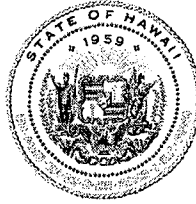
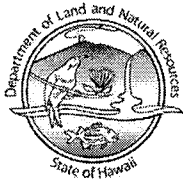


**HB 2582,**

**SD1**

**Testimony**

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the Senate Committee on  
WAYS AND MEANS**

**Wednesday, March 24, 2010  
9:30 AM  
State Capitol, Conference Room 211**

**In consideration of  
HOUSE BILL 2582, SENATE DRAFT 1  
RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS**

House Bill 2582, Senate Draft 1 amends the liveaboard fees for the Ala Wai and Keehi Small Boat Harbors. While the Department of Land and Natural Resources (Department) supports the proposed amendments to liveaboard fees, the Department nonetheless prefers the original version of the Administration measure which also authorizes limited commercial activity at the Ala Wai and Keehi Small Boat Harbors, and clarifies that commercial catamarans operating from Waikiki Beach are required to have a commercial use permit issued by the Department.

Currently, Section 200-9(b), Hawaii Revised Statutes, does not authorize commercial vessel mooring or activity at the Ala Wai and Keehi Small Boat Harbors. This bill proposes that the total number of valid commercial permits which may be issued for vessels assigned mooring in Ala Wai and Keehi Small Boat Harbors shall not exceed fifteen per cent and thirty-five per cent of the available berths, respectively. The Department realizes that there has been opposition to commercial vessel activity taking place in the Ala Wai Small Boat Harbor but note that there has been no opposition to commercial vessel activity taking place at the Keehi Small Boat Harbor. In fact, commercial activity already occurs at the South launch ramp as well as at Keehi Marine Center. The Department is working with the Department of Transportation's Harbors Division with possibly relocating some of the small commercial vessels out of the Honolulu Deep Draft Harbor to the Keehi Small Boat Harbor but is unable to do so at this time because of the current prohibition in the statute. The Department requests that the Keehi Small Boat Harbor be allowed to accommodate commercial vessel mooring and activity.

There are seven commercial catamaran operators working from Waikiki Beach. These operators have only been issued commercial equipment registrations and not commercial use permits like

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
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

all other commercial operators. They pay the Department approximately \$8.50 per year for exclusive use of Waikiki Beach. We believe that the intent of the original legislation was for these commercial operators to be issued a commercial use permit and pay the appropriate fees associated with exclusive use of a public resource similar to all other commercial operators. We request that this provision be reinstated to the bill to clarify that commercial catamaran operators working from Waikiki Beach are required to obtain the same commercial permits as well as pay the same fees as all other commercial vessel operators.

Currently, moorage fees do not cover the costs of operating and maintaining the small boat harbors. While the Department recently raised certain boating fees by way of administrative rules, liveaboard fees are set in statute and have not changed since 1992. The current liveaboard fee is a flat rate no matter how many people live on the vessel. The proposed fee increase would be used to cover the additional costs associated with people using their vessels as their primary place of residence. These costs include, but are not limited to, increased use of electricity, water, rubbish service, and janitorial service. The Department strongly supports this amendment and appreciates that it is part of the current proposed bill.

Hawaii Governor Linda Lingle  
State Capitol  
Honolulu, Hawaii, 96813  
gov@hawaii.gov

Department of Land and Natural Resources (DLNR)  
Laura Thielen  
333 Queen Street, Suite 300  
Honolulu, Hawaii 96813  
dlnr@hawaii.gov

State of Hawaii  
Hawaii Legislature

March 18, 2010

Re: HB 2582 - DLNR notice of boating rate increase dated Feb. 10, 2010, not authorized by Legislature, circumvents legislative authority, unenforceable

On February 10, 2010, DLNR notified all boaters in Hawaii that our fees would increase significantly. This action by DLNR circumvents the authority of the Legislature to authorize increases in fees, taxes or other assessments against the public (see attached) including boaters at our State Harbors.

According to the Division of Boating and Ocean Recreation Revenues and Expenditures FY 2009, **Harbors Division is the only Agency in the entire State of Hawaii budget that actually has a revenue surplus of approximately \$1 million annually.** We pay our way right now and all of the capital improvements anticipated by DLNR and maintenance requirements are completely covered by the existing budget without any increase in boating fees.

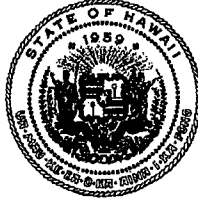
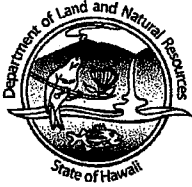
In addition, HB 2582 and other similar legislation petitioning the Legislature for increases in harbor/boating fees has either been defeated, deferred or tabled. DLNR is PREMATURE and is acting without Legislative authority, unenforceable.

In addition, for the sake of argument making no admissions against interest, if DLNR does have authority, then the rate increase can only be implemented upon execution of a new contract with each tenant, simple contract law and landlord tenant code. DLNR has again exceeded its authority, the letter was not signed by anyone in authority, the fee increase voidable, must be rescinded a matter of law. Please correct this mistake immediately.

On a related issue, my Honolulu Police Department Internal Affairs complaint about CONFISACTION of property by State and Local enforcement officers has been upheld by CID. CID will be informing HPD officers and State employees that ALL EVIDENCE "CONFISCATED OR OTHERWISE COLLECTED" RELATING TO ANY VIOLATION OF LAW OR RULE MUST BE LOGGED, STORED AND PRESERVED BY STATE OR CITY, due process and equal protection (TARGETING THE HOMELESS).

Sam Monet  
Slip 741 Ala Wai  
Ph: 2581611  
Monets001@hawaii.rr.com

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
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KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

EDWARD R. UNDERWOOD  
ADMINISTRATOR

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

DIVISION OF BOATING AND OCEAN RECREATION  
333 QUEEN STREET, SUITE 300  
HONOLULU, HAWAII 96813

February 10, 2010

Aloha,

This letter is being sent to inform you of recent Division of Boating and Ocean Recreation (DOBOR) activities that will greatly increase the amount of funding devoted to repairs and maintenance for our harbor and ramp facilities. This will be accomplished through fee increases that will generate additional revenue from all moorings in the state managed by DOBOR.

Previous increases in mooring fees were used to provide funding for needed capital improvement projects such as the replacement of B, C, D, and F docks at the Ala Wai Small Boat Harbor. What those increases did not address was the rapidly increasing cost of utilities and harbor maintenance. Many harbor facilities have been closed or condemned in the past because of the lack of available funding for repairs and maintenance. DOBOR has been able to re-open some facilities by adopting creative maintenance techniques, but it requires a steady stream of revenue to upgrade and replace facilities that were built decades ago and make them safe again for public use. To that end, the Board of Land and Natural Resources approved a mooring rate fee increase for DOBOR on December 11, 2009.

The division has separated the fee increase into two rate categories, one for boaters with existing moorings (Schedule A) and another for boaters being offered a new mooring permit (Schedule B).

Schedule A, for existing slip holders, will begin at the level of current fees and will be increased annually in equal increments over a five-year period until it matches Schedule B, the target level for mooring fees.

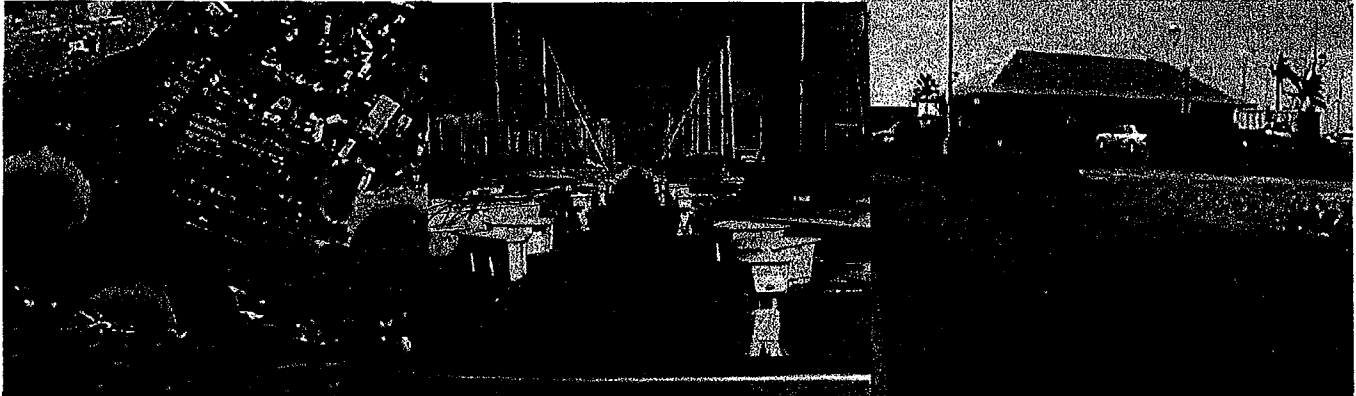
DOBOR will be using the proceeds from the fee increase to address the rising cost of utilities and maintenance and fund needed repairs to harbor facilities statewide. This will include upgrades and replacement of dock facilities, comfort stations and other harbor infrastructure. Fees will also be used to offset the increase in cost for comfort station supplies, fuel, and other harbor operating expenses.

DOBOR will be implementing these fee increases as soon as possible. Boaters receiving this letter should see the initial increase in fees over the next two months and then an annual increase in successive years. Details on the rate increase are posted on the DOBOR web site ([hawaii.gov/dlnr/dbor/](http://hawaii.gov/dlnr/dbor/)) Administrative Rules page. If you have any other questions about the fee increase, please feel free to contact your respective harbor agent or district office.



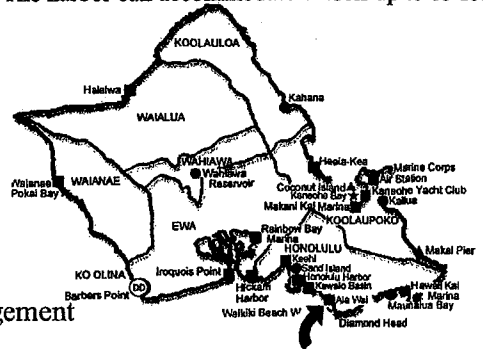
# ALA WAI HARBOR

1651 Ala Moana Blvd., Honolulu, Hawaii 96815  
Ph: (808) 973-9727 Fax: (808) 973-9739



Located on the south shore of Oahu between Waikiki and Ala Moana beaches with views of Diamond Head. The harbor includes areas used by Hawaii Yacht Club, Waikiki Yacht and Royal Hawaiian Ocean Racing Club. The harbor can accommodate vessels up to 85 feet in length.

- 699 berths with dock (120 currently out of service)
- 66 moorings
- 1 ramp
- 22 dry storage spaces
- vessel washdown
- MSD pumpout
- fuel dock
- harbor office, restrooms and showers



## Profit/Loss under State Management

|  | 2004             |                              |                           |                  | 2003             |                              |                           |                  | 2002             |                              |                           |                  |
|--|------------------|------------------------------|---------------------------|------------------|------------------|------------------------------|---------------------------|------------------|------------------|------------------------------|---------------------------|------------------|
|  | Location         | District Overhead Allocation | State Overhead Allocation | Total            | Location         | District Overhead Allocation | State Overhead Allocation | Total            | Location         | District Overhead Allocation | State Overhead Allocation | Total            |
| <b>Income</b>                              |                  |                              |                           |                  |                  |                              |                           |                  |                  |                              |                           |                  |
| Commercial Percentage Rent                 | 0                | 0                            | 0                         | 0                | 0                | 0                            | 65                        | 65               | 0                | 0                            | 29                        | 29               |
| Federal Aid, Fish Restoration              | 0                | 0                            | 0                         | 0                | 0                | 0                            | 0                         | 0                | 0                | 0                            | 0                         | 0                |
| Liquid Fuel Taxes                          | 0                | 0                            | 303,576                   | 303,576          | 0                | 0                            | 283,990                   | 283,990          | 0                | 0                            | 268,554                   | 268,554          |
| Investment Pool Interest                   | 0                | 0                            | 17,571                    | 17,571           | 0                | 0                            | 23,920                    | 23,920           | 0                | 0                            | 19,416                    | 19,416           |
| Parking Meter Collection                   | 104,557          | 0                            | 0                         | 104,557          | 102,428          | 0                            | 0                         | 102,428          | 124,356          | 0                            | 0                         | 124,356          |
| Boat Safety Act                            | 0                | 0                            | 194,107                   | 194,107          | 0                | 0                            | 242,309                   | 242,309          | 0                | 0                            | 285,810                   | 285,810          |
| Ramp Permit Fees                           | 275              | 0                            | 61,696                    | 61,971           | 75               | 0                            | 73,671                    | 73,746           | 1,630            | 32                           | 68,256                    | 69,918           |
| Facility Use Fees                          | 1,581,487        | 0                            | 16,439                    | 1,597,926        | 1,647,837        | 0                            | 2,096                     | 1,649,933        | 1,489,781        | 171                          | 1,723                     | 1,491,675        |
| Commercial Permits                         | 848              | 0                            | 169                       | 1,017            | 4,542            | 0                            | 460                       | 5,002            | 2,757            | 0                            | 237                       | 2,994            |
| Rental of Land & Wharf                     | 833,737          | 0                            | 0                         | 833,737          | 774,505          | 0                            | 0                         | 774,505          | 844,653          | 21                           | 0                         | 844,674          |
| Miscellaneous Income                       | 43,193           | 950                          | 1,155                     | 45,298           | 107,193          | 17                           | 2,318                     | 109,528          | 49,861           | 2,039                        | 3,070                     | 54,970           |
| Water                                      | 4,377            | 0                            | 0                         | 4,377            | 0                | 0                            | 0                         | 0                | 0                | 0                            | 0                         | 0                |
| Boat Registration                          | 19,275           | 4                            | 46,247                    | 65,527           | 1,485            | 0                            | 44,663                    | 46,148           | 785              | 19                           | 42,436                    | 43,240           |
| OHA Ceded                                  | 0                | 0                            | 0                         | 0                | 0                | 0                            | 0                         | 0                | 0                | 0                            | 0                         | 0                |
| Temporary Deposits                         | 40,984           | 0                            | 848                       | 41,832           | 56,350           | 0                            | 848                       | 57,198           | 38,128           | 4                            | 7                         | 38,139           |
| <b>Total Income</b>                        | <b>2,628,733</b> | <b>954</b>                   | <b>641,810</b>            | <b>3,271,497</b> | <b>2,694,416</b> | <b>17</b>                    | <b>674,340</b>            | <b>3,368,773</b> | <b>2,551,951</b> | <b>2,286</b>                 | <b>689,539</b>            | <b>3,243,776</b> |
| <b>Expenses</b>                            |                  |                              |                           |                  |                  |                              |                           |                  |                  |                              |                           |                  |
| Payroll                                    | 210,087          | 126,646                      | 226,362                   | 563,015          | 235,210          | 140,675                      | 243,724                   | 619,609          | 274,438          | 102,966                      | 205,837                   | 583,242          |
| Services Performed by Other State Agencies | 49,239           | 1,465                        | 14,624                    | 65,328           | 2,862            | 6,777                        | 32,257                    | 41,886           | 15,797           | 7,244                        | 37,561                    | 60,601           |
| Office Supplies and Expenses               | 9,366            | 1,171                        | 21,639                    | 32,177           | 42,781           | 8,400                        | 33,057                    | 84,238           | 28,837           | 15,487                       | 25,074                    | 69,399           |
| Travel and Advertisement                   | 95               | 88                           | 6,524                     | 6,706            | 639              | 1,547                        | 8,401                     | 10,588           | 0                | 453                          | 7,242                     | 7,695            |
| Utilities                                  | 137,615          | 2,698                        | 5,395                     | 145,708          | 139,168          | 6                            | 3                         | 139,178          | 124,429          | 69                           | 28                        | 124,527          |
| Rental Expenses                            | 5,999            | 20,007                       | 21,498                    | 47,504           | 1,215            | 20,790                       | 24,205                    | 46,210           | 1,553            | 18,414                       | 22,596                    | 42,564           |
| Repairs and Maintenance                    | 151,164          | 11,666                       | 4,130                     | 166,960          | 177,951          | 13,619                       | 1,811                     | 193,382          | 224,908          | 2,613                        | 21,739                    | 249,260          |
| GO Bond Principal and Interest             | 0                | 0                            | 255,374                   | 255,374          | 0                | 0                            | 308,465                   | 308,465          | 0                | 0                            | 348,712                   | 348,712          |
| Budget and Finance Assessment              | 0                | 0                            | 237,900                   | 237,900          | 0                | 0                            | 130,209                   | 130,209          | 0                | 0                            | 97,205                    | 97,205           |
| OHA Assessment                             | 0                | 0                            | 46,280                    | 46,280           | 0                | 0                            | 131,125                   | 131,125          | 0                | 0                            | 0                         | 0                |
| Service on a Fee Basis                     | 79,610           | 4,208                        | 2,839                     | 86,658           | 115,667          | 1,385                        | 15,679                    | 132,732          | 71,340           | 2,182                        | 21,268                    | 94,790           |
| Miscellaneous Expenses                     | 3,838            | 244                          | 376                       | 4,459            | 37,463           | 592                          | 510                       | 38,565           | 7,053            | 395                          | 868                       | 8,316            |
| Machinery and Equipment                    | 16,505           | 4,431                        | 2,917                     | 23,853           | 74               | 2,009                        | 5,023                     | 7,106            | 687              | 331                          | 2,279                     | 3,297            |
| DOCARE                                     | 0                | 0                            | 261,589                   | 261,589          | 0                | 0                            | 264,539                   | 264,539          | 0                | 0                            | 178,209                   | 178,209          |
| Security Deposit Refunds                   | 40,543           | 0                            | 0                         | 40,543           | 38,458           | 0                            | 0                         | 38,458           | 36,926           | 0                            | 0                         | 36,926           |
| <b>Total Expenses</b>                      | <b>704,060</b>   | <b>172,524</b>               | <b>1,107,468</b>          | <b>1,984,052</b> | <b>791,279</b>   | <b>195,800</b>               | <b>1,199,009</b>          | <b>2,186,088</b> | <b>785,969</b>   | <b>150,154</b>               | <b>988,619</b>            | <b>1,904,741</b> |
| <b>Income (Loss)</b>                       | <b>1,924,673</b> | <b>(171,570)</b>             | <b>(465,657)</b>          | <b>1,287,445</b> | <b>1,903,137</b> | <b>(195,783)</b>             | <b>(524,669)</b>          | <b>1,182,685</b> | <b>1,765,982</b> | <b>(147,868)</b>             | <b>(279,080)</b>          | <b>1,339,034</b> |

Mayor Mufi Hanneman  
City & County of Honolulu  
530 S. King St.  
Honolulu, Hawai'i 96813

CITY COUNCIL

March 18, 2010

Re: HPD ROUSTING HOMELESS IN CITY PARKS AND ELSEWHERE

My Honolulu Police Department Internal Affairs complaint about CONFISCATION of property by State and Local enforcement officers has been upheld by CID. CID will be informing HPD officers and State employees that ALL EVIDENCE "CONFISCATED OR OTHERWISE COLLECTED" RELATING TO ANY VIOLATION OF LAW OR RULE MUST BE LOGGED, STORED AND PRESERVED BY STATE OR CITY, due process and equal protection (TARGETING THE HOMELESS).

Lets face it folks, right now we have about 6,000 homeless. Less than 1% are people sent here from the mainland with a one way ticket. If the Feds did not supplement unemployment, we would have 20,000 homeless. If the tsunami struck us hard, we would have 50,000 homeless. Roust 10,000 people every night in our parks? What are you going to do, put 20,000 people in jail? California went broke doing just that.

Sam Monet  
1741 Ala Moana Blvd. #98  
Hon, Hi 96815  
Ph: 2581611  
Monets001@hawaii.rr.com



## kim2 - Jo Ann

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**From:** HBPA@aol.com  
**Sent:** Tuesday, March 23, 2010 11:51 AM  
**To:** WAM Testimony  
**Subject:** HB2582 SD1 and HB2741 SD1 - WAM Testimony 3-24-10

HB2582 SD1 and HB2741 SD1 - Testimony WAM 3/24/10, 9:30 Rm 211

Senator Donna Kim, Chair  
Senator Shawn Tsutsui, Vice Chair

Dear Chair Kim, Vice Chair Tsutsui and members of the WAM Committee,

Aloha. We are opposed to these Bills because they are not fair and equitable. They focus on increasing the user fees of an extremely small portion of the total harbor users (164 liveaboards total), while the fee rates of the many thousands of citizens who also use the harbors, ramps and other boating facilities of DLNR-DBOR are left untouched, e.g.:

- Cruiseship passenger fees generated \$453 K in 2009 with perhaps the lowest fee rate in the Nation at \$1.70 per psg. The passenger fee rate in Alaska is \$40 per psg. , so you can see the room for a "fair" increase. Even our own DOT is planning to increase its cruiseship psg. fees from \$10.50 to about \$20.50 at their harbors. The revenue potential for DLNR is significant.
- Commercial passenger vessels that are in the "3% of gross" fee rate category. All other commercial as well as recreational vessel fees are being increased. This is currently a \$1 million account.
- All trailer boat fees (recreational and commercial) ramp and permit fees which generated nearly two million dollars in 2009.
- Land and wharf lease rent rates remain untouched. Generated more than \$1.6 million in 2009

When DLNR appears to be turning over every rock and pebble to find more revenue, why do the foregoing significant revenue resources remain "untouchable" ??? Why does DLNR spend such an inordinate amount of effort and time (and cause the legislature to do likewise) on the relatively "piddling" revenue increases that would result from enacting legislation that would affect only 164 liveaboard vessels/owners ??

We want the plan to increase boater fees to be FAIR and EQUITABLE across the board, and not focused on just a tiny segment of the DBOR boating program. Please hold this Bill until DLNR comes up with a comprehensive fair and equitable fee increase/rate plan.

Sincerely,

William E. Mossman  
Hawaii Boaters Political Action Association  
8082542267

**kim5 - Deborah**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 4:17 PM  
**To:** WAM Testimony  
**Cc:** ngills@msn.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: Yes  
Submitted by: Nancy Gills  
Organization: Individual  
Address: 1741 Ala Moana Blvd. #119 Honolulu, Hi 96815  
Phone:  
E-mail: [ngills@msn.com](mailto:ngills@msn.com)  
Submitted on: 3/22/2010

**Comments:**

Respected Members of the Committee:

I am Opposed to HB2582.

I oppose commercialization of the Ala Wai Small Boat Harbor. There is a waiting list of several years for slips in the Ala Wai and another waiting list for live aboard permits. There is no waiting list for commercial boat slips at Kewalo Basin. It seems it would make more sense to increase the number of live aboard permits allowed in the Ala Wai and to fill all of the many empty slips, both of these would increase revenue right away.

**kim5 - Deborah**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 3:12 PM  
**To:** WAM Testimony  
**Cc:** yumes99@hotmail.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Yumi Manzoku  
Organization: Individual  
Address: 98-1737 Halakea Street Aiea, HI  
Phone: 808-488-3919  
E-mail: [yumes99@hotmail.com](mailto:yumes99@hotmail.com)  
Submitted on: 3/22/2010

Comments:

## kim5 - Deborah

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 5:46 PM  
**To:** WAM Testimony  
**Cc:** blenkeit@hawaii.rr.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Bruce Lenkeit  
Organization: Individual  
Address:  
Phone: 808 3844550  
E-mail: [blenkeit@hawaii.rr.com](mailto:blenkeit@hawaii.rr.com)  
Submitted on: 3/22/2010

### Comments:

HB2582 has been modified several times and it speaks to commercialization of the Ala Wai and Kehie harbors and increase liveaboard fees. DLNR chairperson Theilen has unfairly targeted the liveaboard boaters because she believes we were partly responsible for defeating her Renaissance Bill in the Legislature. HB2582 increases fees in the Ala Wai Harbor over the next five years as well as taking 129 mooring slips and converting them into commercial slips. I am using a 55 foot boat as an example because that what I live on. The numbers for the rest are available plus a great deal of additional information.

This month we just had a 6 % raise in our fees, but HB2582 goes beyond this.

Current: I pay \$635.80 per month with the 6% increase to moor and liveaboard my 55 foot boat.

2010: \$1049.40 / month a \$413.60 increase. from current rates. 65% increase from current rates.

2011: \$1163.25 / month a \$527.80 increase from current rates. 83 % from current rates.

2012: \$1277.10 / month a \$641.30 increase. 100.9% from current.

2013: \$1390.95 / month a \$755.15 increase. 118.8% from current.

2014: \$1508.10 / month a \$872.30 increase. 137.2% from current.

The mooring fees for non liveaboards have a modest increase. A 32% over the next five years raising from \$6.32 / foot / month to \$9.14.

There are other ways for DLNR to raise money by filling vacant slips that have been vacant for years. There is a 5 to 8 year wait list depending on the size.

Based on the average 35 foot boat with existing fee rates:

June 2009, 218 vacant @\$250 = \$54,500 / month and \$654,000 / year. Harbor office has lower numbers but even that is unsatisfactory.

October 2009, 211 vacant @ \$250 = \$52,750 / month and \$633,000 / year.

January 2010, 155 vacant @ \$250 = \$38,750 / month and \$465,000 / year.

During the 6 months between June 2009 and January 2010, 71% of the vacant slips remained unfilled with a waiting list in excess of 5 years.

There has been progress but too little too slow.

There are also 10 to 15 unused liveaboard permits available. No new liveaboard permits have been issued since July 2009 and there is a 30+ wait list. Here is an true example based on existing rates of a 60 foot vessel on the wait list for 8 years. and its financial impact on not only DLNR but the State of Hawaii. This family was on the wait list for 8 years living out of the country. This is what it cost the State of Hawaii. There were available slips the entire 8 years. 8 years lost slip fee (60 feet). \$275/mo x 96 months =\$26,400 plus another \$24,000 live-a-board fees. Plus \$1095 in excise tax on the slip rental. Plus another \$996 in excise tax for the live-a-board fee. 8 years spending in the community (\$30,000+ / year) = \$240,000+. \$9960 (4.15%) directly to the State in excise tax, plus additional taxes (income/ vehicle/ etc). Times this by 100+ vacant slips and equates to millions of dollars in lost revenue to the State of Hawaii.

## kim5 - Deborah

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 5:59 PM  
**To:** WAM Testimony  
**Cc:** sandersl@hawaii.rr.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Larry Sanders  
Organization: Individual  
Address: 1741 Ala Moana Blvd #23 Honolulu, Hawaii  
Phone: 808 383 4011  
E-mail: [sandersl@hawaii.rr.com](mailto:sandersl@hawaii.rr.com)  
Submitted on: 3/22/2010

**Comments:**

I have lived on my boat in the Ala Wai Harbor for 30 yrs. The proposed live aboard fee increase is unreasonable. It will double my monthly fees with virtually no amenities except for 1 toilet for approx 500 boaters and the public. It is usually dirty, no toilet paper and you have to wait in line to use.

Feb 2000 the occupant of the slip adjoining me was unfairly evicted. That slip is still vacant after 10 years. Is that what I have to pay for?

**kim5 - Deborah**

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**From:** Les Parsons [cascadesunrise@hotmail.com]  
**Sent:** Monday, March 22, 2010 5:55 PM  
**To:** WAM Testimony  
**Subject:** Hearing Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Committee on Ways and Means  
Hearing: Wednesday March 24, 2010 at 9:30 AM  
Conference Room 211**

**Dear Senators Mercado Kim, Tsutsui and Committee Members,**

**In this and previous Legislative sessions, a great deal of testimony has been presented, and time consumed concerning the Hawaii State Boating Program, and recurring hard-ball campaigns to privatize or commercialize Small Boat Harbors and upwardly (significantly!) adjust fees paid by boaters.**

**My comments here will be limited to these very few words: please carefully consider the obvious unfairness and discriminatory/punitive nature of the language of House Bills 2582, SD1 and 2741, HD1, SD1.**

**Thank you – and voters who are boaters will thank you for doing the right thing!**

**Les Parsons  
Tenant, Ala Wai Harbor  
1741 Ala Moana Blvd. #82  
Honolulu, HI 96815**



## kim5 - Deborah

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 6:10 PM  
**To:** WAM Testimony  
**Cc:** fjitac1@juno.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Lyn Silva  
Organization: Individual  
Address: 1945 Ala Wai Blvd Honolulu  
Phone: 258-8199  
E-mail: [fjitac1@juno.com](mailto:fjitac1@juno.com)  
Submitted on: 3/22/2010

**Comments:**

This bill is discriminatory. Liveaboards in a harbor are the eyes and ears of that harbor for security and other issues, like weather related etc. They take care of neighbours boats that are unattended and also, since the marina is their 'backyard', they take care of the area and facilities. Liveaboards do not increase demand on the facilities to the degree that you are saying. A flat fee of \$50 to \$75 month for a liveaboard on top of the slip fees, which are rising fast would cover the extra usage. One thing that you might look at is that people live on boats with adequate facilities to be a liveaboard. I have lived on board in marinas in the mainland, and, now reside in Hawaii for 20 years. I am on the slip waitlist for the Ala Wai now for five years. If the management would streamline better the slip allocations and fill the empty slips quickly, the department would not be having to bleed their 'cash cows' to death. The wedding chapel instead of a boatyard is also an abissmal mistake, as is the fueldock wedding chapel. What have these to do with the marine environment? The harbormaster should be located at the fueldock, making inspections and management of the harbor more efficient. The harbormaster present location could become a marine store or something supporting boating/ marine activities and make money for the department on rents.

Thank you for your consideration of the above.

**kim5 - Deborah**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 6:33 PM  
**To:** WAM Testimony  
**Cc:** mckraft@hotmail.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM  
**Attachments:** TestimonyHB 2741 HD1 SD1 and HB 2582 SD1.wps

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Michael Kraft  
Organization: Individual  
Address: Ala Moana  
Phone: 808 372 4661  
E-mail: [mckraft@hotmail.com](mailto:mckraft@hotmail.com)  
Submitted on: 3/22/2010

Comments:

Senator Kimi

Rm 210

HB 2582 SD1

3/23/2010

Senate Ways and Means

3/24/2010

# Oppose

## Testimony

The Ala Wai and Keehi small boat harbors, SBH, have some of the highest liveaboard fees of any marina on the mainland. They are much higher if you consider the services included in mainland marinas for the fees charged which normally include parking.

- The liveaboard fee of \$5.20/ft. already results in liveaboard fees ranging from:
  - \$188/mo. for a 35 foot vessel
  - \$338/mo. for a 65 foot vessel
- This currently equals or exceeds most marinas in California which are considered by most to be the highest on the mainland.
  - Remember these fees are in addition to the normal mooring fees.
- The proposed legislation focuses the 200% plus increase solely on Harbor residents in the Ala Wai and Keehi SBH.
  - If passed the 2010 liveaboard fees start out at \$445.20 for a 35 foot vessel and go to \$713.40 for a 65 footer, a 200% plus increase on day 1
  - By 2014 these increases are in the range of 350%

Please review the chart attached as Exhibit A for a more detailed look at the effect of these "times 3" proposals.

I suggest that these rates are not affordable as the Harbor Residents are not people with huge wallets. The liveaboard fee already in effect is much more than marinas that provide many more services for their boaters than either the Ala Wai or Keehi SBH.

Where is the fairness that should be expected of our Government and DLNR/DOBOR, the keeper of our Ocean resources? Especially to those of us living on fixed income in these trying times?

Does DLNR/DOBOR have an issue with the at large harbor residents? If so this shouldn't this be brought to the table so everyone on both sides of the issue can work towards a solution?







If DNLR/DOBOR doesn't have an issue with the harbor residents then I would suggest they work with the stakeholders to increase the number of liveaboard permits from the 164 to a greater number, say 328, double the current arbitrary limit.

This increase in liveaboard permits would give the DNLR/DOBOR a larger increase in revenues, sustainable over time, vs. the proposed rate schedule which is not sustainable in the 2010-2014 and beyond timeframe.

Respectfully submitted,

Dave Cooper 864-8995 1777 Ala Moana Blvd #1132, Honolulu 96815

**Impact on harbor residents costs if HB 2471 HD1 SD1 or HB2582 SD1 or any other amended "times 3" version passes**

|      | <u>Proposed fees</u>  | <u>Today's Extra Cost</u>  | <u>Proposed Extra Cost</u>  |   |  |  |
|------|---|--|---|---|--|--|
| Year | Monthly mooring fee that <u>all</u> slip holders pay in Ala Wai & Keehi SBH under DNLN/DOBOR's current rate increase schedule | Today's combined mooring & liveaboard cost with rate increase applied                                | Liveaboard cost with <u>any</u> of the "times 3" mooring fee legislative proposals HB2471 HD1 SD1 HB 2582 SD1 | Liveaboard cost under the <u>current rate</u> schedule<br><br>Liveaboard cost = column 3 – column 2 | New Liveaboard cost under any "times 3" passage<br><br>Liveaboard cost = column 4 – column 2     | % Increase   |
| 2010 | 35' X 6.36 = \$222.60<br>45' X 6.36 = \$286.20<br>55' X 6.36 = \$349.80<br>65' X 6.35 = \$413.40                              | 35' X 11.56 = \$404.60<br>45' X 11.56 = \$520.20<br>55' X 11.56 = \$635.80<br>65' X 11.56 = \$751.40 | 35' X 19.08 = \$667.80<br>45' X 19.08 = \$858.60<br>55' X 19.08 = \$1049.40<br>65' X 19.08 = \$1144.80        | 35' \$182.00<br><br>65' \$338.00  | 35' \$445.20<br><br>65' \$713.40   | <br><br>     |
| 2011 | 35' X 7.05 = \$246.75<br>45' X 7.05 = \$317.25<br>55' X 7.05 = \$387.75<br>65' X 7.05 = \$458.25                              | 35' X 12.25 = \$428.75<br>45' X 12.25 = \$551.25<br>55' X 12.25 = \$673.75<br>65' X 12.25 = \$796.25 | 35' X 21.15 = \$740.25<br>45' X 21.15 = \$951.75<br>55' X 21.15 = \$1163.25<br>65' X 21.15 = \$1374.75        | Same  | Cost Increases   | Percentage Increases   |
| 2012 | 35' X 7.74 = \$270.90<br>45' X 7.74 = \$348.30<br>55' X 7.74 = \$425.70<br>65' X 7.74 = \$503.10                              | 35' X 12.94 = \$452.90<br>45' X 12.94 = \$582.30<br>55' X 12.94 = \$711.70<br>65' X 12.94 = \$841.10 | 35' X 23.22 = \$812.70<br>45' X 23.22 = \$1044.9<br>55' X 23.22 = \$1277.10<br>65' X 23.22 = \$1509.30        | Same  | yearly   | yearly   |
| 2013 | 35' X 8.43 = \$295.05<br>45' X 8.43 = \$379.35<br>55' X 8.43 = \$463.65<br>65' X 8.43 = \$547.95                              | 35' X 13.63 = \$477.05<br>45' X 13.63 = \$613.35<br>55' X 13.63 = \$749.65<br>65' X 13.63 = \$885.95 | 35' X 25.29 = \$855.15<br>45' X 25.29 = \$1138.05<br>55' X 25.29 = \$1390.95<br>65' X 25.29 = \$1643.85       | Same  | to this<br> | to this<br>   |
| 2014 | 35' X 9.14 = \$319.90<br>45' X 9.14 = \$411.30<br>55' X 9.14 = \$502.70<br>65' X 9.14 = \$594.10                              | 35' X 14.34 = \$501.90<br>45' X 14.34 = \$645.30<br>55' X 14.34 = \$788.70<br>65' X 14.34 = \$932.10 | 35' X 27.42 = \$959.70<br>45' X 27.42 = \$1233.90<br>55' X 27.42 = \$1508.10<br>65' X 27.42 = \$1782.30       | 35' \$182.00<br><br>65' \$338.00  | 35' \$639.80<br><br>65' \$1188.20  | <br><br> |

**Exhibit A**

**Ala Wai & Keehi SBH boat residents are being asked to pay 5 star rates for 1 star accommodations.**

**Do you, Senator, think this is fair or reasonable for the harbor residents?**

Antje Gruenewald  
1741 Ala Moana Blvd #16  
Honolulu, HI, 96815

Dear Senators,

As an Ala Wai Small Boat Harbor tenant I strongly oppose HB 2582 SD1 to raise our live aboard fees.

For years there are empty slips in the harbor and they are missing out on about \$500,000 a year. There are no amenities in the harbor compared to other marinas that charge their live aboard based on the users on the boat, not on the footage. We are already paying more than most of other live aboards in the country.

There is no security in the harbor, the tenants themselves try to watch out for each other, water plants, provide their own supplies for bathrooms. Most weekends the bathrooms run out of everything and two bathrooms could no be used for weeks, since the card readers could not get fixed.

So how does DLNR justify a totally inappropriate fee raise that has nothing to do with the real expenses?

If they need the revenue fill the empty slips in a timely manner and raise the live aboard rate from 15% (existing since 1976 and no need to hold on to this) to 30%.

I am certain I will not be able to make that much more money in the upcoming years as the proposed increases would need on top of all the maintenance costs a boat needs for the upkeep. So I might have to move out of beautiful Hawaii, if I do not want to live on the beach. And there are more boaters thinking about doing the same. So there is more lost revenue and lost taxes for DLNR and the State.

So please do not pass this bill.

Mahalo for your time,  
Antje Gruenewald

**kim2 - Jo Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 7:47 AM  
**To:** WAM Testimony  
**Cc:** jm.marine@hotmail.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM  
**Attachments:** Oppose Bill 2582 sd1.docx

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: John Morton  
Organization: Individual  
Address: 1741 Ala Moana Blvd. 57 Honolulu, HI. 96815  
Phone: 8082288784  
E-mail: [jm.marine@hotmail.com](mailto:jm.marine@hotmail.com)  
Submitted on: 3/23/2010

Comments:

## kim2 - Jo Ann

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 8:46 AM  
**To:** WAM Testimony  
**Cc:** concernedboater@hawaii.rr.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Robert Winter  
Organization:  
Address:  
Phone:  
E-mail: [concernedboater@hawaii.rr.com](mailto:concernedboater@hawaii.rr.com)  
Submitted on: 3/23/2010

Comments:  
I strongly oppose HB2582 SD1 and HB2741 HD1 SD1.

DLNR just increased mooring fees 12% and plans annual increases over the next 4 years totaling 61%.

In the original version of HB2582, DLNR asked to have commercial mooring allowed at Ala Wai Harbor and asked that live-aboard boaters pay double the standard mooring fee if commercial moorings were allowed or triple the standard mooring fee if DLNR's plan to lure commercial operators away from Kewalo Basin (another State run harbor) was thwarted.

It is extremely unfair for the relatively small group of live-aboard boaters to be penalized if DLNR can not increase it's revenue at the expense of HCDA which runs Kewalo Basin.

Under the DLNR's new mooring rate plan and with live-aboard fees triple the standard mooring rate, a live-aboard boater with a 40' boat will see their total mooring fees immediately increase 75% from \$435 to \$763 and continue to increase annually over the next 4 years to \$1097 for a total increase of 237%!!

It's reasonable to expect live-aboards to pay a premium above regular mooring fees to offset the extra use of restrooms, water, and garbage (live-aboards already pay extra for electricity), but \$509 to (\$731 in 4 years) extra is far more than the extra costs involved.

We all understand that the state is facing difficult times and needs to cut expenses and raise revenues. However, when school teachers were asked to take a 8% pay cut, they responded by teaching 8% fewer days in blatant attempt to force the state to raise taxes and restore their pay cuts. Sadly, live-aboard boaters do not have a powerful union to advocate their position. They can only rely on a basic sense of fairness from our elected representatives.

I would respectfully request that you vote down any measure to increase live aboard fees beyond twice the normal mooring fee.

I would also suggest that rather than lobbying to transfer commercial mooring customers from HCDA to DLNR and punitively raising live-aboard fees, DLNR might make better use of its resources by filling the 150 empty slips at the Ala Wai with boaters who have been on the waiting list for 5 years or more.

## **HB 2582 SD1 Wednesday, 24 March 2010 at 0930 in Room 211**

### **Senate Committee on Ways & Means**

#### **In Strong Opposition to HB 2582 SD1 and HB 2741 SD1**

Chair Mercado Kim and Respected members of the Committee;

This bill, HB 2582, SD1, and it's new sister, HB 2741, SD1, is a classic example of the department's refusal to listen to reason or to research other successfully managed marinas for possible management solutions. I have here rate sheets from six publicly owned and operated marinas in Washington state. They have to deal with a five month boating season each year, cut short by inclement weather for the rest of the year, weather that includes ice, snow and freezing temperatures. They also have to deal with a 14 foot rise and fall of the tide twice each day, not just two point nine feet like we have here in Hawaii, and freezing winter winds of fifty miles per hour and more, yet they operate fine well kept marinas that recover all of their costs through fees that are reasonable. They also have no empty slips attributable to inefficient management. Their liveaboard fee varies from marina to marina. They range from a flat fee of \$50.00 per month, through \$60.00 per month to \$50 to \$55 for the first two people to live aboard and then up to \$22.00 for each additional person. They all do charge additional fees for electrical power consumption related to the size of the vessel involved unless you have your own meter from the provider as many of us do here. Here we charge to live aboard by the foot of vessel length. This means our average boat of 35 feet in length costs \$182.00 per month to live aboard, compared to their \$50 to \$60 dollars. Or a paradise premium of about \$130.00 per month. This bill proposes to raise that differential to as high as \$584.00 per month. We also pay \$300.00 per year to park each car, a privilege that is included in the slip rent at every other marina I have ever visited, except Pier 66 Marina in Ft Lauderdale, FL

The liveaboard fee based on the size of the vessel has nothing to do with the cost to provide support to the people living aboard. The cost is purely dependant on the number of people not the length of the vessel. The present vicious attack on liveaboard fees is unsupported by any cost data of just what it takes to provide the service and there most certainly is no relationship between cost to provide the additional services for liveaboards and whether or not there are commercial vessels



allowed into our recreational harbors, so where does this proposed three times the slip fee increase if we do not allow commercial vessels come from? Commercial operations at Ala Wai are not opposed by only the liveaboard population. Look around you and you will see that local apartment owners are even more concerned than we are about the affect of commercial operations on our neighborhood, as are the canoe and paddling communities and the junior sailing programs. I have attached a letter from the Waikiki Area Residents Association in opposition to commercial operations at Ala Wai. Have you ever been around the harbor and observed the traffic in our channels on a fishing tournament day? Or during Transpac weeks? .

Any harbor that has liveaboards has less security problems than an unattended harbor. Liveaboards are the original "Neighborhood Watch". Any harbor master will tell you this is true. I kept my boat, unattended, at Keehi Marine Center for many years and never had a security incident because I was moored between two liveaboards and a third was directly across the headwalk in front of me.

The additional costs to support liveaboards is truly very small as the restrooms must be maintained for all tenants on a daily basis and the grounds and facilities must be maintained whether tenants live aboard or just visit on weekends. The true additional costs are a very small increase in water consumption, an increase in the amount of rubbish generated, and a reasonable increase in electrical usage if the tenant does not have power supplied directly from the utility as many of us do. The increase in rubbish collection costs is very hard to calculate as the general public is allowed to use our rubbish collection services as well as all of the harbor tenants.

I suggest you leave the liveaboard fees, high though they may be, just as they are, and concentrate on other ways to make our marina pay for itself. If you will look at the second hand out , excerpts from the AHI report, on the next to the last page you will see that in the audited years of 2002 - 2004 Ala Wai harbor returned an average \$1.5million dollars above costs into the boating special fund each year. And if you will turn over to the last page you will see that in 2009 Ala Wai Harbor turned in \$999 thousand above costs. This while at mid year, in June, there were 218 vacant slips in Ala Wai Harbor. If we again assume 35' as the average slip, this comes to just over \$44 thousand per month, or \$529 thousand per year. Add this to the \$999 thousand above costs shown in the 2009 balance sheet, and once again we have good old Ala Wai contributing \$1.5 million above expenses into the boating special fund, without any new fee increases at all.

**The department wants more money! Commercial operations will not accomplish this goal! I have checked, and there is no demand for additional commercial boating space here on Oahu. Kewalo Basin, just down the street, has no waiting list and presently has several empty commercial slips available, several of which are on the front line, with exposure right on Ala Moana Blvd.** Applicants could move in today if they were ready. Authorizing 129 commercial slips at Ala Wai Harbor to fix the budget shortfall is a joke! I have also attached the departments annual income statement from commercial operators showing that only a very few, island wide, pay more per month than a present live aboard pays. I have pointed out over and over to the department that if revenue is all they are concerned about, then liveaboards at our present fee level pay almost the same as a commercial vessel of the same size and the costs to support the operations are way less than the additional maintenance, traffic and security problems caused by commercial operations. **And there is a waiting list for liveaboards - there is none for commercial operations!**

I refer you to the expert on this subject, Charles Barkley, (808) 594-0849, Harbor Master for Kewalo Basin, a successful marina manager from just down the street. He can best answer your questions as to the problems brought on by commercial operations in a busy recreational harbor, and he can verify that there is no demand for commercial slips at present. If we are to attract any commercial operators at all, they will be looted from Kewalo Basin. *One state agency robbing from another. Something is surely wrong with that picture!*

Should you feel that we live aboard because it's cheap, a rumor that resurfaces from time to time, I keep books on my boat which show what I spend to maintain and operate my boat each year. This turns out to be an average annual expense of \$28,000.00 into the local economy, year after year. So to sum it up, compare this to the average condo owner on shore: I buy the boat for somewhere around \$750,000.00, just about what you would pay for a nice condo, then I pay slip rental, much like leased land under your condo, of \$400.00 each month, and then I pay a liveaboard fee, much like your homeowner's maintenance fee, of \$291.00 each month. Then, unlike your average homeowner, I spend the additional \$28,000.00 each year to maintain and operate the vessel. Please compare that to the cost to maintain your own home each year and you'll quickly come to the conclusion that, no, this is not truly "living on the cheap"!

Repeatedly we have recommended to the department that the harbor office should be relocated to above the fuel dock building so that the harbor agent can see the entrance channel conditions and can enforce traffic regulations. Presently the harbor agent has

no idea what is going on inside the harbor that he must manage and be held responsible for. Look at Lahaina harbor for an example. The harbor agent fronts directly onto the very difficult entrance channel. He is always aware of what is going on in his harbor and so manages to operate a small, difficult harbor at a traffic density of about three times that predicted by any harbor traffic management expert. **This relocation would also allow for real estate development of the present office location to return even more money onto the boating special fund.**

There was some good language in this bill, but it was removed in the making of the SD1. For years the catamaran operators off Waikiki Beach have been operating on a permit that cost them almost nothing, (\$8.50 per year) while the rest of the commercial operators must pay the deficit to maintain their waters and beaches and provide a safe operating environment for their operations by being charged two times the slip fee or 3% of gross revenues, whichever is larger. This suggested permit structure would have made them equal to all of the other commercial operators in our ocean waters.

The rest of this bill is scrap and must be sent to the shredder along with HB2741 as revised into it's SD1 version.

Respectfully,

Reg White

Tenant and resident of Ala Wai Boat Harbor

Commercial operator from Honolulu, Waianae, Kewalo and Lahaina harbors

(808) 222-9794

[RawcoHI@cs.com](mailto:RawcoHI@cs.com)

P. S: Why do we Live Aboard??? Pretty simple actually. We can afford a nice boat or a nice house, but we cannot afford both a nice house and a nice boat and we don't want a junk one of either, so we compromise and live aboard our very nice boat. We have worked hard for the past eleven years while living aboard so that we have the boat paid free and clear and we intend to live aboard and sail her for the rest of our useful lives. This year I turn 75 and my paycheck stops. We become members of the "fixed income group". This bill with it's draconian fee increases to live aboard effectively kills our planning of the past eleven years. We will soon, as the fees rise, be forced to sell our boat and move to a location on shore to just sit out our remaining years. Not at all what we had in mind when we laid our plans some years back. Please kill this *narrowly focused bill*

**kim2 - Jo Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 9:03 AM  
**To:** WAM Testimony  
**Cc:** dutchyk1@yahoo.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Martin Koehler  
Organization: Individual  
Address: 1741 Ala Moana Blvd. #69 Honolulu, HI  
Phone:  
E-mail: [dutchyk1@yahoo.com](mailto:dutchyk1@yahoo.com)  
Submitted on: 3/23/2010

**Comments:**

Please do not pass this bill. It is an unfair burden for all the live aboards. If the harbor needs more money fill the empty slips and allow more live aboards. That would make our harbor safer, too.

**kim2 - Jo Ann**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 9:34 AM  
**To:** WAM Testimony  
**Cc:** costbenefit@hawaii.rr.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Diana Cummings  
Organization: Individual  
Address:  
Phone:  
E-mail: [costbenefit@hawaii.rr.com](mailto:costbenefit@hawaii.rr.com)  
Submitted on: 3/23/2010

Comments:

**kim2 - Jo Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 9:53 AM  
**To:** WAM Testimony  
**Cc:** sybarwright@gmail.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: PCWright  
Organization: Individual  
Address: Ala Moana Blvd Honolulu, Hi  
Phone: 8089440426  
E-mail: [sybarwright@gmail.com](mailto:sybarwright@gmail.com)  
Submitted on: 3/23/2010

**Comments:**

Please kill this bill and wait until we have a new governor. We do not need commercial boats in the Ala Wai. We need to change the structure of the liveaboard fees to \$50/boat, and make more permits available.

Thank you,  
PC Wright

**kim2 - Jo Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 10:30 AM  
**To:** WAM Testimony  
**Cc:** aloha@boxbe.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert Clarkin  
Organization: Individual  
Address: 350 Ward Ave #106 Honolulu, HI  
Phone: 8083835550  
E-mail: [aloha@boxbe.com](mailto:aloha@boxbe.com)  
Submitted on: 3/23/2010

**Comments:**

Aloha, Hopefully, commercialization of the Ala Wai has been table for this session. I would now like to address the fees being looked at for live-aboards. I do not live aboard my boat but the advantage of having live-aboards in the harbor is tremendous. Without them security would be nil as the harbor security is not capable of securing the area. The fees that are being purposed are exorbitant when compared to any other marina in the US with comparable services. The costs incurred by the harbor for live-aboards is minor compared to what is being charged and especially the outrageous tying the fee to the size of the boat. The size of the boat is already calculated in the mooring fee. In these difficult economic times you will be displacing some senior citizens unjustifiably. If the legislature wants to increase the revenue from the harbor then small changes in the manner of filling slips can do that with no fee increases. There are several of us in the harbor that are willing to participate in showing the department how this can be done, as it has been done in many marinas throughout the US. No one has looked at the consequences of this increase. Please question why there are so many vacant slips and please question any explanation given by management. Reasonable people have looked a this situation and determined that there are simple solutions that have been avoided. Please seek to find an agenda behind more than 100 non paying slips in the harbor. I respectfully ask that you table this increase this session and allow a group of the harbor uses to compile the true figures for next years legislature. We are in the process of doing this and working with our Representative. Mahalo.

Respectfully with Aloha.

**kim5 - Deborah**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 22, 2010 11:41 AM  
**To:** WAM Testimony  
**Cc:** sfineran@environetinc.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM  
**Attachments:** Test. for HB2582.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Stacey Fineran  
Organization: Individual  
Address: 1520 Ward Ave. unit 1403 Honolulu, hi  
Phone: 354-4712  
E-mail: [sfineran@environetinc.com](mailto:sfineran@environetinc.com)  
Submitted on: 3/22/2010

Comments:



## **Strongly Opposed**

I strongly disagree with HB 2582 for the following reasons:

I am a paddler with the Waikiki Beach Boys Canoe Club and as a user of the Ala Wai and Keehi I strongly oppose the passing of HB2582. If this passes our canoe club would not be able to continue practicing and we would have to relocate our entire club.

Commercializing sections of the Ala Wai Harbor will create additional vessel congestion within the harbor and result in a dangerous, unsafe environment for the keiki sailors, paddlers, surfers and all recreational users of the Ala Wai.

Additionally, this bill will create negative impacts on surrounding infrastructure by increasing traffic, noise and air pollution to an all ready very congested area of Waikiki. Most tourists spend extra money and take extra time to vacation in Waikiki, noted for it's esthetically pleasing, pollution-free environment, which they can no longer experience in other locations around the world. Why would tourists want to make the trip (from east or west) and spend hard earned money, here in Waikiki, if our city was no different than the many other polluted, noisy and congested vacation areas of the world.

As a Honolulu resident, a taxpaying citizen who pays your salary, and a member of the Waikiki Beach Boys Canoe Club, I urge you to look at the big picture with common sense and oppose this bill. It's bad for all citizens of Honolulu.  
Thank you for your time.

**Subject: In OPPOSITION of HB2582**  
**Hearing on Wednesday, Mar 24<sup>th</sup> @ 9:30 am**

March 22, 2010

Dear Chair Ken Ito, Vice Chair Sharon Har, and the Committee on Water, Land, and Ocean Resources,

Thank you for this opportunity to testify before this committee. I am writing in **OPPOSITION** of HB 2582, which allows mooring of commercial boats in the Ala Wai and Ke'ehi small boat harbors. This bill will affect the people of Hawaii in various ways. I am an oceanographer who works at the University of Hawaii and have gone on many research cruises that left out of Ke'ehi Harbor. My work is to study the natural processes and to preserve our ocean and the paradise in which we live. I have many boat-owner friends who would be affected by this bill, and in addition my life-partner, who is taking on a great task of building his own boat, has been waiting for a slip in the Ala Wai Harbor for almost 6 years. This will increase these wait times and prevent many boat owners to engage in this lifestyle.

I am also a life-long paddler – I paddled while I was at 'Iolani School, and picked up the sport again after I returned home from college on the mainland. Since 2002, paddling has played a large part in my life, including paddling the Ka'iwi Channel in the annual Na Wahine O Ke Kai and being a part of a club that I now call my 'ohana. As this bill will prevent DLNR from issuing canoe clubs permits for races that start or end in a channel or a harbor, we will be forced to move our races to other, limited locations. Our races have been set up as such for the safety and concern of the harbor users and the paddlers in terms of ocean conditions, parking, and harbor congestion. Outrigger canoe paddling, which is our state's official sport, will **suffer greatly** from the passing of HB 2582, for we will be forced to re-structure our annual race program in order to adhere to the unfair bill. Canoe paddlers have always been respectful of the ocean, the harbor, and other recreational users and are always mindful of ocean traffic laws. Allowing commercial boats and restricting passage of canoes in these harbors will displace a **large community** of people in Hawaii from what they love to do. Many testimonies have been written opposing the logistics of this bill. I am writing to the committee to look into your hearts and **really do what is right for the people of Hawaii.**

Thank you for your time,

Shimi Rii

## kim2 - Jo Ann

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**From:** chershhouse@aol.com  
**Sent:** Tuesday, March 23, 2010 11:04 AM  
**To:** WAM Testimony  
**Subject:** HD2582,SD1 & HD2741, HD1, SD1, March 24, 2010@9:30AM

Chair Klm, Vice Chair Tsutsui, and respected members of the committee,

My testimony is in firm opposition to the proposed HD2582, SD1 and to aspects of HD2741, HD1, SD1. I am an Ilikai resident and a member of the greater Ala Wai community.

My opposition with regard to raising .... actually tripling ..... the live aboard fees is two fold:

Firstly, DLNR has done nothing to lease out the remaining 118 moorage slips in the Ala Wai Harbor. I am not certain of the exact figure but 118 is close. I am told further more that there is a waiting list for these moorage slip, a number of them live aboard. How could DLNR and the state ever conspire to raise fees to this extent before making every effort to lease the remaining slips. I can only think of two possible reasons!

- 1) DLNR wants to withhold these slips in order to easily accommodate commercial vessels if and when they they are able to (despite public opposition).
- 2) They are just plain dumb and incapable of leasing them.

WHICH OPTION TO YOU THINK THAT MIGHT BE!!!!

Along these lines, as an owner in the Ilikai, I recently spoke with one of the most, if not the most respected Real Estate attorneys in Honolulu with regard to a rumor that Ilikai maintenance fees were going to double. I was aware that there were more than 30 delinquent accounts among association of owners ... at least 5 of these were free and clear of loans and candidates for foreclosure. Our Board was doing little or nothing to recover these delinquent accounts while at the same time discussing raising fees across the board. My attorney assured me that due diligence is required of a governing body and the Ilikai Board was opening themselves up to a lawsuit from the other homeowners if they didn't make every effort to recover delinquencies FIRST! Would this concept not apply to DLNR and the state as well!!! The way I see it, DLNR owes due diligence to the residents of the Ala Wai Harbor .... DLNR must make every attempt to lease the remaining slips BEFORE raising fees on the others!!!! Does DLNR think they are above a class action suit????

Secondly, Ms. Thielen and DLNR have been very dictatorial in their approach to the small boat harbors. She and they say, "If you don't accept commercial vessels in the Ala Wai Harbor then we are going to increase (triple) the live aboard fees. Notice I used the word dictatorial, because the root word of the word dictatorial is dictate, as in dictatorship. Our country is a democracy and 'we the people' are not your subjects ... especially when you are not doing due diligence for US!

WITH THAT I WOULD LIKE TO LEAVE YOU WITH A FEW DICTIONARY DEFINITIONS TO BRING IT ALL HOME.

**DEMOCRACY:** Government by the people:especially rule of the majority. The common people especially when constituting the source of political authority. The absence of hereditary or arbitrary class distinctions or privileges.

**DICTATE:** To impose, to pronounce, or specify authoritatively, to require or determine necessarily.

Dictatorship: A form of government in which absolute power is concentrated in a dictator or a small clique. A government organization or group (DLNR) in which absolute power is so concentrated.

Diligence: The attention and care legally expected or required of a person or persons (as party to a contract).

DUE DILIGENCE IS REQUIRED HERE .... DO NOT RAISE LIVE ABOARD FEES UNTIL YOU HAVE MADE EVERY EFFORT TO LEASE THE REMAINING MORE THAN ONE HUNDRED CURRENTLY AVAILABLE SLIPS THEN AND ONLY THEN CAN YOU ASSESS WHAT IS FAIR!!!

Respectfully submitted,

Cheryl Van Law  
1777 Ala Moana Blvd. #1202

**kim2 - Jo Ann**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 11:19 AM  
**To:** WAM Testimony  
**Cc:** Hossellman@aol.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Jeff Hossellman  
Organization: Individual  
Address:  
Phone: 225 7173  
E-mail: [Hossellman@aol.com](mailto:Hossellman@aol.com)  
Submitted on: 3/23/2010

**Comments:**

Honorable Senators:

In light of liveaboard opposition to revenue from an active mixed use harbor, it is only fair that they pick up the revenue slack. Or perhaps reconsider mixed use.

Aloha,

Jeff Hossellman

## kim5 - Deborah

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 23, 2010 1:07 PM  
**To:** WAM Testimony  
**Cc:** mtchndl@yahoo.com  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Michael Chandler  
Organization: Individual  
Address:  
Phone:  
E-mail: [mtchndl@yahoo.com](mailto:mtchndl@yahoo.com)  
Submitted on: 3/23/2010

### Comments:

Having moored my sailboat at both Ala Wai and Kewalo Basin harbors, and as a long time participant in outrigger canoe racing, I feel I should share my views with the Committee regarding House Bill 2582.

Aside from agreeing that catamarans operating in Waikiki should be charged considerably more than \$8.50 per year, I find most of HB 2582 highly distasteful.

Kewalo Basin marina has the necessary facilities in place to handle commercial activity: Ala Wai does not. Having moored my sailboat for several months at Kewalo Basin marina last year, I can attest that there are slips available at that harbor but few, if any, commercial vessels are moving in.

The bill as presented attempts to persuade the Committee by falsely stating that moorage fees do not cover harbor operating and maintenance costs at the small boat harbors. The Ala Wai harbor actually generates revenue for the state and could generate more if harbor management were to fill the empty slips and streamline their operations.

There exists evidence that DLNR is already prepping for this new policy. Aside from refusing to fill all the vacant slips at Ala Wai, DLNR is already denying permits for outrigger canoe races beginning or ending at Ala Wai harbor this year.

Please save boaters and the general public from this type of mismanagement. Shifting commercial boats from under-utilized Kewalo Basin would not solve any problems for the State but would present many problems for the many recreational users of Ala Wai harbor. I urge the Committee to oppose this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [griffithh001@hawaii.rr.com](mailto:griffithh001@hawaii.rr.com)  
**Subject:** Testimony for HB2582 on 3/24/2010 9:30:00 AM  
**Date:** Tuesday, March 23, 2010 1:27:12 PM

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Testimony for WAM 3/24/2010 9:30:00 AM HB2582

Conference room: 211  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Harold F. Griffith  
Organization: Individual  
Address: 83 Nawiliwili Street Honolulu, Hi. 96825  
Phone: 395-2424  
E-mail: [griffithh001@hawaii.rr.com](mailto:griffithh001@hawaii.rr.com)  
Submitted on: 3/23/2010

Comments:

I am a boat owner and I oppose this bill and any other bill which refers to or recommends commercial use of the Ala Wai Boat Harbor or increased fees for the boat owners who will be affected.

23 Mar 2010

To: Whom it may concern.

Re: Submitted testimony to oppose HB 2582

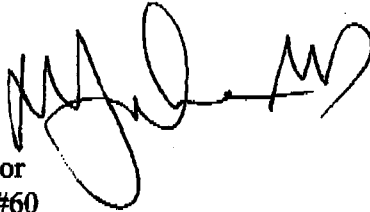
My name is Stephen Holmes, I am a physician who has lived in Honolulu for 30 years, 9 of them at the Ala Wai Yacht Harbor, and so I am well aware of the issues and politics concerning the harbor. In summary, I am strongly opposed to raising the live aboard rates as outlined in HB 2582. This bill is poorly conceived and was authored by individuals that have no understanding of economic principles, basic concern for the boaters that have chosen to make the Ala Wai their home, or the Ala Wai Harbor itself. Specific reasons are as follows.

1. If the goal of double or triple the live aboard rate is to raise money, then this will fail because of the 'Law of Diminishing Returns'. I have taken the time to actually pole 28 of the 130 live aboards as to their reaction. If tripled, 100% will give up their permit, and if doubled, 85% will do the same..
2. This proposal is really not about increasing revenues however; it is a method of ridding the Ala Wai of live aboards to silence their grievances about the perpetual lack of service. If the goal therefore is to eliminate this population, this will work but exposes a serious lack of basic human consideration. Only a true grinch would double or triple the rate to live somewhere during the worst economic downturn in recent history. There are no other options for most of these people and this bill will increase the number of homeless in Waikiki. Most of residents are honest; hardworking locals that really love the ocean and take care of the area. You fail to recognize the benefits of the residents; we contribute to the safety and cleanliness of the harbor, substituting for the non-existent DLNR harbor police.
3. The bills stated 'justifications' are laughable. I pay my own electricity! Outsiders that dump truckloads of trash rather than take it to the city dump put most of the rubbish in the containers. We already pay extra for the janitorial service but the homeless that live in the bathrooms and the nearby beach create most of the mess. I repair my dock as needed because I know that DLNR will not.
4. Any proposed rate increase should be based on the number of live aboards, not the size of the boat. Of the 10 largest boats on the 600 row, 5 have a single resident, 4 have two, and one has 3 (including a 1 year old baby).
5. I agree that the intent of the harbor is to allow access to the ocean but strongly disagree with the statements in the bill that the residents somehow prevent this, and that we rarely leave the harbor. Most of the residents that I know go boating 2-3 times every month...most of the other boats never go out. These statements are glaring examples of the detached nature and mindless politics of the bills authors. They basically know nothing of the harbor, the boaters or the residents.
6. On February 17, 2010, less than two weeks ago, the primary editorial in the Honolulu Advertiser included this statement "AT OTHER PROPERTIES, LIKE BOAT HARBORS, THE STATE HAS PROVEN ITSELF TO BE THE WORST KIND OF SLUMLORD, RAISING THE RENT WHILE REFUSING TO SPEND MONEY ON EVEN THE MOST BASIC REPAIRS AND IMPROVEMENTS." Let me expand on this and add that it will make itself an



even worse slumlord when it eliminates the live aboards that make the Ala Wai a real community with real people...whomever conceived of this bill is seriously ALOHA challenged and does not understand basic economics or care about the Ala Wai Boat Harbor.

Sincerely,  
Stephen M. Holmes, MD  
sholmes@rahawaii.com  
222-9718  
Slip 658, Ala Wai Boat Harbor  
1741 Ala Moana Blvd, Unit #60  
Honolulu, Hi. 96815

A handwritten signature in black ink, appearing to read 'Stephen M. Holmes', written over the printed name and contact information.

March 23, 2010

John Morton

1741 Ala Moana Blvd. #57

I Oppose Bill 2582 SD1

Against Live aboard fee increase:

Reasons: A new fee increase is being implemented right now at an increase of 68%; that bill already used the excuse that they need more money for utilities, garbage removal, and maintenance. The garbage dumpsters are being filled day by day by the general public, not the boat slip renters, the private rest rooms that we pay to maintain are being used by the public with their own electronic entrance cards being passed around by some of the temporary transients which most of them are the illegal live aboard boats. If DOBOR wants more income then increase the number on liveaboards in the harbor. There are 150 + slips vacant right now that DOBOR will not rent out now because there staff say they don't have the time to send the letters out to offer the slips to new boaters, Plus DOBOR increased the time to except a new slip from when I excepted my slip in 1995 to present from 30 days to 120 days thus slowing the process. The shower facilities are all heated by solar panels on the roof tops. There is no justification for such a large fee increase. This is discrimination to a small amount of people for DOBOR's mismanagement of money.

To: The WAM Committee

March 23, 2010

Re: HB 2741 HD1 SD1 and HB 2582 SDI

From: Mark Meyer

1741 Ala Moana Bl. # 118 96815

#### NOTICE of OPPOSITION

I am in deep opposition of HB 2741 HD1 SD1 and HB 2582 SD1 as follows herein.

1. There is no need for further Commercial Vessels at the Ali Wai or Kehie Small Boat Harbors. There is plenty of room at the Kawalo Boat Basin Harbor for commercial Vessels as space is available for them as designed by the DOT State of Hawaii.
2. If Commercial were allowed into the Ali Wai or Kehie Small Boat Harbor the funds would still be in States hands and no real advantage would occur, only a disruption of Recreation waters would be the outcome.
3. It appears that much opposition has been at Hand regarding above BILLS. That if Commercial Vessels are not allowed in the Small Boat Harbors by DLNR as describes the Bills, That : only the "Live a Board Residents" would be Punished, is quite clear in raising higher fees by "tripling our live a board" cost, plus moorage fees on top. DLNR is unfair in there thinking and have received an increase to cover Boat Harbor cost.
4. On December 14, 2009 The Land Board (DLNR) approved a further rate hike of 3.47 per foot to the fees of 5.65 per Foot as proposed, thus making the new rate of Moorage at 9.12 per foot at the Ali Wai Harbor this fee is higher than the Main land City and State Harbors. It was stated by the Director of DLNR That: this 3.47per ft would cover all the cost of needed repairs and up keep for the small boat Harbors to come.
5. If, I were to add the triple the cost of my live aboard fees of 282.00 per month and my moorage fee of a 50 foot vessel as stated above my fees would be 1,332.00 month. I have now lost my home. I cannot pay such a high rate for such a moorage like this any ware. I do pay for my own Electric at the Harbor a cost of 131.00 per Month. Just for this additional fee is a total of 1,463.00 in Moorage fees if the BILL's passage.
6. I do not want to participate in the homeless population as that I am on a fixed income. I also may add that Harbor fees were increased in December 14, 2009 has really put a crimp on the Marine Industry in slowing Taxable income from services, repair and Boat Sales at the Harbor now has fallen off by the Land Board decision. I can, not sell my vessel at pending market rate do, to the new rate of 9.12per foot, another loss for others and myself in the DLNR new fees that have been implemented thus far.

Please review Bills closely, as the Marine Industry may be harmed dramatically, along with further Job loss in this market, BILL's fees are completely unreasonable.

I do Pray, that this Committee reads my testimony herein. Theses, Bills should be put on HOLD. I hope the Committee would require an Audit of DLNR before any further up swing, so dramatically, in higher fees that shall commence from this department.

Thank You, for your time and consideration.

Mark Meyer