

TESTIMONY
HB 1766, HD2
LATE

From: Don Sanders [drs416@yahoo.com]
Sent: Sunday, March 22, 2009 4:22 PM
To: WTLTestimony
Subject: HB 1766, March 23, 2009, 4:15pm

LATE TESTIMONY

Dear Chairman Hee and members of the Water, Land, Agriculture and Hawaiian Affairs (WTL) Committee:

My name is Donald R. Sanders. I am a recreational boater and have been a member of the Honolulu Sail and Power Squadron (HSPS) for the past five years. I am currently the HSPS Executive Officer and am the Commander-elect (effective April 25, 2009). The HSPS is a public service, non-profit organization that is dedicated to safe boating through education. We provide boating education for the recreational boaters within Hawaii by offering a series of classes from basic boating, use of marine electronics, engine maintenance, weather, to advanced navigation skills that are used by power boaters, sailors and even paddlers.

I do not support HB 1766 for the following reasons:

1. It is not a comprehensive approach to the recreational improvements that are needed across the state; and
2. the portion of the bill pertaining to submerged land leases is unacceptable.

In my opinion, HR 980 is a much more thoughtful, comprehensive and long-term approach to the needed improvements of our recreational facilities, particularly those associated with recreational boating. Therefore, I would like to ask you to please schedule a hearing for HR 980.

Sincerely,

Donald R. Sanders
1295-B Moanalualani Ct.
Honolulu, HI 96819
(808) 479-0662 (M)
(808) 838-1497 (H)
drs416@yahoo.com

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 6:19 PM
To: WTLTestimony
Cc: cwright614@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

LATE TESTIMONY

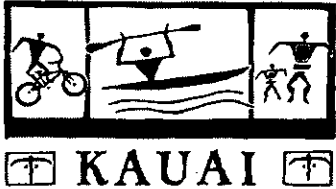
Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Craig Wright
Organization: Friends
Address: Ala Moana Blvd Honolulu, Hi
Phone: 808 944 0426
E-mail: cwright614@yahoo.com
Submitted on: 3/22/2009

Comments:

I am opposed to HB 980 and HB 1766. Please hold these bills for amendment or delete them. These bill will destroy recreational yachting in Hawaii and turn the Ala Wai into a commercial nightmare. The land upon which the Ala Wai marina was built was given to the state for public recreational use and not for the enrichment of a few corporate interests. Pleasure boating in the state must remain affordable for any resident who loves sailing, fishing or diving. Please kill these two bills.
Craig Wright. Waikiki

OUTFITTERS



LATE TESTIMONY

Sea Kayaks
Mountain Bikes
Backpacking
Guided Tours, Rental, Sales and Service

March 23, 2009

To: Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Re: HB1766 HD2, Relating to Small Boat Harbors

Testimony of Richard Haviland, President, Outfitters Kauai, Ltd

Aloha Chairperson Hee, Vice Chair Tokuda, and Members of the Committee,

HB 1766 is intended to fund maintenance and repair projects at DLNR Boating facilities by increasing revenues generated at Ala Wai Small Boat Harbor and allowing for lease at public auction of submerged lands statewide. As a Commercial Use Permittee at several DLNR Division of Boating facilities, and also a family recreational user, I can certainly see the need.

Over the years, we have seen how tough it is for hard-working and dedicated DLNR staff to function on extremely tight budgets. Now, tax revenues have fallen and the situation is even worse. DLNR facilities and staff need better funding and support now more than ever. HB 1766 appears to be a well-intentioned attempt to do so, but in my humble opinion, falls short.

Additionally, and also in my humble opinion, I have problems with sections of HB1766 that provide for leasing of submerged lands at public auction. I feel that, rather than enabling for Hawaii Small Boat Harbors to be leased to private operators, we would do well to provide better funding and support for continued DLNR operations of these publicly-owned facilities by public employees.

SB980 provides a much more comprehensive solution to funding and increasing revenues for the maintenance and improvement of DLNR facilities than HB1766.

Therefore, please provide hearings on SB980 for a much greater benefit to all DLNR facilities, and all Hawaii residents.

Sincerely and respectfully,

A handwritten signature in black ink, appearing to read "Richard Haviland", written in a cursive style.

Richard Haviland

Outfitters Kauai, Ltd

P.O. Box 1149, Poipu Plaza, 2827A Poipu Rd, Poipu Beach HI 96756

Voice: 808-742-9667/742-7421, Fax 808-742-8842, Toll Free 888-742-9887

Web site: <http://www.outfitterskauai.com>, e-mail: info@outfitterskauai.com

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 7:56 PM
To: WTLTestimony
Cc: annalia@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position:
Testifier will be present: No
Submitted by: A. Russell
Organization: Nawiliwili Yatch Club
Address: POBox 1670 HI
Phone: (808) 822-2688
E-mail: annalia@hawaii.rr.com
Submitted on: 3/22/2009

Comments:

HB 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for HB 980.

Amend House Bill 1766 to delete language for submerged land leases.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 7:59 PM
To: WTLTestimony
Cc: HARRISMDW001@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: Yes
Submitted by: William Harris
Organization: Individual
Address: 1765 Ala Moana Blvd. #1880 Honolulu, HI 96815
Phone: (808) 941-8151
E-mail: HARRISMDW001@hawaii.rr.com
Submitted on: 3/22/2009

Comments:

I oppose this bill on the grounds that the Ala Wai small boat harbor will be degraded substantially by the intrusion of commercial boat operations. Hobron lane is the primary exit from the harbor and on parade days when Ala Moana is blocked off by the police, the cars waiting to get out are often backed up around the corner. Boat operations here will only increase the traffic impediments.

In addition, while the state may profit from the revenues, C&C will take a loss, since property values and the concomitant property taxes from the nearby Ilikai buildings will be diminished as a result of the early morning noise generated by the boat operations.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 8:38 PM
To: WTLTestimony
Cc: bnakashima@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: Brian Nakashima
Organization: Individual
Address: 81-6347 Keopuka Mauka Pl. Kealakekua, HI
Phone: 808-323-2757
E-mail: bnakashima@hawaii.rr.com
Submitted on: 3/22/2009

Comments:

I am in support of efforts to improve the recreational facilities and management of our state.

I believe that HB980 will more fully respond to our needs for improved recreational facilities for citizens and sportsmen and respectfully request that this committee hear this proposed legislation.

Thank you.

LATE TESTIMONY

Yara Lamadrid-Rose
yardav@hawaii.rr.com

March 22, 2009

Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair
Committee on Water, Land, Agriculture and Hawaiian Affairs

Hearing Date: Monday, March 23, 2009, 4:15 p.m.
Conference Room 229
e-mail: WTLTestimony@Capitol.hawaii.gov

RE: Testimony in Support of **HB1766, HD2**, and
Requesting WTL Schedule a Hearing for **HB980, HD2**

Chair Hee, Vice Chair Tokuda, and members of the Committee:

Thank you for the opportunity to submit testimony. I am a Hawaii State government public employee working for the Department of Land and Natural Resources, Division of State Parks. However, I am submitting this testimony as a private individual. Senator Hee, I am also a constituent, I have lived in Ka'a'awa for over 25 years.

While I support HB1766, HD2, which would provide some support the Department of Land and Natural Resources' Recreational Renaissance Program, I urge you to schedule a hearing for **HB980, HD2**, which is much better bill that directly addresses support and funding to the Department's parks, trails, and recreational harbors.

The Department of Land and Natural Resources' Recreational Renaissance Program as detailed in **HB980, HD2**, will allow the Department to finally make much needed improvements to our parks, trails, and ocean recreation areas, to allow us to serve the public better and protect our unique natural areas.

I serve the public in one of our most heavily used State Parks, Diamond Head State Monument. We strive to provide interpretive services to the public with limited resources, so that visitors to our park, resident and non-resident alike, will be good stewards of our public natural resources while enjoying these unique natural areas.

Also, my family and I are frequent users of parks, hiking trails and ocean resources all over Oahu. I experience first hand our dilapidated facilities. Hawaii has the best natural resources in the world, lets not squander these resources due to inadequate funding. The Recreational Renaissance Program detailed in **HB980, HD2** will give the Department of Land and Natural Resources the ability to protect and preserve our natural resources for our children and their children.

Please vote "yes" on **HB1766, HD2**, and please schedule a hearing for (and pass) **HB980, HD2** to improve our parks, trails, and ocean recreation areas. Thank you very much for the opportunity to provide testimony.

LATE TESTIMONY

Senator Clayton Hee
Chair, Water, Land, Agriculture, and Hawaiian Affairs Committee
senhee@Capitol.hawaii.gov
FAX 808-586-7334

Dear Chairman Hee,

Thank you and the committee for taking my testimony, I have just arrived in Newark, New Jersey, and cannot attend today's meeting.

I strongly oppose HD 1766. To think of commercializing the Ala Wai Small Boat Harbor, would be a travesty. This has been a dedicated facility for the people of Hawaii to use as a recreational venue, since it's creation. Not only would this violate the public trust in created uses for the benefit of the residents and tax payers of Hawaii, it would seriously impact the mainly residential area in which it is located. At this end of Waikiki the condo and apartment buildings and number of residential units far out number the hotels. The infrastructure of the area was never set up for commercial use. The narrow streets along the harbor and Dewey Lane were never intended to be major access streets, and the parking was set up for boating and beach uses.

The commercial activity belongs in Kewalo Basin, where it is now. This area is in a completely commercial area and all the noise from the comings and goings of fishing boats, tour boats, dinner boats and any other type of commercial activity does not impact anyone trying to live in the area, since no residences are close by.

Our building, the Ilikai Apartment Building and the Ilikai Marina are within less than 30 feet from the docks, where proposed commercial docking would be. These are older buildings and they were built, and units sold based on the fact that the Ala Wai Harbor was a small recreational boat harbor. To change this area into a bustling commercial area will greatly impact our homes, with excessive noise, pollution and unprecedented traffic.

To start taking away recreational facilities such as this is a blow to the public trust. The dedicated recreational use of this area is no different than the need for public golf courses that are affordable to the middle class, libraries or other facilities that are created for the public enjoyment and supported by everyone's tax dollars. I am sure no one would consider putting a huge high rise in the middle of one of the fairways at the Ala Wai golf course, or putting a "Hooters", in the middle of a Library, well, this is just as absurd and commercializing a recreational boating facility..

There are also a major safety issues that would impact the recreational users of the harbor. The surfers, canoe boaters, & junior sailing groups, just to mention a few, would be in danger for their lives, with commercial boats coming and going trying to meet schedules. The water ways are narrow leading into the harbor and the water ways between the docks are not large enough to accommodate the larger boats.

The leasing of submerged lands, will lead to docks, building and ruination of the beautiful horizon now enjoyed by so many. To look at a bunch of buildings along the 700 & 800 rows instead of the ocean and the docked boats would be robbery of one of the few precious view corridors left in Waikiki. If the need for commercial dockage is so great, even though there are empty slips at Kewalo Basin, then why not put dockage off Magic Island and Ala Moana Park. There is plenty of room for parking there. The busses that are now parked along Ala Moana at Kewalo Basin would have plenty of room to park, and not impact residents.

It has been mentioned that there is a need for additional monies to make the required repairs to the harbor. This is nothing but a rouse. The Ala Wai has been a money maker, and there would have been plenty of funds to maintain it quite well if the money generated there had been used

there. Instead it has been siphoned off to pay for commercial facilities on other islands, to buy vans and guns for parks, and a lot more "non boating" expenditures that I am sure could be tracked down and listed if a general audit was ever preformed.

Please do the right thing and leave the Ala Wai Small Boat Harbor a recreation facility for the "regular" people of Hawaii. Do not let greedy developers sway you heads into stealing a precious access to the ocean enjoyed by so many locals. Once it is gone it can never be replaced.

Sincerely

Cindy Jacobson

LATE TESTIMONY

LATE TESTIMONY

H.B.NO.1766 H.D.2 Relating to Small Boat Harbors
TESTIMONY

I oppose HD1766 HD2. because revenues realized from development of assets (land) will benefit only boating and ocean recreation. I have been a community advocate for more than 30 years. The following are some of the ways I have served.

Ko`olauloa Neighborhood Board 28 – Petitioned to form 1975 and served 18 years

Punalu`u Community Association – Secretary, Director, Member – 35 years

Ko`olauloa Hawaiian Civic Club – Past President, Director, Member – 35 years

Sacred Falls State Park Master Plan 1978 – Advisory Committee

Kahana State Park Master Plan Advisory Committee – Co-Chair 1985

Malaekahana State Park Master Plan – Advisory Committee-1978

Kaluanui State Park Master Plan – Advisory Committee -2008

Ko`olauloa Sustainable Communities Plan – Advisory Committee 1999 and 2009

Keep the Country Country – Founding Member 1978

The condition of our parks, forests and ocean recreation facilities is shameful and regrettable.

The State of Hawaii is failing in its mission to serve the public. The obvious reason for the neglect of all our recreation facilities is the lack of funding for repair, maintenance, restoration and management. Bill HD1766 directs DLNR to enter into public-private partnership for development of public lands at the Ala Wai with revenues for use only by boating and ocean recreation. The management of our recreation facilities is the responsibility of DLNR.

To serve the public at ALL recreation facilities DLNR should be allowed to direct revenues where needed.

**Cathleen Mattoon, 53-392 Kamehameha Hwy.,Hau`ula, Hi 96717, E-mail:
mattoonc001@hawaii.rr.com**

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 22, 2009 10:50 PM
To: WTLTestimony
Cc: zelei7ke@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: zelei abordo
Organization: Individual
Address: 1727 S Beretania St Apt 2A Honolulu, HI 96826
Phone: 808-741-5258
E-mail: zelei7ke@yahoo.com
Submitted on: 3/22/2009

Comments:

Dear Senator Hee,

DLNR is trying to fast track everything and is asking the legislators to trust them and allow them the sweeping powers that they don't have now. Please stop them and hold this bill.

Thank you for the chance to testify.

Aloha,
Zelei Abordo

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2009 3:36 AM
To: WTLTestimony
Cc: antolini@hawaii.rr.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Denise Antolini
Organization: Individual
Address: 59-463 Alapio Road Haleiwa, HI 96712
Phone: 638-5594
E-mail: antolini@hawaii.rr.com
Submitted on: 3/23/2009

Comments:

Dear Chair Hee and Committee members:

I support DLNR's position that this bill is not the right vehicle to effectuate the recreational renaissance objectives.

1) House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980.

2) Amend House Bill 1766 to delete language for submerged land leases.

Thank you.

Denise Antolini
Pupukea resident

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2009 3:40 AM
To: WTLTestimony
Cc: drgeorgepc@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

LATE TESTIMONY

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Dr. George Carayannis
Organization: Ala Wai Boat Association
Address: 1741 Ala Moana Blvd.#70 Honolulu, HI
Phone:
E-mail: drgeorgepc@yahoo.com
Submitted on: 3/23/2009

Comments:
SUBJECT: HB 980, HD 2

I Regarding HB980, HD, I wish to bring up to your attention reasons why this legislation scheduled for hearing by your Committee should not be approved.

Specifically:

Section 2 amends 200-2.5 HRS by adding "submerged lands", "request for proposals", "chapter 190D" to subparagraph (a).

Section 5 uses the amended 200-2.5 HRS as the authority to allow the "department of land and natural resources" to lease the "submerged lands" (as well as the fast lands already authorized) of the Ala Wai SBH, and specifically eliminates the use of 171-53 HRS.

The differences in leasing fast and submerged lands were thoroughly discussed previously and it was agreed that the wording in the amendment would specifically limit its application to "Fast" land, and that is how it is written. The reasons for doing so previously were the same as those being presented in this testimony. Please deny this amendment in the public interest.

Also it is important to note that the public hearings required in the legislative process imposed by 171-53 HRS, provide the public with the opportunity to become aware of a proposal and to provide opportunities for public input to the Legislative Committee hearing the Bill. The amendments proposed in Section 2 and Section 5 of this Bill will eliminate the involvement and control of the Legislature (and thus the public) by removing Section 171-53 HRS from the process of leasing submerged land. Please don't let that happen.

In brief, HB 980, HD 2 represents another ill/selfishly-conceived legislation that would essentially "privatize" selected portions of our existing public recreational boating facilities. This would reduce the number of existing public boat slips intended for middle-class boaters by leasing these slips out to become private slips that would command fees that would be four to five times the current (public) fee levels. Public ocean access opportunities provided by these submerged lands (slips) and protected by our constitution would be severely reduced. Given the growing demand for boat slips (and ramps), we strongly oppose HB 1766 HD2 because it allows the conversion of existing public boat slips to private

boat slips that the average boating public can't afford - without increasing the total number of boat slips in Hawaii. Let those that want the private high-end marinas develop their own marinas instead of trying to take away the public boating facilities already being used by the "average" middle class boaters whose user fees actually paid for the facilities.

Please do not let this happen.

Sincerely

Dr. George Carayannis

Hawaii boater at the Ala Wai boat harbor since 1963

LATE TESTIMONY

LATE TESTIMONY



Ocean Tourism Coalition

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

March 23, 2009 4:15 PM Room 229

Testimony To: Senate Committee on Water, Land, Agriculture and
Hawaiian Affairs

Senator Clayton Hee, Chair

Presented By: James E. Coon, President

Subject: HB 1766 HD 2 Relating to Small Boat Harbors

Speaking in **OPPOSITION** to HB 1766 HD2

Chair Hee and Respected Members of the Committee:

I am Jim Coon, President of the Ocean Tourism Coalition (OTC) speaking in opposition of this bill as written. HB 1766 HD 2 is inadequate to address all harbor improvements and in fact would gut the resources of the boating program even further. Please schedule HB 980 for a hearing. It is our opinion that this bill creates many more problems for the boating program than it solves. We would like this bill held. In spite of this if HB 1766 were to pass out of this committee we are offering some amendments:

Section 2 (a) (Page 3 line 4): DELETE [and submerged lands]

Section 4, (c) (5) (Page 10 Line 16 & 17) ADD "two times the moorage fee plus utility/common area maintenance fees assessed for a recreational vessel of the same size, whichever is greater.

Section 4, (c) (6) (Page 10 Line 19): DELETE [In addition,]

Section 5 (a) (Page 11 Line 3): Delete [and submerged lands]

Section 5 (f) (Page 14 Lines 12-13): Delete [and submerged lands]

LATE TESTIMONY

OTC recognizes that the small boat harbors of the State in dire need of repair. HB 1766 is too flawed even with amendments to be effective. We would like to see the Recreational Renaissance Plan have a fair hearing. (HB 980 Relating to Recreational Renaissance)

Commercial boaters represent less than 3% of the total boats using these facilities yet produce close to 50% of all revenues derived from boater fees. Commercial boaters recently supported legislation to have their fees raised by 50% with the promise that this would provide enough extra revenue for DOBOR to upgrade our harbors. As an industry we just cannot afford any significant increase on top of what we are already paying. We are paying more than our fair share! We are not complaining, but do not want to see a draconian open ended fee system added on to our already strained resources to the point were it drives us out of business. If you privatize the Ala Wai Small Boat Harbor, you will eviscerate the Recreational Renaissance Plan.

We humbly ask you to please kill HB 1766 HD2 and Schedule HB 980 for a hearing.

If you do pass HB 1766 please include the proposed amendments.

Thank you,

James E. Coon, President
Ocean Tourism Coalition

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2009 4:25 AM
To: WTLTestimony
Cc: spearsvic@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

LATE TESTIMONY

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Victor Spears
Organization: ILIKAI Marina AOA
Address: 1765 ALAMOANA BLVD HONOLULU, HI. 98815
Phone: 701-407-0058
E-mail: spearsvic@yahoo.com
Submitted on: 3/23/2009

Comments:

Raymond A. Gruntz of the Ilikai Marina, will attend WTL HEARING ON 3-23-09 ROOM 229 @ 4:15pm

Testimony Opposed to
HB 1766 HB-2

Senate Water, Land and Hawaiian Affairs Committee Committee Hearing for:
Monday, March 23, 2009
Room 229
State Capitol, Honolulu, HI

Senator Clayton Hee, Chair
Senator Jill N. Tokuda
Chair, Vice Chair and members of WTL,

I am writing to you today in hopes you will consider holding HB 1766 HB-2. As you are aware of, the issue of privatizing Hawaii's Small Boat Harbors have been a sore point for many years. There are many reasons that our communities oppose DLNR's attempts through the years to privatize the Ala Wai as well as Keehi Small Boat Harbors. Our small boat harbors were intended to be recreational harbors, not for commercial use. This would not only impact the users of our harbors but also the residents of the nearby condo's and hotels. The noise and smell alone will be very disrupting. Plus the fear of values of those condo's would go down. The dangers of a boating accident will occur, it is only a matter of time. The one accident that I will bring up at this time was Paul Stones death. On June 19, 1984, at about noon, the Pearl Kai, owned by Paradise entered the Channel near Kewalo Basin. Several hundred passengers were aboard and the port engine failed. In order to regain control of the vessel, the captain reversed the ship's starboard engine, backing the vessel into a group of bodysurfers swimming in the Point Panic area. Several passengers and swimmers were injured, and Stone was killed. As a result of the incident, claims totaling more than \$28 million were filed against the ships owners and crew. The Hawaii Yacht Club has a keiki sailing class and when these inexperienced little sailors hit a gust of wind or maneuver wrong, over the dinghy goes, dumping the keiki's in the water. Now, imagine a commercial vessel in a hurry to get back to his slip and not seeing our keiki's in the water. Don't tell me it can not happen, it can and is only a matter of time if you allow the commercial vessels to come into the

harbor. Surfers, paddlers, divers and recreational boaters go in and out of the Ala Wai Channel everyday. Please vote no on the commercializing of our recreational harbors;

Thank you for giving me the chance to testify today.

Name: Victor Spears , President, Ilikai Marina AOA0

Address: 1765 Ala Moana BLVD, #1293, Honolulu HI 96815 Phone number: 702-407 0058

Email: spearsvic@yahoo.com

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 23, 2009 4:51 AM
To: WTLTestimony
Cc: tiffanygd@yahoo.com
Subject: Testimony for HB1766 on 3/23/2009 4:15:00 PM

LATE TESTIMONY.

Testimony for WTL 3/23/2009 4:15:00 PM HB1766

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: G. Douglas Tiffany, PhD.
Organization: Individual
Address: 4125 Pai St. Kalaheo, HI 96741
Phone: 808-652-8727
E-mail: tiffanygd@yahoo.com
Submitted on: 3/23/2009

Comments:

I am a mooring permit holder at Nawiliwili Small Boat Harbor. I am encouraged by the direction that the DLNR is taking to address the many serious needs at all harbors, moorings, parks, camping areas, forests and trails across the state. I find, however, that HB 1766 is inadequate to address all the recreational improvements across the state. Please amend HB 1766 to delete language for submerged lands. Also, I strongly urge you to schedule a hearing for HB 980.

Our harbors, moorings, parks, camping areas, forests and trails are vital resources, both for our citizens as well as our visitors.

Thank you very much in advance for your careful consideration of the needs of these resources.

Respectfully,

G. Douglas Tiffany, PhD

From: Pfeffer [pfefferr001@hawaii.rr.com]
Sent: Monday, March 23, 2009 6:55 AM
To: WTLTestimony
Subject: HB1766 HD2

LATE TESTIMONY

HB1766 HD2 - OPPOSED

I am opposed to this bill because it is dangerous to mix commercial boating activities in the Ala Wai Harbor with canoe paddlers, surfers, sailing schools and recreational boating. That is why those activities are not allowed in any commercial harbors like Kewalo Basin, Honolulu Harbor or Barbers Point Harbor. In addition, this plan should not be introduced until an EIS is done. Any commercialization needs an Environmental Impact Study. A legal study will show that commercialization of the Ala Wai is against the intended use of that Harbor.

Roger Pfeffer Ala Wai Boater and slip holder

From: freeoceanaxs@yahoo.com
Sent: Monday, March 23, 2009 10:03 AM
To: WTLTestimony
Cc: Sen. Jill Tokuda
Subject: HB 1766 HD2

LATE TESTIMONY

Noa Napoleon
1750 Kalakaua Ave Apt. 103
Hon, HI 96826

Senate Hearing on
HB 1766 HD2

March 23, 2009
9:00 am
March 13, 2009
Room 229

Chair Hee and Members of the
Water, land and Ocean Resources Committee

I strongly oppose HB 1766 HD2

(I have read the testimony offered by Bill Mossman, and Bruce Middleton on this matter and would like the record to show that I agree with their comments on HB 1766).

1.) The bill first and foremost is almost unanimously opposed by the Harbor community, this includes the non-boaters (the surfers and paddler organizations that formed coalitions to oppose privatization at the Ala Wai harbor).

2.) In going to the Legislature for a solution to the privatization quandary instead of using the existing framework for procuring services for the state, HB 1766 will forever give DLNR the right to fast track any and all future contracts with DLNR involving public lands and harbor lands.

3.) HB 1766 raises the ceded land question and the issue of the moratorium now under review by the U.S. Supreme Court regarding ceded lands.

This process reminds me of the Mortgage company collapse and what precipitated that crash. By going down this path DLNR will be forced again and again to tinker with the rules until the rules are no longer beneficial to the public. HB 1766 HD2 will allow direct negotiation (intervention) to become the normal approach to dealing with recreational lands.

4.) Kewalo Basin is the proper venue for commercialism. The Ala Wai Harbor must remain a recreational harbor.

5.) The issue of commercial Catamaran Permits should be dealt with in Rule making and Land Board hearings, not mixed in with this legislation.

6.) HB 1766 Complicates the funding system that has sustained the Ala Wai harbor..

LATE TESTIMONY

Testimony in Opposition to HB-1766 HB-2
Before the Senate WTL Committee
by the
Ala Wai Marina Community Association
March 23, 2009

LATE TESTIMONY

Senator Hee, Vice Chair Tukuda, aloha and thank you for this opportunity to speak.

My name is Bruce Middleton, representing the Ala Wai Marina Community Association, an association of people dedicated to promoting boating in the Ala Wai Harbor and throughout the state.

We oppose HB-1766 HB-2 because:

- It would do away with the present equitable system of increasing fees, which requires under HRS Chapter 91 that DLNR take public testimony into account in setting boating fees. Instead, this bill would empower DLNR to use a real estate appraisal systems (land value) as the basis for fee setting, which is completely antithetical to the very purpose and intent of the boating program, that is, to provide *affordable* recreational boating and ocean access to the citizens of Hawaii through a program that pays for itself and operates without burdening taxpayers. DLNR is saying in effect, “Even though you boaters bought and paid for these facilities by amortizing their G.O. Reimbursable bonds with your slip fees over all these years, we’re now going to, pretend that you’re not stakeholders anymore, take it all away from you, and treat you like ordinary commercial business entities.”
- It would authorize DLNR to charge for “Common Area Maintenance” (landscaping, water, electricity, lighting, etc) in the Harbor when, in fact, boaters are already paying for it through their slip fees anyway!
- It would give DLNR the authority to lease out submerged lands without having to go before the legislature for a concurrent resolution as now required by HRS Chapter 171-53. This legislative oversight is critical to protecting our precious resources from “big-buck” wheeling and dealing behind closed doors. It is absolutely essential that the Legislature remains in the loop.
- It would commercialize the Ala Wai, allowing between 105 and 130 commercial vessels to operate there, in effect turning it into another Kewalo Basin. This would result in an extreme safety hazard to surfers, paddlers, kayakers and children taking sailing lesions at the Clubs, overstress the Harbor’s infrastructure, and create traffic congestion and noise problems;
- It would allow the leasing of the 800 and 700 rows and the submerged lands between them to a commercial developer. The result of this would be to squeeze out recreational boaters at a time when people, now more than ever, need affordable recreational opportunities;
- Lease out portions of the front row to commercial vessels to the detriment of area residents.
- Allow DLNR to lease portions of the harbor’s fast lands for shops, boutiques, and even **residential development**, all without first determining what impact such development might have on the community.

Please hold this bill.

And thank you for letting me speak.

B.M. Middleton
Ala Wai Marina Community Association
941-0875

LATE TESTIMONY



LATE TESTIMONY

Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership

House Committee on Water, Land, Agriculture and Hawaiian Affairs
Senator Clayton Hee, Chair
Senator Jill Tokuda, Vice Chair

HB 1766, HD2 – RELATING TO SMALL BOAT HARBORS
Monday, March 23, 2009
4:15 p.m.
Conference Room 229

Chair Hee, Vice Chair Tokuda and Members of the House Committee on Water, Land, Agriculture and Hawaiian Affairs:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP supports the intent and purpose of HB 1766, HD2 – Relating to Small Boat Harbors, which permits the Board of Land and Natural Resources to lease submerged lands, in accordance with Chapter 190D, Hawaii Revised Statutes, by public auction, request for proposal, or negotiation, in a state boating facility; permits commercial permits in Ala Wai and Keehi small boat harbors; directs DLNR to provide an request for proposal for a public-private partnership to develop a portion of Ala Wai small boat harbor; permits commercial use permits to be issued for vessels assigned moorings in Ala Wai and Keehi small boat harbors; and provides for future mooring fees to be established by appraisal.

We respectfully ask for your support in HB 1766, HD2 and thank you for allowing us to share our views on this Bill.

LATE TESTIMONY

March 23, 2009



BILLS ENGINEERING INC.
Civil/Environmental Engineering

Email to: WTLTestimony@Capitol.Hawaii.gov

Hearing Date: Monday, March 23, 2009, 4:15 pm, CR 229

Honorable Senators Clayton Hee, Chair, Jill N. Tokuda, Vice Chair and Members of the Senate Committee on Water, Land, Agriculture & Hawaiian Affairs

Subject: HB 1766, HD2 - Relating to Small Boat Harbors

Coalition of Hawai'i Engineering & Architectural Professionals represents several professional Engineering and Architectural organizations including American Council of Engineering Companies Hawai'i; Hawai'i Chapter of the American Society of Civil Engineers; American Public Works Association Hawai'i Chapter; Structural Engineering Association of Hawai'i; and the Hawai'i Society of Professional Engineers. Bills Engineering Inc. is affiliated with many of the foregoing organizations.

Bills Engineering Inc. as well as the above-referenced Coalition is in general support of HB 1766 - Relating to Small Boat Harbors.

We offer the following additional Comments: There is another Bill that addresses the complete needs of the Department. We recommend you hear HB 980 HD2 - Relating to Recreational Renaissance. This visionary Bill addresses the total requirements for all of the various Divisions with DLNR.

We also recommend that you delete the language relating to submerged leases.

Mahalo for this opportunity to express our business concerns and for your consideration of this important bill.

Very truly yours,

BILLS ENGINEERING INC.

By: 
DAVID B. BILLS, President

DBB:flb

Monday, March 23, 2009
TESTIMONY IN OPPOSITION TO HB-1766 HD-2
before the
SENATE WTL COMMITTEE
by
Margaret M. O'Kelly

LATE TESTIMONY

Chair Hee and respected members of the committee, aloha, and thank you for letting me testify.

My name is Margaret O'Kelly and I have been a boater at the Ala Wai small boat harbor for more than a decade

I strongly oppose this bill for the following reasons:

1) It would convert the Ala Wai harbor into a mixed commercial and recreational facility by allowing 15% of its vessels to be large commercial boats. This would result in an extreme safety hazard for surfers, kayakers and canoe paddlers using the channel and harbor turning basin while, at the same time, commercial vessels rushed to and fro on tight operating schedules. Adding to the danger is the fact that kayakers and canoe paddlers, who are hard enough to see in the daytime under certain lighting conditions, frequently transit the harbor and its channel *at night and without lights*. The Ala Wai was designed and built as a recreational harbor and DLNR's ill-conceived attempt to mix in commercial vessels, is a disaster in the making.

2) It would allow DLNR to evade the present requirement to hold public hearings in order to raise slip fees. DLNR already has the authority to raise fees simply by holding public hearings under Chapter 91 HRS, and then amending the appropriate fee schedule in its administrative rules. Now, however, DLNR is asking you to eliminate the Chapter 91 HRS public hearing process and to give it *carte blanche* authority to set fees using eager-to-please "licensed" appraisers. We've all seen what "licensed," eager-for-business appraisers can do in a boom-time housing market and now, apparently, DLNR wants to use this same corruptible mechanism to set boater's slip fees. What it will do, in fact, is to allow DLNR to set fees at whatever level it wants without having to bother with public hearings or taking public testimony into account. The public hearing process is a vital part of our governmental and constitutional framework and now DLNR wants you to take that right away from us. Please don't let that happen.

3) It would allow DLNR to charge slip-holders additional fees for maintenance of the harbor's common areas and for operational expenses like parking lot and street lighting, refuse collection, water, landscaping, etc. Operational costs of this kind have always been factored into boaters' slip fees and the fees set sufficiently high to cover them. But now it seems that DLNR wants to have it both ways: that is, to raise slip fees to commercial levels (without bothersome public hearings), then to charge boaters again for operational costs already accounted for in their monthly slip fees.

4) It would allow DLNR to bypass current law under HRS Chapter 171, which requires it to seek legislative approval via an SCR or HCR to lease our Harbors' submerged lands. This would be an extremely dangerous change because it would essentially allow DLNR, *in perpetuity*, to do whatever it wanted with boating-related submerged lands without legislative oversight. Not only would it cut the legislature out of the picture, but it would deny the public the opportunity it now enjoys under Chapter 171 to provide input at the required legislative hearings. Such sweeping authority as this bill would provide could easily be abused. And please remember that this is the same Administration that gave us the Super Ferry mess, ignoring the requirement for an EA/EIS, and now wants the Legislature to trust its judgment, competence and integrity.

5) It would allow DLNR to raise fees to keep pace with inflation, while making no provision for decreasing fees to keep pace with deflation (which is in the process of taking place right now).

6) It would let DLNR enter into leases of harbor lands for up to 65 years. This is nearly three full generations and is far too long to be fair to our children and grandchildren, and their children.

This bill is flawed on many levels and I urge you to hold it in committee.

Thank you for your time.

Margaret M. O'Kelly
Boater

LATE TESTIMONY



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Fifth Legislature, State of Hawaii
Hawaii State Senate
Committee on Water, Land, Agriculture and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association
March 23, 2009

LATE TESTIMONY

H.B. 1766, H.D. 2 – RELATING TO SMALL BOAT HARBORS

The Hawaii Government Employees Association is opposed to H.B. 1766, H.D. 2 without specific amendments. H.B. 1766, H.D. 2 authorizes the Department of Land and Natural Resources (DLNR) to lease submerged lands in accordance with Chapter 190D, HRS by public auction, RFP or negotiation for the private development management and operation of the state's small boat harbors. It also permits the DLNR to use the RFP process to enter into public-private partnerships for the development of portions of the Ala Wai small boat harbor that are underutilized and could be a source of revenue.

We fully recognize the need to generate additional revenues to repair and maintain the state boating facilities across the state. Several years ago, we supported the leasing of fast lands within a state boating facility. However, before submerged lands are leased to a private developer, the state should take specific steps to protect the public's interest.

The HGEA recommends inserting language contained in H.B. 2491 (2008 session) into H.B. 1766, H.D. 2. The language declared, as state policy, that certain best practices the governor and the department of transportation must adhere to are ensure that the public interest is protected in any public-private partnership agreements.

For example, H.B. 1766, H.D. 2 does not require an analysis of the public-private partnership proposal in terms of how the public interest is protected through controlling costs and retaining control of policy affecting small boat harbors. Also, there are no criteria requiring a determination of the risks and benefits that are to be allocated between the public and the private partner (e.g. the risk of inaccurate or overstated estimates use and revenues). We are also concerned about long-term lease agreements of more than 20 years.

Hawaii State Senate - Committee on Water, Land, Agriculture and Hawaiian Affairs
Testimony re H.B. 1766, H.D. 2 – Relating to Small Boat Harbors
March 23, 2009
Page 2

There is a definite need to generate revenue within the small boat harbors. However, if there are public-private partnership agreements, protecting the public interest must be of paramount importance. Maintaining transparency in the review process should also be a high priority. Transparency can be achieved through soliciting public comments and using an independent review panel to make a final recommendation. Any partnership agreements should be subject to legislative approval so that consideration of the various alternatives is carefully examined before any action is taken.

Thank you for the opportunity to testify in opposition to H.B. 1766, H.D. 2.

Respectfully submitted,



Nora A. Nomura
Deputy Executive Director

LATE TESTIMONY

From: Cynthia Nyross on behalf of Rep. Tom Brower
Sent: Monday, March 23, 2009 11:24 AM
To: WTLTestimony
Subject: FW: HB 1766

LATE TESTIMONY

From: cindyjacobson@aol.com [mailto:cindyjacobson@aol.com]
Sent: Monday, March 23, 2009 9:37 AM
To: senhee@Capitol.hawaii.gov
Cc: cindyjacobson@aol.com
Subject: HB 1766

Senator Clayton Hee
Chair, Water, Land, Agriculture, and Hawaiian Affairs Committee
senhee@Capitol.hawaii.gov
FAX 808-586-7334

Dear Chairman Hee,

Thank you and the committee for taking my testimony, I have just arrived in Newark, New Jersey, and cannot attend today's meeting.

I strongly oppose HD 1766. To think of commercializing the Ala Wai Small Boat Harbor, would be a travesty. This has been a dedicated facility for the people of Hawaii to use as a recreational venue, since it's creation. Not only would this violate the public trust in created uses for the benefit of the residents and tax payers of Hawaii, it would seriously impact the mainly residential area in which it is located. At this end of Waikiki the condo and apartment buildings and number of residential units far out number the hotels. The infrastructure of the area was never set up for commercial use. The narrow streets along the harbor and Dewey Lane were never intended to be major access streets, and the parking was set up for boating and beach uses.

The commercial activity belongs in Kewalo Basin, where it is now. This area is in a completely commercial area and all the noise from the comings and goings of fishing boats, tour boats, dinner boats and any other type of commercial activity does not impact anyone trying to live in the area, since no residences are close by.

Our building, the Ilikai Apartment Building and the Ilikai Marina are within less than 30 feet from the docks, where proposed commercial docking would be. These are older buildings and they were built, and units sold based on the fact that the Ala Wai Harbor was a small recreational boat harbor. To change this area into a bustling commercial area will greatly impact our homes, with excessive noise, pollution and unprecedented traffic.

To start taking away recreational facilities such as this is a blow to the public trust. The dedicated recreational use of this area is no different than the need for public golf courses that are affordable to the middle class, libraries or other facilities that are created for the public enjoyment and supported by everyone's tax dollars. I am sure no one would consider putting a huge high rise in the middle of one of the fairways at the Ala Wai golf course, or putting a "Hooters", in the middle of a Library, well, this is just as absurd and commercializing a recreational boating facility..

There are also a major safety issues that would impact the recreational users of the harbor. The surfers, canoe boaters, & junior sailing groups, just to mention a few, would be in danger for their lives, with commercial

boats coming and going trying to meet schedules. The water ways are narrow leading into the harbor and the water ways between the docks are not large enough to accommodate the larger boats.

The leasing of submerged lands, will lead to docks, building and ruination of the beautiful horizon now enjoyed by so many. To look at a bunch of buildings along the 700 & 800 rows instead of the ocean and the docked boats would be robbery of one of the few precious view corridors left in Waikiki. If the need for commercial dockage is so great, even though there are empty slips at Kewalo Basin, then why not put dockage off Magic Island and Ala Moana Park. There is plenty of room for parking there. The busses that are now parked along Ala Moana at Kewalo Basin would have plenty of room to park, and not impact residents.

It has been mentioned that there is a need for additional monies to make the required repairs to the harbor. This is nothing but a rouse. The Ala Wai has been a money maker, and there would have been plenty of funds to maintain it quite well if the money generated there had been used there. Instead it has been siphoned off to pay for commercial facilities on other islands, to buy vans and guns for parks, and a lot more "non boating" expenditures that I am sure could be tracked down and listed if a general audit was ever performed.

Please do the right thing and leave the Ala Wai Small Boat Harbor a recreation facility for the "regular" people of Hawaii. Do not let greedy developers sway your heads into stealing a precious access to the ocean enjoyed by so many locals. Once it is gone it can never be replaced.

Sincerely

Cindy Jacobson

LATE TESTIMONY



LATE TESTIMONY

IOLANI PALACE

PH (808) 522-0822 FAX (808) 532-1051

TESTIMONY OF KIPPEN DE ALBA CHU

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

Monday, March 23, 2009

HB 1766 HD2

Chair Hee, Vice Chair Tokuda, and members of the Committee, thank you for this opportunity to testify **in support** of HB 1766, HD2.

The Friends of Iolani Palace believes that this measure, while part of an overall strategy, is not adequate by itself to address all of the necessary improvements in state parks throughout Hawaii, including the Iolani Palace State Monument. We therefore respectfully request that this Committee also hear HB 980 HD2 (Recreational Renaissance Program). HB 980 seeks to address the deteriorating infrastructure in our state parks, and includes critical funding for Iolani Palace's aging air-conditioning system and the iron fencing surrounding the Palace grounds.

Thank you again for allowing us to testify in support of this measure.

From: Jerry Bryant [jerry@hawaiisailingadventures.com]
Sent: Monday, March 23, 2009 1:34 PM
To: WTLTestimony
Cc: Sharon Gibson
Subject: HB1766 bill 980

LATE TESTIMONY

Nawiliwili Small boat harbor is a very important asset to almost all residents on Kauai.

I think it deserves just as much attention as the parks like Kokee or public golf courses like Wailua etc.

It is a very important part of my love of Kauai. I sailed here from Mexico years ago. Since for 50 years, I have built boats and sailed across the pacific ocean, Puget Sound, Sea of Cortes etc run large marinas, I think this makes me a pinnacle mariner and marina user, comparable to a high peaks mountain climber.

I love the fact that all levels and varied interests Kauai society can use a Public marina, 80 year old ladies fishing on the dock, local people or people living on the cruise ships strolling down the docks, public events like the keiki fishing tournament, canoe races, sail boat races, power boat fisherman, day sailors long distance live aboard cruisers, workers eating their lunch at the picnic tables, family picnics etc.

I would not be able to afford to do this if it were not for public marinas lower cost fees, like many people would not be able to afford to golf, if it were not for public golf courses.

The managers at Nawiliwili Small Boat harbors are working very hard to maintain and improve the marina and make it safe, pleasant and accessible to all citizens of Kauai. I can tell they take pride in their marina and they very much need and deserve your financial support.

1) House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980.

2) Amend House Bill 1766 to delete language for submerged land leases.

Written testimony must be received by the WTL Committee at least 24-hours prior to the hearing and can be submitted in the following ways:

Sincerely

Captain Jerry Bryant
USCG 100 ton lic
4701 Kawaihau Road, J 102
Kapaa, HI 96746
808-821-1502
jerry@hawaiisailingadventures.com

LATE TESTIMONY

WAIKIKI NEIGHBORHOOD BOARD NO. 9

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
The Honorable Clayton Hee and Committee Members

Subject: Opposition to HB1766

Aloha Senator Hee,

The Waikiki Neighborhood Board (WNB) voted in Opposition to HB1766 at our March 10, 2009 meeting.

This vote was based on testimony from residents of the area and our previous position taken over six years ago.

The AlaWai Yacht Harbor in our opinion is not a proper location for commercial boat usage. Residents are concerned that the infrastructure of the Yacht Harbor is inadequate to meet commercial use, heavy bus traffic, early morning trash removal, delivery trucks to support the commercial vessels and the fire safety during refueling of these large vessels.

We were pleased that the State has taken recent action to renovate the existing facility to make it safer and more appealing to private users and the public in general. The recent parking charges and preservation of the free parking for beach users was well received.

Over the years the WNB voted to support the Hilton Grand Waikikian, renovation of the Duke's Lagoon and improvements to Dewey Lane to support these projects. Adding tour busses, delivery trucks, fuel trucks and related vehicles to the current traffic mix may well disrupt the existing neighborhood and over stress the access roads.

Once again the WNB opposes this bill and hopes the Senate will take appropriate action to preserve the quality of life for the Waikiki Residents in this area.

Mahalo,

---signed---
Robert J. Finley
Chair



From: Joseph.V.Borden@hawaii.gov
Sent: Monday, March 23, 2009 4:11 PM
To: WTLTestimony
Subject: Fw: HB1766 bill 980

LATE TESTIMONY

----- Forwarded by Joseph V Borden/DLNR/StateHiUS on 03/23/2009 04:10 PM -----

"Jerry Bryant" <jerry@hawaiisaingadventures.com>

To <joseph.v.borden@hawaii.gov>

cc

03/23/2009 03:54 PM

Subject Fw: HB1766 bill 980

----- Original Message -----

From: Jerry Bryant
To: WTLTestimony@Capitol.Hawaii.gov
Cc: Sharon Gibson
Sent: Monday, March 23, 2009 6:33 PM
Subject: HB1766 bill 980

Nawiliwili Small boat harbor is a very important asset to almost all residents on Kauai.

I think it deserves just as much attention as the parks like Kokee or public golf courses like Wailua etc.

It is a very important part of my love of Kauai. I sailed here from Mexico years ago. Since for 50 years, I have built boats and sailed across the pacific ocean, Puget Sound, Sea of Cortes etc run large marinas, I think this makes me a pinnacle mariner and marina user, comparable to a high peaks mountain climber.

I love the fact that all levels and varied interests Kauai society can use a Public marina, 80 year old ladies fishing on the dock, local people or people living on the cruise ships strolling down the docks, public events like the keiki fishing tournament, canoe races, sail boat races, power boat fisherman, day sailors, long distance live aboard cruisers, workers eating their lunch at the picnic tables, family picnics etc.

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The managers at Nawiliwili Small Boat harbors are working very hard to maintain and improve the marina and make it safe, pleasant and accessible to all citizens of Kauai. I can tell they take pride in their marina and they very much need and deserve your financial support.

1) House Bill 1766 is inadequate to address all recreational improvements across the State. Please schedule a hearing for House Bill 980.

2) Amend House Bill 1766 to delete language for submerged land leases.

Written testimony must be received by the WTL Committee at least 24-hours prior to the hearing and can be submitted in the following ways:

Sincerely

Captain Jerry Bryant
USCG 100 ton lic
4701 Kawaihau Road, J 102
Kapaa, HI 96746
808-821-1502
jerry@hawaiisaingadventures.com

**OPPOSE HB1766 HD2**

Monday, March 23, 2009 6:51 PM

From: "commongroundhawaii@yahoo.com" <commongroundhawaii@yahoo.com>

To: "CLAYTON HEE" <senhee@Capitol.hawaii.gov>

Cc: "C FUKUNAGA" <senfukunaga@Capitol.hawaii.gov>, "HEMMINGS" <senhemmings@Capitol.hawaii.gov>, "KUKUBON" <senkokubun@Capitol.hawaii.gov>, "R BUNDA" <sentokuda@Capitol.hawaii.gov>, "TAKAMINE" <sentakamine@capitol.hawaii.gov>

LATE TESTIMONY**HB1766 HD2 - OPPOSED
HEARING NOT SCHEDULED****March 20, 2009**

Aloha Senator Clayton Hee & W,L,A,& HA Committee:

My name is Melissa Malulani Ling-Ing and I am the spokesperson for Common Ground Hawai'i which represents thousands of recreational ocean users that include surfers, paddlers and fishermen.

On behalf of our grassroots organization, we ask that the committee request on having an EIS done on the Ala Wai Boat Harbor before any such bill is even considered. There are many various user groups that will be affected by this bill. Our main concerns include safety issues (traffic in & out of the channel), and the financial burden to local users that park in the harbor while accessing the ocean.

Mahalo for your consideration into this matter.

Melissa M. Ling-Ing
Common Ground Hawai'i

HB-1766 - OPPOSED

ELIZABETH ENOKA
3457 ALIAMANU ST
HON, HI 96818

422-4228

LATE TESTIMONY

I am strongly opposed to bill HB-1766. The Ala Ala Small Boat Harbor is used by so many ocean recreation users, ^{out} as swimmers, canoe paddlers, surfers stand up paddlers, fishermen, kayakers and others. The ocean is a way of life, it is a place to connect with family & friends, to relax, to workout or just to lay back and enjoy the outdoors. For 35 years my family & I and now my young grandchildren spend time at the beach there. I think that making that area into a commercial and recreational facility and allowing large commercial boats to come in and out of the channel by the Bowls surf spot ~~is~~ would be a disaster ~~to~~ waiting to happen. We don't need more traffic, more pollution and more parking issues. We need to insure that the

Having to pay for parking to enjoy the beach would be a financial hardship on many who are already struggling to make ends meet.

softer to ^{the} ocean recreation users is not compromised. Commercializing this area will ultimately lead to losing our free beach access and free parking. I would like to see this area remain open to the public so that future generations may enjoy what many of us have for decades. Please do not pass this bill -

Elizabeth Enoka

Elizabeth Enoka

422-4228

TESTIMONY
HB 1766, HD2
LATE
(END)