

## har3-Megan

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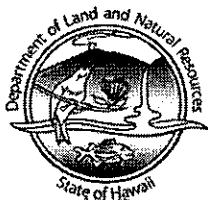
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 19, 2010 5:10 PM  
**To:** WLOtestimony  
**Cc:** Tracy.S.Oshiro@hawaii.gov  
**Subject:** Testimony for SB2340 on 3/22/2010 10:15:00 AM  
**Attachments:** SB2340SD1\_LNR\_03-22-10\_WLO.pdf

Testimony for WLO 3/22/2010 10:15:00 AM SB2340

Conference room: 325  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Tracy Oshiro  
Organization: DLNR  
Address: 1151 Punchbowl Street Honolulu, HI 96813  
Phone: 587-1495  
E-mail: [Tracy.S.Oshiro@hawaii.gov](mailto:Tracy.S.Oshiro@hawaii.gov)  
Submitted on: 3/19/2010

Comments:

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Department of Land and Natural Resources  
Testimony Transmittal Cover Sheet**

**Date Submitted: March 18, 2010**

**Testifier's Name/Title:** Ken Kawahara, Deputy Director and Commission on Water Resource Management Division Administrator

**Committee Name:** HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES and HOUSING (WLO-HSG)

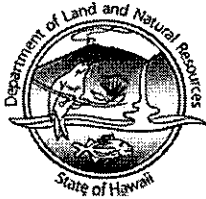
**Day and Date:** Monday, March 22, 2010

**Time/Location:** 10:15 AM, Conference Room 325

**Measure Number:** SB 2340, SD 1 – RELATING TO KANEOHE BAY REGIONAL COUNCIL

**Requested Copies:** 1 (including original) to Room 438 in the State Capitol

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND, AND OCEAN RESOURCES**

**Monday, March 22, 2010  
10:15 AM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 2340, SENATE DRAFT 1  
RELATING TO THE KANEOHE BAY REGIONAL COUNCIL**

Senate Bill 2340, Senate Draft 1, proposes to limit involvement of the Department of Land and Natural Resources (Department) in the Kaneohe Bay Regional Council (Council) to participation of the Department's two non-voting members, not provide administrative support to the Council, and for the Council to schedule and conduct a meeting each year, provide an annual report to the governor and legislature with recommendations consistent with the purposes of Chapter 200D, Hawaii Revised Statutes, and to repeal Act 68, Session Laws of Hawaii 2009 (which would sunset the Council on July 1, 2010). The Department does not support this measure.

The Department appreciates the passion that the Council has for protecting the resources under its care. The Department notes that the Council been instrumental in developing the Kaneohe Bay Master Plan (Plan) as well as addressing other controversial issues. The current economic conditions however, make it essential that the Department focus on its core departmental mission of protecting and preserving the State's natural resources and diminish its role with the Council. The Department's general fund has been cut 32% over the past three years, special fund revenues have declined 35% over the past three years, and the Department has lost 80 positions in the recent Reduction-in-Force this past year. As a result, the Department's personnel and fiscal resources are being spread thin.

The Department, through the Divisions of Aquatic Resources and Boating and Ocean Recreation, is capable of addressing any concerns relating to Kaneohe Bay as they pertain to vessel activity and marine ecosystems. Should any issues arise, the public may contact the Department and the appropriate division will be assigned to investigate and take appropriate action that may include enforcement and/or administrative rule amendments. The public may also raise issues through

LAURA H. THIELEN  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

the Kaneohe Bay Neighborhood Board as Department staff attends these meetings. The Department would further note that the Plan has been established and the draft administrative rules that will implement the Plan are currently being finalized by the Department of the Attorney General and will go to public hearing in the near future.

## har3-Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 20, 2010 8:14 AM  
**To:** WLOtestimony  
**Cc:** bsager42@gmail.com  
**Subject:** Testimony for SB2340 on 3/22/2010 10:15:00 AM  
**Attachments:** KNB KBRC Resolution.doc

Testimony for WLO 3/22/2010 10:15:00 AM SB2340

Conference room: 325  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Bill Sager  
Organization: Kaneohe Neighborhood Board  
Address: 44-211 Mikiola Dr Kaneohe, HI  
Phone: 808-375-1114  
E-mail: [bsager42@gmail.com](mailto:bsager42@gmail.com)  
Submitted on: 3/20/2010

**Comments:**

SB2340 SD1 will preserve the Kaneohe Bay Regional Council as the officially recognized community advisory group for matters related to Kaneohe Bay.

SD1 eliminates the requirements for DLNR to provide support to the Council. That support has consisted of providing a meeting room and writing up the minutes of the meeting. These functions can easily be done by the KBRC.

The community is organizing a "Friends of Kaneohe Bay"(FKB) to address many of the issues which in the past have been addressed by the KBRC. You are hearing from many of the members of that group. FKB will not only act as a community advocate for the Bay, but it will submit its recommendations to the KBRC for action at its annual meeting.

I support SB2340 SD1 because it will preserve the KBRC as the official advisory group to DLNR

I recommend that the provision for the Annual Meeting be revised to state KBRC will hold a minimum of an annual meeting. Holding meetings will no longer be a financial drain on DLNR so it makes sense for the KBRC to hold meetings as needed.

It is vital that the KBRC advisory relationship to DLNR be preserved. For the KBRC to be effective it must be fully aware of everything that will affect the Bay. The KBRC must remain the primary contact for DLNR community outreach.

Kaneohe Neighborhood Board #30  
September 2009

**Whereas** in 1990 the Legislature of the State of Hawaii found that:

*“Kaneohe Bay is a unique and treasured natural resource that must be preserved and protected for the continued enjoyment of the general public. The Bay is an extensive ecosystem that contains a unique estuary surrounded by barrier reefs that are unequaled in the world. Currently the Bay is heavily used by the general public, ocean and marine research programs and commercial ocean recreation operations, creating conflicting use situations. Use of Kaneohe Bay by commercial operators is a privilege and not an exclusive right. Therefore, in order to resolve the conflicting use problem, the legislature finds that a Master Plan should be developed which shall be used as the recommended guideline in the adoption and implementation of rules with regard to the regulation of all activities in Kaneohe Bay.” (Act 208, SLH 1990); and*

**Whereas** Act 208 Session Laws of Hawaii 1990 created the Kaneohe Bay Master Plan Task Force and requested that it *“study and develop recommendations for a master plan for Kaneohe Bay”*; (Act 208, SLH 1990); and

**Whereas** the Task Force was established by the Legislature to be comprised of eleven members including: The directors of the State Departments of Transportation, Health and Land and Natural Resources; the Director of the Hawaii Institute of Marine Biology (HIMB); two representatives from Kane`ohe neighborhood board; two members from Kahalu`u Neighborhood Board; a representative from the commercial fishing industry; a representative from the commercial recreation industry; and the Commanding Officer, Marine Corps Air Station Kane`ohe; and

**Whereas** the Task Force articulated the purpose of the master plan to *“Preserve and protect the unique natural resources of Kaneohe Bay for the continued enjoyment of the general public; Resolve conflicting use problems between recreational users of the Bay, the general public, and commercial recreation operations; and Assess the environmental and ecological impacts of activities on the Bay.”* (Kaneohe Bay Master Plan, 1992); and

**Whereas** the Kane`ohe Bay Master Plan Task Force, collectively and after extensive community input including an estimated 3700 hours of community volunteer time, developed and formally adopted all the recommendations contained in the Kaneohe Bay Master Plan 1992; and

**Whereas** the Kane`ohe Bay Master Plan called for the creation of a Kane`ohe Bay Regional Council; and

**Whereas** the Kane`ohe Bay Regional Council was established with representation from the HIMB, the Kane`ohe Neighborhood Board, the Kahalu`u Neighborhood Board, the commercial recreation operators, the fishing community, the recreational boating community and the Office of Hawaiian Affairs to:

- Facilitate the implementation of the Kaneohe Bay Master

- Plan Review and periodically amend the Master Plan
- Serve as a central coordinative clearing house of public and private activities in Kaneohe Bay
- Facilitate productive interaction between users of Kaneohe Bay and the general public
- Recommend research, studies, data collection and planning of activities designed to provide additional information on Kaneohe Bay.
- Advise the State and County on matters regarding the use of Kaneohe Bay.
- Develop short and long term goals based on the Master Plan
- Educate the public and users of Kaneohe Bay about problems and programs in the Bay.
- Serve as a public advocate
- Initiate and maintain contact with public, private, county and state organizations, agencies and individuals engaged in activities in the Bay
- Establish a Kaneohe Bay fishing panel to monitor fishing activities in the Bay ; and

**Whereas** the Kaneohe Bay Regional Council has contributed thousands of hours of volunteer effort to developing and implementing plans for Kaneohe Bay; and

**Whereas** the Kaneohe Bay Regional Council includes representatives of many users of the Bay and provides a community forum to address issues related to the use of the Bay; and

**Whereas** Act 068 sunsets the Kaneohe Bay Regional Council as of July 1, 2010 with no explanation; and

**Whereas** Act 068 mandates the Department of Land and Natural Resources to continue to exercise full force and effect with respect to all plans, programs, or other policies adopted by the Kaneohe Bay Regional Council; and

**Whereas** the Department of Land and Natural Resources has been severely impacted by budget cuts; and

**Whereas** the Kaneohe Bay Regional Council can be a model for community-based management that could support and supplement state management efforts; and

**Therefore, now be it resolved** that the Kaneohe Neighborhood Board #30 believes the functions of the Kaneohe Bay Regional Council are important to the preservation, protection and management of Kaneohe Bay and the ahupua`a of the bay; and

**Be it further resolved** that the Kaneohe Neighborhood Board #30 recommends the repeal of Act 068 and that this resolution be transmitted to windward legislators and Governor Lingle.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 20, 2010 11:50 AM  
**To:** WLOtestimony  
**Cc:** bsjed@hawaii.rr.com  
**Subject:** Testimony for SB2340 on 3/22/2010 10:15:00 AM

Testimony for WLO 3/22/2010 10:15:00 AM SB2340

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert Snyder  
Organization: Individual  
Address: 44-722 Alakai St Kaneohe Hi.  
Phone: 236-2653  
E-mail: [bsjed@hawaii.rr.com](mailto:bsjed@hawaii.rr.com)  
Submitted on: 3/20/2010

**Comments:**

Members of the Kaneohe Bay Regional Council have worked to hard to save and maintain Kaneohe Bay and the surrounding areas from being completely overrun and destroyed by outside interests. Without the Kaneohe Bay Regional Council there is no hope for the sustainability of the bay, as we have seen in the past money is the driving force and the interests spending the money are only interested in making more money not the sustainability or preservation of the bay.



## har3-Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 19, 2010 4:08 PM  
**To:** WLOtestimony  
**Cc:** gretchen.gould@stanfordalumni.org  
**Subject:** Testimony for SB2340 on 3/22/2010 10:15:00 AM

Testimony for WLO 3/22/2010 10:15:00 AM SB2340

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Gretchen Gould  
Organization: Individual  
Address: 44-365 Kaneohe Bay Dr. Kaneohe, HI  
Phone: 808-254-5242  
E-mail: [gretchen.gould@stanfordalumni.org](mailto:gretchen.gould@stanfordalumni.org) Submitted on: 3/19/2010

### Comments:

The Kaneohe Bay Regional Council was established by the Kaneohe Bay Task Force to watch over the Bay and make sure the provisions of the Kaneohe Master Plan, which took hundreds of man hours and lots of input to produce. It was due to sunset, but after intensive review it was made permanent when HB967 was passed into law in 1998.

The Council is an excellent example of community based planning, and its value has been proven over the years and supported by the legislature and community. It is unfortunate that a bill eliminating the Council put in by request and not made public passed in 2009.

Now we are asking you to correct this mistake.

There need be no monies connected as the Council can have its own secretary and find meeting places.

Kaneohe Bay needs to be overseen by the community and the state, so please sanction it by reinstating it forever.

Thank you,

Gretchen Gould, past chair

## har3-Megan

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 19, 2010 3:43 PM  
**To:** WLOtestimony  
**Cc:** bob.gould@stanfordalumni.org  
**Subject:** Testimony for SB2340 on 3/22/2010 10:15:00 AM

Testimony for WLO 3/22/2010 10:15:00 AM SB2340

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert Gould  
Organization: Individual  
Address: 44-365 Kaneohe Bay Dr. Kaneohe, HI  
Phone: 808-254-5242  
E-mail: [bob.gould@stanfordalumni.org](mailto:bob.gould@stanfordalumni.org)  
Submitted on: 3/19/2010

**Comments:**

The Kaneohe Bay Regional Council was established pursuant to recommendations of the Kaneohe Bay Task Force, of which I was a member. The Regional Council is an excellent example of community based planning, and its value has been proven over the years and supported by the legislature. The unfortunate bill passed in the 2009 legislature by apparently misinformed legislators driven by special interests needs to be overturned, and this bill will do that. Even though the DLNR has only grudgingly provided support, the job is not yet done, because the boating rules envisioned by the Task Force and fine tuned by the Regional Council have yet to be enacted fully by DLNR and DOBOR. Keep the Regional Council running!  
If necessary, strip the funding, since DLNR thinks it is so expensive. I would prefer to see wording that says the Regional Council should hold meetings at LEAST once a year so that it can have planning meetings prior to its official decision making meeting.