



**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

P.O. Box 119  
Honolulu, Hawaii 96810-0119  
Telephone: (808) 587-4700  
e-mail: [state.procurement.office@hawaii.gov](mailto:state.procurement.office@hawaii.gov)  
<http://hawaii.gov/spo>

TESTIMONY  
OF  
AARON S. FUJIOKA  
ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE  
HOUSE COMMITTEES  
ON  
WATER & LAND  
AND  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

February 13, 2013

8:30 AM

HB 1255

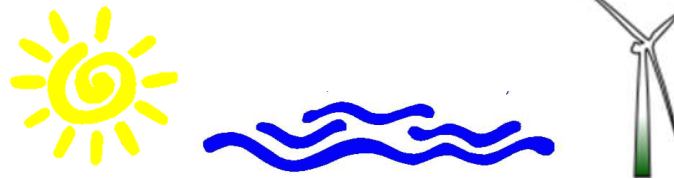
RELATING TO LAND USE.

Chair Evans, Chair Hanohano, Vice-Chair Lowen, Vice-Chair Cullen, and members of the committees, thank you for the opportunity to submit testimony on HB 1255. The State Procurement Office's (SPO) comments are limited to SECTION 2 which includes an exemption from HRS chapter 103D, Hawaii Public Procurement Code (Code), for expenditures from the Hawaii Community Development Authority.

The SPO opposes this exemption. The Code enables agencies to expeditiously acquire the resources or services needed to perform their missions. The Code is the single source of public procurement policy to be applied equally and uniformly, while providing fairness, open competition, a level playing field, and transparency in the procurement and contracting process vital to good government.

Public procurement's primary objective is to provide participants equal opportunity to compete for government contracts, to prevent favoritism, collusion or fraud in awarding of contracts. To legislate that any one entity should be exempt from compliance with HRS chapter 103D conveys a sense of disproportionate equity in the law's application.

The SPO opposes the language on page 8, lines 15 to 19. Thank you.



## 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**

Rep. Cindy Evans, Chair

Rep. Nicole Lowen, Vice Chair

### **COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

Rep. Faye Hanohano, Chair

Rep. Ty Cullen, Vice Chair

Wednesday, February 13, 2013

8:30 a.m.

Room 325

### **OPPOSITION TO HB 1255 – HONOKOHAU MARINA COMMUNITY DEVELOPMENT DISTRICT**

Aloha Chairs Evans & Hanohano and Members of the Committees!

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 1255 establishes the Honokohau Marina Community Development District on the island of Hawai`i under the Hawai`i Community Development Authority.

Life of the Land is in 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 worked shoulder to shoulder with the Hawaiian community in struggles to protect sacred sites for decades.

A similar bill last session - HB 2398 that "*establishes the Honokohau marina development district on the island of Hawaii*" morphed into HB 2398 HD2 SD1 and was enacted into law as Act 282. That measure "*transfers development rights of certain lands under the division of boating and ocean recreation and land division to the public land development corporation. Exempts certain lands from the definition of public land under chapter 171, HRS, but requires legislative approval for the sale or gift of those lands. Creates the stadium facilities special fund*

*into which shall be deposited a portion of the proceeds generated by the PLDC on Aloha stadium lands and facilities. Allows the PLDC to contract with state and county agencies for lease management services of PLDC-controlled land. Clarifies the definition of development rights. (SD1).”*

The original bill was strongly opposed by the Kona community who were never consulted and supported primarily by some in the boating community and those that would benefit from taxpayers footing the bill to enhance their businesses.

A member of the Kona community who knows the cultural significance of this area asked the introducer of last year’s bill what the intent of the measure 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? We all knew then, as we know now, that this was/is not the intent of last year’s and this year’s measure because a bill creating a Marina District was/is unnecessary to accomplish routine maintenance.

Last year the Kona community was never consulted on HB 2398; it was purely a measure for the charter businesses and others in the boating community.

This year’s bill (pages 3-4) contains a feeble attempt to address the concerns of the Kona community by adding:

*Consult with the following persons and entities:*

- (A) Kaloko-Honokohau National Historic Park;*
- (B) Kona Community Development Plan Action Committee;*
- (C) Hawaii Fishing and Boating Association;*
- (D) The mayor and council of the county of Hawaii;*
- (B) Department of Hawaiian home lands;*
- (F) Harbor and marina tenants;*
- (G) Local civic and community associations; and*
- (H) Local cultural practitioners;*

The irony of the “local civic and community associations” and “local practitioners” as ‘consulted parties’ added as an afterthought does not escape us.

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. At the recent PLDC hearing (Saturday, February 9, 2013), Keiko Bonk, whose father was an archeologist, spoke about the destruction of the sacred lands of Honokohau. There were no deep archeological surveys allowed as the plans were fast tracked.

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 obvious 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 seem to care about

- the impact on the Pai 'Ohana, the Hawaiian practitioners who lived on their ancestral lands perpetuating the practices of their kupuna,
- the impact on the Hawaiian people and those of us who love and respect Hawai'i and the impact on the rich culture that embraces us, and
- the impact on the terrestrial and marine environments.

On page 5 of this bill, the three (3) members added to the Hawaii Community Development Authority are very revealing:

*The three members shall be representatives from the 11 categories of marine users as follows:*

- (1) Marina business owners and operators;*
- (2) Harbor boat tenants; and*
- (3) The Kaloko-Honokohau National Historical Park.*

Page 7 of the bill states:

- (5) Planning, re-planning, rehabilitation, development, redevelopment, and other preparations for the restoration of natural resources, **cultural practices**, and educational activities **may** be pursued;*
- (6) **Hawaiian archaeological, historic, and cultural sites** shall be preserved and **protected to the extent feasible** while allowing for continued use of the property for cultural activities, education, economic pursuits, and natural resource restoration;*
- (7) **Endangered species of flora and fauna**, in the water and on the land, shall be **preserved and protected to the extent feasible** and acceptable by federal and state law;*

Further development will only 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.

At the 2012 Association of Hawaiian Civic Club Convention in Washington D.C. a former Senator who is a cheerleader for the Public Land Development Corporation (PLDC) actually stood up in committee and asserted that Honokohau Harbor was not a project of the PLDC, despite Act 282 which redefined 'public land' and make Honokohau a project of the PLDC!

In our humble opinion, what outsiders don't seem to understand is that the Hawaiian culture is alive and being practiced every day

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."*

We recently visited Honokohau and talked with some park rangers who told us stories of the current park management that confirmed for us that respect for the Hawaiian culture and practices are NOT the primary goal the Kaloko-Honokohau National Park. They want a museum, not a living culture that is practiced every day by the people.

It appears to us that something else is afoot here and we respectfully ask the committees to HOLD this bill and have robust discussions with the entire Kona community, especially Hawaiians and cultural practitioners, who know the area well before introducing any legislation. You have the opportunity to do the right thing by stopping this bad plan now.

Please stop disrespecting the community, especially the Hawaiian people who know the true meaning of aloha and malama `aina.

Mahalo for this opportunity to testify.

**lowen1-Kyli**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 08, 2013 5:23 PM  
**To:** waltestimony  
**Cc:** glenn@hawaiiantel.net  
**Subject:** \*Submitted testimony for HB1255 on Feb 13, 2013 08:30AM\*

**HB1255**

Submitted on: 2/8/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
"Glenn"	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

## lowen1-Kyli

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 09, 2013 4:12 PM  
**To:** waltestimony  
**Cc:** teresamlee.51@gmail.com  
**Subject:** Submitted testimony for HB1255 on Feb 13, 2013 08:30AM  
**Attachments:** Honokohau Harbor already brings in approx.docx

### **HB1255**

Submitted on: 2/9/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa L. Nakama	Individual	Oppose	No

Comments: Teresa L. Nakama February 9, 2013 73-998 Ahulani Street Kailua-Kona, HI 96740 I Teresa L. Nakama ask all members of these committees to oppose HB 1255 introduced by Rep. Danny Coffman. This bill will soon come to a vote in your committee. I speak also for my fishing ohana who oppose this House Bill 1255, it goes against the justification of public harbors that our tax dollars and our lease fees pay for. Not to mention various business who operate on our ceded lands and pays the State rent. The future of our Honokohau Harbor should never be given to just 2 or 3 individuals who will decide the future development of our public harbor. Honokohau Harbor already brings in approx. \$770,000.00 a year which goes into the general fund. It is up to our House and State representatives to work together to bring funds back to the Harbor to be improved. DLNR has proven it cannot take care of our harbors and should be given back to DOT. DOT is better equipped and has better resources to manage the harbors. DLNR is already way overly burdened and shown us they can't take care of any of our Harbors. The State DOT should be handling the harbors and not a private entity. This HB 1255 will put a financial burden on the local recreational families and the local fisherman. When private entities take control of our public facilities their goal is for their profit and their well-being. We the local fishing families and community depend and rely on our State government with whom we pay our taxes to, and in return take the responsibility to provide the local community our public facilities. Private entities will raise boat slip fees, raise rent fees to the businesses that operate at our harbor to only financially burden our already burden fishing Ohana. What started out for the public, to provide for the local fishing community, will be turned over to private only for the rich, and we once again see that that this bill will be against us local fishing and recreational communities. Thank you for opposing this bill. Sincerely, Teresa L. Nakama

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Teresa L. Nakama  
73-998 Ahulani Street  
Kailua-Kona, HI 96740

February 9, 2013

COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair  
Rep. Nicole E. Lowen, Vice Chair

Rep. Denny Coffman  
Rep. Ty J.K. Cullen  
Rep. Faye P. Hanohano  
Rep. Derek S.K. Kawakami

Rep. Chris Lee  
Rep. Richard Lee Fale  
Rep. Cynthia Thielen

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Denny Coffman  
Rep. Cindy Evans  
Rep. Derek S.K. Kawakami  
Rep. Ty J.K. Cullen, Vice Chair

Rep. Chris Lee  
Rep. Nicole E. Lowen  
Rep. Richard Lee Fale

NOTICE OF HEARING- Report Title: HB 1255

DATE: Wednesday, February 13, 2013  
TIME: 8:30 am  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

I Teresa L. Nakama ask all members of these committees to oppose HB 1255 introduced by Rep. Danny Coffman. This bill will soon come to a vote in your committee.

I speak also for my fishing ohana who oppose this House Bill 1255, it goes against the justification of public harbors that our tax dollars and our lease fees pay for. Not to mention various business who operate on our ceded lands and pays the State rent. The future of our Honokohau Harbor should never be given to just 2 or 3 individuals who will decide the future development of our public harbor.

Honokohau Harbor already brings in approx. \$770,000.00 a year which goes into the general fund. It is up to our House and State representatives to work together to bring funds back to the Harbor to be improved. DLNR has proven it cannot take care of our harbors and should be given back to DOT. DOT is better equipped and has better resources to manage the harbors. DLNR is already way overly burdened and shown us they can't take care of any of our Harbors. The State DOT should be handling the harbors and not a private entity.

This HB 1255 will put a financial burden on the local recreational families and the local fisherman. When private entities take control of our public facilities their goal is for their profit and their well-being. We the local fishing families and community depend and rely on our State government with whom we pay our taxes to, and in return take the responsibility to provide the local community our public facilities. Private entities will raise boat slip fees, raise rent fees to the businesses that operate at our harbor to only financially burden our already burden fishing Ohana. What started out for the public, to provide for the local fishing community, will be turned over to private only for the rich, and we once again see that that this bill will be against us local fishing and recreational communities.

Thank you for opposing this bill.

Sincerely,  
*Teresa L. Nakama*



**lowen1-Kyli**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 12, 2013 10:51 AM  
**To:** waltestimony  
**Cc:** barb@punapono.com  
**Subject:** Submitted testimony for HB1255 on Feb 13, 2013 08:30AM

**HB1255**

Submitted on: 2/12/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Cuttance	Individual	Oppose	No

Comments: Please do not pass this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
  
ESTHER KIA'AINA  
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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

**Wednesday, February 13, 2013  
8:30 A.M.  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1255  
RELATING TO LAND USE**

House Bill 1255 proposes to establish the Honokohau Marina Community Development District on the Island of Hawaii under the Hawaii Community Development Authority (HCDA). **The Department of Land and Natural Resources (Department) does not support this measure.**

The Department agrees that the Honokohau Small Boat Harbor has revenue potential that is not being utilized and notes that, currently, the Honokohau Small Boat Harbor operates at an annual deficit of \$200,000. This deficit includes the annual rental income of \$200,000 generated by land lease rents in the facility. The proposed legislation does not address who will develop the properties at the Honokohau Small Boat Harbor, how the development will be funded, or how resources will be allocated to the Development District. It only creates a development district under the HCDA.

The Department recommends that the Legislature instead consider the Administration proposal, House Bill 942 (RELATING TO HARBORS AND PARKS DEVELOPMENT) which proposes to establish the Harbors and Parks Development Authority to coordinate and administer programs to make optimal use of harbors and park lands, while ensuring that the public lands are maintained for the people of Hawaii. The Department believes there are certain public lands that are greatly underutilized, as was previously stated above with regard to the Honokohau Small Boat Harbor, and in severe need of repair and maintenance, particularly small boat harbors and state parks that can be improved and enhanced to benefit the people of Hawaii. As such, the Department supports House Bill 942, for its potential to facilitate and enhance the use of public lands for public purposes.

## lowen2-Anosh

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 12, 2013 4:48 PM  
**To:** waltestimony  
**Cc:** MSMatson@hawaii.rr.com  
**Subject:** Submitted testimony for HB1255 on Feb 13, 2013 08:30AM

### **HB1255**

Submitted on: 2/12/2013

Testimony for WAL/OMH on Feb 13, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MS Matson	Individual	Oppose	No

Comments: HCDA and their developer-driven high-density policies should not be placed at the helm of Honokohau Harbor. Please see the significant National Park Service testimony respecting Kaloko Honokohau National Historical Park, the 3rd testimony on this link:

[http://www.capitol.hawaii.gov/session2012/Testimony/HB2398\\_TESTIMONY\\_WLH\\_04-03-12\\_LATE.pdf](http://www.capitol.hawaii.gov/session2012/Testimony/HB2398_TESTIMONY_WLH_04-03-12_LATE.pdf)

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)