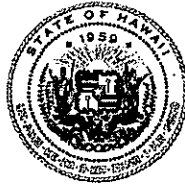


SB246

Repeals Act 282, Session Laws of Hawaii 2012, which:
1) transferred development rights of certain public lands to the PLDC; 2) exempted certain lands from the definition of public land; 3) created the stadium facilities special fund; and 4) allowed the PLDC to contract with state and county agencies for lease management services for PLDC-controlled land.

NEIL ABERCROMBIE
GOVERNOR



Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
(808) 586-2165

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 11, 2013
3:00 p.m.
State Capitol, Room 16

**S.B. 246 proposed S.D. 1
RELATING TO LAND USE**

Senate Committee(s) on Economic Development, Government Operations and Housing
& Water and Land

The Department of Transportation **opposes** Senate Bill 246 as proposed in Senate Draft 1.

The Aloha Tower Development Corporation (ATDC) is in no position to become the development manager of State lands that are beyond the boundaries of its current jurisdiction. ATDC's focus is on DOT lands that are in the area of Aloha Tower.

We appreciate the legislature's consideration of ATDC as the development manager for the planning of the Keehi Triangle property's improvement, but it would take significant time and resources to create an organization capable of planning and managing the scope and scale of such a project.

At present ATDC has no staff positions (one new position is requested in this year's budget submittal) and is currently focusing its energy on the Aloha Tower Marketplace re-development process. It would take considerable added resources and time, and distract ATDC from its core function, to build an organization for the purpose of developing the Keehi Triangle property on lands which are currently under the Department of Land and Natural Resource's jurisdiction.

Thank you for the opportunity to provide testimony.



NEIL ABERCROMBIE
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WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON ECONOMIC DEVELOPMENT,
GOVERNMENT OPERATIONS AND HOUSING
AND WATER AND LAND
ON
SENATE BILL NO. 246

February 11, 2013

RELATING TO LAND USE

Senate Bill No. 246 establishes the Recreational Renaissance Special Fund into which are deposited appropriations by the Legislature; monies from public or private sources dedicated to recreational areas and facilities designated by the Chairperson of the Department of Land and Natural Resources (DLNR) to be part of DLNR's recreational renaissance program, provided that those monies are not going to the general fund; all interest and dividends attributable to investment of money deposited in the fund; and proceeds from sales, rents from leases, licenses, permits, or other income from other sources generated from recreational areas and facilities designated by the Chairperson to be part of DLNR's recreational renaissance program. The Chairperson may also deposit monies from the Special Land and Development fund, State Parks special fund, and the Boating special fund into the Recreational Renaissance Special Fund provided that the expenditures of funds transferred shall be consistent with the purposes of the special fund which the monies are transferred.

The bill also authorizes the Aloha Tower Development Corporation to undertake projects including development, expansion of facilities, and acquisition of lands for Keehi small boat harbor and Triangle Island which are under the jurisdiction of DLNR.

The Department of Budget and Finance (B&F) appreciates the intent of the bill to maintain the State's recreational facilities and defers to DLNR regarding the technical issues and merits of the bill. However, as a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the HRS. Special or revolving funds should:

- 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program;
- 2) provide an appropriate means of financing for the program or activity; and
- 3) demonstrate the capacity to be financially self-sustaining.

In regards to Senate Bill No. 246, it is difficult to determine whether there is a clear nexus between the benefits sought and the source of funding, and whether the fund will be self-sustaining.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, HRS.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEES ON ECONOMIC DEVELOPMENT,
GOVERNMENT OPERATIONS AND HOUSING
AND WATER AND LAND
ON
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February 11, 2013

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WINDWARD AHUPUA'A ALLIANCE

From the Peaks of *Na Ko'olau* to the Outer Reefs

*Community-Based Planning
Sustainable Economic Development
Restoration, Preservation, Protection & Public Access
Educational & Cultural Programs*

COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS & HOUSING

Senator Donovan Dela Cruz, Chair
Senator Sam Slom, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Malama Solomon, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

HEARING

3 pm

Monday, February 11, 2013
Conference Room

SB 246 Proposed SD1 - RELATING TO LAND USE Comments and Proposed Amendments

My name is Shannon Wood, the president and co-founder of the *Windward Ahupua'a Alliance*, a 501c3 Hawai'i non-profit corporation, which was established in July, 2002, to create the Ko'olau Greenbelt & Heritage Trails System in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O'ahu along the base of *Na Ko'olau* as well as to support locally-owned sustainable economic activities in the more developed areas. Its mandate, however, has expanded over the past ten years well beyond these important regional issues.

WAA now works to educate & inform residents, visitors, businesses, policymakers at all levels of government, and the media about using **SMART GROWTH** principles which promote sustainability through urban (re)development to protect agricultural and conservation lands

Both personally and professionally, I thank you for replacing the original contents of this bill which would have repealed ACT 282 - 2012 creating the Stadium Facilities Special Fund on *Aloha Stadium* lands & facilities. The original bill, SB 2918 SD2 HD1, was sequestered by the *House Finance Chair*. The *Senate* found a *House* bill, HB 2398 HD2 SD1 to insert the *Senate* bill's language. Unfortunately, the *House* sections of the bill were quite contentious so ACT 282 - 2012 became part of the major efforts to repeal the *Public Land Development Corporation*.

The fund concept was initiated by a small group of *University of Hawai'i* football fans back in 2009 when the *NCAA Division 1-A* conference realignment talks began to heat up. By (re)developing a portion of the 115 acres of parking lots right in the center of urban O'ahu, significant capital improvements could be generated from private sector resources over the next 35-40 years. Income generated by this would be placed in the Stadium Facilities Special Fund:

P.O. Box 6366
Kane'ohe, HI 96744
E-Mail: info@waa-hawaii.org

Voicecall: 808/247-6366
Cellular: 808/223-4481
Website: <http://www.waa-hawaii.org>

Unfortunately, there is no bill currently up for consideration this **Session** in either the *House* or the *Senate* which would preserve & protect the **Fund** from being repealed although there are several bills being heard this week which could be amended to include the **Stadium Facilities Special Fund**.

Returning to the proposed **SD1**: Although we have become involved in more than two dozen county, state, national, and international issues and concerns over the past decade, one of our top four priorities is the remediation & restoration of approximately 400 acres in the north end of *Kawainui - Hamakua Marsh*, a **Ramsar Wetlands of of International Importance**.

There are several projects currently taking place in *Kawainui - Hamakua Marsh* which are already accessible to the public. Please add them the **DLNR's Division of State Parks** and the **Division of Forestry & Wildlife** located on pages 15 through 17.

Mahalo for considering this bill and the amendment.

Shannon Wood
President, *Windward Ahupua`a Alliance*



Indigenous Consultants, LLC

Mililani B. Trask, Principal

P.O.Box 6377 ♦ Hilo, HI 96720

Mililani.trask@gmail.com



Bill: SB 246 SD 1

Hearing Date: Monday, February 11th, 2013

Room: CR 16

Time: 3:00pm

Committees: EGH/WTL

TESTIMONY IN SUPPORT WITH AMENDMENTS-Mililani B. Trask

Aloha Senators,

I support the purpose & intent of this measure because it addresses a critical need for our state to address problems arising from aging infrastructure & the need for infrastructure upgrades & repairs as well as new development on State DLNR lands. The tools to achieve this goal include Partnerships with the DLNR, as well as the designation of areas for Industrial Parks created through partnerships with a federal agency, county, or private party.

While this approach is sound, I note that the Native Hawaiian Beneficiary & the Hawaiian State Trustees (OHA & DHHL) are excluded. The measure as drafted benefits only the "public" beneficiary. Where is the provision for the Native Beneficiary? There is none.

I am recommending that new language be added to this measure to include a NATIVE HAWAIIAN DEVELOPMENT CORPORATION that can pursue economic undertaking for the Native Beneficiaries of the Trust referred to in our Admissions Act.

A few years ago, a Bill was introduced to accomplish these goals. It was SB. 1. of the 2011 Legislative Session. When momentum increased for a Hawaiian Recognition Bill, SB 1 was gutted & new language relating to the Hawaiian Roll Commission was inserted. When this transpired, we lost the vehicle for the Native Hawaiian Development Corporation. It is time to return to the original language of SB1 (2011).

Why do we need to include a Native Hawaiian Development Corporation? We need it because the DHHL has the same pressing needs to upgrade & repair its harbors & ocean from areas. Because our DHHL lands & the farming & pastoral projects thereon should be afforded the same opportunity to work joint with private sector to address development needs of our Hawaiian people.

Finally, there is a strong effort to prevent the State from developing State lands & State public trust resources, including energy resources so, that Hawaii can establish PUBLICLY OWNED UTILITIES for our energy & food security. If the State should abandon this effort, in deference to the HECO monopoly, this would impact not only the public but also the Native Hawaiian.

Native Hawaiians can work with their State Trustees to repair & upgrade facilities on the homelands & should be allowed o pursue projects for energy self-sufficiency of Hawaiians.

I am happy to work on this effort and recommend that the language of SB 1 (2011) would be a good starting point for amendments for INCLUSION in SD 2 of this Bill.

Regards,

A handwritten signature in black ink, appearing to read "Mililani B. Trask", with a horizontal line extending to the right.

Mililani B. Trask - Indigenous Consultants LLC

Dane Wicker

From: Piikea Tomczyk
Sent: Monday, February 11, 2013 8:38 AM
To: EGHTestimony
Subject: FW: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

From: mailinglist@capitol.hawaii.gov [<mailto:mailinglist@capitol.hawaii.gov>]
Sent: Monday, February 11, 2013 8:00 AM
To: WTLTestimony
Cc: skaye@runbox.com
Subject: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

SB246

Submitted on: 2/11/2013
Testimony for WTL/EGH on Feb 11, 2013 15:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Sally Kaye	Individual	Support	No

Comments: I support SB246. I OPPOSE SB246SD1. To "gut and replace" a bill, without notification to the bill's Introducer and without sufficient time for the public to absorb the implications of the replacement language, is disrespectful of everyone and the legislative process. REPEAL THE PLDC.

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.

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Subject: FW: *Submitted testimony for SB246 on Feb 11, 2013 15:00PM*

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 11, 2013 7:50 AM
To: WTLTestimony
Cc: naldajw@gmail.com
Subject: *Submitted testimony for SB246 on Feb 11, 2013 15:00PM*

SB246

Submitted on: 2/11/2013

Testimony for WTL/EGH on Feb 11, 2013 15:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
JW Nalda	Individual	Oppose	No

Comments:

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To: EGHTestimony
Subject: FW: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, February 11, 2013 9:55 AM
To: WTLTestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

SB246

Submitted on: 2/11/2013
Testimony for WTL/EGH on Feb 11, 2013 15:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: I support SB 246. ...NOT SB 246- SD1.

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Dane Wicker

From: Piikea Tomczyk
Sent: Monday, February 11, 2013 11:53 AM
To: EGHTestimony
Subject: FW: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

From: mailinglist@capitol.hawaii.gov [<mailto:mailinglist@capitol.hawaii.gov>]
Sent: Monday, February 11, 2013 11:36 AM
To: WTLTestimony
Cc: mmaitino@gmail.com
Subject: Submitted testimony for SB246 on Feb 11, 2013 15:00PM

SB246

Submitted on: 2/11/2013
Testimony for WTL/EGH on Feb 11, 2013 15:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Maitino	Individual	Oppose	No

Comments: Malama Solomon, shame on you for playing games with the public. You have gutted and replaced the contents of Act 55 in SB 246. This is ludicrous. We didn't support Act 55 and we won't support SB 246.

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