

# HB2398 HD2

RELATING TO LAND USE.

Establishes the Honokohau marina development district on the island of Hawaii. (HB2398 HD2)

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
WILLIAM J. AILA, JR.  
Chairperson

Before the Senate Committee on  
WATER, LAND, AND HOUSING

Thursday, March 15, 2012  
1:20 P.M.  
State Capitol, Conference Room 225

In consideration of  
**HOUSE BILL 2398, HOUSE DRAFT 2**  
RELATING TO LAND USE

House Bill 2398, House Draft 2 proposes to establish the Honokohau Marina Development District on the Island of Hawaii. The Department of Land and Natural Resources (Department) does not support this measure.

The Department welcomes all potential developers for fast lands in the Honokohau Small Boat Harbor but due to the current economic climate there is little if any interest in developing the surrounding fast lands within the Harbor. The Department would prefer that the Public Land Development Corporation, administratively attached to the Department, develop the property surrounding the Small Boat Harbor because eighty-five percent of the proceeds would be deposited into the Boating Special Fund.

To effectively run a statewide small boat harbor program, revenue is shared with small boat harbors that will never be able to generate sufficient revenues to support themselves. Transferring the Honokohau Small Boat Harbor, and its revenues, to a specially created, development district, would have a detrimental effect on the Hawaii District Boating Program as it would reduce funding for other small boat harbors and ramps.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

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**ON THE FOLLOWING MEASURE:**

**H.B. NO. 2398**, H.D. 2, RELATING TO LAND USE.

**BEFORE THE:**

SENATE COMMITTEE ON WATER, LAND, AND HOUSING

**DATE:** Thursday, March 15, 2012 **TIME:** 1:20 p.m.

**LOCATION:** State Capitol, Room 225

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lori N. Tanigawa, Deputy Attorney General

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Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General offers the following **comments** on this measure.

Proposed section 206E-A of the bill, on page 3, lines 4 to 5, defines the term "Fund" for purposes of the Honokohau Marina Development District to mean the "Honokohau marina development revolving fund." Because the House Committee on Finance deleted the earlier proposed provision that established the Honokohau marina development revolving fund, we **recommend that the definition also be deleted.**

Proposed section 206E-C on page 5, line 13 through page 6, line 3, provides for the appointment of three additional voting members to the Hawaii Community Development Authority from several categories of marine users. Because this appointment provision differs from the existing appointment provision in section 206E-3, Hawaii Revised Statutes, we recommend that the bill **also amend subsection (b) of section 206E-3** as follows:

(b) The authority shall consist of thirteen voting members. The director of finance, the director of business, economic development, and tourism, the comptroller, and the director of transportation, or their respective designated representatives shall serve as ex officio, voting members. One member shall be appointed by the governor from a list of not less than three prospective appointees submitted by the president of the senate, and one member shall be appointed by the governor from a list of not less than three prospective appointees submitted by the speaker of the house of representatives. Seven members shall be appointed by the governor for staggered terms pursuant to section 26-34; provided that four members shall be appointed at large and, initially, three members, hereinafter referred to as county members, shall be selected from a list of ten prospective appointees recommended by the local governing body of the county in which the

initial designated district is situated; and provided further that when vacancies occur in any of the three positions for which the members were selected from a list of county recommendations, the governor shall fill such vacancies on the basis of one from a list of four recommendations; two from a list of seven recommendations, or three from a list of ten recommendations. The list of recommendations shall be made by the local governing body of the county. Of the nine members appointed either by the governor from the lists provided by the president of the senate and speaker of the house, at-large by the governor, or as county members recommended by the local governing body of the county in which the initial designated district is situated, at least two members shall represent small businesses and shall be designated as the small business representatives on the board whose purpose, among other things, is to vote on matters before the board that affect small businesses. The small business representatives shall be owners or active managers of a small business with its principal place of operation located within the physical boundaries of the initial designated district. Notwithstanding section 84-14(a), the small business representatives shall not be prohibited from voting on any matter concerning any district under the board's jurisdiction; provided that the matter is not limited to solely benefitting the specific interest of that member and the matter concerns broader interests within the district. If an additional district is designated by the legislature, the total membership of the authority shall be increased as prescribed above by the appointment of three additional members, except as provided for in section 206E-191[-] and section 206E-C. Notwithstanding section 92-15, a majority of all members shall constitute a quorum to do business, and the concurrence of a majority of all members shall be necessary to make any action of the authority valid; except that, on any matter relating solely to a specific community development district, the members representing districts other than that specific community development district shall neither vote, nor shall they be counted to constitute quorum, and concurrence shall be required of a majority of that portion of the authority made up of all ex officio voting members, members at large, and county and district members representing the district for which action is being proposed for such action to be valid. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

For [F]purposes[+] of this section, "small business" means a business which is independently owned and which is not dominant in its field of operation.

We also note that SB No. 2742, S.D. 1, proposes to amend the composition of the Authority as set forth in section 206E-3(b). Accordingly, we recommend that any amendments relating to the composition of the Authority in this bill be made consistent with any amendments proposed in SB No. 2742, S.D. 1.

Testimony of the Department of the Attorney General  
Twenty-Sixth Legislature, 2012  
Page 3 of 3



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA'KO  
KALAELOA

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Governor

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Chairperson

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STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER, LAND, AND HOUSING

Thursday, March 15, 2012

1:20 P.M.

State Capitol, Conference Room 225

in consideration of

**H. B. 2398, H. D. 2 – RELATING TO LAND USE.**

**Purpose:** Establishes the Honokohau Marina Development District on the island of Hawaii.

**Position:** The Hawaii Community Development Authority (“HCDA”) takes **no position** and provides the following comments.

The preamble of the proposal notes that “the Honokohau harbor and marina in Kailua-Kona, county of Hawaii, while created over forty years ago, has never been completed and does not currently serve the needs of the west Hawaii community. Ocean recreational facilities established to serve the boating community are polluting lands and waterways. . . Existing facilities need improvements. The harbor and marina should be redeveloped.” Within that context, I provide the following comments.

- The need and objectives of the proposal as described above is consistent with the mission and capacity of the HCDA – to build a marina community where redevelopment is needed.

- The proposed marina development district is comprised of 6 Tax Map Key parcels totaling 122.94 acres of land owned by the State of Hawaii. Given that the lands in the proposed district are owned by the State of Hawaii, there is opportunity to plan and construct appropriate marina facilities efficiently.
- Proposed §206E-B(b)(1)(G) specifies that the Authority shall consult with “local civic and community associations”. Clarity and efficiency of purpose requires that these civic and community associations are named to ensure that this legislative mandate is clearly met. The proposal might indicate that civic and community associations such as . . . are consulted.
- Proposed §206E-B(b)(H) further specifies that “local cultural practitioners” are also consulted. For clarity, the proposal should provide more specificity or name the practitioners to ensure that this legislative mandate is clearly met. The proposal might indicate that local cultural practitioners such as . . . are consulted.
- Section 206E-C of the proposal refers to “additional” members being appointed to the Authority. As Section 206E-3(b) already specifies that “if an additional district is designated by the Legislature in a county other than the county in which the initial designated district is situated, the total membership of the Authority shall be increased as prescribed above by the appointment of three additional members”, I would propose that the term “additional” is removed from the proposal to eliminate any confusion that only 3 members as specified in the proposal are appointed to the Authority.

- However, as it is my understanding that the Public Land Development Corporation (“PLDC”) has identified this as its priority project, the HCDA defers to the PLDC in pursuing the redevelopment of the State lands involved in the proposed marina development district.

Thank you for the opportunity to provide comments on this proposal.





## Kona Hawaiian Civic Club

March 14, 2012

Testimony by the Kona Hawaiian Civic Club in **STRONG OPPOSITION** to House Bill **2398HD2**, Relating to Land Use

Welina mai Chairman Dela Cruz and members of the Senate Water, Land, and Housing Committee,

We remain strongly opposed to this proposed legislation, despite the amendments passed by the House of Representatives Water, Land, and Ocean Resources and Finance Committees, for the following reasons:

1. HB 2398 was thrown together at the last minute by and for a few individuals. Many community organizations and interests have been ignored and under-represented in the process of creating and amending HB 2398. A great majority of the local public has not been properly engaged and consulted.
2. While the President of the Hawai'i Fishing and Boating Association was involved in the creation of this bill, there is no mention of it on that organization's website. Does the membership know about HB2398HD2? Does the membership represent all users of and interests at the Honokohau Small Boat Harbor?
3. The Hawai'i Fishing and Boating Association website describes a commitment by Department of Land and Natural Resources Chair William Aila for \$5 million in improvements at Honokohau Small Boat Harbor in the near future. The amended bill allows the three voting members to avoid the State Procurement Code in the first three years of the Honokohau Harbor Development District ("HMDD"), meaning these three governor-appointed individuals will not have to comply with this law. Procurement law is meant to maximize best value, increased economy, ensure fair and equitable treatment of all persons, foster broad-based competition, safeguard the maintenance of a procurement system of quality and integrity, increase public confidence, and protect against abusive practices. The procurement code is designed to prevent corruption, so we do not understand why Representative Coffman submitted this amendment, when there already are a numerous exemptions, such as disbursement of grant funds, that would apply to the new authority.
4. HB2398HD2 provides no reasonable assurance that HMDD revenues, income, and other receipts and deposits will be sufficient for the operation, repair and maintenance, and capital improvement of the HMDD. No documentation, plan, or prospectus has been presented in committee to allow for proper due diligence as to whether the HMDD is financially feasible and viable in the short- and long-term.

5. During the initial Kona Community Development Plan process, 109 meetings were held throughout the community. The comments from those meetings were overwhelmingly in favor of no additional development between Queen Ka'ahumanu Highway and the shoreline north of Kailua-Kona village.
6. HB2398HD2 requires consultation with various persons and entities. However, the bill provides no detail of what constitutes proper consultation and provides no language for reasonable assurance that the HMDD will comply with the requests of the consulted parties and/or address their concerns.
7. The proposed HMDD remains within the area designated as "Open" by the County of Hawai'i General Plan. This area was down-zoned from "Urban Expansion" to "Open" as a result of a lawsuit settlement with Native Hawaiians, which was approved by both the county Leeward Planning Commission and the Hawai'i County Council. Therefore, HB2398HD2 is in violation of the county General Plan because the proposed HMDD would create urban development within this Open designated area.
8. HB2398HD2 restricts the membership of the authority to three individuals appointed by the governor and is not representative of constitutionally-protected interests and resources. For instance, the proposed bill excludes all environmental interests as well as cultural practitioners.
9. HB2398HD2 states that Hawaiian archaeological, historic, and cultural sites and endangered species of flora and fauna shall be preserved and protected to the extent feasible. The largest freshwater outflow on the West Hawai'i coastline exits from the shoreline at Honokohau. Damage to constitutionally-protected cultural and environmental resources constitutes "irreparable harm" and provides the basis for a court injunction against any activity which causes such irreparable harm.

While we appreciate the fact that some of our civic club's prior testimony has been incorporated into the measure through amendments, creating a much better bill, it remains seriously flawed because it is not the result of a true community-based deliberative process.

Again, the Kona Hawaiian Civic Club strongly urges you to defeat or defer HB 2398 HD2.

We are committed to working with the interests at Honokohua Harbor, local community interests, and members of the general public in order to provide optimal community-based legislation in the next legislative session for community-based management of this sensitive area.

Sincerely,  
Maurice Kahawaii, President  
73-1432 Kahaulani Road  
Kailua-Kona HI 96740



## LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai'i 96817

Phone: 533-3454; E: [kat.lifeoftheland@gmail.com](mailto:kat.lifeoftheland@gmail.com)

### **COMMITTEE ON WATER, LAND, AND HOUSING**

Senator Donovan Dela Cruz, Chair

Senator Malama Solomon, Vice Chair

Thursday, March 15, 2012

1:20 p.m.

Room 225

### **STRONG OPPOSITION to HB 2398 HD2 – Honokohau Marina Development District**

Aloha Chair Dela Cruz, Vice Chair Solomon and Members of the Committee!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for over four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HB 2398 HD2 establishes the Honokohau marina development district on the island of Hawai'i.

Life of the Land is in STRONG OPPOSITION to this measure. One of the basic tenets of our work is a deep and abiding respect for the culture and the people of this land. We have been shoulder to shoulder with the Hawaiians in struggles to protect sacred sites for decades. How can anything be pono if there is no informed consent of the people?

We remember working to restore the fishtrap at Honokohau in 1995. This was before the Pai `Ohana were evicted from their ancestral lands so this precious place could be designated and 'preserved' as a National Park. The hewa caused by DLNR and law enforcement that came to arrest the family and their supporters was another dark day for the Hawaiian people. The `ohana gave life to that `aina as they continued the practices of their ancestors.

In our humble opinion, what outsiders don't seem to understand is that the Hawaiian culture is alive and being practiced every day; it is not something to be 'preserved' in a plaque.

The harbor abuts the designated Kaloko-Honokohau National Historical Park, which is described as a place *"to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource to the education, enjoyment, and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors."*

How ironic is that? The very people with ancestral claims to this sacred place who were preserving and perpetuating their culture daily were evicted from their land in order to 'preserve' it for the education and appreciation of local residents and visitors? Something is very wrong here.

This area is the site of ancient settlement known as Honokohau Settlement. It has been on the Register of National Historic Sites since the 1960s.

There are four National Parks, three in west Hawai'i, and this is the only one to include the shore marine environment and resources. This was obviously with the plan for the creation of the harbor, further commercial development of a "world class full service marina".

This land grab by the federal government did not consider or care about

- the impact on the Pai `Ohana,
- the impact on the Hawaiian people and those of us who love and respect Hawai'i and the impact rich culture that envelops us, and
- the impact on the terrestrial and marine environments

How could a "preservation plan" not consider how it would negatively impact the cultural landscape and resources of the area? This is mind-boggling to us.

Pollution from marina development will degrade the marine environment, the resources such as the marine animals and the coral reef ecosystem, etc. which are within boundaries of the Kaloko-Honokohau National Historic Park.

Further development will degrade ground water and surface water quality and, more importantly will further disrespect the Hawaiian people and their rich culture that they have so kindly shared with the world for centuries.

The HD2 calls for three additional members of the Hawai'i Community Development Authority specifically for the Honokohau Marina Development District who represent the marina business owners and operators, harbor boat tenants', and the Kaloko-Honokohau National Historical Park. NO ONE REPRESENTS THE CULTURAL PRACTITIONERS. How incredibly insulting.

A member of the Kona community who knows the cultural significance of this area asked the introducer of this bill what the intent was and the answer received was: I want DLNR to pick up the trash and clean the restrooms!

If that is indeed the intent of this measure, then why would HCDA and establishing a marina district under the Hawai'i Community Development Authority be considered? It appears to us that something else is afoot here and we respectfully ask the committee to HOLD this bill and discuss this with the Kona community – the cultural practitioners who know the area well before introducing such devious legislation. You have the opportunity to do the right thing by stopping this bad plan now.

Mahalo for this opportunity to testify.



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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 7:09 PM  
**To:** WLH Testimony  
**Cc:** Dorothy.Bowers1@gmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM


Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Dorothy Bowers  
Organization: Individual  
E-mail: [Dorothy.Bowers1@gmail.com](mailto:Dorothy.Bowers1@gmail.com)  
Submitted on: 3/13/2012

Comments:

I want to reiterate my support of this bill because each day brings new challenges at Honokohau harbor with things deteriorating and breaking. Progress has been very slow on many of the items that have already been approved and funded. Hence there is real need for a different management system. What is broken is getting worse with no end in sight. Please approve this bill.

Mahalo,  
Dorothy Bowers

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 14, 2012 1:28 AM  
**To:** WLH Testimony  
**Cc:** zuiq2@2footloose.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: John W. Gross  
Organization: Individual  
E-mail: [zuiq2@2footloose.com](mailto:zuiq2@2footloose.com)  
Submitted on: 3/14/2012

Comments:

I am a full time resident of Kailua-Kona and a frequent user of Honokohau Harbor. I am very disappointed in the conditon and maintenance of the harbor facilities and the reflection it presents to visitors to the Big Island.

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,

John W. Gross

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 5:50 PM  
**To:** WLH Testimony  
**Cc:** fiesta246@yahoo.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Frank Rom  
Organization: Individual  
E-mail: [fiesta246@yahoo.com](mailto:fiesta246@yahoo.com)  
Submitted on: 3/13/2012

Comments:

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

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Please vote to pass HB 2398 out of Committee.

Mahalo,

Frank Rom

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 5:26 AM  
**To:** WLH Testimony  
**Cc:** shirl72025@hawaii.rr.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**


Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Shirlee M. Shumway  
Organization: Individual  
E-mail: [shirl72025@hawaii.rr.com](mailto:shirl72025@hawaii.rr.com)  
Submitted on: 3/13/2012

Comments:

Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working. Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.



  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 5:47 AM  
**To:** WLH Testimony  
**Cc:** randy1162@aol.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: randy weih  
Organization: Individual  
E-mail: [randy1162@aol.com](mailto:randy1162@aol.com)  
Submitted on: 3/13/2012

Comments:

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,

Randy Weih

Dane Wicker

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 7:25 AM  
**To:** WLH Testimony  
**Cc:** Susan.d.oliver@gmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM, **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Susan D Oliver  
Organization: Individual  
E-mail: [Susan.d.oliver@gmail.com](mailto:Susan.d.oliver@gmail.com)  
Submitted on: 3/13/2012

Comments:

Testimony in favor of HB 2398

&#160;

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses,&#160;the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities,&#160;and an enhanced economic generator for the community.&#160; &#160; However, under the current management regime&#160;Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. &#160;HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

&#160;

Please vote to pass HB 2398 out of Committee.

&#160;

Mahalo,


&#160;

&#160;Susan D Oliver

&#160;

&#160;

&#160;

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 7:35 AM  
**To:** WLH Testimony  
**Cc:** wanda.john@live.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Wanda Rowan  
Organization: Individual  
E-mail: [wanda.john@live.com](mailto:wanda.john@live.com)  
Submitted on: 3/13/2012

Comments:  
Testimony in favor of HB 2398


I am in favor of HB 2398 because the Big Island's "hot spot", Honokohau Harbor, deserves far better management and more attention than it currently receives.

Honokohau Harbor is our "hot spot" for West Hawaii's ocean recreation. Improved management, necessary upgrades, regular maintenance, and curb appeal will let visitors boast about this gateway as much as they boast about what they see once they are out on the water. As a local who works on the water out of Honokohau, I see the power of 'word of mouth' advertising on a regular basis. It's not uncommon to be asked about why our harbor isn't 'up-to-speed' with popular harbors throughout the world. As a resident and frequent visitor to the harbor, I would love the opportunity to brag about the condition of Honokohau Harbor.

HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,  
Wanda Rowan

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 8:34 AM  
**To:** WLH Testimony  
**Cc:** loydosan@aol.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Loyd Potter  
Organization: Individual  
E-mail: [loydosan@aol.com](mailto:loydosan@aol.com)  
Submitted on: 3/13/2012

Comments:  
Testimony in favor of HB 2398

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Please vote to pass HB 2398 out of Committee.

Mahalo,

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 9:17 AM  
**To:** WLH Testimony  
**Cc:** mara@marasdive.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Mara Hisiger  
Organization: Individual  
E-mail: [mara@marasdive.com](mailto:mara@marasdive.com)  
Submitted on: 3/13/2012

**Comments:**

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo, Mara Hisiger

Jane Wicke

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 10:43 AM  
**To:** WLH Testimony  
**Cc:** bud\_crosthwait@hotmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Bud Crosthwait  
Organization: Individual  
E-mail: [bud\\_crosthwait@hotmail.com](mailto:bud_crosthwait@hotmail.com)  
Submitted on: 3/13/2012

**Comments:**

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,

Bud Crosthwait

Dane Wicker

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 10:44 AM  
**To:** WLH Testimony  
**Cc:** peggy\_crosthwait@hotmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Margaret Crosthwait  
Organization: Individual  
E-mail: [peggy\\_crosthwait@hotmail.com](mailto:peggy_crosthwait@hotmail.com)  
Submitted on: 3/13/2012

Comments:

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

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Please vote to pass HB 2398 out of Committee.

Mahalo,

Margaret Crosthwait

Dane Wicker

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 10:52 AM  
**To:** WLH Testimony  
**Cc:** rbeeson@hawaii.rr.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Richard Beeson  
Organization: Individual  
E-mail: [rbeeson@hawaii.rr.com](mailto:rbeeson@hawaii.rr.com)  
Submitted on: 3/13/2012

Comments:

I have been going to the Honokohau Harbor since 1997. From then until now I have seen it go down hill. What is being done is certainly not working. Please vote to pass HB 2398 out of Committee.

Mahalo;  
Richard Beeson





**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 11:39 AM  
**To:** WLH Testimony  
**Cc:** mcgrew@hawaii.rr.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Frederick McGrew Rice  
Organization: Individual  
E-mail: [mcgrew@hawaii.rr.com](mailto:mcgrew@hawaii.rr.com)  
Submitted on: 3/13/2012

Comments:  
Testimony in favor of HB 2398


I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,  
McGrew Rice

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 11:44 AM  
**To:** WLH Testimony  
**Cc:** konarhodes@aol.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Nora Rhodes  
Organization: Individual  
E-mail: [konarhodes@aol.com](mailto:konarhodes@aol.com)  
Submitted on: 3/13/2012

Comments:  
Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,  
Nora Rhodes

**Webber**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 11:52 AM  
**To:** WLH Testimony  
**Cc:** webberpb@aol.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Peter Webber  
Organization: Individual  
E-mail: [webberpb@aol.com](mailto:webberpb@aol.com)  
Submitted on: 3/13/2012

Comments:

Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

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Please vote to pass HB 2398 out of Committee.

Mahalo,

Peter Webber  
Vixen Sportfishing



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 12:09 PM  
**To:** WLH Testimony  
**Cc:** nicac21@gmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Nica Caoile  
Organization: Individual  
E-mail: [nicac21@gmail.com](mailto:nicac21@gmail.com)  
Submitted on: 3/13/2012

Comments:


Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Mahalo, Nica Caoile

  
**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 12:11 PM  
**To:** WLH Testimony  
**Cc:** nicac21@gmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Lito Caoile  
Organization: Individual  
E-mail: [nicac21@gmail.com](mailto:nicac21@gmail.com)  
Submitted on: 3/13/2012

Comments:  
Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many thirdworld marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Mahalo, Lito Caoile

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 12:39 PM  
**To:** WLH Testimony  
**Cc:** Jaykine69@hotmail.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Jason K Passos  
Organization: Individual  
E-mail: [Jaykine69@hotmail.com](mailto:Jaykine69@hotmail.com)  
Submitted on: 3/13/2012

**Comments:**

I hang out occasionally at the Harbor, and like my mother and father usually end up doing clean up and watering so if I can be of help let me know, I don't have money because I have had no job in over 2 1/2 years, but my hand are willing to help make our Harbor number one.  
Mahalo Jason

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 13, 2012 2:10 PM  
**To:** WLH Testimony  
**Cc:** mlflaherty@yahoo.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: michael flaherty  
Organization: Individual  
E-mail: [mlflaherty@yahoo.com](mailto:mlflaherty@yahoo.com)  
Submitted on: 3/13/2012

Comments:

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

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Please vote to pass HB 2398 out of Committee.

Mahalo,

~~Dana Winker~~

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 14, 2012 8:40 PM  
**To:** WLH Testimony  
**Cc:** rkalman@hawaii.rr.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM **HB2398**

Conference room: 225  
Testifier position: **Support**  
Testifier will be present: No  
Submitted by: Ray Kalman  
Organization: Individual  
E-mail: [rkalman@hawaii.rr.com](mailto:rkalman@hawaii.rr.com)  
Submitted on: 3/14/2012

Comments:  
Testimony in favor of HB 2398

I am in favor of HB 2398 because the current form of management at Honokohau is just not working. Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

However, under the current management regime Honokohau Small Boat Harbor is in worse condition than many third world marinas, and has long been an embarrassment to West Hawaii's marine community. HB 2398 establishes a new form of management that will allow Honokohau to reach its potential, both physically and economically, and better serve our visitors, the West Hawaii community and the people of Hawaii.

Please vote to pass HB 2398 out of Committee.

Mahalo,



# **RICK GAFFNEY**

**Rick Gaffney & Associates, Inc.**

**73-1062 Ahikawa St.**

**Kailua-Kona, HI 96740**

**808 325-5000**

**fax: 808 325-7023**

**[rick.pacific@gmail.com](mailto:rick.pacific@gmail.com)**

Committee on Water, Land and Housing  
Senator Donovan M. Dela Cruz, Chair  
Senator Malama Solomon Vice Chair

Thursday, March 15, 2012, 1: 20 PM  
Room 225

## **Support for HB 2398 HD2--Honokohau Marina Development District**

HB 2398 HD2 offers a viable alternative management paradigm to fix to a long festering problem in Hawaii's small boat harbors.

There have been numerous legislative audits that document that Hawaii's Department of Land & Natural Resources, Division of Boating and Ocean Recreation (DOBOR) is failing in its responsibility to the people of Hawaii. Here is what one of those legislative audits says:

*"For some time, various groups, including the Legislature, the Office of the Auditor, and the boating community have been critical of the management of small boat harbors and boat ramps in Hawaii.*

*As centers of economic activity, small boat harbors are important assets to the State. Their proper maintenance and operation allow Hawaii residents to benefit from the state's natural resources by engaging in recreational boating, commercial and personal fishing, and small business operations.*

*Proper management of small boat harbors and boat ramps has been a long-standing problem for the Department of Land and Natural Resources. Our office has pointed out in past audits that the administration and operation of small boat harbors and boat ramps are deficient in several areas. Some of these problems include the lack of a comprehensive boating program for the State, unsafe conditions in the small boat harbors, inadequate security, and unreliable financial information on the revenues and expenditures. In this audit we found the management of small boat harbors and boat ramp continues to be plagued with problems. The Board of Land and Natural Resources, which is responsible for the overall administration of Hawaii's boating program, has not sufficiently improved and directed that program. Harbors are unsafe, in need of repair, and*

*boaters fail to receive adequate services. In addition, we found the Department of Land and Natural Resources has not adequately managed the small boat harbors and boat ramps. The boating program lacks clear guidance, boating regulations are not enforced, and the true cost of operating individual boating facilities is unknown. Finally, we found that the department needs to correct strategic and operational deficiencies before attempting to evaluate alternative management practices such as privatizing the small boat harbors."*

That audit report was written in 1998, yet nothing has changed in the 13 years since. DOBOR is still standing in the way of Hawaii realizing her destiny as an ocean state.

Since the day when the State of Hawaii and US Army Corps of Engineers committed to provide a harbor of safe refuge for the boaters of West Hawaii, the harbor has been poorly managed and remains incomplete.

DOBOR committed to the most substantially commercial small boat harbor in its statewide network by allowing nearly half of the berths to be utilized by commercial operators and allowing the adjacent development of Gentry's Kona Marina, the most full service boat yard in the State. However, this enterprise center for some 250 small businesses in West Hawaii suffers from inept, non-responsive management, preposterous rules, burdensome commercial requirements, failing infrastructure, filthy restrooms, over-flowing trash containers and dusty parking areas.

Honokohau Harbor is the single most important gateway to the ocean for West Hawaii's recreational boaters, one man canoe paddlers, sailors, commercial fishermen, charter boat operators, the dive industry, tour boats and many others, yet it is in worse shape than many third world marinas, is an embarrassment to our ocean community and is not generating the tax revenues and economic benefits that it could.

The West Hawaii community is ready, willing and able to embrace community based-management of her boating facilities, in cooperation with existing businesses, the adjacent Kaloko-Honokohau National Park, the native Hawaiian community and a broad cross section of community groups.

Water, Land and Housing

Please vote to move HB2398 HD2 out of the Committee on Water, Land and Housing.

Mahalo,

  
Rick Gaffney

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 14, 2012 9:35 AM  
**To:** WLH Testimony  
**Cc:** cperritt@yahoo.com  
**Subject:** Testimony for HB2398 on 3/15/2012 1:20:00 PM

Testimony for WLH 3/15/2012 1:20:00 PM HB2398

Conference room: 225  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Chris Perritt  
Organization: Individual  
E-mail: [cperritt@yahoo.com](mailto:cperritt@yahoo.com)  
Submitted on: 3/14/2012

**Comments:**

I am in favor of HB 2398 because the current form of management at Honokohau is just not working.

Honokohau Harbor is the gateway for Kona's world class Sportfishing, diving and marine mammal watching businesses, the primary access point for West Hawaii's recreational and commercial fishing, paddling and ocean recreation communities, and an enhanced economic generator for the community.

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Please vote to pass HB 2398 out of Committee.

Mahalo,  
Chris Perritt