

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | 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 House Committee on
WATER & LAND

Tuesday, March 19, 2024
9:30 AM
State Capitol, Conference Room 430

In consideration of
HOUSE CONCURRENT RESOLUTION 98
AUTHORIZING THE SALE OF ONE OR MORE LEASES OF SUBMERGED LANDS
AT STATE SMALL BOAT HARBORS.

House Concurrent Resolution 98 authorizes the sale of one or more leases of submerged lands at State small boat harbors under the Division of Boating and Ocean Recreation (DOBOR) of the Department of Land and Natural Resources (Department). **The Department strongly supports this measure.**

As detailed in DOBOR's 2019 strategic plan, the Public-Private Partnership (P3) model would be the most effective and efficient management model for state small boat harbors. A significant reason that potential lessees are reluctant to enter into a P3 management lease is the uncertainty over obtaining the legislative approval via concurrent resolution, required by section 171-53(c), Hawaii Revised Statutes. By obtaining this legislative approval, the Department would thus remove uncertainty and be able to attract well qualified lessee candidates. The Board of Land and Natural Resources would maintain final authority in approving any lease, ensuring public involvement in the process. The Department has no plans to sell any State lands and will only offer leases as part of a P3 management model.

The Department currently has four harbor facilities on O'ahu that are under a public-private partnership: La Mariana Sailing Club (LMSC), Ke'ehi Marine Center (KMC), Waikīkī Yacht Club, and the Hawai'i Yacht Club. Additionally, a prime example of a successful P3 management model is Kewalo Basin Harbor, under the jurisdiction of the Hawai'i Community Development Authority.

Mahalo for the opportunity to testify on this measure.

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING 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

HCR-98

Submitted on: 3/17/2024 4:58:06 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Oppose	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition strongly OPPOSES HCR 98. This "measure" proposed by DOBOR Director Ed Underwood is in direct violation of State Law confirmed by the Hawaii Supreme Court. State property cannot be given to control of private for-profit entities.

The people of Hawaii need free public access to the boat harbors and land surrounding them unencumbered by the for-profit interests of private entities.

Mahalo for your time.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON WATER & LAND

Rep. Linda Ichiyama, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 19, 2024, 9:30 AM
Conference Room 430 & Videoconference

Re: Testimony on HCR98 – AUTHORIZING THE SALE OF ONE OR MORE LEASES OF SUBMERGED LANDS AT STATE SMALL BOAT HARBORS

Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **strongly opposes** HCR98, which authorizes the sale of one or more leases of submerged lands at state small boat harbors.

While we certainly understand the intent of this measure, UPW believes this resolution is premature. As this committee is aware, HB1919, HD1, which establishes a state boating facility lease pilot program, remains alive in the Senate despite opposition from the State’s largest public sector unions. Should that bill pass, and there are strong indications that it may, this resolution will further degrade the working rights of civil servants that have historically performed the duties at state boating facilities without an understanding of the impact HB1919, HD1 will have.

Mahalo for the opportunity to testify on this measure.

Sincerely,

A handwritten signature in blue ink that reads "Kalani Werner".

Kalani Werner
State Director

HEADQUARTERS

1426 North School Street
Honolulu, Hawaii 96817-1914
Phone 808.847.2631

HAWAII

362 East Lanikaula Street
Hilo, Hawaii 96720-4336
Phone 808.961.3424

KAUAI

2970 Kele Street, Suite 213
Lihue, Hawaii 96766-1803
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MAUI

841 Kolu Street
Wailuku, Hawaii 96793-1436
Phone 808.244.0815

1.866.454.4166

Toll Free - Molokai/Lanai only

HCR-98

Submitted on: 3/18/2024 9:12:23 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ROBERT DUERR	Wailoa River And Reeds Bay Boating and Users Association 501c3	Oppose	Remotely Via Zoom

Comments:

Aloha Representatives. Last Thursday 3/14/24 at the state building in Hilo. Over 100 fishers and boaters expressed concern about DLNR and its Division of Boating and Ocean Recreation. East Hawai'i and Puna residents want answers. They want to know why the Wailoa River mouth has become impassable affecting fishing, boating, high school paddling, fire dept rescues and University of Hawaii Hilo marine science. Boaters and fishers also are puzzled why DLNR supports DOBOR's non transparent non accountable attempt to take boating out of the boating department. Please kill HCR 98. Instead schedule state of Boating emergency hearing in Hilo with Chair Dawn Chang and DOBOR Administrator Ed Underwood.

HCR-98

Submitted on: 3/18/2024 12:56:20 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Surfrider Oahu Chapter - Chair	Oppose	In Person

Comments:

I sail, swim and use the free parking at the harbor as part of enjoying life in Hawaii. I have witnessed, what can only be explained as, the intentional decline of the Ala Wai marina over the past decade. In defiance of the Federal Clean Water Act, section 312, DLNR shut down the pump out and fuel stations over ten years ago. It is obvious the neglect and disrepair of the marina is an attempt to justify the privatization of the publically owned marina. Please look at the beautiful California public marinas for examples of how to operate a marina. Public marianas can be profitable if managed with care and respect for the ocean and public users. I urge you to hire new management and restore the marina to a state of beauty. Keep it public! Mismanagement is not an excuse to privatize.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
House of Representatives
Committee on Water & Land

Testimony by
Hawaii Government Employees Association

March 19, 2024

H.C.R. No.98 – Authorizing the Sale of One or More Leases of Submerged Lands
at State Small Boat Harbors

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the purpose and intent of H.C.R. No.98, which authorizes the Board of Land and Natural Resources to lease state submerged lands at one or more state small boat harbors or boating facilities, in part or in their entirety, for private development, management, maintenance, and operation.

The proposed privatization language is very broad and does not provide enough information on which boat harbor(s) and waterways will be impacted. We fear that this resolution may eventually lead to job loss and/or job displacement for our members that work at the small boat harbors. Additionally, granting the BLNR blanket authority and discretion to lease any submerged land is bad policy – the Legislature should maintain sole responsibility in determining which public resources should be privatized and should allow the public an opportunity to weigh in on each individual harbor and waterway that is affected. Data should be available for the positives and negatives of a harbor that is privately managed, for example Kewalo Harbor to allow for a sound policy decision.

Small boat harbors and waterways are valuable public assets, and no private entity should have control over our state's waterways to make a profit. If the justification of this resolution is to make a small boat harbor contract more attractive to allow private entities to make improvements to the state small boat harbor facilities, then it would behoove the Legislature to provide more support to our employees and department – not allow the Board to contract out this function. Furthermore, we find it troubling that the DOBOR management will quickly jump to privatizing an essential function, which may result in job displacement/loss for our members, due to their inability to execute and provide clear direction on the maintenance of the harbor.

Thank you for the opportunity to testify in opposition of H.C.R No.98.

Respectfully submitted,

Randy Perreira
Executive Director

HCR-98

Submitted on: 3/17/2024 1:58:23 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gary P. Beals	Individual	Oppose	Written Testimony Only

Comments:

Regards HCR 98; I am in opposition to this bill as written. The leasing of State Land (submerged) is wrong as the land is the property of the people of the state and NOT a private entity.

DLNR/DOBOR state that they have incurred too much in repair and maintenance cost and too little in revenue. The problem is not a money shortfall but HOW the money is spent. There is little or no accountability by DLNR/DOBOR.

HCR-98

Submitted on: 3/17/2024 3:29:07 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristine Wallerius Chung	Individual	Support	Remotely Via Zoom

Comments:

I OPPOSE this resolution; it is yet another attempt by a poorly run State Division (DOBOR) to do LESS for the Ocean Recreation Community and local families wanting to have a place to access the beach while collecting MORE from private corporations.

If DOBOR does not have an adequate budget to provide management of the Ala Wai Boat Harbor why don't they lobby the Legislature and Governor for a larger budget? If they lack the will to produce a clear plan for management, then new leadership is needed, not a sell-off of our precious ocean access.

As a daily user of this area for surfing, I see the 'rules' put forth by DOBOR violated every day. They justify their predatory towing practices against ocean recreational users, yet hotel workers park overnight in the free parking along the lagoon every night. Why are they never towed? Overnight parking is very easy to monitor, but DOBOR only selectively applies their rules punitively against ocean recreation users. Hotel workers are given a pass; one has to wonder who is benefitting from turning a blind eye to this blatant injustice.

Despite our reporting of illegal surf school operators multiple times, DOCARE officers have time (often 1-3 hours) to sit in their trucks at the boat harbor, but do not get out of their trucks to ask surf schools for their Commercial Use Permit. It appears that they lack the will to enforce the rules.

The fact that DOBOR is a poorly run department that does not provide any sort of management of the harbor does not mean they should turn public land over to private interests.

The privatization of Hawaii's publicly-owned land is a clear violation of the Supreme Court-inspired case law that gave rise to the Public Trust Doctrine.

Public lands have been deeded to the public, in perpetuity, and were never intended for private, for-profit, out-of-state corporate control. That a bill like HCR98 has even been proposed is a slap in the face to our ancestors and to every resident in the state of Hawaii.

This piece of legislation, instigated by the DoBOR's administrator, Ed Underwood, attempts to erase the oversight that is so necessary to the legalities encompassed by the Public Trust Doctrine and keeping publicly-owned properties out of the hands of for-profit out-of-state

corporations – entities that clearly do not have the best interests of the people of Hawaii in their agenda.

Passing a bill like this would represent a brand new low for our legislature. The public now knows well that the "Pilot Public/Private Project" subterfuge will NOT benefit anyone except those who will profit from it. ENOUGH . . . BE PONO and stop pandering to wealthy interests who have no interest in Hawaii's community other than to plunder it.

I strongly OPPOSE this Measure.

An open testimony

(Note: Hawaii Ocean News has published this testimony so that all of Hawaii might be aware of its existence.)

To be heard by WAL Committee on 3/19/2024

Regarding **HCR98**:

**RELATING TO: AUTHORIZING THE SALE OF ONE OR MORE LEASES OF
SUBMERGED LANDS AT STATE SMALL BOAT HARBORS**

Strongly OPPOSE this Measure

Testimony submitted by:

Katherine Lindell
Honolulu, Hawaii

Submitted this March 17, 2024, 1:00pm

Testimony

The privatization of Hawaii's publicly-owned land is a clear violation of the Supreme Court-inspired case law that gave rise to the Public Trust Doctrine.

Public lands have been deeded to the public, in perpetuity, and were never intended for private, for-profit, out-of-state corporate control. That a bill like HCR98 has even been proposed is a slap in the face to our ancestors and to every resident in the state of Hawaii.

This piece of legislation, instigated by the DoBOR's administrator, Ed Underwood, attempts to erase the oversight that is so necessary to the legalities encompassed by the Public Trust Doctrine and keeping publicly-owned properties out of the hands of for-profit out-of-state corporations – entities that clearly do not have the best interests of the people of Hawaii in their agenda.

Passing a bill like this would represent a brand new low for our legislature. The public now knows well that the "Pilot Public/Private Project" subterfuge will NOT benefit anyone except those who will profit from it. ENOUGH . . . BE PONO and stop pandering to wealthy interests who have no interest in Hawaii's community other than to plunder it.

We strongly OPPOSE this Measure.

Katherine Lindell
Honolulu, Hawaii

HCR-98

Submitted on: 3/17/2024 7:28:23 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Madonna Dizon	Individual	Oppose	Written Testimony Only

Comments:

I, as a Hawaiian, strongly OPPOSE HCR 98. This "measure" proposed by DOBOR Director, Ed Underwood, is in direct VIOLATION of State Law. This State Law is confirmed by the Hawaii Supreme Court. This State Law is without equivocation and undeniable: State property CANNOT be controlled by private for-profit entities.

We the people of Hawaii need free public access to the boat harbors and land surrounding them. Encumbrances by the for-profit interests of private entities trample upon the rights of we the Hawaiian people. Do what is right for the Hawaiian people. Follow The Rule Of Law.

HCR-98

Submitted on: 3/17/2024 10:24:44 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Leslie Yancey	Individual	Oppose	Written Testimony Only

Comments:

Aloha!

We, Leslie and Wayne Yancey, strongly OPPOSE HCR 98. This "measure" proposed by DOBOR Director Ed Underwood is in direct violation of State Law confirmed by the Hawaii Supreme Court. State property cannot be given to control of private for-profit entities. The people of Hawaii need free public access to the boat harbors and land surrounding them, unencumbered by the for-profit interests of private entities.

Mahalo for your consideration,

Leslie and Wayne Yancey

Kapolei, HI. 96707

HCR-98

Submitted on: 3/18/2024 2:13:44 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Courtland H. L. Pang	Individual	Oppose	Written Testimony Only

Comments:

Aloha Rep. Ichiyama and members of the House Water and Land Committee:

I write in opposition to any privatization of State Small Boat Harbors (SBH).

Privatizing SBH is not in the best interest of the citizens of Hawaii whose right of access to the sea is enshrined in HRS 115. For small trailer boat owners, our only access to the sea is via boat ramps and piers at SBH. Any private lessee of an SBH would seek to generate a profit from its operation, development, and maintenance of said SBH. Increased fees and restricted hours/access would adversely affect our access to the sea. Attempts to allay these concerns by reference to DLNR/DOBOR controlling lessee price increases per HRS 200-10 are disingenuous because (1) 200-10 addresses mooring fees and contains no provision limiting fees for use of launch ramps, trailer parking, washdown facilities, or restrooms, (2) mooring fees are subject to fair market appraisal values, which given low supply and high demand, could be ruinous for some, and (3) DLNR/DOBOR could be expected to favor the lessee in cost decisions, since it would not be advantageous to their privatization efforts for the lessee to fail.

Please do NOT pass HCR98.

Mahalo,
Courtland Pang

HCR-98

Submitted on: 3/18/2024 8:51:33 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Wesley yoneda	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because i feel there should be free access to the beach for recreational use, and the signage for the towing of cars is not sufficientt ticketing and education would be better and go back to enforcing 6 hour rule so people don't use the parking while they work

I don't believe a third-party running. The Harbor will have the best interest of the people of Hawaii.

Privitization and dream vision want to build structures on tsunami and flood zone, high water is already a problem as seen at waikiki. we just want a place to enjoy the ocean we don't need shopping or food there's plenty of that in the surrounding areas (support local)if the people of Hawaii's taxes pay for the Harbor, the people should have a say on how it's run. There just has to be better management and accountability for DOBOR.

thank you for allowing me to testify

wesley yoneda

HCR-98

Submitted on: 3/18/2024 9:04:06 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Chair Ichiyama, Vice Chair Poepoe, and members of House Water and Land committee:

Note: please forgive any typos. I'm on spring break and texting this into my cell phone 'Capitol.hawaii.gov' application.

As a long time boat owner In Hawaii, 25 years, I strongly OPPOSE the House Concurrent Resolution, HCR 98, that would allow the sale of fast lands in the one, or more, of the State owned Small Boat Harbors, in long term 65-year leases.

This is a 'bad' resolution, as unfortunate as a 'reverse mortgage' or a 'home equity loan' that puts the land at risk of foreclosure. Any action that reduces the rights of future generations to the aina would be a shame. We need to save these harbors and ocean access sites, as public access areas, free from 'yacht club membership dues' or similar financial barriers that could segregate who has access to ocean.

Let's NOT shift the future 'ownership of these public lands' from the 'public trust' to corporate entities.

The public still owns these State Harbors. We need to preserve them.

The chronic poor management of the State Small Boat Harbor, gives reason for a management audit and inspections. The Division of a Boating and Ocean Recreation has had the money, but not the will or 'know-how' to properly manage our State Harbors.

Instead of selling the harbors and fast-lands in long term leases, we need to improve them ourselves with proper marine engineering and better accounting. Attempts to 'monetize our harbors' with public-private-partnerships have backfired and only caused deeper failures in the marina infrastructure.

For instance, the 'Honey Bee' contract at the Ala Wai Small boat Harbor. This corporation went bankrupt due to many factors, but they still owe the State 800K dollars and we have NOT had a functional fuel dock for 12 years, due to this debacle of a contract.

DOBOR IS NOT FIT to be Real Estate agent, selling off the fast lands.

Look to all the failed, or poorly, executed contracts DOBOR initiated:

- 1) Honey Bee 2011-2017 Privatization Attempt that was a debacle and ruined our haul out and fuel dock facilities.
- 2) The 800 row, electricity repair that took three years to complete.
- 3) The parking and towing contracts hat lead to excessive towing, no citations issued, just instant towing.
- 4) constant threat of losing the free parking for boaters, surfers, and paddlers.

Plus, the poor follow-up on land give-away deals with the surrounding hotels. Where are the bathrooms Hilton promised in the contract. The bathrooms on Kahanamoku Rd. We're built, but they are unmarked, always locked and not available to the public as stipulated in the contract. Sadly, once the land is 'sold' in long term leases, then it's up to public to have to gather themselves and hire lawyers to force the corporation to do as it promised. For instance Ko'Oolina boat ramp, Hilton bathrooms, Prince Waikiki bus stop, that was supposed to be for the tour buses, but instead is used for valet patking (and the buses blosvknthe road!).

As legislators, the public is relying on you to investigate the issues and a hold strong against selling the harbor fastlands.

Mahalo,

Kate Thompson

HCR-98

Submitted on: 3/18/2024 9:06:58 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Leilehua Yuen	Individual	Oppose	Written Testimony Only

Comments:

I, Dana Leilehua Yuen, **STRONGLY OPPOSE** any sale of our submerged lands at our small boat harbors. Those lands are a public trust and must be held in trust for the public **NOT** sold!

DO NOT SELL OUR SUBMERGED LANDS!!!

Mahalo,

Dana Leilehua Yuen
voter and citizen of Hawai'i

HCR-98

Submitted on: 3/18/2024 9:24:54 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Hallahan	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Chair Ichiyama, Vice Chair Poepoe, and members of the House Water and Land Committee:

As a long-time boat owner In Hawaii, 25 years, I strongly OPPOSE the House Concurrent Resolution, HCR 98, that would allow the sale of fast lands in one, or more, of the State owned Small Boat

Harbors, in long-term 65-year leases. [L] [SEP]

This is a 'bad' resolution, as bad as a reverse mortgage or a 'home equity loan' that puts the land at risk of foreclosure. Any action that reduces the rights of future generations to the aina would be a shame.

We need to save these harbors and ocean access sites, as public access areas, free from 'yacht club membership dues' or similar financial barriers that could segregate who has

ocean access.

Let's NOT shift the future 'ownership of these public lands' from the 'public trust' to corporate entities.

The public still owns these State Harbors. We need to keep them. [L] [SEP]

The chronic poor management of the State Small Boat Harbor, has given reason for a management audit and inspections. The Division of a Boating and Ocean Recreation has had the

money but not the will or 'know-how' to properly manage our State Harbors.

Instead of selling the harbors and fast lands in long term leases, we need to improve them ourselves with proper marine engineering and better accounting. Attempts to 'monetize our harbors' have backfired and only caused worse problems. [SEP] For instance, the 'Honey Bee' contract at the Ala Wai Small boat Harbor. This

corporation went bankrupt due to many factors, but they still owe the State 800K dollars and we have NOT had a functional fuel dock for 12 years, due to this debacle of a contract. I also am so discouraged that when DLNR knows the hotel is creeping on land they do not pay for and advertise on that land they do not go after the hotel and restrict them. Here s the police report I submitted to DOCARE two weeks ago and

nothing has been done. The Hilton Corp should be fined for years of closing a beach early and false advertising.

HCR-98

Submitted on: 3/18/2024 9:53:30 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Acasio	Individual	Oppose	Written Testimony Only

Comments:

Testimony in STRONG OPPOSITION to HCR 98

Dear Honorable Chair Ichiyama and Members of the House Committee on Water and Land,

I am writing to express my strong opposition to HCR 98, which proposes to grant the Board of Land and Natural Resources the authority to lease state submerged lands at one or more state small boat harbors or boating facilities for private development. As a concerned citizen deeply invested in the preservation of our public resources, particularly those vital to our fishing communities and island heritage, I urge you to reject this resolution.

It is imperative that the state uphold its duty to protect the public trust and refrain from privatizing essential resources that countless fisherpeople depend on for their livelihoods and cultural practices. Allowing private development on state submerged lands within small boat harbors or boating facilities would not only undermine the interests of our fishing communities but also jeopardize the integrity of managing our public trust.

The current state of neglect and underfunding of our harbors is unacceptable and has resulted in dire consequences, particularly on Hawaii Island in Hilo. The current emergency situation at Wailoa Small Boat Harbor underscores the ramifications of years of neglect and abdication of duty. This harbor, which serves as a crucial access point to the ocean for communities from Kawaihae to South Point, is now inaccessible due to a sandbar, as well as deteriorating infrastructure.

The closure of the Pohoiki Boat Ramp in 2018 further exacerbated the reliance on Wailoa Harbor for ocean access, yet the conditions of the ramp, parking, moorings, dock, and bathrooms remain deplorable. Our fisherpeople and boaters deserve better treatment and immediate solutions to address these pressing issues.

Passing HCR 98 would only exacerbate the problems our communities are facing, prioritizing private gain over the public good. The State and the Board of Land and Natural Resources have a solemn obligation to safeguard these resources for the benefit of all residents, not for the profit of a select few.

I implore you to listen to the concerns of our fishing communities and reject HCR 98. Instead, let us work together diligently to find sustainable solutions that prioritize the well-being of our residents.

Thank you for considering my testimony on this crucial matter.

Laura Acasio, Hilo

HCR-98

Submitted on: 3/18/2024 9:57:17 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Renee Robinson	Individual	Oppose	Written Testimony Only

Comments:

STOP selling any land or water where the people who live here are able to make a living. Selling the bays is where the fishermen fish is WRONG!

Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
dougasmeller@gmail.com

**Testimony Requesting Amendment of HCR 98
Authorizing the Sale of One or More Leases of Submerged Lands at State Small
Boat Harbors**

Submitted to House Committee on Water and Land
Tuesday, March 19, 2024, 9:30 am, State Capitol Room 430 & Videoconference Hearing

Please amend HCR 98 to require that:

Any lease of fast lands and submerged lands of the Ala Wai boat harbor shall provide for the maintenance of at least three hundred public parking stalls at no cost for recreational ocean access and for the practice of traditional and customary Native Hawaiian rights.

Free public parking in Ala Wai Harbor was substantially reduced in 2008. The State should retain the existing 300 free parking stalls. It's simply wrong to allow private lessees, concessions, or contractors to charge fees for Hawaii residents to park on public property to use the beach, swim, fish, or surf. Public parking lots which Hawaii residents use for recreational ocean access should be maintained with public general funds and managed like a kind of park facility.

Future Oahu residents should be guaranteed the same recreational ocean access that I had. I am 76. I have parked at Ala Wai Harbor for access to Waikiki Beach and surf spots for 60 years. Before we had kids my wife and I owned a 23' trimaran daysailer moored in a slip at Ala Wai Harbor. None of our relatives and friends would have spent the day sailing with us if they had to pay substantial parking fees or risked a parking citation and having their car towed.

HCR-98

Submitted on: 3/18/2024 2:25:49 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Mulkern	Individual	Oppose	Written Testimony Only

Comments:

The Free Access Coalition testimony:

Aloha Roy RNVFISHING

I appreciate you keeping me informed. I too, have been concerned about public private partnerships, especially with environmental groups. It appears that a lot of the work that they're doing is under the radar. No permits, no environmental impact statements, no public input.

I enjoy my Hawaii Fishing News coffee cups as they are a reminder me that our state's constitution guarantees the public access to the mountains and ocean. These partnerships seem to be a way the state/government circumvents Hawaii State Law.

Any thoughts?

Kevin Mulkern

808 396 6595



HCR-98

Submitted on: 3/18/2024 4:37:12 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Allan Vosburgh	Individual	Oppose	Written Testimony Only

Comments:

I oppose the sale or transfer of any State Marina property to any private for profit entity. The people of Hawaii need free public access to the boat harbors and land surrounding them unencumbered by the for-profit interests of private entities.

Thank you.

Allan Vosburgh, Ewa Beach

HCR-98

Submitted on: 3/18/2024 5:05:16 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dale Fergerstrom	Individual	Oppose	Written Testimony Only

Comments:

HCR 98

OPPOSING TESTIMONY

My name is Dale Fergerstrom. I am a lifelong resident of Hawai'i Island and presently living in Hilo after moving from Kona.

I am asking the legislature to dig deeper into the actual everyday management of DOBOR- Before- granting them the power of privatizing small boat Harbors. While DOBOR's Strategic plan clearly blames the State Legislature for the failure of DOBOR to effectively maintain the Small Boat Harbor system of the State, DOBOR promises to increase its effectiveness in other statutory mandated duties if DOBOR is relieved of managing Small Boat Harbors by privatizing them.

Lacking here is very important information on how the present management of DOBOR has also contributed to the neglect of Hawai'i Small Boat Harbors.

Has anyone asked DOBOR why so many of the Hawai'i Island District managers resigned from their post in Kona after only working a few years or even less in that position?

Has anyone asked DOBOR why its relationship with the boating community in the state is so strained and a lack of trust so strong?

Have legislators looked specifically at DOBOR's Strategic Plan and asked them for more details on their goals? Such as :

Goal 1: Expand ocean recreation management to meet DOBOR's statutory mandate Through implementing the PPP strategy, DOBOR will free existing staff that it will then shift toward ocean recreation management tasks to balance its allocation of resources between its two primary statutory mandates. Contracting resource-intensive harbor management responsibilities to private partners will enable DOBOR to expand ocean recreation management and fulfill the mandate without needing to increase staff numbers.

Question- What exactly are those Ocean Management activities they are talking about? Was the confusion and frustration venting by my community over the handling of Surf School Lessons at Kahalu'u Beach Park in Kona caused by DOBOR's overworked staff in managing Small Boat Harbors? Would DOBOR have done a better job in managing that problem if Honokohau and the Kailua-Kona Pier were Privately Managed?

Goal 2: Provide world-class boating By implementing the public-private partnership strategy and transitioning to more of an asset management model, DOBOR will not only perform necessary repairs and improvements to its small boat harbors but again, transform them into world-class marinas. By maintaining a degree of engineering oversight in the development process, the harbors can be transformed in a way that is sensitive to community needs and concerns.

Question: Does DOBOR presently have qualified people who can "maintain a degree of engineering oversight," or do they have to hire more people? Which goes against their statement about no need for more personnel if they are allowed to privatize small boat harbors. I for one would like to see more than a degree of engineering ability on the part of the State if the State intends to allow outside contractors to reconstruct its harbors.

Goal 3: Effectively manage DOBOR's real property Through the PPP model, DOBOR will streamline current operations and effectively manage its real property. DOBOR aims to transfer duties irrelevant to primary State functions to private partners, allowing the division to more fully utilize its assets by further developing its fast lands to generate revenue.

Question: Has anyone asked DOBOR as to what happened to their effort in creating revenue-generating ventures such as Wedding Chapels or commercial shopping areas in Kiwalo?

I am not opposed to the idea of privatizing small boat harbors. I am opposed to granting DOBOR this authority before their present management failures are addressed.

Dale Fergerstrom

dalefergerstrom@gmail.com

808 345-0742

HCR-98

Submitted on: 3/18/2024 6:12:34 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ronald severs	Individual	Oppose	Written Testimony Only

Comments:

Aloha! The Free Access Coalition strongly OPPOSES HCR 98. This "measure" proposed by DOBOR Director Ed Underwood is in direct violation of State Law confirmed by the Hawaii Supreme Court. State property cannot be given to control of private for-profit entities. The people of Hawaii need free public access to the boat harbors and land surrounding them unencumbered by the for-profit interests of private entities. Mahalo for your time.

HCR-98

Submitted on: 3/19/2024 7:27:52 AM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marsha Hee	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha, My name is Marsha Hee. I oppose HCR98. My issue with this bill is that we are not getting clarity on what is being done with the funding and we would like an accounting of the past 20 years. One 'ohana already pays over \$400 a month and so do other fishermen and boaters. I am concerned about specifically overdue dredging & maintenance of small boat harbors under lack of adequate DOBOR management. I have serious reservations of the intent of this bill - should small boat harbors and their facilities be sold and privatization take over, it could end affordable and sustainable boat slip fees for local fishermen and their families. This bill sidesteps responsibility and accountability of BLNR and DOBOR to address long term related issues that seriously impact local fishermen and their families - the users of small boat harbors now and in the future. Again I oppose HCR98. Thank you for taking my concerns and opinion into consideration.

Respectfully,

Marsha Hee, life-long citizen of Hawaii

Resident of Volcano, HI 96785

HCR-98

Submitted on: 3/19/2024 12:20:09 PM

Testimony for WAL on 3/19/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sam Monet	Individual	Oppose	In Person

Comments:

It is apparent that this bill was introduced by someone new to the legislature (linda Ichiyama) who does not have any small boat harbors in her district. A ruse. This bill has been introduced before, unsupported by the facts and misleading testimony of Underwood and others at DLNR. Hawaii supreme court decisions relating to public trust assets prohibit leasing or selling those assets to private developers or managers, especially Ala Wai Small Boat harbor which nets over \$2million per year despite the loss of 100 live aboard tenants who pay twice as much rent to DLNR for the same slip, due to fraud by Underwood. There is an ongoing FBI investigation into this fraud by DLNR and other employees at state which if true would put them in jail. In addition, if such a bill is passed it would lead to another lawsuit. Best you all simply do the right thing and support bills that require DLNR to hire property managers with a real estate background to manage our billion dollar public trust assets. Only a fool would sell his cash cow, Ala Wai Small Boat Harbor.. Sam Monet