

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committees on
WATER AND LAND
and
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Monday, April 3, 2023
3:01 PM
State Capitol, Conference Room 225

In consideration of
SENATE CONCURRENT RESOLUTION 221/SENATE RESOLUTION 159
URGING THE DIVISION OF BOATING AND OCEAN RECREATION OF THE
DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTY OF
MAUI TO FACILITATE A STATE AND COUNTY PARTNERSHIP FOR THE
MANAGEMENT OF ALL SMALL BOAT HARBORS LOCATED
ON THE ISLAND OF MAUI.

Senate Concurrent Resolution 221/Senate Resolution 159 urge the Division of Boating and Ocean Recreation (DOBOR) of the Department of Land and Natural Resources (Department) and the County of Maui to partner for management of all small boat harbors on the Island of Maui. **The Department offers the following comments.**

The Department's Chair and/or Deputy Director is already planning to request a meeting after this legislative session with Maui Mayor Richard Bissen and potentially other Maui County leadership to discuss partnership options.

When the Small Boat Harbor and Coastal Areas Programs were transferred from the Department of Transportation (DOT) to the Department in 1991, a \$300 million deferred maintenance backlog was also transferred with no immediate solutions for funding or reducing the backlog. The Programs were transferred from DOT to the Department with no plan to address the numerous existing issues and challenges, as no additional positions or funding were included to adequately implement the coastal areas program. Since 1991, the Department has worked to reduce the maintenance backlog by roughly half but cannot keep up with maintenance needs due to a combination of insufficient funding and rampant inflation.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
LAURA H.E. KAAKUA
FIRST DEPUTY
M. KALEO MANUEL
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

The Small Boat Harbor and Coastal Areas Programs are funded by the Boating Special Fund, which derives revenues from harbor and ocean users and is not funded by any taxpayer money. Special funding ensures that small boat harbor costs are paid only by those who actually utilize the facilities.

The Department makes its best efforts to address deferred maintenance needs at small boat harbors and facilities, but much of the work must be completed through the Capital Improvement Project (CIP) budget, which is determined by the Legislature, then needs to be released by the Governor. While the Department regularly submits small boat harbor CIP requests totaling tens of millions of dollars to the Legislature each year, the Department usually receives less than \$10 million in the Legislature's CIP budget each year for those projects. Despite this severe underfunding, the Department has been able to keep all of its small boat harbors and facilities operational and open to the public.

Pursuant to Section 200-8, Hawaii Revised Statutes, fees collected within state small boat harbors are used for operation, upkeep, maintenance, and improvement of all 16 small boat harbors statewide, regardless of which facility the fee was collected from. Without the ability to allocate funding between facilities as needed, most small boat harbors would not be self-sustaining and would therefore need to offer limited services or be closed down altogether.

DOBOR prepared a strategic plan that would address the issues and challenges faced by the Small Boat Harbor Program and distributed it to all stakeholders, including the Legislature, in 2019. Since the Strategic Plan was published, the Department has regularly submitted legislation that would provide DOBOR with the authority to implement the Strategic Plan but has not been successful in getting the legislation passed into law.

The Strategic Plan would execute leases of boating facilities to private partners who can manage the facilities on a 24/7 basis and allow state employees to focus on the Coastal Areas Program, which would include monitoring for violations, educating the public, and engaging with the boating and ocean-going public on a more frequent basis. This management model is already in place in multiple locations in the State and has proven to be the most efficient way to operate and manage small boat harbor facilities. In the absence of adequate funding by the Legislature or a different management model, the small boat harbor program will continue to operate with the same issues as when it was transferred from DOT, regardless of which agency runs the program.

When Department leadership meets with Maui County leadership, the Department will remain open to new ideas, and will also share the small boat harbor program's high annual repair and maintenance costs, as well as the significant deferred maintenance need.

Mahalo for the opportunity to comment on these measures.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
Traci N. T. Fujita, Esq.

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 31, 2023

TO: The Honorable Senator Lorraine R. Inouye, Chair, and
Members of the Committee on Water and Land

The Honorable Senator Glenn Wakai, Chair, and
Members of the Committee on Public Safety and Intergovernmental and
Military Affairs

FROM: Alice L. Lee
Council Chair

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

SUBJECT: **HEARING OF APRIL 3, 2023; TESTIMONY IN SUPPORT OF SCR 221 AND SR 159, URGING THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTY OF MAUI TO FACILITATE A STATE AND COUNTY PARTNERSHIP FOR THE MANAGEMENT OF ALL SMALL BOAT HARBORS LOCATED ON THE ISLAND OF MAUI**

Thank you for the opportunity to testify in **support** of these important resolutions. These resolutions would request the Department of Land and Natural Resources Division of Boating and Ocean Recreation to execute a partnership agreement with the County of Maui for management of Maui's small boat harbors.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I strongly support these resolutions for the following reasons:

1. Maui's small boat harbors have fallen into disrepair.
2. A State-County partnership could ensure that the small boat harbors are adequately repaired and maintained.

For the foregoing reasons, I **support** these resolutions.