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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature, together with the  
2 administration, recognizes that extraordinary means must be  
3 employed to catch up on deferred maintenance on parks, forests,  
4 and ocean recreation facilities. With a one-time, substantial  
5 upgrade to our parks, trails, and ocean recreation systems, the  
6 State could go from being "reactive"--where failing facilities  
7 absorb our time and attention--to "proactive." With new  
8 facilities, the State can become progressive and focus more on  
9 the primary mission of serving the public.

10           At the same time, the legislature, together with the  
11 administration, recognizes that it is not enough to do a one-  
12 time upgrade, but that it is also necessary to put systems in  
13 place to ensure that the facilities are maintained at a higher  
14 standard. Keeping our parks, trails, and ocean recreation  
15 facilities at world-class levels requires more resources than  
16 have been available in the past.



1 Small boat harbors and ocean recreational areas constitute  
2 significant assets of the State. Their proper maintenance and  
3 operation allow Hawaii residents to benefit from the State's  
4 natural resources by engaging in recreational boating,  
5 commercial and personal fishing, and small business operations.  
6 In addition, visitors and residents alike use small boat harbors  
7 and launch ramps to participate in local, regional, and  
8 international yacht races, fishing tournaments, canoe regattas,  
9 surfing, and other water sports.

10 The state parks and trails systems contribute to the  
11 quality of the lives of our residents. Maintaining the natural  
12 resources of the State will ensure that future generations will  
13 continue to enjoy these assets. In addition, the legislature  
14 further finds that a connection exists between Hawaii's state  
15 park system and tourism. Tourists visit our islands each year  
16 to enjoy our great outdoors, including the natural beauty and  
17 the cultural treasures that comprise most of the state park  
18 system. Residents and visitors heavily use these facilities.

19 The department of land and natural resources is  
20 fundamentally restructuring the maintenance, restoration, and  
21 management of our parks and boating facilities. The  
22 department's recreational renaissance plan includes:



- 1 (1) A one-time \$ upgrade to park and boating  
2 facilities financed by \$ in general obligation  
3 bonds and \$ in reimbursable general obligation  
4 bonds;
- 5 (2) Additional fee increases to better support ongoing  
6 operations and maintenance at boat harbors and parks  
7 (primarily for slips, boat ramp access, concessions,  
8 and other commercial activities);
- 9 (3) Identification and development of specific state land  
10 parcels to create a dedicated revenue source to pay  
11 for the reimbursable general obligation bonds  
12 issuance;
- 13 (4) Development of at least one hundred nineteen new acres  
14 of light industrial space at Keehi lagoon as a long-  
15 term source of revenue to support park and  
16 conservation activities of the department of land and  
17 natural resources; provided that the department of  
18 land and natural resources is able to obtain federal  
19 approval to substitute alternative mitigation projects  
20 for this area, which has served as mitigation for the  
21 reef runway development. The legislature finds that  
22 the man-made, triangle-shaped island situated in the



1 center of Keehi lagoon more than doubles the size of  
2 Ala Moana beach park and may serve as a center of  
3 economic and recreational activity if properly  
4 developed.

5 The purpose of this Act is to provide funding and the  
6 policy tools to enable the department of land and natural  
7 resources to implement its recreational renaissance plan by  
8 upgrading and maintaining state parks, trails, and ocean  
9 recreational facilities at world-class levels, and protecting  
10 the precious natural resources of the State.

11 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 **"§171- Recreational renaissance special fund;**  
15 **established.** (a) There is established in the department a  
16 special fund to be known as the recreational renaissance special  
17 fund. The fund shall be administered by the department. The  
18 following shall be deposited into the recreational renaissance  
19 special fund:

- 20 (1) Appropriations by the legislature;  
21 (2) Moneys from public or private sources dedicated toward  
22 recreational areas and facilities designated by the





1 chairperson to be part of the department's  
2 recreational renaissance program; provided moneys are  
3 not currently going to the general fund;

4 (3) Moneys derived from interest and dividends; and

5 (4) Proceeds from sales, rents from leases, licenses, and  
6 permits, or other income from other sources generated  
7 from recreational areas and facilities designated by  
8 the chairperson to be part of the department's  
9 recreational renaissance program.

10 (b) Notwithstanding any law to the contrary, the  
11 department, through its chairperson, may also at its discretion  
12 deposit moneys into the recreational renaissance special fund  
13 from the following special funds:

14 (1) The special land and development fund established  
15 under section 171-19;

16 (2) The state parks special fund established under section  
17 184-3.4; and

18 (3) The boating special fund established under section  
19 248-8;

20 provided that expenditures of funds transferred shall be  
21 consistent with the purposes of the special fund from which the  
22 moneys were transferred.



1        (c) The department, through its chairperson, may also  
2 deposit federal funds received as grants under the federal  
3 Wildlife Restoration Act; provided that the moneys are expended  
4 for the maintenance of planned shooting ranges.

5        (d) The department may expend moneys from the recreational  
6 renaissance special fund for the recreational renaissance  
7 program related to:

- 8        (1) Information technology to support the recreational  
9 renaissance program;
- 10       (2) Payment of principal and interest due on reimbursable  
11 general obligation bonds;
- 12       (3) Planning, design, and construction including repairs,  
13 replacement, additions, demolitions, entitlements,  
14 mitigation, and extensions of new and existing  
15 facilities, if necessary;
- 16       (4) Operation and maintenance costs of the recreational  
17 renaissance program of the department; and
- 18       (5) Land acquisition and related costs.

19       (e) Moneys on balance in the recreational renaissance  
20 special fund at the close of each fiscal year shall remain in  
21 the fund."



1 SECTION 3. Chapter 206J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§206J- Partnership with department of land and  
5 natural resources for Keehi small boat harbor and triangle  
6 island. (a) Consistent with its general powers under this  
7 chapter, the development corporation shall have the authority to  
8 undertake projects including development of infrastructure,  
9 demolition, as necessary, and expansion of facilities and  
10 acquisition of lands for Keehi small boat harbor and triangle  
11 island, which are under the jurisdiction of the department of  
12 land and natural resources; provided that the development  
13 corporation shall not proceed with substitute alternative  
14 mitigation projects for the Keehi small boat harbor and triangle  
15 island area, which has served as mitigation for the reef runway  
16 development, unless the department receives federal approval by  
17 July 1, 2011. Notwithstanding any provision in section 206J-17,  
18 payments to the development corporation for its administrative  
19 and operational expenses shall be made by the department of land  
20 and natural resources and deposited into the Aloha Tower fund in  
21 a subaccount designated for projects related to Keehi small boat  
22 harbor and triangle island. The department of land and natural



1 resources shall delegate to the development corporation the  
2 implementation of projects related to Keehi small boat harbor  
3 and triangle island. All projects, prior to implementation by  
4 the development corporation, shall be approved by the  
5 chairperson of the board of land and natural resources and the  
6 governor. After approval by the chairperson of the board of  
7 land and natural resources and the governor, the expending  
8 authority for the approved projects shall be delegated to the  
9 development corporation.

10 (b) Nothing in this section shall be interpreted to  
11 require the department of land and natural resources to proceed  
12 with the proposed development of Keehi small boat harbor and  
13 triangle island, nor shall it remove the permitting and review  
14 process that would accompany a project proposed of this nature  
15 by the department of land and natural resources."

16 SECTION 4. Section 171-132, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§171-132 Designation of industrial park.** A contiguous  
19 area of not less than five acres of public lands [~~which~~] that is  
20 classified or otherwise determined by the board as suitable and  
21 economically feasible for industrial use may be designated as an  
22 industrial park:



1 (1) By resolution adopted by the board [~~of land and~~  
2 ~~natural resources~~], and approved by the legislature by  
3 concurrent resolution; or

4 (2) By law.

5 For the purposes of this section, a "contiguous area" may  
6 include existing roadways that provide access to or within the  
7 industrial park."

8 SECTION 5. Section 171-135, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§171-135 Joint venture or development agreement.** (a) An  
11 industrial park may be developed under section 171-134 by the  
12 department in partnership or under a development agreement with  
13 a federal agency, county, or private party subject to a  
14 partnership or development agreement executed by the chairperson  
15 of the board[~~, provided that if the industrial park is to be~~  
16 ~~developed in partnership or under a development agreement with a~~  
17 ~~private party, the private party shall be selected in accordance~~  
18 ~~with section 103D-302 or 103D-303]. At a minimum, the agreement~~  
19 shall provide for:

20 (1) A determination by the board that the partnership  
21 agreement or the development agreement is for a public  
22 purpose;



- 1           (2) Long-term assurance that the public land within the  
2           industrial park will be [~~utilized~~] used for industrial  
3           uses;
- 4           (3) Final approval by the board of the plans and  
5           specifications for the industrial park;
- 6           (4) Exclusive authority by the board to issue leases or  
7           master leases within the industrial park; and
- 8           (5) Conditions to ensure a public benefit from any state  
9           funds expended for the industrial park.
- 10          (b) Notwithstanding any other provision of law to the  
11          contrary, a partnership or development agreement entered into  
12          pursuant to subsection (a) may provide for:
- 13           (1) The board to issue master leases within an industrial  
14           park by negotiation, without regard to the limitations  
15           provided in sections 171-16(c) and 171-59(a), to the  
16           entity that developed or will develop the industrial  
17           park or the nominee or nominees of the entity that  
18           developed or will develop the industrial park; and
- 19           (2) A master lease with terms and conditions upon which  
20           the master lessee may issue tenant subleases within  
21           the industrial park without the consent of the board."



1 SECTION 6. Section 200-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Vessels used for [~~purposes of~~] recreational boating  
4 activities [~~which~~] that are also the principal habitation of the  
5 owners shall occupy no more than one hundred twenty-nine berths  
6 at Ala Wai boat harbor and thirty-five berths at Keehi boat  
7 harbor, which is equal to fifteen per cent of the respective  
8 total moorage space that was available as of July 1, 1976, at  
9 the Ala Wai and Keehi boat harbors. [~~Notwithstanding the~~  
10 ~~purposes of small boat harbors, moorage for commercial vessels~~  
11 ~~and commercial vessel activities is not permitted in the Ala Wai~~  
12 ~~and Keehi boat harbors; provided that commercial] Commercial  
13 catamarans, for which valid use permits or existing registration  
14 certificates have been issued by the department [~~which~~] that  
15 allow the catamarans to operate upon Waikiki shore waters for  
16 hire, may be permitted to moor in Ala Wai boat harbor at  
17 facilities leased for commercial purposes.~~

18 The total number of valid commercial use permits that may  
19 be issued for vessels assigned mooring in Ala Wai boat harbor  
20 shall not exceed fifteen per cent of the total berths and shall  
21 not exceed thirty-five per cent of the total berths at the Keehi  
22 boat harbor. The board shall designate mooring areas for



1 commercial vessels within the Ala Wai and Keehi boat harbors to  
2 minimize the effects on the harbor and recreational boaters.  
3 Commercial mooring areas shall be phased-in in a manner as to  
4 not permanently displace any existing recreational boaters or  
5 existing catamaran operators.

6       The department shall allow a sole proprietor of a catamaran  
7 operating with a valid commercial use permit or existing  
8 registration certificate issued by the department for a  
9 commercial catamaran to land its commercial catamaran on Waikiki  
10 beach and to operate upon Waikiki shore waters for hire, to  
11 transfer the ownership of the vessel from personal ownership to  
12 corporate or other business ownership without terminating the  
13 right to operate under the commercial use permit or existing  
14 registration certificate.   The existing commercial use permit  
15 or existing registration certificate shall be reissued in a  
16 timely manner in the name of the transferee corporation or other  
17 business entity. No commercial use permit or existing  
18 registration certificate issued to an owner of a commercial  
19 catamaran operating in the Waikiki area shall be denied or  
20 revoked without a prior hearing held in accordance with chapter  
21 91."





1 SECTION 7. Section 200-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) The permittee shall pay moorage fees to the  
4 department for the use permit that shall be based on[+] but not  
5 limited to[+] the use of the vessel, its effect on the harbor,  
6 use of facilities, and the cost of administering this mooring  
7 program; and, furthermore:

8 (1) [~~Moorage~~] Except for commercial maritime activities  
9 for which there is a tariff established by the  
10 department of transportation, moorage fees shall be  
11 established by appraisal by a state licensed appraiser  
12 approved by the department, and shall be higher for  
13 nonresidents[+]. The mooring fees shall be set by  
14 appraisal categories schedule A and schedule B, to be  
15 determined by the department, and shall increase  
16 accordingly, annually, by an amount equal to the  
17 consumer price index increase, if any; provided that:

18 (A) Schedule A shall include existing mooring  
19 permittees with an annual increase toward  
20 schedule B rates spread out evenly over a five-  
21 year period; and



1           (B) Schedule B shall apply to all new mooring  
2           applicants and transient slips on or after  
3           July 1, 2009;

4       (2) For commercial maritime activities for which there is  
5       a tariff established by the department of  
6       transportation, harbors division, the department may  
7       adopt the published tariff of the department of  
8       transportation, harbors division, or establish the fee  
9       by appraisal by a state licensed appraiser approved by  
10       the department;

11       ~~[(2)]~~ (3) An application fee shall be collected when  
12       applying for moorage in state small boat harbors and  
13       shall thereafter be collected annually when the  
14       application is renewed. The application fee shall be:

- 15       (A) Set by the department; and
- 16       (B) Not less than \$100 for nonresidents;

17       ~~[(3)]~~ (4) If a recreational vessel is used as a place of  
18       principal habitation, the permittee shall pay, in  
19       addition to the moorage fee, a liveaboard fee that  
20       shall be calculated at a rate of:

- 21       (A) \$5.20 a foot of vessel length a month if the
- 22       permittee is a state resident; and



1 (B) \$7.80 a foot of vessel length a month if the  
2 permittee is a nonresident;  
3 provided that the liveaboard fees established by this  
4 paragraph may be increased by the department at the  
5 rate of the annual cost-of-living index, but not more  
6 than five per cent in any one year, beginning  
7 [~~January~~] July 1 of each year; [~~and~~  
8 ~~(4)~~] (5) If a vessel is used for commercial purposes from  
9 its permitted mooring, the permittee shall pay, in  
10 lieu of the moorage and liveaboard fee, a fee based on  
11 [~~three~~]:  
12 (A) Three per cent of the gross revenues derived from  
13 the use of the vessel; or [~~two~~]  
14 (B) Two times the moorage fee plus utility and common  
15 area maintenance fees assessed for a recreational  
16 vessel of the same size, whichever is greater[~~-~~];  
17 and  
18 (6) In addition, the department is authorized to assess  
19 and collect utility fees, including electrical and  
20 water charges and common area maintenance fees in  
21 small boat harbors."



1 SECTION 8. For any projects paid with state funds by the  
2 department of land and natural resources pursuant to Act 118,  
3 Session Laws of Hawaii 2006, as amended by Act 89, Session Laws  
4 of Hawaii 2007, as amended by Act 94, Session Laws of Hawaii  
5 2008, that become eligible for federal reimbursement, the  
6 federal reimbursement funds shall be deposited into the  
7 recreational renaissance special fund established by this Act,  
8 to be used for the purposes of the recreational renaissance  
9 program of the department of land and natural resources.

10 SECTION 9. The recreational renaissance plan for water-  
11 based facilities and areas (boating and ocean recreation) may  
12 include the following improvements: boat ramps, including  
13 widening; boat wash-down areas; comfort stations; pavilions;  
14 offices; piers; docks; infrastructure improvements (roads,  
15 parking lots, water systems, sewer systems, drainage systems,  
16 electrical, telephone, lighting, signage, fencing, landscaping,  
17 irrigation systems, etc.); breakwater/revetment improvements;  
18 dredging; sand by-passing; environmental restoration/mitigation  
19 channel markers, mooring and demarcation buoys; ocean  
20 recreational facilities; environmental restoration/mitigation;  
21 dry dock areas; public safety, security, and enforcement  
22 capacity; and other improvements. The improvements for the



1 recreational renaissance plan for water-based facilities and  
2 areas (boating and ocean recreation) may be constructed at but  
3 not limited to the following locations:

- 4 (1) Kawaihae small boat harbor (south), Hawaii;
- 5 (2) Honokohau small boat harbor, Hawaii;
- 6 (3) Kailua-Kona wharf, Hawaii;
- 7 (4) Keauhou small boat harbor, Hawaii;
- 8 (5) Puako boat ramp, Hawaii;
- 9 (6) Kawaihae small boat harbor (north), Hawaii;
- 10 (7) Wailoa small boat harbor, Hawaii;
- 11 (8) Port Allen small boat harbor, Kauai;
- 12 (9) Nawiliwili small boat harbor, Kauai;
- 13 (10) Kukuiula small boat harbor, Kauai;
- 14 (11) Waikaea boat ramp, Kauai;
- 15 (12) Kikiaola small boat harbor, Kauai;
- 16 (13) Manele small boat harbor, Lanai;
- 17 (14) Lahaina small boat harbor, Maui;
- 18 (15) Mala boat ramp, Maui;
- 19 (16) Kihei boat ramp, Maui;
- 20 (17) Kahului boat ramp, Maui;
- 21 (18) Maalaea small boat harbor, Maui;
- 22 (19) Maliko boat ramp, Maui;



- 1 (20) Kaunakakai small boat harbor, Molokai;
- 2 (21) Sand Island ocean recreation park, Oahu;
- 3 (22) Ala Wai small boat harbor, Oahu;
- 4 (23) Keehi small boat harbor, Oahu;
- 5 (24) Kahana boat ramp, Oahu;
- 6 (25) Maunalua bay, Oahu;
- 7 (26) Heeia Kea small boat harbor, Oahu;
- 8 (27) Haleiwa small boat harbor, Oahu;
- 9 (28) Waianae small boat harbor, Oahu; and
- 10 (29) Sand Island boat ramp, Oahu.

11 SECTION 10. The recreational renaissance plan for land-  
12 based facilities and areas (state parks and forestry and  
13 wildlife) may include the following improvements: comfort  
14 stations; pavilions; cabins; camping areas; picnic areas;  
15 visitor/educational/ranger station centers; concession  
16 facilities; caretaker residences; palace facilities; memorial  
17 areas; shoreline stabilization; flood and rockfall mitigation;  
18 heiau, fishpond, and rock wall restorations; protective measures  
19 at cultural and archaeological sites; dredging; infrastructure  
20 improvements (roads, parking lots, bridges, water systems, sewer  
21 systems, composting toilets, drainage systems, electrical,  
22 telephone, lighting, signage, fencing, gates, landscaping,



1 irrigation systems, etc.); informational/interpretive signage  
2 and display devices; climate control systems; lookouts/viewing  
3 areas; new trails and trail restorations; boardwalks; shooting  
4 ranges; off highway vehicle trails; marina facilities; pier  
5 improvements; waterbird sanctuaries and wetland restoration;  
6 master plans and environmental assessments; land acquisition;  
7 asset management plan; entry and parking control stations;  
8 environmental restoration/mitigation; public safety, security,  
9 and enforcement capacity; and other improvements. The  
10 improvements for the recreational renaissance plan for land-  
11 based facilities and areas (state parks and forestry and  
12 wildlife) may be constructed at but not limited to the following  
13 locations:

- 14 (1) Hapuna Beach state recreation area, Hawaii;
- 15 (2) Wailoa River state recreation area, Hawaii;
- 16 (3) Kekaha Kai state park, Hawaii;
- 17 (4) Kiholo state park, Hawaii;
- 18 (5) Akaka Falls state park, Hawaii;
- 19 (6) Wailuku state park, Hawaii;
- 20 (7) Kalopa state recreation area, Hawaii;
- 21 (8) Hulihee palace, Hawaii;
- 22 (9) Lapakahi state historical park, Hawaii;



- 1 (10) Kealakekua Bay state historical park, Hawaii;
- 2 (11) Ala Kahakai national historic trail, Hawaii;
- 3 (12) Upper Waiakea forest reserve, Hawaii;
- 4 (13) Mauna Loa forest reserve, Hawaii;
- 5 (14) Hilo watershed forest reserve, Hawaii;
- 6 (15) Puu Anahulu game management area, including the
- 7 proposed Hawaii island public shooting range, Hawaii;
- 8 (16) Kapapala forest reserve, Hawaii;
- 9 (17) Mauna Kea forest reserve, Hawaii;
- 10 (18) Kohala forest reserve, Hawaii;
- 11 (19) Kokee state park, Kauai;
- 12 (20) Waimea Canyon state park, Kauai;
- 13 (21) Haena state park, Kauai;
- 14 (22) Napali Coast state wilderness park, Kauai;
- 15 (23) Wailua River state park, Kauai;
- 16 (24) Polihale state park, Kauai;
- 17 (25) Russian Fort state historical park, Kauai;
- 18 (26) Waimea state recreational pier, Kauai;
- 19 (27) Lihue-Koloa forest reserve, Kauai;
- 20 (28) Na Pali-Kona forest reserve, Kauai;
- 21 (29) Ala Kai wilderness preserve, Kauai;
- 22 (30) Mana Plains forest reserve, Kauai;





- 1 (31) The proposed Hanahanapuni shooting range, Kauai;
- 2 (32) Waianapanapa state park, Maui;
- 3 (33) Iao Valley state monument, Maui;
- 4 (34) Halekii-Pihana heiau state monument, Maui;
- 5 (35) Polipoli Springs state recreation area, Maui;
- 6 (36) Puaa Kaa state wayside, Maui;
- 7 (37) Makena state park, Maui;
- 8 (38) Wahikuli state lands, Maui;
- 9 (39) Ahihi-Kinau natural area reserve, Maui;
- 10 (40) Palaaau state park, Molokai;
- 11 (41) Hoolehua wetlands, Molokai;
- 12 (42) Diamond Head state monument, Oahu;
- 13 (43) Iolani Palace state monument, Oahu;
- 14 (44) Ka Iwi scenic shoreline, Oahu;
- 15 (45) Malaekahana state recreation area, Oahu;
- 16 (46) Nuuanu Pali state wayside, Oahu;
- 17 (47) Pupukea-Paumalu state wilderness area, Oahu;
- 18 (48) Sand Island state recreation area, Oahu;
- 19 (49) Puu Ualakaa state park, Oahu;
- 20 (50) Keaiwa Heiau state recreation area, Oahu;
- 21 (51) Wahiawa freshwater state recreation area, Oahu;
- 22 (52) Kaena Point state park, Oahu;



- 1 (53) Kahana Valley state park, Oahu;
- 2 (54) Waahila Ridge state recreation area, Oahu;
- 3 (55) Kaena Point natural area reserve, Oahu;
- 4 (56) Mokuleia forest reserve, Oahu;
- 5 (57) Moanalua forest reserve, Oahu;
- 6 (58) Honolulu watershed forest reserve, Oahu;
- 7 (59) Waimanalo forest reserve, Oahu; and
- 8 (60) Lanikai trail, Oahu.

9 SECTION 11. The authorized capital improvement projects  
10 are listed in sections 9 and 10 of this Act.

11 SECTION 12. There is appropriated out of the recreational  
12 renaissance special fund the sum of \$ or so much  
13 thereof as may be necessary for fiscal year 2009-2010 and the  
14 same sum or so much thereof as may be necessary for fiscal year  
15 2010-2011 for the purposes of the recreational renaissance  
16 special fund.

17 The sums appropriated shall be expended by the department  
18 of land and natural resources for the purposes of this Act.

19 SECTION 13. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 14. This Act shall take effect on July 1, 2020.



**Report Title:**

Recreational Renaissance Program

**Description:**

Fortifies the recreational renaissance program of the department of land and natural resources through various amendments to state law. (SB636 HD1)

