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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
CARTY S. CHANG
Interim Chairperson

Before the House Committee on
FINANCE

Tuesday, March 3, 2015
11:00 A.M.
State Capitol, Room 308

In consideration of
HOUSE BILL 722, HOUSE DRAFT 1
RELATING TO LIPOA POINT

House Bill 722, House Draft 1 proposes to establish a Lipoa Point Management Council in the Department of Land and Natural Resources (Department) for the development of Lipoa Point on Maui. The measure also proposes to appropriate moneys for land surveyor services, maintenance services and development of master plan for Lipoa Point. **The Department offers the following comments.**

Management of the Lipoa Point parcel requires significant personnel and fiscal resources and general fund support by the Legislature is greatly appreciated. However, the Department is concerned about the significant costs incurred by the measure's proposed Lipoa Point Management Council. Considering that the appropriation provides funds in Fiscal Years 2015-2016 and 2016-2017 for the Management Council "to establish a master plan and environmental impact statement", the Department would be responsible for bearing the costs of the Management Council's ongoing operation expenses, including providing staff support. In addition, while the measure provides funding for long term planning and interim property management measures, the Department will still have to bear the long term expenses of managing the property, in addition to the Management Council.

Such costs incurred by the establishment of the Management Council include a new secretary for the Management Council to coordinate council meetings, develop the meeting agenda and produce the meeting minutes, as the Management Council will be a creature of statute and thus subject to Chapter 92, Hawaii Revised Statutes (i.e., sunshine law). Further expenditures would include a computer and other office equipment and reimbursement for council members' expenses, including travel, transportation and per diems. Such costs could easily exceed \$100,000.00 per year, and

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would be an ongoing expense, while the appropriation would only be for the next two fiscal years. Moreover, the House Draft 1 version of this measure removed the council's rulemaking exemption for Chapter 91, Hawaii Revises Statutes. Requiring the Department to engage in rulemaking will simply add to the cost burden on financial and personnel resources. By appending such additional significant on-going costs to the appropriations, this measure is at best a pyrrhic victory for the Department.

As a more cost effective alternative, the Department recommends that the Lipoa Point Management Council be deleted from this measure in its entirety, and replaced with a requirement that any master plan by the Department comply with all applicable best planning practices, including community based planning. This would ensure that the various community stakeholders would have the opportunity to engage the process to determine the long term management of the property. Furthermore, any final determination regarding the long term management of the property would be considered by the Board of Land and Natural Resources in a sun-shined, public meeting.



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
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Testimony of
Leslie Kuloloio, Chair
Aha Moku Advisory Committee (AMAC)

Before the House Committee on Finance

Tuesday, March 3, 2015
11:00 A.M.
State Capitol, Conference Room 308

**In Consideration of
House Bill 722 HD 1
Relating to Lipoa Point**

House Bill 722 HD 1 establishes a Lipoa Point Management Council in DLNR for the development of Lipoa Point. It appropriates moneys for land surveyor services, maintenance services, and development of a master plan for Lipoa point. **The Aha Moku Advisory Committee (AMAC) offers the following comments.**

The AMAC works with moku and ahupua'a communities through the Aha Moku System (System), a traditional land and ocean management system that dates from the 9th century and has been restored by the kupuna practitioners of each island. Through this System, generational resource knowledge and methodology is shared with the site-specific communities of the ahupua'a as well as with the DLNR to whom the AMAC is attached.

In the moku system, as practiced by the AMAC per §171.4-5, the native Hawaiian resource practitioners who have the generational knowledge of the land and ocean resources of Lipoa Point are part of the Ka'anapali Moku and have been working with the DLNR divisions. They bring forth empirical resource and cultural knowledge of Lipoa Point that will strengthen any proposed management plan that DLNR, owners of this parcel, will embark on.

As Aha Moku already works with DLNR on Lipoa Point, we believe that any master plan developed by the Department will comply with best management practices and community based planning.

finance8-Melanie

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HB722

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Testimony for FIN on Mar 3, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Support	No

Comments:

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