



SB456 SD 2
RELATING TO MAUNA KEA STATE RECREATIONAL AREA
House Committee on Water and Land

March 15, 2013

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) provides the following comments on SB456 SD 2, which requires the Department of Land and Natural Resources (DLNR) to enter into negotiations with the County of Hawai'i for the lease of the Mauna Kea state recreational area.

OHA applauds the amendments to this bill that address OHA's concerns that fee simple transfer to the county could diminish the ceded land corpus and cause the state to abdicate its fiduciary obligations to Native Hawaiians. The Mauna Kea state recreational 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 further appreciates the language in Section 1 that the Legislature intends revenues from the Mauna Kea state recreational area to be deemed part of the pro rata portion of public land trust revenues transmitted to OHA. Because Mauna Kea state recreational area falls within the public land trust established by Admission Act section 5(f), we request that this intent be specifically addressed in Section 4 "Conditions of lease."

Accordingly, we ask that the following provision be added to Section 4, paragraph (4):

The gross revenues derived by the county shall be subject to Act 178, session laws of Hawaii 2006, or any other law providing for the office of Hawaiian affairs' pro rata portion of the public land trust, pursuant to article XII, section 6, of Hawaii's constitution.

Mahalo for the opportunity to testify on this important measure.

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

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March 15, 2013

The Honorable Cindy Evans, Chair
and Members of the House Committee on Water and Land
Hawai'i State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

The Honorable Faye P. Hanohano, Chair
and Members of the House Committee on
Ocean, Marine Resources and Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

RE: Senate Bill 456 SD2, RELATING TO MAUNA KEA STATE RECREATIONAL
AREA

Aloha, Chair Evans, Chair Hanohano and Committee Members:

Thank you for this opportunity to offer our strong support for Senate Bill 456 SD2, which instructs the state Department of Land and Natural Resources to negotiate a long-term, nominal rent agreement with the County of Hawai'i to lease Mauna Kea State Recreation Area to the county.

We believe this proposal will increase government efficiency and save taxpayer dollars while allowing more of our residents and visitors to more fully enjoy this important park facility. With the proper public investment this park can offer extraordinary recreational experiences, and the county is ready and able to assume this responsibility.

The County of Hawai'i has discussed proposals to transfer control of this park to the county with the DLNR in the past, and we remain willing to work with the state to take over the operation, maintenance, and improvement of the Mauna Kea State Recreation Area without the transfer of any state personnel or equipment.

The Honorable Cindy Evans, Chair
The Honorable Faye P. Hanohano, Chair
Page 2
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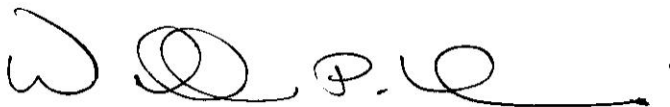
Park maintenance and operations are core county services, and the county plans to use economies of scale to minimize its maintenance and personnel costs. Meanwhile, leasing this facility to the county will allow the DLNR to use its limited resources on other parks and state facilities. This solution benefits everyone, but the most important beneficiaries are the children and families that will visit and enjoy this public treasure in the years ahead.

The county believes Mauna Kea State Recreation Area is an increasingly important recreational facility because of the ongoing reconstruction of Saddle Road. The federal government has made a very large investment in re-aligning and improving the Saddle Road, which in turn has caused a substantial increase in use of the road by residents and tourists alike. The rebuilt Saddle Road is evolving into an important 50-mile scenic highway unlike any other in the state, and Mauna Kea State Recreation Area is perched along that route between the magnificent Mauna Kea and Mauna Loa summits. There are no other restrooms, recreational or other public facilities anywhere on the entire 50-mile drive, but the growing demand for such services is obvious.

The County is prepared to make the necessary investment in infrastructure and maintenance to allow Mauna Kea recreation area to achieve its potential as a key outdoor recreational facility. Many on our island remember when this park was a well-used community resource enjoyed by weekend campers, hikers and travelers, and we ask for your help as we seek to restore it for the benefit of all.

Thank you for your consideration.

Aloha,

A handwritten signature in black ink, appearing to read 'W. P. Kenoi', with a long horizontal flourish extending to the right.

William P. Kenoi
MAYOR

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 10:58 PM
To: waltestimony
Cc: harrykim1939@gmail.com
Subject: Submitted testimony for SB456 on Mar 15, 2013 08:30AM

SB456

Submitted on: 3/13/2013

Testimony for WAL on Mar 15, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Harry Kim	Individual	Oppose	No

Comments: The proposal to turn over jurisdiction of Mauna Kea State Park to the County government of Hawaii is not supported for the following reasons: * The Mauna Kea State Park personnel are doing a very good job in improving and maintaining the park with its present staff and resources. Evidence of this is very obvious to anyone who has been using the park in the past year or so. * The County government of Hawaii adopting the responsibility of maintaining this park with no increase in personnel or finances for this park would be irresponsible. Maintenance of the present County parks at this time is in need of improvement, and to stretch the very limited County resources farther cannot be justified. Thank you very much for the opportunity to testify. Aloha, Harry Kim

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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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 7:37 PM
To: waltestimony
Cc: rkai@hawaii.rr.com
Subject: Submitted testimony for SB456 on Mar 15, 2013 08:30AM

SB456

Submitted on: 3/12/2013

Testimony for WAL on Mar 15, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Russell Kai	Individual	Oppose	No

Comments: I oppose SB 456 because I believe the Mauna Kea state park should stay in State control. This Park was closed in the late 1990's and early 2000's because of water issues and with no cabins available and no public restrooms for the people using the Saddle Road. The current State of Hawaii caretakers have now made cabins available and there is a permanent restroom for the increasing amount of travelers on the improved Saddle Road who also use it as a clean, scenic rest stop. I truly do not believe that the County of Hawaii can do a better job than the State at this park and also believe that the State should not relinquish this gem of a park considering all of the hard work and investment they have put in to bring this park to its current condition. Please do not let this bill pass. In my opinion, it would be like building your business to the point of making a profit and then GIVING it away so someone else can reap the benefits. It just doesn't make sense.

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lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 13, 2013 10:07 AM
To: waltestimony
Cc: occupyhilomedia@yahoo.com
Subject: Submitted testimony for SB456 on Mar 15, 2013 08:30AM

Follow Up Flag: Follow up
Flag Status: Completed

SB456

Submitted on: 3/13/2013

Testimony for WAL on Mar 15, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Oppose	No

Comments: I am a resident of Hawaii Island and I oppose this measure. The County of Hawaii has an \$80 million back log of improvements to the parks it currently maintains. Beyond that, these are ceded lands that are meant to be held in trust by the State until land claims with native Hawaiians can be resolved.

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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HONOLULU, HAWAII 96809

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

ESTHER KIA'AINA
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WILLIAM M. TAM
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BOATING AND OCEAN RECREATION
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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 Committee on
WATER & LAND**

**Friday, March 15, 2013
8:30 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 456, SENATE DRAFT 2
RELATING TO MAUNA KEA STATE RECREATIONAL AREA**

Senate Bill 456, Senate Draft 2 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) understands the intent of this measure is to enhance the management of the area and is willing to discuss the issue with the County of Hawaii.**

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 management of 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 of management will require exclusion of DOFAW facilities.