

Testimony to the House Committee on Water and Land
And House Committee on Ocean, Marine Resources, and Hawaiian Affairs

Thursday, April 18, 2:00 pm
Conference Room 224

Speaking in Strong Support of SCR158 SD2

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the Committees:

My name is Jim Coon and I am speaking in Strong Support of SCR 158 SD2. My brother Randolph and I own Coon Brothers, Inc., through which we own three operating companies that operate tour boats from berth 24 and an adjoining loading dock. We built the dock and the rock groin on which it sits years ago at no cost to the state. We also built the pavilion that sits across from the berth. Our ability to pay lease rental based on fair market value requires continued access to berth 24 by our three catamarans.

SCR 158 SD2 is in response to the suggestion that berth 24 be converted to a public loading zone and dock. The change would marginalize if not eliminate our ability to continue use of the berth and loading dock at the level we require. A public loading zone would be open to all for up to thirty minutes throughout the day. This would block access to our assigned berth and prevent its use by our other vessels. This would cause ripples of conflict elsewhere in the harbor if Trilogy were forced to relocate one or more of its vessels to the existing public loading dock at berth 1. In sum, efficient use of the assigned berth would be lost and with it our prospects for continued financial success and ability to continue our Lanai operations.

Finally, we have provided long term, stable employment to the people of Lanai for decades. My brother and I are mentoring our adult children to take control of this, our family business and continuing serving our community. This requires investment of both human resources and financial capital.

We have been present on Lanai for 40 years and hope our company will continue to prosper for another four decades. To this end we have requested that the Board authorize the Chair to grant us a 35 year term. We have seen how

quickly time can pass. We know also the time required to amortize investment of the magnitude we have made for the benefit of Lanai.

We are blessed to have great employees and adult children who share our commitment to the Lanai Community. A long term lease will secure our ability, directly and through a 3rd generation of our family, to serve the Lanai Community.

We humbly request you to pass SCR 158 SD2.

Respectfully submitted.

James E. Coon, CEO
808-870-9115

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 8:41 PM
To: waltestimony
Cc: Achung@navatekltd.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Chung	Navatek	Oppose	Yes

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.

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Seabird Cruises, Inc.

Davies Pacific Center

841 Bishop Street, Suite 1110

Honolulu, Hawaii 96813

808.531.7001 ext. 17

RE: S.C.R. No. 158 Authorizing the Issuance of a Term, Non-Exclusive Easement Covering a Portion of State Submerged Lands at Manele Bay, Lanai, for Renovation of Manele Small Boat Harbor.

COMMENTS AND TESTIMONY OF SEABIRD CRUISES, INC. **IN STRONG OPPOSITION OF S.C.R. NO 158**

Aloha Chairpersons Hanohano and Evans, Vice Chairpersons Cullen and Lowen and Members of the Water & Land (WAL) and Ocean, Marine Resources and Hawaiian Affairs Committees (OMH). Thank you for the opportunity to express our concerns over the proposed S.C.R. No. 158.

My name is Kathy Loui-Yasui and I am the Managing Agent for Seabird Cruises, Inc., a kamaaina owned small business operating in the Maui and Lanai boating community for over 25 years. Seabird is managed and marketed under the name of Maui Adventure Cruises and our excursions operate from Lahaina Harbor to Manele Harbor on the island of Lanai. We operate twelve months out of the year, and out of respect to the local Lanai community we do not operate on the island on Saturday, Sunday and holidays.

COMMENTS & CONCERNS

1. **The use of Public Federal Funds (FEMA State emergency financial assistance money) to rebuild and renovate a loading dock for the private use of one company for 35 years is of great concern. By accepting this proposal, the State will set precedence for all State run harbors on every island.** Thus, I ask this question for you to consider - will all boating companies have the same opportunity to lease their loading dock with a long term lease? And, will they have the same "deal" as this one, meaning other boating companies could obtain long-term leases for loading docks and submerged state tidelands at every State harbor facility, paying just 25% of the renovation cost over 35 years? If not, this raises the possibility of legal action against the State to ensure fairness under the law.
2. As a long-established operator in the Maui-Lanai tour boat industry, we believe that the boating community was not adequately advised of the pending lease for comments and discussion. **S.C.R. No. 158 has the potential to drive many tour boat businesses operating in Manele Harbor out of business.**
 - a. The **Manele Harbor Advisory Committee** letter dated March 18, 2013 (Exhibit A) states that it received less than 3 days notice of a DLNR-DOBOR discussion meeting on

March 15, 2012 and that it cannot properly assess the Resolution and project until more information is provided. The committee also states that there is general concern over using public money to rebuild essentially a private dock, and that there is a general concern of its members over rushing this process.

- b. It is our belief that the **Lahaina Harbor Advisory Committee** was never notified of the proposed long-term lease of the pier to the Trilogy Corporation. This means that the four or five other Maui-based boating companies with Manele VME permits who are members of this committee were not a part of the discussion process to fully identify and evaluate the impact of a long-term lease on other boaters.

3. **S.C.R. No. 158 fails to discuss the nature of the Manele Harbor improvements nor provides a map, sizing of the improvements to be re-constructed and cost estimates for the project.** For the public to understand both the nature of the improvements and the costs, this information needs to be disclosed in advance of properly noticed committee hearings. This Resolution also fails to address that the FEMA financed Manele Harbor improvements are going to be done in two Phases, which are impractical, unnecessary and expensive.

- a. It is believed that the First Phase will be a repair or restoration of the existing loading dock and piers to their pre-tsunami condition.
- b. In Phase Two all those newly repaired facilities will be demolished and a new expanded and, presumably, more useable Public Loading Dock will be built.
- c. **There is no discussion of the two-phase construction plan, the true costs, funding sources, the timeframe, the redundancy in dollar expenditures or the disruption to all boating users of these public facilities throughout the renovation and beyond.**

4. We are significantly concerned that the proposed long term lease may severely limit access of boaters and the public to an important docking area in the Manele Harbor. At present, the harbor has a limited number of docks that are suitable for use by boaters. **We anticipate that demand for docking space will increase in the future because of the changes that are being made on Lanai by Larry Ellison. We believe that the long term lease being considered would hinder the State's ability to manage future growth in harbor activities and demand.** A long term lease would also be a major change in the way in which docking facilities are currently handled by the State and make it even more difficult or impossible if the dock area were the subject of a long term lease.

Due to these concerns and others, we respectfully request that S.C.R. No. 158 be deferred. And, should this matter be perused in the future, we humbly request that the State adequately and properly communicates notices of discussions or hearings before DLNR, DOBOR, other State Agencies, the

Manele Advisory Committee the Lahaina Advisory Committee, and inclusive of VME Commercial Permit holders of Manele Harbor for the benefit of the greater community in which it serves.

Thank you very much for your consideration of this testimony.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathy Loui-Yasui', with a stylized flourish at the end.

Kathy Loui-Yasui, Managing Agent
Seabird Cruises, Inc.

Exhibit "A"

March 18, 2013

William J. Aila, Jr.
Chairperson
Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

Re: Petition of Coon Brothers Inc. to negotiate a lease of certain submerged and fast lands and dock at Manele Small Boat Harbor, Lanai, Hawaii

Per a statewide request from Governor John Waihee the Manele Harbor Advisory Committee was formed in 1991 by a group of Lanai residents and businesses concerned about activities at the Manele Small Boat Harbor. The goal of the committee was to create a master plan for the future redevelopment of the harbor facilities that would satisfy the needs of all users and be consistent with the Lanai Community Plan. The master plan was completed and submitted to Governor Waihee in 1993 through the Department of Land and Natural Resources. The plan was used as the basis for the Federal and State funded Launch Ramp renovation in 2002 and the Ferry renovations completed in 2008. The Committee has also become a long-standing mechanism of communicating community concerns over upcoming FEMA Tsunami repairs and future FTA improvements at the Manele Small Boat Harbor to DLNR and other state agencies.

In this context a meeting of the Manele Small Boat Harbor Committee and the Department of Land and Natural Resources was held on March 15, 2013 concerning the above mentioned repairs and improvements. Also on the agenda was the proposed lease of the repaired pier to the Trilogy Corporation ("Trilogy Lease").

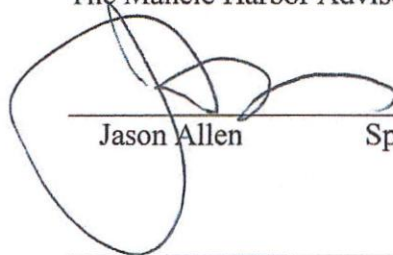
While minimal details of the proposed Trilogy Lease were discussed, the documentation, including the DLNR lease petition submitted on behalf of Trilogy to the Board of Land and Natural Resources dated (March 22, 2013) and the draft of SCR 158 Senate Concurrent Resolution (dated March 13, 2013) was not available for our review at the March 15, 2013 meeting. The Committee members were subsequently able to obtain copies of these documents from the DLNR website and concerns were raised at a Committee meeting called on March 18, 2013. Among these concerns were:

1. Is this a lease or a non-exclusive easement? What is the difference?
2. What is the lease term? The documents state 15 years or 20 years, and Jim Coons advocated for 35 years at the March 15, 2013 meeting.
3. There is a general concern over using public money to rebuild essentially a private dock.
4. There is a general concern over rushing this process. Less than one week is simply not enough time to answer all of our questions.

Due to these and other concerns, the Manele Harbor Advisory Committee is unable to make a recommendation on this petition at this time. We would prefer a postponement of a decision on this matter until we can again meet with DLNR and discuss these issues with all the information at hand.

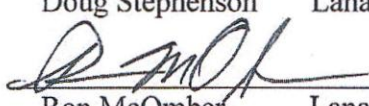
Respectfully Submitted,

The Manele Harbor Advisory Committee

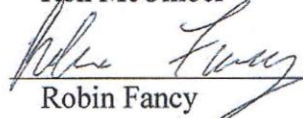


Jason Allen Spinning Dolphin Charters

Doug Stephenson Lanai Resorts, LLC

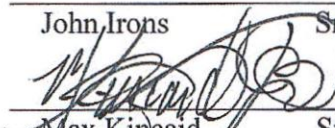


Ron McOmber Lanai for Sensible Growth

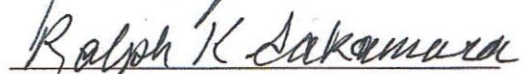


Robin Fancy Small Boater

John Irons Small Boater



Max Kincaid Small Boater



Ralph Sakamura Small Boater

cc: Senator Kalani English
Representative Mele Carroll
Councilman Riki Hokama
Ed Underwood, DNLR

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 6:15 PM
To: waltestimony
Cc: iwood@pacificshipyards.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Iain Wood	Pacific Shipyards International	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 9:15 PM
To: waltestimony
Cc: clayton@unitekhawaii.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Murobayashi	Unitek Contracting Group, LLC	Oppose	No

Comments:

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Testimony Against SCR 158
To : House WOL/OWH Committees
From: Sea Link Of Hawaii
Hearing date 4/18/13

Ladies and Gentlemen of the committees, Sea Link of Hawaii is Hawaii's oldest interisland ferry which has operated under PUC Regulation since 1986. We primarily operate between Molokai and Maui but occasionally have extended the service to Oahu.

I have known the Coon Brothers and the Trilogy operation for over 30 years. They are without peer in their ability to work with the DL&NR and earlier the DOT in securing agreements to further their business goals and are well respected in the community with their ability to grow a small business into a multimillion dollar organization. They are true business men who understand the value of good relations with our government. I respect that ability and have learned much from them. It is plainly evident that success is often linked with government support.

With that said, I still must oppose the concept of leasing very precious portions of our harbors to any one private company. Especially on the neighbor islands where harbor space is very, very limited. The rationale that any party that has the money and political connections to develop a pier will be given a long term lease and the control of that pier is so very short sighted. Our harbor space is much too valuable to encumber to any one group, no matter how wealthy or well connected. I view this plan as a very slippery slope to take. Where will it end? This is a very dangerous precedent to set. The Trilogy group is a strong and well run operation and I do wish them continued success. They will continue to prosper without being awarded this special lease.

We saw well connected individuals being awarded large tracts of land in the last days of Hawaii's monarchy. Please let's not go back there again. Respect our Aina.

Yours truly,
David Jung-President

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 9:10 AM
To: waltestimony
Cc: carter@sailmaui.com
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM
Attachments: Testimony from Alihilani Yacht Charters, Inc dba Paragon Sailing Charters.pdf

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carter Barto	Paragon Sailing Charters Maui & Lanai	Oppose	No

Comments: a. We oppose using public funds to renovate a pier for the use of just one PRIVATE company. b. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company.

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ALIHILANI YACHT CHARTERS, INC. dba
Paragon Sailing Charters, Maui & Lana'i
5229 Lower Kula Road
Kula, HI 96790
808-244-2087
808-878-3933 Fax
admin@sailmaui.com

March 21, 2013

Department of Land and Natural Resources
Attn: Board Members
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Via email: adaline.f.cummings@hawaii.gov
Via Fax: 808-587-0390

Re: Agenda Item J1: Petition of Coon Brothers Inc. to Negotiate a Lease of Certain Submerged and Fast Lands and Dock at Manele Small Boat Harbor, Lanai, Hawaii

**COMMENTS & TESTIMONY of ALIHILANI YACHT CHARTERS, INC. dba
Paragon Sailing Charters, Maui & Lana'i**

Dear Board Members,

Thank you for the opportunity to give our testimony and comments regarding the agenda item noted above. We are asking that the following concerns be addressed before the Board makes any ruling:

Background:

Alihilani Yacht Charters has been operating tours at Manele Harbor for over 3 decades. In April, 1997, Alihilani Yacht Charters changed vessels to add PARAGON, our current 47' catamaran that we operate tours in and out of Manele Harbor and in and out of Lahaina Harbor under DLNR Commercial Use Permit and VME #VE006213 (Manele) and Commercial Use Permit and VME #VE006816 (Lahaina). Our tours are marketed to the visitors to the State of Hawaii by way of our website, www.sailmaui.com, our print media, and our relationships with over 80 hotels and agencies within the State of Hawaii.

Comments:

- 1) As a Commercial Permit holder to Manele Harbor, we are very concerned about the Lease Negotiations request of Coon Brothers Inc and Trilogy Excursions. If the State is to grant this Lease, then how would the Loading Dock at Manele Harbor be able to accommodate our need to unload and load our passengers, as well as the other VME permit holders, the ferry, and recreational boaters at Manele Harbor? It is our understanding that Trilogy utilizes their current slip #24 for their operation. It is also our understanding that Trilogy holds 2 VME permits, 1 ramp permit for inflatable, and 1 permit for their slip #24 at Manele Harbor. However, to eliminate a portion of the proposed loading dock at Manele Harbor for the private use of Trilogy Excursions gives them an unfair competitive advantage and could be detrimental to our current business, and to other VME Commercial Operators to Manele Harbor as well.

- 2) Alihilani Yacht Charters dba Paragon Sailing Charters operates under a VME Commercial Permit to Manele Harbor and utilizes the Loading Dock at Manele Harbor in accordance with Harbor Rules 13-231-44 which states in part: “Vessel loading zone means a portion of small boat harbor facility reserved for the exclusive use of vessels during fueling, loading, or unloading. No person shall stop or moor a vessel for any purpose other than for the **expeditious loading, unloading, or fueling** in any place marked as a vessel loading zone....Except when otherwise prescribed by signs, the use of a vessel loading zone by any one vessel shall not exceed thirty minutes. No person shall leave a vessel unattended at a vessel loading zone.” We understand that Trilogy has the right to use slip #24 for one large catamaran. However, we take issue that they are able to tie **2 additional large catamarans to the loading dock for long periods of time**. We are very concerned that the proposed/new loading dock will not have the room for us and other VME Commercial Permit holders to conduct business in accordance with existing Commercial Permits. The Harbor Office at Manele Harbor has required us to pay for a “temporary mooring permit” for any time PARAGON ties up over 30 minutes, **if the dock is available**. Has Trilogy consistently paid for “temporary mooring permits” for usage of the dock for over 30 minutes?

- 3) Another concern that Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters has with this request for Senate Resolution and subsequent lease is that federal funds are to be used to repair damage to the loading dock caused by tsunami damage. This creates an unfair competitive advantage to Trilogy, which is in direct conflict with the stated reasons quoted in Haw. Rev. Stat 171-59(b), which is mentioned under “discussion” on the agenda item J1: “**(1) The disposition encourages competition within the aeronautical, airport-related, agricultural, aquaculture, maritime, and maritime-related operations;**” If the State is looking to increase revenues and encourage competition, then the requested Lease negotiations should be opened up to all users of Manele Harbor and those that currently hold VME Commercial Permits to operate, other than just Trilogy. If the DLNR were to allow this Senate Resolution to be enacted, then how would all

VME Commercial Permit holders, including Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters be able to have access to the loading docks and continue to conduct existing businesses?

- 4) Our concern with this Lease is that Trilogy and Expeditions, with their use of loading docks, will force all other VME Commercial Permit holders out of business. These VME Commercial Permit holders also employ many people and pay State and DLNR taxes. This Lease request is short sighted and self serving, and does not give thought to the use of Manele Harbor and loading docks by any other Commercial Operators or recreational boaters.

- 5) While the State is building the public loading dock at Manele Harbor with the use of Federal Funds, where do all VME Commercial Permit holders, as well as Expeditions, and recreational users to Manele Harbor load & unload passengers? Has the State taken this demand on resources into consideration and prepared plans for all businesses to be able to continue operations? And how will the State handle the repairs to the new loading dock when needed? If this Lease is given to Trilogy, then what guarantee does Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters, other VME Commercial Permit holders, and the public have to gain access to Manele Harbor by using loading docks?

It is for all the reasons that we state above that we ask the Board to deny the Application as submitted, since consideration to all VME Commercial Permit holders to Manele Harbor, as well as recreational users, has not been clearly identified.

Thank you for the opportunity to submit this testimony.

Sincerely,

Captain Eric Barto
President
Alihilani Yacht Charters, Inc., dba Paragon Sailing Charters

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 9:28 AM
To: waltestimony
Cc: EKBARTO@GMAIL.COM
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM
Attachments: SCR158 TESTIMONY-pdf.pdf

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
ERIC BARTO	Individual	Oppose	No

Comments: a. We oppose using public funds to renovate a pier for the use of just one PRIVATE company. b. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company.

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ALIHILANI YACHT CHARTERS, INC. dba
Paragon Sailing Charters, Maui & Lana'i
5229 Lower Kula Road
Kula, HI 96790
808-244-2087
808-878-3933 Fax
admin@sailmaui.com

April 17, 2013

STATE SENATE: - COPY OF TESTIMONY SUBMITTED TO DLNR OPPOSING SCR 158. WE OPPOSE THIS BILL, THIS IS OUR TESTIMONY TO THE SENATE:

Department of Land and Natural Resources/STATE SENATE
Attn: Board Members/COMMITTEE MEMBERS
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Via email: adaline.f.cummings@hawaii.gov

Via Fax: 808-587-0390

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Thank you for the opportunity to submit this testimony.

Sincerely,

Captain Eric Barto
President
Alihilani Yacht Charters, Inc., dba Paragon Sailing Charters

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Barto	Individual	Oppose	No

Comments: a. I oppose using public funds to renovate a pier for the use of just one PRIVATE company. b. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company. c. Please see attached comments and testimony

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

ALIHILANI YACHT CHARTERS, INC. dba
Paragon Sailing Charters, Maui & Lana'i
5229 Lower Kula Road
Kula, HI 96790
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April 17, 2013

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON WATER & LAND

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

Rep. Denny Coffman
Rep. Chris Lee
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Rep. Denny Coffman
Rep. Chris Lee
Rep. Cindy Evans
Rep. Nicole E. Lowen
Rep. Derek S.K. Kawakami
Rep. Richard Lee Fale

Re: SCR 158 Petition of Coon Brothers Inc. to Negotiate a Lease of Certain Submerged and Fast Lands and Dock at Manele Small Boat Harbor, Lanai, Hawaii

**COMMENTS & TESTIMONY of ALIHILANI YACHT CHARTERS, INC. dba
Paragon Sailing Charters, Maui & Lana'i**

Dear Committee Members,

Thank you for the opportunity to give our testimony and comments. I STRONGLY OPPOSE SCR 158.

Background:

Alihilani Yacht Charters has been operating tours at Manele Harbor for over 3 decades. In April, 1997, Alihilani Yacht Charters changed vessels to add PARAGON, our current 47' catamaran that we operate tours in and out of Manele Harbor and in and out of Lahaina Harbor under DLNR Commercial Use Permit and VME #VE006213 (Manele) and Commercial Use Permit and VME #VE006816 (Lahaina). Our tours are marketed to the visitors to the State of Hawaii by way of our website, www.sailmaui.com, our print media, and our relationships with over 80 hotels and agencies within the State of Hawaii.

Comments:

- 1) As a Commercial Permit holder to Manele Harbor, we are very concerned about the Lease Negotiations request of Coon Brothers Inc and Trilogy Excursions. If the State is to grant this Lease, then how would the Loading Dock at Manele Harbor be able to accommodate our need to unload and load our passengers, as well as the other VME permit holders, the ferry, and recreational boaters at Manele Harbor? It is our understanding that Trilogy utilizes their current slip #24 for their operation. It is also our understanding that Trilogy holds 2 VME permits, 1 ramp permit for inflatable, and 1 permit for their slip #24 at Manele Harbor. However, to eliminate a portion of the proposed loading dock at Manele Harbor for the private use of Trilogy Excursions gives them an unfair competitive advantage and could be detrimental to our current business, and to other VME Commercial Operators to Manele Harbor as well.
- 2) Alihilani Yacht Charters dba Paragon Sailing Charters operates under a VME Commercial Permit to Manele Harbor and utilizes the Loading Dock at Manele

Harbor in accordance with Harbor Rules 13-231-44 which states in part: “Vessel loading zone means a portion of small boat harbor facility reserved for the exclusive use of vessels during fueling, loading, or unloading. No person shall stop or moor a vessel for any purpose other than for the **expeditious loading, unloading, or fueling** in any place marked as a vessel loading zone....Except when otherwise prescribed by signs, the use of a vessel loading zone by any one vessel shall not exceed thirty minutes. No person shall leave a vessel unattended at a vessel loading zone.” We understand that Trilogy has the right to use slip #24 for one large catamaran. However, we take issue that they are able to tie **2 additional large catamarans to the loading dock for long periods of time**. We are very concerned that the proposed/new loading dock will not have the room for us and other VME Commercial Permit holders to conduct business in accordance with existing Commercial Permits. The Harbor Office at Manele Harbor has required us to pay for a “temporary mooring permit” for any time PARAGON ties up over 30 minutes, **if the dock is available**. Has Trilogy consistently paid for “temporary mooring permits” for usage of the dock for over 30 minutes?

- 3) Another concern that Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters has with this request for Senate Resolution and subsequent lease is that federal funds are to be used to repair damage to the loading dock caused by tsunami damage. This creates an unfair competitive advantage to Trilogy, which is in direct conflict with the stated reasons quoted in Haw. Rev. Stat 171-59(b), which is mentioned under “discussion” on the agenda item J1: “**(1) The disposition encourages competition within the aeronautical, airport-related, agricultural, aquaculture, maritime, and maritime-related operations;**” If the State is looking to increase revenues and encourage competition, then the requested Lease negotiations should be opened up to all users of Manele Harbor and those that currently hold VME Commercial Permits to operate, other than just Trilogy. If the DLNR were to allow this Senate Resolution to be enacted, then how would all VME Commercial Permit holders, including Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters be able to have access to the loading docks and continue to conduct existing businesses?
- 4) Our concern with this Lease is that Trilogy and Expeditions, with their use of loading docks, will force all other VME Commercial Permit holders out of business. These VME Commercial Permit holders also employ many people and pay State and DLNR taxes. This Lease request is short sighted and self serving, and does not give thought to the use of Manele Harbor and loading docks by any other Commercial Operators or recreational boaters.
- 5) While the State is building the public loading dock at Manele Harbor with the use of Federal Funds, where do all VME Commercial Permit holders, as well as Expeditions, and recreational users to Manele Harbor load & unload passengers?

Has the State taken this demand on resources into consideration and prepared plans for all businesses to be able to continue operations? And how will the State handle the repairs to the new loading dock when needed? If this Lease is given to Trilogy, then what guarantee does Alihilani Yacht Charters, Inc. dba Paragon Sailing Charters, other VME Commercial Permit holders, and the public have to gain access to Manele Harbor by using loading docks?

It is for all the reasons that we state above that we ask the Committee to deny the Application as submitted, since consideration to all VME Commercial Permit holders to Manele Harbor, as well as recreational users, has not been clearly identified.

Thank you for the opportunity to submit this testimony.

Sincerely,

Tamara Barto
Vice President
Alihilani Yacht Charters, Inc., dba Paragon Sailing Charters

BIG BLUE BOAT CORPORATION

94 KUPUOHI STEET
EMERALD PLAZA UNIT #A-6
LAHAINA, HI 96761

April 17, 2013

Cindy Evans, Chair and
WAL Committee Members

Faye P. Hanohano, Chair and
OMH Committee Members

Re: Petition of Coon Brothers Inc. to Negotiate a Lease of Certain Submerged and
Fast Lands and Dock at Manele Small Boat Harbor, Lanai, Hawaii

Dear Committee Members:

I am Don Kidder, President of Big Blue Boat Corporation ("Big Blue"), the holder of commercial operating and mooring permits to a slip in Lahaina Harbor. Big Blue has commercially operated a sail or power boat carrying snorkelers and other passengers for over 30 years. Big Blue is on the waiting list for a VME from Manele Harbor and is interested in the public loading dock and the proposed capital improvements in Manele Harbor.

Big Blue is **STRONGLY OPPOSED** to the Trilogy proposal for expanded and continued private use of Trilogy's Slip #24 and "adjacent pier" which is essentially a key component of the public loading dock for Manele Harbor for several reasons discussed below.

1. SCR 158 is an unprecedented and unwarranted private party single user legislation to the detriment of the boating community and the general public – the special interest of only the Coons and Trilogy.
2. SCR 158 is a private party condemnation "taking" disguised as a " 20 year lease extension (?) or 35 year lease (Coon testimony) of submerged state tidelands" which will be constructed into piers and a dock.
3. The Coons/Trilogy Resolution is attempting to perpetuate its virtual private ownership and exclusive use of public lands—State tidelands and State Harbor facilities including the State public loading dock by claiming one of the two berthing sides of the public loading dock as its own "expanded and widened Slip 24 or pier", which is supposed to be for a single boat but is now utilized as the self-proclaimed "Trilogy Loading Dock" for three vessels.

4. The Coons/Trilogy Resolution claims they are paying 25% of what is asserted to be “unfunded” costs of the public loading dock repairs but no dollar amount is stated nor is it stated whether such amount is a Phase 1 or Phase 2 expense. For a 20 (?) year lease extension (or 35 year lease per Jim Coon testimony), if the Trilogy 25% share is only \$95,265 (assuming this stated dollar amount is not the total cost), it amounts to only \$4,763 per year (for 20 years) and only \$397 per month -- a very cheap cost for “The Trilogy Loading Dock”. I can assure you that the other five Maui-based boating companies with Manele VME Permits would gladly pay that amount to the State for exclusive use of their “Private Loading Dock” or even non-exclusive use.
5. The Coons/Trilogy Resolution (or any report which has not been presented) fails to state that the primarily FEMA financed Harbor improvements are going to be done in two Phases, which are impractical, unnecessary and expensive for the State. It is believed that the First Phase will be a repair or restoration of the existing loading dock/piers to their pre-hurricane state. Then, much of the newly repaired facilities **WILL BE DEMOLISHED** and a new expanded and, presumably, more useable Public Loading Dock will be built with the over-sized and expanded Slip #24 “Trilogy Loading Dock”. There is no discussion of the two phase construction mode, the true costs and funding sources, the timeframe, the redundancy in dollar expenditures or the disruption to other boating users of these public facilities.
6. There are no reports presented and the Resolution does not discuss the nature of the improvements or provide a map and sizing of the improvements to be re-constructed, then demolished, then constructed again. For the public to understand both the nature of the improvements and the costs of same (presumably from FEMA funds for what could be 100% of the financing or PUC/FEMA funds for ferry operations and then State funds), this information needs to be disclosed in advance of properly noticed committee hearings.
7. Attached is the Manele Harbor Advisory Committee letter dated March 18, 2013 (**Exhibit A**) stating that it received less than 3 days notice of a DLNR-DOBOR discussion meeting in Manele on March 15, 2012 and that it cannot properly assess the Resolution and project until more information is provided. Further, the Harbors Division failed to notify the Lahaina Harbors Advisory Committee of the aforementioned meeting on Lanai so that the five or six other Maui-based boating companies with Manele VME Permits were excluded from the public discussions process.
8. Coons/Trilogy now MONOPOLIZES half of the public loading dock in Manele Harbor (i.e. stating that it is “their pier/slip 24” or what the proposed Resolution calls the “Trilogy Loading Dock”) by permanently mooring and “rafting up” throughout the day several “Trilogy Boats” to the exclusion of other properly permitted commercial vessels and in direct VIOLATION of existing and published Harbor Rules, which limit a stay at the loading dock to 30 minutes then the vessel

is to be removed to open water outside the harbor. The 30 minute limitation is even applicable to the PUC licensed ferry Expeditions. This improper and probably illegal use of the public loading dock "blocks" other boating companies with valid permits for Manele Harbor from using that area of the public loading dock.

9. Trilogy claims to be the only Maui-based boating company that does not operate to Lanai and Hulopoe Beach Park on the weekend and public holidays out of respect to Lanai residents who use the County park and beach. THAT STATEMENT IS FALSE! At least one other boating company (and probably more of the few with VME permits for Manele Harbor)—Seabird Cruises Inc. does not operate on those very same days out of deference to the Lanai community and has done so for over 11 years since it resumed operations after its Navatek days.

10. QUESTION – is this purported lease extension of 20, 30 or 35 years also an extension of the lease for the Trilogy Pavilion??? No one can tell from the Resolution or any available related or companion reports.

Proposed SCR 158 will result in exclusive use of public harbor facilities by a private company and is not in the public's best interest and should be REJECTED.

Respectfully submitted,



Don Kidder, President
BIG BLUE BOAT CORPORATION

March 18, 2013

William J. Aila, Jr.
Chairperson
Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

* NOTE:
The Lanai Harbor
Advisory Committee was
also not notified nor
solicited for comments regarding
this matter, as it affects
VME Holders of Manele Harbor
Since Boats
near in
Lahaina.

Re: Petition of Coon Brothers Inc. to negotiate a lease of certain submerged and fast
lands and dock at Manele Small Boat Harbor, Lanai, Hawaii

Per a statewide request from Governor John Waihee the Manele Harbor Advisory Committee was formed in 1991 by a group of Lanai residents and businesses concerned about activities at the Manele Small Boat Harbor. The goal of the committee was to create a master plan for the future redevelopment of the harbor facilities that would satisfy the needs of all users and be consistent with the Lanai Community Plan. The master plan was completed and submitted to Governor Waihee in 1993 through the Department of Land and Natural Resources. The plan was used as the basis for the Federal and State funded Launch Ramp renovation in 2002 and the Ferry renovations completed in 2008. The Committee has also become a long-standing mechanism of communicating community concerns over upcoming FEMA Tsunami repairs and future FTA improvements at the Manele Small Boat Harbor to DLNR and other state agencies.

In this context a meeting of the Manele Small Boat Harbor Committee and the Department of Land and Natural Resources was held on March 15, 2013 concerning the above mentioned repairs and improvements. Also on the agenda was the proposed lease of the repaired pier to the Trilogy Corporation ("Trilogy Lease").

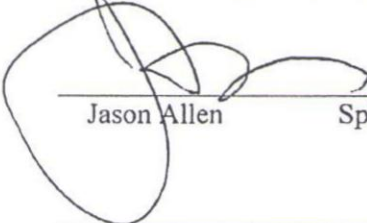
While minimal details of the proposed Trilogy Lease were discussed, the documentation, including the DLNR lease petition submitted on behalf of Trilogy to the Board of Land and Natural Resources dated (March 22, 2013) and the draft of SCR 158 Senate Concurrent Resolution (dated March 13, 2013) was not available for our review at the March 15, 2013 meeting. The Committee members were subsequently able to obtain copies of these documents from the DLNR website and concerns were raised at a Committee meeting called on March 18, 2013. Among these concerns were:

1. Is this a lease or a non-exclusive easement? What is the difference?
2. What is the lease term? The documents state 15 years or 20 years, and Jim Coons advocated for 35 years at the March 15, 2013 meeting.
- 3. There is a general concern over using public money to rebuild essentially a private dock.
- 4. There is a general concern over rushing this process. Less than one week is simply not enough time to answer all of our questions.

Due to these and other concerns, the Manele Harbor Advisory Committee is unable to make a recommendation on this petition at this time. We would prefer a postponement of a decision on this matter until we can again meet with DLNR and discuss these issues with all the information at hand.

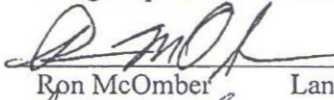
Respectfully Submitted,

The Manele Harbor Advisory Committee

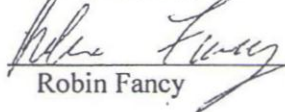


Jason Allen Spinning Dolphin Charters

Doug Stephenson Lanai Resorts, LLC



Ron McOmber Lanai for Sensible Growth

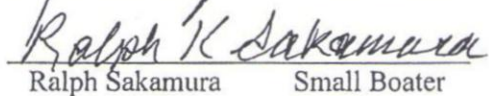


Robin Fancy Small Boater

John Irons Small Boater



Max Kincaid Small Boater



Ralph Sakamura Small Boater

cc: Senator Kalani English
Representative Mele Carroll
Councilman Riki Hokama
Ed Underwood, DNLR

EXHIBIT A
(Page 2 of 2)

HOOD MARINE, LTD.
3543 L HONOAPIILANI ROAD #J-107
LAHAINA, HI 96761

April 17, 2013

Cindy Evans, Chair and
WAL Committee Members

Faye P. Hanohano, Chair and
OMH Committee Members

Re: Petition of Coon Brothers Inc. to Negotiate a Lease of Certain Submerged and
Fast Lands and Dock at Manele Small Boat Harbor, Lanai, Hawaii

Dear Committee Members:

I am Don Kidder, President of Hood Marine, Ltd. ("Hood"), the holder of commercial operating and mooring permits to a slip in Lahaina Harbor. Hood has commercially operated a sail or power boat carrying snorkelers and other passengers for over 30 years. Hood is on the waiting list for a VME from Manele Harbor and is interested in the public loading dock and the proposed capital improvements in Manele Harbor.

Thank you for the opportunity to provide testimony and comments regarding the agenda item noted above. We are asking that the following concerns and questions be addressed before the Committees take any action on this proposal. Hood is **STRONGLY OPPOSED** to the Trilogy proposal for expanded and continued private use of Trilogy's Slip #24 and "adjacent pier" which is essentially a key component of the public loading dock for Manele Harbor for several reasons discussed below.

1. The current resolution/legislation, SCR 158, is entitled "AUTHORIZING ISSUANCE OF A TERM (really 30 year extension), NON-EXCLUSIVE (really exclusive to Trilogy) EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS (really an above water dock) AT MANELE BAY, LANAI FOR RENOVATION OF MANELE SMALL BOAT HARBOR." Basically, this area is the public loading dock adjacent to or as to which is attached Slip #24 belonging to Trilogy and even referred to in the resolution as the "Trilogy Loading Dock".

2. If SCR 158 is passed, it will allow a single private company exclusive use of an "over-sized harbor slip" and, most importantly, prevents the Lahaina commercial operators with valid Manele VME Permits and all private boaters in Maui County from using what is really ONE-HALF of the public loading dock in Manele Harbor (no front side access because of the submerged rock/coral).

3. Last month on March 15th, DLNR-DOBOR “ called” a meeting on Lanai; but, unfortunately, it only gave three days advance notice to the Manele Harbor Advisory Committee of such meeting and no notice whatsoever to the private and commercial boating community on Maui which now utilizes and may utilize Manele Harbor.

4. Initially, the Lanai meeting was supposed to be a discussion meeting with the Manele Harbor Advisory Committee but then it was expanded into a purported “public meeting” with public testimony primarily from Trilogy employees or family members.

4. Three days later, the Manele Harbor Advisory Committee sent a letter to Chairperson William J. Aila, Jr., DLNR protesting the very short advance notice of the meeting and asking several major questions and requesting more information. The Committee stated “DUE TO THESE AND OTHER CONCERNS, THE MANELE HARBOR ADVISORY COMMITTEE IS UNABLE TO MAKE A RECOMMENDATION ON THIS PETITION AT THIS TIME. WE WOULD PREFER A POSTPONEMENT OF A DECISION ON THIS MATTER UNTIL WE CAN MEET WITH DLNR AND DISCUSS THESE ISSUES WITH ALL THE INFORMATION ON HAND.” **A copy of the letter dated March 18, 2013 is marked Exhibit A attached for your review.**

5. DLNR-DOBOR gave absolutely no notice of the meeting to the Maui boating community or those Maui companies with current valid Manele VME permits, who obviously use the public loading dock in Manele Harbor.

6. DLNR-DOBOR gave absolutely no notice of this meeting to the Lahaina Harbor Advisory Committee, which was deplorable. The purpose of the Lahaina Harbor Advisory Committee is to review, discuss and advise DOBOR on Harbor matters which impact the boating community; but that is impossible to do if DOBOR does not even give the Committee notice of important harbor meetings and legislation.

7. The general public and especially the Maui County boating community (both commercial operators and private boaters) needs adequate notice and complete information to satisfy due process requirements of legislation or action being considered by the Senate and the House.

8. We request basic information on this incomplete proposal including building plans, budget and financing, construction impacts for Phase 1 and Phase 2 of the project and then “demolition costs” of Phase 1, FEMA and state financing costs and availability so that both the Manele and Lahaina Harbor Advisory Committees can review and comment as well as the boating community and general public.

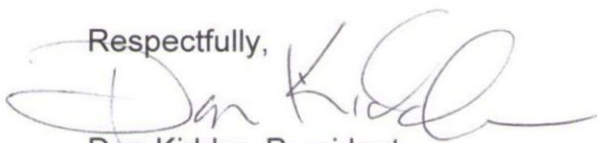
9. Further, it is totally unclear from the proposed resolution how long the extended lease term really is – 20 years, 25 years or 30 years as stated in the testimony of Jim Coon; and it is impossible to determine how much are the cost of improvements to Manele Harbor and the public loading dock and/or Trilogy’s Slip #24 and how they are to be financed and paid and what are the dollar amounts and payment terms of the Trilogy sublease???

10. In order to adequately consider the proposed resolution, any committee of the Senate needs to address the following issues and questions:

- (i) What are the nature of the physical capital improvements to Manele Harbor and the over-sized and expanded Slip #24?
- (ii) What will a review of the building plans for such improvements disclose?
- (iii) What are the costs and sources of payment for those improvements?
- (iv) What FEMA financing is available and what is the dollar amount and timing of payment?
- (v) What will be the amount of State contributed financing for both the public loading dock and the private use Slip #24 called the "Trilogy Loading Dock"?
- (vi) Why are the improvements to be constructed in two phases and what constitutes Phase 1 and what constitutes Phase 2?
- (vii) Why are the improvements of Phase 1 to be demolished and at what cost?
- (viii) Are there duplication of expenditures for Phase 1 and then the demolition of Phase 1 and then the construction of Phase 2?
- (ix) Where is the report and comprehensive analysis of DLNR-DOBOR?
- (x) Where are the reports and analysis of the Attorney General's Office and Budget Office?

Proposed SCR 158 is very special interest legislation for a single private party with a proposed exclusive use of public harbor facilities for a nominal monetary contribution and is not in the public's best interest and should be REJECTED.

Respectfully,



Don Kidder, President
HOOD MARINE, LTD.

March 18, 2013

William J. Aila, Jr.
Chairperson
Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

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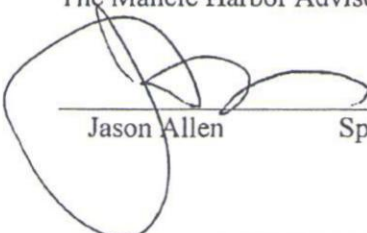
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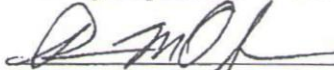
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The Manele Harbor Advisory Committee

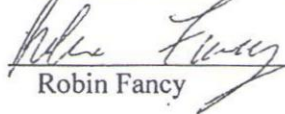


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Robin Fancy Small Boater

John Irons Small Boater



Max Kincaid Small Boater



Ralph Sakamura Small Boater

cc: Senator Kalani English
Representative Mele Carroll
Councilman Riki Hokama
Ed Underwood, DNLN

EXHIBIT A
(Page 2 of 2)

Members of the house, WAL and OMH:

I would like to submit the following testimony in OPPOSITION to SCR 158, for your consideration.

I strongly oppose the leasing of submerged lands in a small boat harbor, to ANY individual entity. OUR state waters should not be for sale!! These are State waters, belonging to all Hawaiian residents and governed by DLNR via DOBOR rules.

The fact that Trilogy wants to once again spend their corporate monies to rebuild a pier adjacent to slip 24, should simply be a business decision on their part. The financial benefit they have received over the decades for their investments building, and rebuilding a pier adjacent to slip 24, has to have certainly paid off. They currently have a mooring agreement with the State, just like all commercial and recreational boaters have, and as such are held accountable by the state to follow all harbor rules and regulations set forth by the State. If a lease is granted, the law governing use of State waters within a small boat harbor becomes very muddled, leaving our legislature tasked with rewriting laws to govern special interest entities, while leaving the rest of us, without deep pockets, at an unfair economic and competitive disadvantage.

There are already provisions within the DOBOR rules to offset expenditures for betterments and improvements within a small boat harbor, by private companies. Trilogy has taken advantage of this in the past, and would be entitled to again, if they so choose to. There are also specific guidelines, like structural approval by State engineers, so individuals can not construct a structure on State property incorrectly, like the use of sand bags to secure pilings instead of cement bags.

After reviewing previous testimony on not just this bill, but HCR208, I realize the majority testimony submitted thus far has been from Lanai residents, who basically are thanking Trilogy for a turkey.

Our company also has a VME harbor permit to utilize the "public loading dock" at Manele small boat harbor, and we too gainfully employ Hawaiian residents. The difference is we follow all DOBOR rules, including the 30-minute loading dock usage and offsetting our mooring fees to the State for betterments and improvements WE paid for in Lahaina Harbor -- no special consideration asked.

Respectfully submitted,

Jill Mickelsen

Operations Manager

Maui Adventure Cruises

Cc: Sylvia Luke

Scott Nishimoto

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 5:05 PM
To: waltestimony
Cc: smatsuura@navatekltd.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Matsuura	Individual	Oppose	Yes

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

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 16, 2013 6:02 PM
To: waltestimony
Cc: bnakaoka@pacificshipyards.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Nakaoka	Individual	Oppose	No

Comments:

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Cc: brosenthal@navatekltd.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Rosenthal	Individual	Oppose	No

Comments:

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Cc: bdelacruz@lava.net
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Betty Dela Cruz	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Kays	Individual	Oppose	No

Comments:

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Cc: ccurtiswhite@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charles C. White	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charlie Field	Individual	Oppose	No

Comments:

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Cc: derricknakao@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Derrick Nakao	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Schiff	Individual	Oppose	No

Comments:

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Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Johnson	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

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Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Shimozono	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Puletasi	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kacey Lock	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keri Powlison	Individual	Oppose	No

Comments:

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Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
LEILANI DIMAYA	Individual	Oppose	No

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Cc: ljoson@ceihawaii.com
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Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lyn Joson	Individual	Oppose	No

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Davies Jr	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael S. Yasui	Individual	Oppose	No

Comments:

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Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gabe Bonde	Individual	Oppose	No

Comments: a. I oppose using public funds to renovate a pier for the use of just one PRIVATE company. b. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company. c. Granting a lease to one company, hurts competing companies, who also gainfully employ residents of Maui County.

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Cc: nyanagawa@pacificshipyards.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Yanagawa	Individual	Oppose	No

Comments:

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Cc: rob.schoenherr@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Schoenherr	Individual	Oppose	No

Comments: I oppose using public funds to renovate a pier for the use of just one PRIVATE company. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company. Granting a lease to one company, hurts competing companies, who also gainfully employ residents of Maui County.

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Roy A Paris Jr	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Fleming	Individual	Oppose	No

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Yamashita	Individual	Oppose	No

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SCR158

Submitted on: 4/16/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tammy Nakao	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
WENDY BARROS	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Will Foster	Individual	Oppose	No

Comments:

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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Hirata	Individual	Oppose	No

Comments:

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Cc: ssnoelani65@hotmail.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sheena Sylva	Individual	Oppose	No

Comments:

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Submitted on: 4/17/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Todd Peltzer	Individual	Oppose	No

Comments:

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Submitted on: 4/17/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Tracie Akai	Individual	Oppose	No

Comments:

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Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Schmicker	Individual	Oppose	No

Comments:

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Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Sylva	Individual	Oppose	No

Comments:

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Cc: annwilson1@yahoo.com
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Wilson	Individual	Oppose	No

Comments: We oppose using PUBLIC funds to renovate a pier for just one PRIVATE company. Our company currently uses this pier for 50% of our business. Losing this would severely jeopardize our operations and would put many local Maui people out of work. We respectfully OPPOSE the implementation of this action.

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Cc: awhite015@yahoo.com
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SCR158

Submitted on: 4/17/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Audra White	Individual	Oppose	No

Comments:

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Cc: JNINOMOTO@LAVA.NET
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Submitted By	Organization	Testifier Position	Present at Hearing
JULIE NINOMOTO	Individual	Oppose	No

Comments:

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Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Miyasato	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 8:51 AM
To: waltestimony
Cc: vnagahiro@lava.net
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Vicki Nagahiro	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: moku4690@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alberta Loui	Individual	Oppose	No

Comments:

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Cc: gkihara76@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Kihara	Individual	Oppose	No

Comments:

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Sent: Wednesday, April 17, 2013 9:34 AM
To: waltestimony
Cc: melindakays@gmail.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Melinda Kays	Individual	Oppose	No

Comments:

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Cc: moku4693@gmail.com
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SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Monica Loui	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: pnishida@lava.net
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Patti Nishida	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 10:20 AM
To: waltestimony
Cc: mmiller@pacificshipyards.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Miller	Individual	Oppose	No

Comments:

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Sent: Wednesday, April 17, 2013 10:51 AM
To: waltestimony
Cc: kchun@lava.net
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
J. Kaleo Chun	Individual	Oppose	No

Comments:

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To: waltestimony
Cc: jkmayeda@lava.net
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie Mayeda	Individual	Oppose	No

Comments:

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Sent: Wednesday, April 17, 2013 10:50 AM
To: waltestimony
Cc: orcasjay@yahoo.com
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Jerman	Individual	Oppose	No

Comments: 1. I oppose using public funds to renovate the pier for the use of one private company. 2. All boaters and companies should be given the same opportunity to apply for a long term lease with the DLNR at all state run small boat harbors.

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Cc: moku4696@yahoo.com
Subject: *Submitted testimony for SCR158 on Apr 18, 2013 14:05PM*

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
L.L Alden	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 17, 2013 11:33 AM
To: waltestimony
Cc: eric.gavin@sailmaui.com
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Gavin	Individual	Oppose	No

Comments: a. We oppose using public funds to renovate a pier for the use of just one PRIVATE company. b. All boaters throughout the state should be given the same opportunity to apply for a long-term lease with DLNR at all State run small boat harbors, not just one company.

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Cc: anrbendr@hotmail.com
Subject: Submitted testimony for SCR158 on Apr 18, 2013 14:05PM

SCR158

Submitted on: 4/17/2013

Testimony for WAL/OMH on Apr 18, 2013 14:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Bendlin	Individual	Oppose	No

Comments: I oppose this measure for the following reasons: 1) I do not believe public funds should be used to renovate a pier for one company only. If public funds are used, any company (or the general public) should be able to use the dock. 2) Any boater or company should be allowed to apply for such a lease with the DLNR at any state harbor. Thank you for allowing me to submit testimony
Andrea Bendlin Maui, Hawaii

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

**Thursday, April 18, 2013
2:05 PM
State Capitol, Conference Room 224**

**In consideration of
SENATE CONCURRENT RESOLUTION 158, SENATE DRAFT 2
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT MANELE BAY,
LANAI, FOR RENOVATION OF MANELE SMALL BOAT HARBOR**

Senate Concurrent Resolution 158, Senate Draft 2 authorizes the Board of Land and Natural Resources to lease certain submerged lands at Manele Bay to Coon Brothers Inc. for renovation of the small boat harbor facilities. The Department of Land and Natural Resources (Department) supports this concurrent resolution.

The majority of the testimony received by the Department from the Lanai community is in support of this measure. The Department notes that this proposed lease will ensure that the Trilogy Corporation can continue to conduct their business as they have done for the last three decades.

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