

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

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



Before the Senate Committee on
WAYS AND MEANS

Tuesday, February 26, 2013
10:05 AM
State Capitol, Conference Room 211

In consideration of
SENATE BILL 456, SENATE DRAFT 1
RELATING TO MAUNA KEA STATE RECREATIONAL AREA

Senate Bill 456, Senate Draft 1 proposes to transfer Mauna Kea State Recreation Area from the State of Hawaii (State) to the County of Hawaii (County) in fee simple. **The Department of Land and Natural Resources (Department) is willing to discuss the issue with the County of Hawaii but does not support this measure.**

During the Regular Session in 2010, the Legislature introduced several measures requesting the Department to pursue transferring this recreation area to the County. The Department testified that it would be willing to discuss the issue with the County. Subsequently, the County approached the Department, discussions occurred, and work was done to develop agreements to effectuate such a transfer. In 2011, the Legislature introduced a measure requesting that such a transfer not take place. Accordingly, the Department did not pursue the issue any further.

There are some management issues which must be addressed to transfer Mauna Kea to the County. The water supply is a big problem. The flow from the springs which provide water has decreased over the years and is now inadequate to provide full service to the park. The State and the United States Army have a water lease and agreement for use of the water, which is currently being amended, and would likely need to be handled separately from any park transfer. The volume of water available remains as a constraint to any increased use of the park.

The park and water system is on land under the Department's Division of Forestry and Wildlife (DOFAW). Any transfer will require withdrawal from the forest reserve, and exclusion of DOFAW facilities.

The disposition of personnel needs to be addressed, as the measure is silent on that issue. If all funds are transferred to the County, and personnel remain with the State, the Department will be unable to make payroll.

LATE



SB456 SD1
RELATING TO MAUNA KEA STATE RECREATIONAL AREA
Senate Committee on Ways and Means

February 26, 2013

10:05 a.m.

Room 211

The Office of Hawaiian Affairs **OPPOSES** SB456 SD1, which requires the Department of Land and Natural Resources to transfer its jurisdiction, functions, powers, duties, and authority relating to the Mauna Kea state recreational area to the County of Hawai'i. To the extent that this act would diminish the ceded land corpus or cause the state to abdicate its fiduciary obligations under the public land trust, OHA opposes this bill.

The bulk of the land managed by DLNR, including the Mauna Kea state recreation area, is former government or crown land that was ceded by the Republic of Hawai'i to the United States in 1898, "without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government[.]" P.L. 103-150 (1993). OHA maintains that the state cannot diminish the ceded land corpus until the Native Hawaiian people's claim to ceded lands has been resolved. To the extent that transferring jurisdiction over the Mauna Kea state recreational area to the County of Hawai'i would diminish the state's control over the ceded land corpus, OHA objects.

Additionally, Admission Act section 5(f) created the public land trust pursuant to which certain land and the proceeds or income from the disposition of that land are to be held by the State of Hawai'i for five public purposes, including the betterment of the conditions of native Hawaiians. Admission Act section 5(f), Hawai'i Constitution, article XII, Chapter 10, Hawai'i Revised Statutes, Act 178, SLH (2006), and Executive Order 06-06 impose trust obligations on all state agencies with respect to revenues generated on public trust land. Transferring the Mauna Kea state recreation area to the county would improperly relieve the state of its obligation, while imposing no mechanism for the county to ensure these fiduciary obligations are not abandoned altogether.

For these reasons, OHA urges the committee to **HOLD** SB456 SD1. Mahalo for the opportunity to testify on this important measure.



My name is James Head of Hawaii Island. I would like to present testimony on Senate Bill 456 relating to the transfer of Mauna Kea State Recreation Area (MKRA) from the State of Hawaii (State) to the County of Hawaii (County) in fee simple. I presented testimony on this same bill on February 22, 2013, but wish this testimony to replace the prior discussion, and present the following as my final testimony on SB 456.

I do not believe the transfer is in the best interests of the residents of Hawaii County or the State of Hawaii for the following reasons:

- Obtaining the untreated and potable water supply is an on-going challenge at MKRA, and is the reason MKRA is open to visitors only on the weekends. The water supply is obtained from springs near the top of Mauna Kea and piped down to storage tanks. The drought has limited this water for the last few years and the whole area is in the middle of a dust bowl. How does the County propose to remedy this situation? Trucking of water from Waimea or Hilo is one possibility, but would be expensive.
- Currently, MKSP is staffed by a crew of two who provide security every day. These State workers also provide maintenance duties for the large public restroom, the residential cabins, and the landscape. They have been doing more with less for the last few years and do a good job. Is the County willing to provide this constant on-site presence? If not, it is likely that customers will not be provided the service they currently enjoy. Without security, it is probable that vandalism & other damage will increase at this isolated location.
- Has the County presented a plan of operations to the Department of Land and Natural Resources (Department) or to the State Legislature? It would be interesting to see exactly what the County proposes to accomplish at MKSP and when they hope to do it. A timetable of goals and anticipated completion dates would be appropriate.

I am concerned that the County is ready to adequately service and protect this resource. The State is now providing maintenance, repair, and security of the historic structures at MKSP. Until further information is made available on the County's plans for MKSP, it would seem best to maintain the status quo with the State retaining control.

Thank you for this opportunity.

James Head
Volcano, Hawaii



From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: kahalakia@hotmail.com
Subject: Submitted testimony for SB456 on Feb 26, 2013 10:05AM
Date: Monday, February 25, 2013 9:31:02 AM

SB456

Submitted on: 2/25/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie	Individual	Comments Only	No

Comments: Leave Mauna Kea STATE Park with the state. Please do not give it to the county. If the county get so much money why dont they fix up other county owned properties. Please dont give it to the county.

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TESTIMONY OF
SHERMAN WARNER, PRESIDENT
WAIMEA COMMUNITY ASSOCIATION
TO THE
SENATE COMMITTEE
ON
WAYS AND MEANS

February 26, 2013
10:05 a.m.
State Capitol, Conference Room 211

In consideration of

S.B. 456
RELATING TO MAUNA KEA STATE RECREATIONAL AREA

Chairman Ige and members of the committee, thank you for the opportunity to testify on behalf of more than 100 members of the Waimea Community Association who attended our town meeting on February 7, 2013 and voted, with two exceptions, in favor of the transfer of the Mauna Kea State Recreation Area to the County of Hawaii.

The current state of the Mauna Kea State Recreational Area is deeply disappointing to visitors and local residents alike. Whether our association's members are old enough to remember when the cabins and restroom facilities were well maintained and were a popular destination for families and groups or whether they only know the recreation areas current dilapidated state, they have a strong belief that the County of Hawaii can

make much needed repairs and improvements and as well as providing necessary maintenance.

Although Saddle Road improvements have shortened the travel time between West Hawaii and Hilo, it's still a long drive, and there's a real need for proper rest room facilities near the midpoint of that trip. With most of the Saddle Road recently improved to meet Federal highway standards, it's time to have a proper, well-maintained rest area along the way. Our community supports Hawaii County's desire to make these needed improvements.

Thank you for the opportunity to testify.