
A BILL FOR AN ACT

RELATING TO RECREATIONAL RENAISSANCE.

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 forward looking and focus more
9 on 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.

17 Small boat harbors and ocean recreational areas constitute
18 significant assets of the State. Their proper maintenance and



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

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

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

21 (1) A one-time \$ upgrade to park and boating
22 facilities financed by \$ in general obligation



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



1 economic and recreational activity if properly
2 developed.

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

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

12 **"§171- Recreational renaissance special fund;**
13 **established.** (a) There is established in the department a
14 special fund to be designated the recreational renaissance
15 special fund. The fund shall be administered by the department.
16 The following shall be deposited into the recreational
17 renaissance special fund:

- 18 (1) Appropriations by the legislature;
19 (2) Moneys from public or private sources dedicated toward
20 recreational areas and facilities designated by the
21 chairperson to be part of the department's



1 recreational renaissance program, provided moneys are
2 not currently going to the general fund; and
3 (3) Moneys derived from interest, dividends, proceeds from
4 sales, rents from leases, licenses, and permits, or
5 other income from other sources generated from
6 recreational areas and facilities designated by the
7 chairperson to be part of the department's
8 recreational renaissance program.

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

- 13 (1) The special land and development fund established
14 under section 171-19;
15 (2) The state parks special fund established under section
16 184-3.4; and
17 (3) The boating special fund established under section
18 248-8;

19 provided that expenditures of funds transferred shall be
20 consistent with the purposes of the special fund from which the
21 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. Consistent with its general powers under this chapter,
7 the development corporation shall undertake projects including
8 but not limited to development of infrastructure, demolition, as
9 necessary, and expansion of facilities and acquisition of lands
10 for Keehi small boat harbor and triangle island, which are under
11 the jurisdiction of the department of land and natural
12 resources; provided that the development corporation shall not
13 proceed with substitute alternative mitigation projects for the
14 Keehi small boat harbor and triangle island area, which has
15 served as mitigation for the reef runway development, unless the
16 department receives federal approval by July 1, 2011.
17 Notwithstanding any provision in section 206J-17, payments to
18 the development corporation for its administrative and
19 operational expenses shall be made by the department of land and
20 natural resources and deposited into the Aloha Tower fund in a
21 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 SECTION 4. Section 171-132, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§171-132 Designation of industrial park.** A contiguous
13 area of not less than five acres of public lands which is
14 classified or otherwise determined by the board as suitable and
15 economically feasible for industrial use may be designated as an
16 industrial park:

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

20 (2) By law.



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

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

6 "**§171-135 Joint venture or development agreement.** (a) An
7 industrial park may be developed under section 171-134 by the
8 department in partnership or under a development agreement with
9 a federal agency, county, or private party subject to a
10 partnership or development agreement executed by the chairperson
11 of the board[; ~~provided that if the industrial park is to be~~
12 ~~developed in partnership or under a development agreement with a~~
13 ~~private party, the private party shall be selected in accordance~~
14 ~~with section 103D-302 or 103D-303]. At a minimum, the agreement~~
15 shall provide for:

16 (1) A determination by the board that the partnership
17 agreement or the development agreement is for a public
18 purpose;

19 (2) Long-term assurance that the public land within the
20 industrial park will be [~~utilized~~] used for industrial
21 uses;



- 1 (3) Final approval by the board of the plans and
2 specifications for the industrial park;
- 3 (4) Exclusive authority by the board to issue leases or
4 master leases within the industrial park; and
- 5 (5) Conditions to ensure a public benefit from any state
6 funds expended for the industrial park.

7 (b) Notwithstanding any other provision of law to the
8 contrary, a partnership or development agreement entered into
9 pursuant to subsection (a) may provide for:

- 10 (1) The board to issue master leases within an industrial
11 park by negotiation, without regard to the limitations
12 provided in sections 171-16(c) and 171-59(a), to the
13 entity that developed or will develop the industrial
14 park or the nominee or nominees of the entity that
15 developed or will develop the industrial park; and
- 16 (2) A master lease with terms and conditions upon which
17 the master lessee may issue tenant subleases within
18 the industrial park without the consent of the board."

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

21 "(b) Vessels used for purposes of recreational boating
22 activities which are also the principal habitation of the owners



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

14 The total number of valid commercial use permits which may
15 be issued for vessels assigned mooring in Ala Wai boat harbor
16 shall not exceed fifteen per cent of the total berths and shall
17 not exceed thirty-five per cent of the total berths at the Keehi
18 boat harbor. The board shall designate mooring areas for
19 commercial vessels within the Ala Wai and Keehi boat harbors to
20 minimize the effects on the harbor and recreational boaters.
21 Commercial mooring areas shall be phased-in in such a way as to



1 not permanently displace any existing recreational boaters or
2 existing catamaran operators.

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

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

21 "(c) The permittee shall pay moorage fees to the
22 department for the use permit that shall be based on[7] but not



1 limited to~~[7]~~ the use of the vessel, its effect on the harbor,
2 use of facilities, and the cost of administering this mooring
3 program; and, furthermore:

- 4 (1) ~~[Moorage]~~ Except for commercial maritime activities
5 for which there is a tariff established by the
6 department of transportation, moorage fees shall be
7 established by appraisal by a state licensed appraiser
8 approved by the department, and shall be higher for
9 nonresidents~~[7]~~. The mooring fees shall be set by
10 appraisal categories schedule A and schedule B, to be
11 determined by the department, and shall increase
12 accordingly, annually, by an amount equal to the
13 consumer price index increase, if any; provided that:
14 (A) Schedule A shall include existing mooring holders
15 with an annual increase toward schedule B rates
16 spread out evenly over a five-year period; and
17 (B) Schedule B shall apply to all new mooring
18 applicants and transient slips on or after
19 July 1, 2009;
- 20 (2) For commercial maritime activities for which there is
21 a tariff established by the department of
22 transportation, harbors division, the department may



1 adopt the published tariff of the department of
2 transportation, harbors division, or establish the fee
3 by appraisal by a state licensed appraiser approved by
4 the department;

5 [~~+2~~] (3) An application fee shall be collected when
6 applying for moorage in state small boat harbors and
7 shall thereafter be collected annually when the
8 application is renewed. The application fee shall be:

9 (A) Set by the department; and

10 (B) Not less than \$100 for nonresidents;

11 [~~+3~~] (4) If a recreational vessel is used as a place of
12 principal habitation, the permittee shall pay, in
13 addition to the moorage fee, a liveaboard fee that
14 shall be calculated at a rate of:

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

17 (B) \$7.80 a foot of vessel length a month if the
18 permittee is a nonresident;

19 provided that the liveaboard fees established by this
20 paragraph may be increased by the department at the
21 rate of the annual cost-of-living index, but not more



1 than five per cent in any one year, beginning
2 [~~January~~] July 1 of each year; [~~and~~
3 ~~(4)~~] (5) If a vessel is used for commercial purposes from
4 its permitted mooring, the permittee shall pay, in
5 lieu of the moorage and liveaboard fee, a fee based on
6 three per cent of the gross revenues derived from the
7 use of the vessel or two times the moorage fee
8 assessed for a recreational vessel of the same size,
9 whichever is greater~~[.];~~ and
10 (6) In addition, the department is authorized to assess
11 and collect utility fees, including but not limited to
12 electrical and water charges, and common area
13 maintenance fees in small boat harbors."

14 SECTION 8. For any projects paid with state funds by the
15 department of land and natural resources pursuant to Act 118,
16 Session Laws of Hawaii 2006, as amended by Act 89, Session Laws
17 of Hawaii 2007, as amended by Act 94, Session Laws of Hawaii
18 2008, that become eligible for federal reimbursement, the
19 federal reimbursement funds shall be deposited into the
20 recreational renaissance special fund established by this Act,
21 to be used for the purposes of the recreational renaissance
22 program of the department of land and natural resources.



1 SECTION 9. The recreational renaissance plan for water-
2 based facilities and areas (boating and ocean recreation) shall
3 include but not be limited to the following improvements: boat
4 ramps, including widening; boat wash-down areas; comfort
5 stations; pavilions; offices; piers; docks; infrastructure
6 improvements (roads, parking lots, water systems, sewer systems,
7 drainage systems, electrical, telephone, lighting, signage,
8 fencing, landscaping, irrigation systems, etc.);
9 breakwater/revetment improvements; dredging; sand by-passing;
10 environmental restoration/mitigation channel markers, mooring
11 and demarcation buoys; ocean recreational facility;
12 environmental restoration/mitigation; dry dock areas; public
13 safety, security, and enforcement capacity; and other
14 improvements. The improvements for the recreational renaissance
15 plan for water-based facilities and areas (boating and ocean
16 recreation) may be constructed at but not limited to the
17 following locations:

- 18 (1) Kawaihae small boat harbor (south), Hawaii;
- 19 (2) Honokohau small boat harbor, Hawaii;
- 20 (3) Kailua-Kona wharf, Hawaii;
- 21 (4) Keauhou small boat harbor, Hawaii;
- 22 (5) Puako boat ramp, Hawaii;



- 1 (6) Kawaihae small boat harbor (north), Hawaii;
- 2 (7) Wailoa small boat harbor, Hawaii;
- 3 (8) Port Allen small boat harbor, Kauai;
- 4 (9) Nawiliwili small boat harbor, Kauai;
- 5 (10) Kukuiula small boat harbor, Kauai;
- 6 (11) Waikaea boat ramp, Kauai;
- 7 (12) Kikiaola small boat harbor, Kauai;
- 8 (13) Manele small boat harbor, Lanai;
- 9 (14) Lahaina small boat harbor, Maui;
- 10 (15) Mala boat ramp, Maui;
- 11 (16) Kihei boat ramp, Maui;
- 12 (17) Kahului boat ramp, Maui;
- 13 (18) Maalaea small boat harbor, Maui;
- 14 (19) Maliko boat ramp, Maui;
- 15 (20) Kaunakakai small boat harbor, Molokai;
- 16 (21) Sand Island ocean recreation park, Oahu;
- 17 (22) Ala Wai small boat harbor, Oahu;
- 18 (23) Keehi small boat harbor, Oahu;
- 19 (24) Kahana boat ramp, Oahu;
- 20 (25) Maunalua bay, Oahu;
- 21 (26) Heeia Kea small boat harbor, Oahu;
- 22 (27) Haleiwa small boat harbor, Oahu;



1 (28) Waianae small boat harbor, Oahu; and

2 (29) Sand Island boat ramp, Oahu.

3 SECTION 10. The recreational renaissance plan for land-
4 based facilities and areas (state parks and forestry and
5 wildlife) shall include but not be limited to the following
6 improvements: comfort stations; pavilions; cabins; camping
7 areas; picnic areas; visitor/educational/ranger station centers;
8 concession facilities; caretaker residences; palace facilities;
9 memorial areas; shoreline stabilization; flood and rockfall
10 mitigation; heiau, fishpond and rock wall restorations;
11 protective measures at cultural and archaeological sites;
12 dredging; infrastructure improvements (roads, parking lots,
13 bridges, water systems, sewer systems, composting toilets,
14 drainage systems, electrical, telephone, lighting, signage,
15 fencing, gates, landscaping, irrigation systems, etc.);
16 informational/interpretive signage and display devices; climate
17 control systems; lookouts/viewing areas; new trails and trail
18 restorations; boardwalks; shooting ranges; off highway vehicle
19 trails; marina facilities; pier improvements; waterbird
20 sanctuaries and wetland restoration; master plans and
21 environmental assessments; land acquisition; asset management
22 plan; entry and parking control stations; environmental



1 restoration/mitigation; public safety, security, and enforcement
2 capacity; and other improvements. The improvements for the
3 recreational renaissance plan for land-based facilities and
4 areas (state parks and forestry and wildlife) may be constructed
5 at but not limited to the following locations:

- 6 (1) Hapuna Beach state recreation area, Hawaii;
- 7 (2) Wailoa River state recreation area, Hawaii;
- 8 (3) Kekaha Kai state park, Hawaii;
- 9 (4) Kiholo state park, Hawaii;
- 10 (5) Akaka Falls state park, Hawaii;
- 11 (6) Wailuku state park, Hawaii;
- 12 (7) Kalopa state recreation area, Hawaii;
- 13 (8) Hulihee palace, Hawaii;
- 14 (9) Lapakahi state historical park, Hawaii;
- 15 (10) Kealakekua Bay state historical park, Hawaii;
- 16 (11) Ala Kahakai national historic trail, Hawaii;
- 17 (12) Upper Waiakea forest reserve, Hawaii;
- 18 (13) Mauna Loa forest reserve, Hawaii;
- 19 (14) Hilo watershed forest reserve, Hawaii;
- 20 (15) Puu Anahulu game management area, including the
21 proposed Hawaii island public shooting range, Hawaii;
- 22 (16) Kapapala forest reserve, Hawaii;



- 1 (17) Mauna Kea forest reserve, Hawaii;
- 2 (18) Kohala forest reserve, Hawaii;
- 3 (19) Kokee state park, Kauai;
- 4 (20) Waimea Canyon state park, Kauai;
- 5 (21) Haena state park, Kauai;
- 6 (22) Napali Coast state wilderness park, Kauai;
- 7 (23) Wailua River state park, Kauai;
- 8 (24) Polihale state park, Kauai;
- 9 (25) Russian Fort state historical park, Kauai;
- 10 (26) Waimea state recreational pier, Kauai;
- 11 (27) Lihue-Koloa forest reserve, Kauai;
- 12 (28) Na Pali-Kona forest reserve, Kauai;
- 13 (29) Ala Kai wilderness preserve, Kauai;
- 14 (30) Mana Plains forest reserve, Kauai;
- 15 (31) The proposed Hanahanapuni shooting range, Kauai;
- 16 (32) Waianapanapa state park, Maui;
- 17 (33) Iao Valley state monument, Maui;
- 18 (34) Halekii-Pihana heiau state monument, Maui;
- 19 (35) Polipoli Springs state recreation area, Maui;
- 20 (36) Puaa Kaa state wayside, Maui;
- 21 (37) Makena state park, Maui;
- 22 (38) Wahikuli state lands, Maui;



- 1 (39) Ahihi-Kinau natural area reserve, Maui;
- 2 (40) Palaau state park, Molokai;
- 3 (41) Hoolehua wetlands, Molokai;
- 4 (42) Diamond Head state monument, Oahu;
- 5 (43) Iolani Palace state monument, Oahu;
- 6 (44) Ka Iwi scenic shoreline, Oahu;
- 7 (45) Malaekahana state recreation area, Oahu;
- 8 (46) Nuuanu Pali state wayside, Oahu;
- 9 (47) Pupukea-Paumalu state wilderness area, Oahu;
- 10 (48) Sand Island state recreation area, Oahu;
- 11 (49) Puu Ualakaa state park, Oahu;
- 12 (50) Keaiwa Heiau state recreation area, Oahu;
- 13 (51) Wahiawa freshwater state recreation area, Oahu;
- 14 (52) Kaena Point state park, Oahu;
- 15 (53) Kahana Valley state park, Oahu;
- 16 (54) Waahila Ridge state recreation area, Oahu;
- 17 (55) Kaena Point natural area reserve, Oahu;
- 18 (56) Mokuleia forest reserve, Oahu;
- 19 (57) Moanalua forest reserve, Oahu;
- 20 (58) Honolulu watershed forest reserve, Oahu;
- 21 (59) Waimanalo forest reserve, Oahu; and
- 22 (60) Lanikai trail, Oahu.



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

3 SECTION 12. There is appropriated out of the recreational
4 renaissance special fund the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2009-2010 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2010-2011 for the purposes of the recreational renaissance
8 special fund.

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

11 SECTION 13. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 14. This Act shall take effect upon its approval.



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. (HB980 HD1)

