DLNR did not get legislative approval during the 2007 session they could not execute a new lease. This would have subjected the club to another fine. In February 2008 the BLNR was approached and they agreed to a one year extension of the permit allowing time for this 2008 legislature to approve a new permit.

On behalf of the membership of the Lahaina Yacht Club I would appreciate your committee's favorable vote for this resolution.

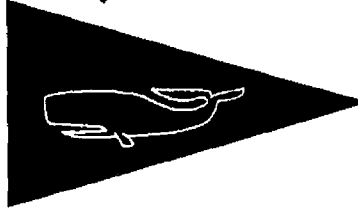
Sincerely

Brian K. Blundell  
Chairman BOT  
(808) 870-9637



# LAHAINA YACHT CLUB

835 FRONT ST.  
LAHAINA  
MAUI  
HAWAII  
96761



Senator Hee and Committee Members,

My name is John Pope. I am the Club Manager of the Lahaina Yacht Club. This shall serve as testimony in favor of SCR 4. I am writing you for a "yes" vote on SCR 4 which will be before the Senate Committee on Water and Land, April 9, 2008.

In 1987 we received a 20 year permit from the DLNR for land use in a conservation district. Due to DLNR oversight, no approval was issued in the 2007 legislature. Here is our chance.

On behalf of the entire 1400 membership of the Lahaina Yacht Club, please vote favorably for this resolution.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Pope'.

John Pope  
Manager  
Lahaina Yacht Club

**TESTIMONY**  
**SCR 4**  
**(END)**