

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 980
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 980 entitled:

"A BILL FOR AN ACT RELATING TO RECREATIONAL RENAISSANCE,"

begs leave to report as follows:

The purpose of this bill is to provide a comprehensive solution to the repair and maintenance of the recreational facilities to allow residents and visitors to enjoy the natural resources of the state. Specifically, this bill:

- (1) Creates a Recreational Renaissance Special Fund (Fund);
- (2) Authorizes small boat harbor moorage fees and tariffs to be set by appraisal, and fees to be increased to better support ongoing operations and maintenance at boats and parks;
- (3) Authorizes the development of Keehi Lagoon as a long-term source of revenue to support park and conservation activities at the Department of Land and Natural Resources (DLNR), by:
 - (A) Authorizing the Aloha Tower Development Corporation to develop facilities for the Keehi Small Boat Harbor and Triangle Island;



- (B) Providing that the Board of Land and Natural Resources (Board) may in designating public lands as an industrial park, may include existing roadways providing access to the area; and
- (C) Exempting selection of a developer for an industrial park to be developed as a joint venture between the Board and another government or private agency, from the bid and request for proposals procedures of the procurement code;
- (4) Authorizing a limited number of commercial vessels to be moored at the Ala Wai and Keehi Boat Harbors and allowing utility and common area maintenance fees to be assessed in small boat harbors;
- (5) Providing that if projects paid for under the appropriations made under Act 118, Session Laws of Hawaii 2006, to cover the costs of recovery and remediation efforts due to the storms in February and March 2006, become eligible for federal reimbursement, those reimbursements are to be paid into the Fund;
- (6) Provides for improvements to specific water- and land-based recreational facilities; and
- (7) Appropriating \$3,000,000 out of the Fund to implement the purposes of the Fund.

DLNR, the Department of Business, Economic Development, and Tourism, Department of Transportation, The Nature Conservancy of Hawaii, Sierra Club-Hawaii Chapter, Historic Hawaii Foundation, Diamond Head State Monument Foundation, Iolani Palace, Bishop Museum, Waikiki Yacht Club, Society for Hawaiian Archaeology, PAHIO Development, Inc., Hawaii Rifle Association, and several concerned individuals testified in support of this bill. The Hawaii Audubon Society supported the intent of this measure. The Kuliouou/Kalani Iki Neighborhood Board #2, Hawaii's Thousand Friends, the Ala Wai Marina Community Association, and many concerned individuals opposed this bill. Aloha Tower Development Corporation, Ocean Law & Policy Institute of the Pacific Forum CSIS, Livable Hawaii Kai Hui, Waikiki Beach Catamaran Owners Association, Ocean Tourism Coalition, League of Women Voters, and several concerned individuals provided comments.



Your Committee has amended this bill by:

- (1) Changing the amounts of general obligation bond funds referenced in the purpose section of the bill to unspecified amounts;
- (2) Providing in the purpose section of the bill that the development of industrial space at Keehi Lagoon is contingent on DLNR being able to obtain federal approval to substitute alternative mitigation projects for the area, which has served as mitigation for the reef runway development;
- (3) Specifying the funds from which the DLNR director may transfer moneys into the Fund;
- (4) Specifying that DLNR may also deposit federal funds received as grants under the federal Wildlife Restoration Act for the maintenance of planned shooting ranges;
- (5) Reinserting the authorization for commercial catamarans with valid use permits and existing registration certificates to moor in Ala Wai boat harbor, which had been inadvertently deleted;
- (6) Authorizing the Board to designate mooring areas for commercial vessels within the Ala Wai and Keehi Boat Harbors that minimize the effects on the harbor and recreational boaters, instead of specifying which slips they may occupy;
- (7) Providing that commercial mooring areas in the Ala Wai and Keehi Boat Harbors be phased-in in such a way as to not permanently displace any existing recreational boaters or existing catamaran operators;
- (8) Authorizing, instead of requiring, DLNR to make improvements to water and land-based facilities;
- (9) Including boat ramp widening; dry dock area; public safety, security, and enforcement capacity to the improvements that DLNR is authorized to make for water-based facilities;



- (10) Including environmental restoration/mitigation; public safety, security, and enforcement capacity to the improvements that DLNR is authorized to make for land-based facilities;
- (11) Including the proposed Hawaii island public shooting range at Puu Anahulu game management area, proposed Hanahanapuni shooting range in Kauai, and the Ahihi-Kinaiu Natural Area Reserve in the list of locations that DLNR is authorized to make improvements to;
- (12) Basing the increase in mooring fees on any increases in consumer price indexes, instead of cost-of-living increases;
- (13) Removing the dollar amount of the appropriation from the Fund; and
- (14) Making technical, nonsubstantive amendments for style, clarity, and consistency.

Your Committee finds that concern was expressed among some residents that for certain locations where DLNR is given authority to make improvements, the residents may not wish to see any development. However, the intent of your Committee is not to mandate development, but to authorize DLNR to make improvements that the community may benefit from. Accordingly, your Committee directs DLNR to gather public input through the Neighborhood Boards for the East Honolulu area, prior to making any improvements to the Ka Iwi shoreline area.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 980, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 980, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



KEN ITO, Chair



