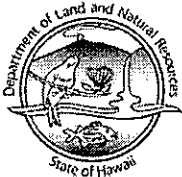


TESTIMONY
HB 2582

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
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Wednesday, March 10, 2010
2:45 PM
State Capitol, Conference Room 229**

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

House Bill 2582 authorizes limited commercial activity at the Ala Wai and Keehi Small Boat Harbors, clarifies that commercial catamarans operating from Waikiki Beach are required to have a commercial use permit issued by the department, and amends the liveboard fees for the Ala Wai and Keehi Small Boat Harbors. The Department of Land and Natural Resources (Department) strongly supports this Administrative measure.

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.

Both harbors are located in areas of commerce with the Ala Wai Small Boat Harbor located at the entrance to Waikiki and the Keehi Small Boat Harbor in the Sand Island industrial area. Allowing moorage for a limited number commercial vessels and commercial vessel activities in the Ala Wai and Keehi Small Boat Harbors would be consistent with existing commercial activities in their respective vicinities. Additional commercial activity within state small boat harbors would increase vessel activity and stimulate existing marine related businesses. This would provide additional revenues for the Department and the additional revenues would be used to operate, maintain, and improve the ocean recreation facilities.

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.

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.

In order to address the concerns of the liveaboards at the Ala Wai and Keehi Small Boat Harbors that commercial operations would be disruptive to the them, this bill offers a compromise. It provides that any harbor that excludes commercial operations, liveaboards will pay three times the mooring fee. This would provide compensation for the loss of commercial vessel revenue. If the harbor allows for commercial activities, a liveaboard would only have to pay two times the moorage rate.

The Department would prefer the ability to allow commercial vessel mooring and operations at the Ala Wai and Keehi Small Boat Harbors because it would stimulate commerce throughout the entire harbor. The intent of the small boat harbors, as stated in the statute, is for vessels regularly navigated beyond the confines of the harbor. The majority of individuals living on their vessels rarely take their vessels out of the harbor because of the preparation involved in making them ready for sea.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 2:02 PM
To: WTLTestimony
Cc: princeofwaikiki@hotmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: RAYMOND A. GRUNTZ
Organization: Waikiki Neighborhood Board 9
Address: 1765 Alamoana Bl. Apt 1482 Honolulu, HI. 96815
Phone: 949-0492
E-mail: princeofwaikiki@hotmail.com
Submitted on: 3/9/2010

Comments:
Aloha, Chair and Members.

For the last 10 years the Waikiki NHB # 9 has not been in favor of any Commercial Activity, in the Alawai Small Boar Harbor. The current Commerical Activity is Marine Related. I was told by DNLr off the record, that it is all about MONEY.

To that end I suggested last year, that if DNLr would allow the DOUBLING OR TRIPLING of the current LIVE A BOARDS (people who use the boat as a HOME) this act would bring in MORE that DNLr wants in the current ACTIONS REQUESTED. When i suggested this to DNLr, I was told they did not like the suggestion WHY because LIVE A BOARDS DON"T MOVE!!!. This makes no seance to me or others.

The bringing in the (BIG BOATS) 65 feet or less do not belong in a SMALL boat Harbor, the name SMALL BOAT HARBOR SAYS IT ALL.

ANYTHING I TESTIFIED TO LAST SESSION HAS FALLEN ON DEFT EARS, that is a shame. This peaceful place will no longer be the same, The residence of the High rise Condos fronting the Harbor, will not be able to get a good nights sleep, which is a quality of life issue, asi I sais last session, at this time at 1:30AM, the Harbor pub drunks hit the Street, at 2:00AM the Charthouse people also hit the Street saying good night to each other and if they have had to much to drink as is the case most NIGHTS, they wake up our sleeping residences. If the BIG BOATS (COMMERCIAL) who will have to re-stock supply's for a day of fishing or tour boat loading ICE DRINKS BEER etc. when do the Residences sleep, at this time I have observed the operation of these boats @ Ward Ave and Alamoana Bl. at 5AM and the noise that is made at that hour granted the New High Rise Buildings cross the Street knew what they were moving into.

The fact that the Residence of the Buildings fronting the Alawai Harbor have NO SUCH KNOWLEDGE that this mess would put on them. I would suggest the Property Values as a result of this Commercial Boat Activity will cost the current owners a devaluation of property value. To my knowledge NO) E I S) HAS BEEN DONE or considered? I would suggest that Law Suits may be forth coming if this goes forward.

Aloha for your time in reading my testimony on behalf of the WAIKIKI NHB 9

Raymond A. Gruntz
Alawai Harbor rep of the Waikiki NHB 9
Sub-Dist.#1

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 06, 2010 9:11 AM
To: WTLTestimony
Cc: cwright614@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Craig Wright
Organization: Individual
Address: 1651 Ala Moana Blvd Honolulu
Phone: 808 944-0426
E-mail: cwright614@yahoo.com
Submitted on: 3/6/2010

Comments:

Please kill this bill.

The Ala Wai has produced a surplus of revenue every year for the last 25 years, and in fact has supported smaller marinas on outer islands. It is bad policy to impose extra fees on the one marina that pays its way. We do not want noisy, dirty commercial traffic in the Ala Wai. This is a family recreation place. Theilen is building a resume on the backs of the boat owners. Suspend her program and wait until we have a new governor next year.

thank you,

C Wright

Waikiki

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 07, 2010 6:17 PM
To: WTLTestimony
Cc: careyjohnston@live.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Carey Johnston
Organization: Individual
Address:
Phone:
E-mail: careyjohnston@live.com
Submitted on: 3/7/2010

Comments:

Why would the State want to take away recreational boating moorings in the Ala Wai Harbor for commercial vessels when Kewalo Basin STILL CANNOT FILL their harbor with commercial vessels?

And, there are hundreds of persons on a waiting list for the Ala Wai Boat Harbor who will gladly pay for a mooring for their boat.

Think about this.

From: Mark Heilbron [heilbronm001@hawaii.rr.com]
Sent: Sunday, March 07, 2010 7:47 PM
To: WTLTestimony
Subject: HB2582

Aloha Committee Members.

To take away hundreds of slips from a recreational harbor such as the Ala Wai for the purpose of expecting commercial operators to fill and pay for them borders on insanity. The reason is very simple. There are no where near enough commercial operators to fill those slips so instead of trying to extort more money from an already dying resource you will be taking away already paying customers who will have no where else to go leaving the state with less revenue than what they are currently reaping from the already exorbitant rates that are now charged at a harbor that is dying before our eyes. Just talk to the commercial operators at Kewalo who for the most part are starving as it is and always have been even in economic good times. To make another point to show how DLNR has no business sense. They doubled the parking rates at the Ala Wai and reduced the amount of time that you could park at any given time so now instead of filling the parking lot up they have turned it into a ghost town again taking more revenue away from the resource.

Aloha Mark Heilbron
Concerned Citizen

From: marshall ballou [baballou@hotmail.com]
Sent: Monday, March 08, 2010 1:37 AM
To: WTLTestimony
Subject: FW: hb 2582 Hering at 2:45

VR
MARASHALL BALLOU

From: baballou@hotmail.com
To: wtltestimony@capitol.hawaii.gov
Subject: hb 2582 Hering at 2:45
Date: Mon, 8 Mar 2010 01:34:46 -1000

we r against this bill.donot pass.it is not inour best interest, we boatsr,friends of the harbors.Nota goodbil

VR
MARASHALL BALLOU

Hotmail: Free, trusted and rich email service. [Get it now.](#)

Subject: HB2582

Hearing on Wednesday, Mar 10th @ 2:45pm

March 8, 2010

I oppose HB2582.

Sir/Madam,

I currently own a boat moored at the Ala Wai Small Boat Harbor and have been a resident of Hawaii since 1956.

Please take into account the following:

I oppose HB2582.

Proposing a 2 to 3 times increase to the live aboard fees has absolutely no justification. This bill appears to be, among other things, a punitive action directed at the residents of the harbor. Live-aboard boaters receive nothing more than the boaters who do not live aboard from the harbor personnel or facilities. They are in fact the 'watch standers' for the harbor and insure a safer harbor environment. Residents provide indirect oversight. It appears that DNLN's solution is to make it so expensive for residents that they will be forced to move, thereby eliminating a thorn in the side of the DLNR.

Please Note:

1)

If **HB2582** passes committee slip fees will increase 66% over the next 5 years. This slip fee increase is supposedly justified by comparing Hawaii harbors to full service (including 24 hour security, swimming pool, deluxe - well equipped bathrooms, pump-out facilities etc) commercial marinas. Any "Fee" increase is tantamount to a tax increase.

2)

Reducing the recreational slips by 30% by converting them to commercial use has been proposed and rejected as having a very negative environmental impact since 1976. Additionally, the traffic, the parking, and the negative impact on the harbor infrastructure and the recreational users have not been studied. Commercial facilities also have additional expenses such as bank loans, income taxes and property taxes.

The Ala Wai Small Boat Harbor does not have these additional expenses as the property was gifted to the Hawaiians as a recreational facility to be used by the general public and not to be used for commercial use. It is illegal to do so as stated in the gift.

3)

Over the past several years the DLNR/DOBAR has allowed over 200 slips to remain vacant the Ala Wai Small Boat Harbor creating a loss of \$50,000 to \$80,000 a month. They have chosen to raise slip fees rather than correct the administrative inadequacies that have left slips vacant for this amount of time thus creating their financial deficit.

They have blamed this on the way the administrative rules are written yet they have forced through several administrative rule changes that the boaters have overwhelming disapproved. A change to the administrative rules which would speed up issuing of leases for slips would be welcomed and would correct the deficit over a short period of time.

Additionally, the working dock has been vacant and losing revenue for the last three years while DLNR is looking for a new operator. One of the reasons they could not find an operator is the administrators over estimated the value of the lease thus did not receive bids. Since the loss of the working facility DOBOR has strengthened the inspection requirements to have a buoy run every year and added a requirement to carry insurance. If a boat is having maintenance problems and cannot comply there is no local working dock to take the boat for repair.

They have found a taker. Soon there will be a wedding chapel to take it to.

4)

Another case in point: The DLNR submitted its Renaissance Plan to the legislators recently and it was defeated. There was a good reason for this. It would not benefit anyone as proposed and the legislators recognized this.

Respectfully,

Susan Ray
Boat Owner
P/O/ Box 75028
Honolulu, Hawaii 96836
808-943-0199

In Very Strong Opposition to HB 2582

1. This HB2582 bill is **Extortion** in strong words. Classic example of the department not listening to any reason or looking at management solutions 1st.
2. Live aboard rates should be a flat rate fee per-month Like \$50.00 to \$60.00 for the first two persons **NOT the 3-4 times the bill asks for.**
3. The charge should not be based on the size of the vessel. That is True vicious attack on live a boards. And does not have any support by any cast data to back up the justification.
4. Live a boards are the original "Neighborhood Watch"
5. Fill all the slips in both the Ala Wai and Keehi 1st.
6. Stop the wait list game it does not take 120 days to fill a slip. As it is now slips sit open for year or more before they get filled.
7. Kewalo basin Harbor is the Commercial Harbor and it can not fill the slips as it is.
8. Stop improper use of harbor facilities, and there is no way a boatyard and a fuel dock are compatible with wedding chapels. DLNR has just run out of ways to get the money to improve the Ala Wai (having diverted decades of fees to non-boating uses), and now it is prepared to give away the farm and sell our souls to get \$1+ million a year rent from a Japanese wedding operator.
9. It strange that Japanese wedding operator. Was the **ONLY** bidder, and that the specs for the bid were designed to accommodate such an operation?
10. Strange that the DLNR Board quickly approved DOBOR to negotiate **EXCLUSIVELY** with Japanese wedding operator?
11. When properly requested a contested case hearing of this process (using a law firm), it was denied?
12. DLNR/DOBOR is going to do whatever they have to do to try to ram this through for Japanese wedding operator..
13. We have a Sunshine Law and asked for all documents between Japanese wedding operator. and DLNR and have gotten nothing.

14. It is also illegal. By definition, "chapels" are primarily religious in character. e.g. "A chapel is a building used by Christians, members of other religions, and sometimes interfaith communities, as a place of fellowship and worship."
15. The First Amendment of the United States Constitution prohibits the government getting into the establishment of religions:
16. "Congress shall make no law respecting an establishment of religion". By the 14th Amendment this has been applied also to the States.
17. So it seems clear that building chapels on State ground may violate the First Amendment.
18. It is important to realize that when Japanese couples come to Hawaii to get married, they do not actually get married legally here. That process is done in Japan.
19. All that is happening is that they are taking the ocean front ambiance to compete with and take away business from other wedding operators.
20. Maybe we could pass a constitutional amendment to reword the first amendment, something like this.
21. "Congress and the States shall make no law respecting the establishment of religion, except if they can make money off of it."
22. Until we do, perhaps the DLNR should consider refraining from profaning religion **solely to make money and instead using the harbor for the purpose it was originally built for. And that was for the free public use.**

It took me Ten years to get my slip in the Ala Wai and I am on the 800 row now for ten years and DLNR wants to take this away from me this is very wrong.

I am an active live aboard and boater in the harbor what is going on here is just killing boating in the state. **Do not Pass this bill**

Curtis Collins
1741 Ala Moana Blvd. #64
Honolulu, Hawaii 96815
808-286-5202

John Morton

Slip 637 Ala Wai small boat harbor

I Oppose Bill 2582

Against Commercial use at Ala Wai Small Boat Harbor:

Reasons: Moving commercial vessels from Kewalo harbor to Ala Wai small boat harbor does not generate new income, It also largely increases the potential of major accidents to humans, especially to children and teenagers who are learning ocean right of way Laws by practicing sailing and canoeing down all the water ways in the Ala Wai small boat harbor, the harbor entrance is approximately 200 ft wide which leaves no room for boating errors. The proposed 800 Row for commercial boats has inadequate boarding facilities for public use, inadequate docks for public traffic, basically one way walking only down entire 800 Row, no access for handicap people, electricity is not metered per slip hence creating another power and water billing issue per boat, the 35 slips on the 700 Row has been condemned, but the DOBOR uses them for transients, they are 100% occupied, both choices would require hundreds of thousands of dollars for repair and improvement before commercial vessels could even begin operations in Ala Way small boat harbor, where is this money going to come from?

Against Live aboard fee increase:

Reasons: A new fee increase is being implemented right now at an increase of 68%; this new bill says they need more money for utilities, garbage removal, and maintenance. I pay \$475 a month for live aboard, plus an average of \$150 a month for electricity, plus \$80 a month for cable TV and internet connection, plus \$40 a month for land phone, plus \$50 a month for parking, a total of \$775 a month for a slip of water, I'm not renting a condo with parking included and living space. 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 the some of the temporary transients which most of them are the illegal live aboard boats. 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. On 2/18/10 and 2/19/10 DOBOR sent Megan Statts our old harbor master and current Oahu district manager and Ken Chee our new harbor master at approximately 2AM to remove illegal live aboards from Ala Wai small boat harbor, and some arrests were made, their information of these illegal live aboards were from the legal live aboards writing written complaints forcing DLNR to respond, because DOBOR has no policing what so ever of the harbor. The floating docks which are B, C, D, F, & G should have their electric bill reevaluated to realistic HECO pricing. The shower facilities are all heated by solar panels on the roof tops. There is no justification for such a large fee increase.

On 2/27/10 we had a tsunami warning, all live aboard boats went out to sea, hence the idea that live boards don't use their boats is not true we responded in two hours to the tsunami threat.

From: Dr Carolyn Forbes [drcarolyn.forbes@hawaiiintel.net]
Sent: Monday, March 08, 2010 8:51 AM
To: WTLTestimony
Subject: Testimony HB2582

Testimony for WTL; 3/210/2010 @ 2:45 pm; HB2582
Conference room: 229
Testifier position: STRONG OPPOSITION
Testifier will be present: No
Submitted by: Dr. Carolyn Forbes
Organization: Individual; Resident & Boat Owner, Ala Wai Small Boat Harbor
Address: 1741 Ala Moana Blvd. #70 Honolulu, HI 96815
Phone: 808.943.1150
E-mail: drcarolyn.forbes@hawaiiintel.net
Submitted on: 3/08/2010

Respected Members of the Committee,

As a boat owner and more than 10 year resident of the Ala Wai Small Boat Harbor, I strongly oppose HB2582 for the following reasons:

1. Deed restrictions at Ala Wai prohibit commercial vessels. 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.
2. It reduces the number of recreational slips in both harbors thus creating longer wait lists: for recreational boaters to get a slip for a boat, for current slip holders to move to a different slip or change current vessel size, which may require either a larger or smaller slip. Additionally, long wait lists discourage: out of state yachters that want to sail to Hawaii and local, slip-holding residents from selling their boats to enthusiasts that do not have mooring sites.
3. 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.
4. Presently, there are many vacant slips at Oahu's commercial piers. Why do we need more? There is no physical need. Perhaps the answer lies in the inability of DOBOR/DLNR to benefit financially from any of the present commercial slip rents, of which many, I believe, come under the auspices of DOT. Not a good reason, especially in lieu of DLNR's gross physical and financial mismanagement of the Ala Wai Marina. Some examples: for years slip rent proceeds (surplus from Ala Wai) that should have been placed in the boating fund and used for onsite, harbor repairs were diverted to the general fund and used elsewhere. Another case in point is closing of the Ala Wai working dock, a much needed facility for boaters and generator of income for DLNR. To date, this facility remains vacant with no revenue stream. Lastly, although there is a waiting list for slips, many usable slips that can generate income remain consistently empty, not to mention the huge revenue loss (over years) from unused births due to disrepair. This accounts for more than 75 empty slips.

5. This bill also creates a hardship on me and other Ala Wai residents that live aboard, especially those retired and on fixed income. Those of us who live aboard at Ala Wai are taxpayers and tenants. Raising live aboard fees in addition to raising mooring fees would be an unconscionable act intended in serving special interests, rather than those of taxpayers. For many, their boat is the only housing they can afford. Fees are already high when compared with marinas elsewhere. Raising live aboard will render many homeless.

6. Please take note of strong opposition testimony, submitted to House Committee on Finance the 24th of February 2010, by Reg White, Tenant and resident of Ala Wai Boat Harbor; Commercial operator from Honolulu, Waianae, Kewalo and Lahaina harbors. His testimony begins on Page 9 of the following document:

http://www.capitol.hawaii.gov/session2010/TestimonyHB2582_HD1_TESTIMONY_FIN_02-24-10_2_.pdf

Respectfully Submitted,

Dr. Carolyn Forbes
1741 Ala Moana Blvd. #70
Honolulu, HI 96815
Slip 511 Ala Wai

Testimony of Mark Hazlett [mhazlett@cades.com]:

The bill HB2582, allowing slips for up to 129 commercial vessels in the Ala Wai Small Boat Harbor is being heard on Wednesday in the Senate before Senator Hee, chair of the Committee on Water, Land Agriculture and Hawaiian Affairs. --

http://www.capitol.hawaii.gov/session2010/lists/measure_indiv.aspx?billtype=HB&billnumber=2582 I have no position on raising the liveaboard rates, I think they can make their own case and there is testimony filed on that. We of course already have the beach cats and fishermen in the harbor yet the testimony seems to suggest that does not exist. The bill treats the only stakeholders as the 120 or so liveaboards and makes no reference to the thousands of sailors, paddlers, divers, surfers and other recreational users. It is true that many other small boat harbors have theoretic mixed use but what you find is commercial use predominates and that makes it all the more important that the one small boat harbor that is heavily used for recreational purposes with limited commercial operations be so maintained. Kewalo of course has slips for commercial vessels it has been unable to fill at the other end of Ala Moana Park. The State's major junior sailing programs are in that harbor as well as the largest concentration of canoes, not to mention Ala Moana park users. You can imagine the impact of just a handful of thrill craft let alone 129 commercial vessels using the turning basin on junior sailing, paddling, surfers, Friday night races, kayakers, stand-up paddlers, and so on. Imagine the impact say of even a couple parasail boats racing back and forth every hour. This hearing is the last hearing by a subject matter committee. This obviously affects sailors, all the canoe clubs that use the Ala Wai, both junior sailing programs and thousands of recreational users. I don't think the users are aware of what is happening or are assuming that DOBOR would not actually do this. I am sending this from an office email account but the views are mine alone. Mark

From: Noa Napoleon [freeoceanaxs@yahoo.com]
Sent: Monday, March 08, 2010 11:06 AM
To: WTLTestimony
Cc: commongroundhawaii@yahoo.com
Subject: HB 2582

Hearing date: March 10, 2010

Time: 2:45 pm
Room 229

Testimony in **opposition** to HB 2582

I am not a Boater. I am a surfer who benefits from the parking and other amenities that are offered to recreational users such as showers rest rooms and free parking areas. I support fee increase efforts for live- aboard's but feel that DLNR should separate the fee increase issue from the privatization issue. With HB 2582 DLNR seems to attempting an **incremental approach** to total commercialization of the harbor. I feel this would not only alter the status of the land but cause irreparable harm to the recreational community who will be forced to vacate the area once commercial boats are allowed. Recent efforts by DLNR Chair to remove the finnish line buoy at the Ala Wai Harbor is I fear part of her overall effort to clear any impediment to privatization. Large commercial vessels are going to pose a huge problem for paddlers and surfers who will be facing the gantlet of new commercial boats everyday! In addition, fumes generated by the large fishing boats will threaten not only the coral reefs, but the quality of life for boaters and for beach goers who until now have not had to deal with gas and oil fumes!

Please tell DLNR to separate the fee increase issue from the commercial issue. The Ala Wai Harbor is host to **many other events** such as the Molokai Hoi, and swimming and surfing events that have **nothing to do with boating or slip fee issues.** Tell DLNR to revoke the Hilton pier permit and put it up for auction. This will allow the DLNR and the Boating division to collect those monies for harbor maintenance. The Hilton Pier permit must be administered by Boating (DOBOR) not the Land division.

Noa Napoleon

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 11:32 AM
To: WTLTestimony
Cc: cowgirlinhawaii@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Beth Malvestiti
Organization: Individual
Address: Queen Street Honolulu, 96813
Phone:
E-mail: cowgirlinhawaii@yahoo.com
Submitted on: 3/8/2010

Comments:

1. DOBOR claims it is losing money. Over the past several years it has allowed over 150 slips to remain vacant (there is a 2-7 year wait for slips). Losing \$30,000 to \$40,000 a month. They have blamed this on the way the administrative rules are written yet they have forced through several administrative rule changes that the boaters have overwhelming disapproved. If a change to the administrative rules which would speed up the waiting list for slips were presented, I'm sure the boaters would fully approve.
 2. The working dock has been vacant and losing revenue for the last two years while DLNR is looking for a new operator! Any reasonable person would have renewed the lease from previous owner while they procured a new operator to provide a revenue stream. DLNR only received one proposal, which they approved, from a company who's proposal is a wedding chapel. Are you kidding me??
 3. HEALTH & SAFETY ISSUE for our Junior Sailors from Hawaii Yacht Club & Waikiki Yacht Club, who practice daily in the harbor & hold weekend regattas outside the channel.
 4. Kewalo Basin is a commercial harbor that has many unfilled slips. This demonstrates there is no need for additional commercial slips at Ala Wai Small Boat harbor.
 5. AWSBH was gifted to the State as a recreational facility to be used by the general public, not to be used for commercial purposes.
- As a homeowner, taxpaying citizen who pays your salary, member of Hawaii Yacht Club, I urge you to look at the big picture with common sense and kill this bill. It's bad for all citizens of Hawaii! Thank you for your time.

From: Harold Griffith [griffithh001@hawaii.rr.com]
Sent: Monday, March 08, 2010 3:40 PM
To: WTLTestimony
Subject: Re: HB2582

I oppose bill HB2582.

Harold F. Griffith

From: Harold Griffith [griffithh001@hawaii.rr.com]
Sent: Monday, March 08, 2010 11:53 AM
To: WTLTestimony
Subject: HB2582

This is in response to HB2582 concerning commercializing the 700/800 rows at the Ala Wai Boat Harbor from recreational to commercial use.

I am a boat owner in Hawaii since 1971. I watched the Lahaina *Recreational* Boat Harbor slowly become so commercialized that one cannot get a slip for a recreational boat in there any more. I do not want to see the same happen to the Ala Wai Boat Harbor. Keep it and Keehi for recreational boat owners ONLY
Use Kewalo Basin for commercial business.

Research other areas for increased revenue.

Harold F. Griffith
Captain, USN Retired

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 12:37 PM
To: WTLTestimony
Cc: costbenefit@hawaii.rr.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Diana Cummings
Organization: Individual
Address: PO Box 15141 Honolulu, HI 96830
Phone: 808-282-0070
E-mail: costbenefit@hawaii.rr.com
Submitted on: 3/8/2010

Comments:

I have been waiting for a slip in the Ala Wai for 4 years and 7 months. How much longer will I have to wait if this bill passes. It makes no sense. Please do not pass this bill. Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 1:08 PM
To: WTLTestimony
Cc: jadamsesq@aol.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Jo-Ann Adams
Organization: Individual
Address: 411 Hobron Ln #801 Honolulu, HI
Phone: 5282100
E-mail: jadamsesq@aol.com
Submitted on: 3/8/2010

Comments:

I write in opposition to the commercialization of Ala Way Harbor.

Many think of Waikiki as a tourist destination and commercial zone. While we are the economic engine for tourism, Waikiki is also home for many of us.

We have been more than tolerant in allowing high rises to be built in our neighborhoods. However, there are some uses that we resist. One of them is the commercialization of Ala Wai Harbor.

The harbor as it is designed now is for use by private individuals with relatively small boats. (Small compared to commercial boats.) We have many people "living aboard";. We have several condominium complexes in or near the harbor. We have two private yacht clubs there.

Allowing commercial vessels into the Ala Wai Harbor will completely change the character of the harbor. I will leave to others the specific details of how the harbor will be changed for the worse.

I write simply as a private citizen who sits as a member of the Waikiki Neighborhood Board. The commercialization of the harbor comes up frequently under citizen concerns. In my 4 years on the Board, I have not heard one citizen come forward in favor of commercializing the Ala Way Harbor.

Expansion of Keehi Lagoon is another matter. That is already used heavily by commercial boat owners. I have no objection to the expansion of Keehi Lagoon as long as it does not adversely affect the current users.

Thank you for your consideration.

|

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 4:17 PM
To: WTLTestimony
Cc: wylie96797@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Darin Takakawa
Organization: Individual
Address: 94-1165 Hoomakoa St. Waipahu, HI
Phone: 808-224-7532
E-mail: wylie96797@yahoo.com
Submitted on: 3/8/2010

Comments:

Aloha,

My name is Darin Takakawa and I oppose the HB2582 proposed bill. I do not believe that commercializing the Ala Wai Boat harbor would be beneficial. There are numerous available commercial slips at Kewalo Boat harbor. Commercializing the Ala Wai would be a detriment. There is already a very long waiting list for the Ala Wai Harbor, and allowing commercialization would increase the time. In addition, the current occupants of the 700/800 docks would be displaced.

Please vote no on this bill.

Thank you,

Darin Takakawa

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 5:03 PM
To: WTLTestimony
Cc: robertcsinclair@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Sinclair
Organization: Individual
Address:
Phone:
E-mail: robertcsinclair@yahoo.com
Submitted on: 3/8/2010

Comments:

Please vote NO to HR 2582 this would create hardship for the recreational boaters and live on boards.

Thank you,
Robert Sinclair

Subject: HB2582

Thursday, February 04, 2010

Sir/Madam,

I cannot attend the March 10 meeting as I (and others) have to work. Please take into account the following:

I own a boat moored at the Ala Wai marina and a resident of Hawaii for the last 7 years. I totally oppose HB2582. In regards to increasing live on board fees, this bill on the surface appears to be a punitive action directed at the residents of the harbor. The residents are the watch dogs of the harbor and in the past have been the first to point out the transgressions of DLNR/DOBOR. Residents provide indirect oversight. It appears that DNLR's solution is to make it so expensive for residents that they will be forced to move, thereby eliminating a thorn in the side of the DLNR.

The DLNR has demonstrated its inability to enact sound business practices in a number of business decisions it has pushed through the Land board. These decisions created an unfriendly environment for both boaters and recreational users. This bill by increasing live on board fees and pushing Commercialization to the Ala Wai marine is another example of these unsound business practices.

Please take into consideration recent events:

1. Parking for boat owners has increased from an administrative fee of \$25 to \$300 year. (a 1200% increase). Traditionally parking is included in slip/mooring fees at most marinas.
2. Slip fees will increase 66% over the next 5 years. This slip fee increase was justified by comparing to full service commercial marinas. Full service marinas generally have full service, including 24 hour security, swimming pool, deluxe - well equipped bathrooms, pump-out facilities etc. Commercial facilities also have additional expenses such as bank loans, income taxes and property taxes. The Ala Wai marina does not have these additional expenses as the property was gifted to the state as a recreational facility to be used by the general public and not to be used for commercial use.
3. Slip Fees equate to fees similar to a Condo maintenance fee. A Condo owner owns his residence and pays a supplemental to operate the structure. A boat owner owns his boat (residence) and pays a supplemental (slip fee/live on board fee) to operate the marina. Condo fees are used to pay staffing, security, building maintenance, swimming pool, hot tub, cable, taxes, etc). The Marina has far less responsibility or facilities. One would surmise its expenses would be less. As it stands now, most slip fees exceed most Condo fees and when adding the current Live on Board fees, the fee far exceeds a condo fee.
4. The DNLR wants to increase Live on Board (LOB) fees 200 to 300 percent. The fee is based on the length of the boat. Currently the fee is: \$5.20 a foot, this is on top of the regular slip fee for mooring a boat at the harbor. The current (LOB) fee is in excess of what most marina charge. Most marinas charge \$50 per month for two occupants and do not take length of the boat in account. DOBOR has increased the regular slip fee based on what fees other marinas charge, but ignores other traditional marinas fee practices when it conflicts with their goal. DOBOR wants it both ways.
5. DOBOR claims it is losing money. Over the past several years it has allowed over 150 slips to remain vacant (there is a 2-7 year wait for slips). Losing \$30,000 to \$40,000 a month. They have blamed this on the way the administrative rules are written but have not found the time to change.... yet they have forced through several unpopular administrative rule changes that have had a negative effect on boaters. If DOBOR had chosen first to

change the administrative rules that affect granting slips, this action would have increased revenue and would have had a positive effect on boaters.

6. Over a year ago the Landboard approved paid parking at the harbor at \$.25 an hour. DLNR started generating additional revenue. This month they have increased the parking fee to \$1.00 an hour. The parking lot now is empty, people are not as wealthy as the DLNR feels they are. The public cannot afford these rates. They stay away.
7. The working dock has been vacant and losing revenue for the last two years while DLNR is looking for a new operator. One of the reasons they could not find an operator as they had over estimated the value of the lease. They have now found a taker.. a wedding chapel.. this doesn't even require comment.
8. Since the loss of the working facility DOBOR has strengthened the inspection requirements to have a buoy run every year and added a requirement to carry insurance. If a boat is having maintenance problems and cannot comply there is no local working dock to take the boat for repair. Very boater unfriendly.
9. Commercialization of the Ala Wai: Currently there are more commercial slips in Oahu then there are commercial boats. Moving commercial boats to the Ala Wai would increase boat road and harbor traffic resulting in more congestion. This will also crease safty problems for surfers and boaters.

I am a believer in democracy. Recent events have left me in doubt that the people's views have value. I have sat through numerous DLNR/DOBOR meetings for the purpose of requesting Public Comment. Most Public Comment opposes much of what is submitted by the DLNR. Their comments have traditionally been ignored by the DLNR. The director submits what she wants to the Land Board and gets a rubber stamp. At times I feel as if the DLNR is run by a small county dictator. Case in point: The DLNR submitted its Renaissance Plan to the legislators, it was defeated. The DLNR has now done an "end run" around the legislators and has or is in the process of getting what it wants in the plan. Any "Fee" increase is tantamount to a tax increase and should be subject to legislative review. DLNR employees are not elected officials. These decisions should be made by elected officials.

Boaters are not rich people if this additional fee gets enacted it will force boaters off their boats and into the streets.

Many residents are fearful of speaking out. I hope by speaking out, DLNR will not take punitive action on me.

Very Respectfully,

Michael C Kraft

PO Box 88691

Honolulu, Hawaii 96830 Phone 808 372 4661

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 7:28 PM
To: WTLTestimony
Cc: cwhite808@cs.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Connie White
Organization: Individual
Address:
Phone:
E-mail: cwhite808@cs.com
Submitted on: 3/8/2010

Comments:

How can you, in good conscience, even think about putting commercial vessels in Ala Wai Yacht Harbor? The original trust specified AWYH to be used for marine recreational use ONLY. Not only would this proposal violate the trust, but consideration must be given to other factors., i.e. sharing the entrance channel with surfers, small sailing craft being used by young children who are learning to sail, kayakers and outrigger canoe paddlers, recreational fisherman, etc.

Commercial vessels create pollution from their engines exhaust, and increase the noise level, and are unsightly for the residents and tourists in the hotels and condominiums nearby. This is not the kind of image we want to create for our essential tourist industry.

Many of the piers on the 700 row have been condemned for over 5 years, at which time the goal was to repair them and make them available for the boats that were moved to other piers, many of which are also unsafe and in disrepair. There is no water, electricity or security, on the 800 row, so why would a commercial boat want to be assigned a slip there? Water and electricity is essential to their every day existence.

Common sense tells us this whole proposal is a BAD IDEA!!!! Commercial boats should not be allowed anywhere in or near the AWYH.

Connie White
Ala Wai Yacht Harbor resident

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 7:53 PM
To: WTLTestimony
Cc: freebairp001@hawaii.rr.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Paul Freebairn
Organization: Individual
Address: 55-220 Kulanui St. #1898 Laie, HI
Phone: 808-781-7301
E-mail: freebairp001@hawaii.rr.com
Submitted on: 3/8/2010

Comments:

This bill penalizes the boat owners and those for whom the original purpose of Ala Wai was focused.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 8:26 PM
To: WTLTestimony
Cc: ballouhi@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Carolyn Yap Ballou
Organization: Individual
Address: PO Box 10886 Honolulu, HI 96816
Phone: 808-561-2836
E-mail: ballouhi@yahoo.com
Submitted on: 3/8/2010

Comments:
RE: HB 2582

Honorable Representatives: I am a fourth generation Hawaii born and life long resident. After a 7-year wait, my husband and I were finally able to obtain a slip at the Ala Wai, where our vessel has been moored for the last 5 years. I am grieved over the proposed plans for the marina and affronted that so much unfairness and injustice has been imposed on us boaters and that our rights as citizens have been trampled on.

I echo all the sentiments expressed below in the testimony by slip neighbor Michael Kraft, altho we do not live aboard our vessel.

Even though I cannot be present at the hearing, since I must work in my seniorhood, because of Hawaii's high cost of living, I want it noted that I oppose HB 2582.

Respectfully,

Carolyn Y. Ballou

Subject: HB2582

Sir/Madam,

I cannot attend the March 10 meeting as I (and others) have to work. Please take into account the following:

I own a boat moored at the Ala Wai marina and a resident of Hawaii for the last 7 years. I totally oppose HB2582. In regards to increasing live on board fees, this bill on the surface appears to be a punitive action directed at the residents of the harbor. The residents are the watch dogs of the harbor and in the past have been the first to point out the transgressions of DLNR/DOBOR . Residents provide indirect oversight. It appears that DNLN's solution is to make it so expensive for residents that they will be forced to move, thereby eliminating a thorn in the side of the DLNR.

The DLNR has demonstrated its inability to enact sound business practices in a number of business decisions it has pushed through the Land board. These decisions created an unfriendly environment for both boaters and recreational users. This bill by increasing live on board fees and pushing Commercialization to the Ala Wai marine is another example of these unsound business practices.

Please take into consideration recent events:

Parking for boat owners has increased from an administrative fee of \$25 to \$300 year. (a 1200% increase). Traditionally parking is included in slip/mooring fees at most marinas. Slip fees will increase 66% over the next 5 years. This slip fee increase was justified by comparing to full service commercial marinas. Full service marinas generally have full service, including 24 hour security, swimming pool, deluxe - well equipped bathrooms, pump-out facilities etc. Commercial facilities also have additional expenses such as bank loans, income taxes and property taxes. The Ala Wai marina does not have these additional expenses as the property was gifted to the state as a recreational facility to be used by the general public and not to be used for commercial use.

Slip Fees equate to fees similar to a Condo maintenance fee. A Condo owner owns his residence and pays a supplemental to operate the structure. A boat owner owns his boat (residence) and pays a supplemental (slip fee/live on board fee) to operate the marina. Condo fees are used to pay staffing, security, building maintenance, swimming pool, hot tub, cable, taxes, etc). The Marina has far less responsibility or facilities. One would surmise its expenses would be less. As it stands now, most slip fees exceed most Condo fees and when adding the current Live on Board fees, the fee far exceeds a condo fee.

The DNLNR wants to increase Live on Board (LOB) fees 200 to 300 percent. The fee is based on the length of the boat. Currently the fee is: \$5.20 a foot, this is on top of the regular slip fee for mooring a boat at the harbor. The current (LOB) fee is in excess of what most marina charge. Most marinas charge \$50 per month for two occupants and do not take length of the boat in account. DOBOR has increased the regular slip fee based on what fees other marinas charge, but ignores other traditional marinas fee practices when it conflicts with their goal. DOBOR wants it both ways.

DOBOR claims it is losing money. Over the past several years it has allowed over 150 slips to remain vacant (there is a 2-7 year wait for slips). Losing \$30,000 to \$40,000 a month. They have blamed this on the way the administrative rules are written but have not found the time to change... yet they have forced through several unpopular administrative rule changes that have had a negative effect on boaters. If DOBOR had chosen first to change the administrative rules that affect granting slips, this action would have increased revenue and would have had a positive effect on boaters.

Over a year ago the Landboard approved paid parking at the harbor at \$.25 an hour. DLNR started generating additional revenue. This month they have increased the parking fee to \$1.00 an hour. The parking lot now is empty, people are not as wealthy as the DLNR feels they are. The public cannot afford these rates. They stay away.

The working dock has been vacant and losing revenue for the last two years while DLNR is looking for a new operator. One of the reasons they could not find an operator as they had over estimated the value of the lease. They have now found a taker.. a wedding chapel.. this doesn't even require comment.

Since the loss of the working facility DOBOR has strengthened the inspection requirements to have a buoy run every year and added a requirement to carry insurance. If a boat is having maintenance problems and cannot comply there is no local working dock to take the boat for repair. Very boater unfriendly.

Commercialization of the Ala Wai: Currently there are more commercial slips in Oahu then there are commercial boats. Moving commercial boats to the Ala Wai would increase boat road and harbor traffic resulting in more congestion. This will also crease safty problems for surfers and boaters.

I am a believer in democracy. Recent events have left me in doubt that the people's views have value. I have sat through numerous DLNR/DOBOR meetings for the purpose of requesting Public Comment. Most Public Comment opposes much of what is submitted by the DLNR. Their

comments have traditionally been ignored by the DLNR. The director submits what she wants to the Land Board and gets a rubber stamp. At times I feel as if the DLNR is run by a small county dictator. Case in point: The DLNR submitted its Renaissance Plan to the legislators, it was defeated. The DLNR has now done an "end run" around the legislators and has or is in the process of getting what it wants in the plan. Any "Fee" increase is tantamount to a tax increase and should be subject to legislative review. DLNR employees are not elected officials. These decisions should be made by elected officials.

Boaters are not rich people if this additional fee gets enacted it will force boaters off their boats and into the streets.

Many residents are fearful of speaking out. I hope by speaking out, DLNR will not take punitive action on me.

Very Respectfully,

Michael C Kraft

PO Box 88691

Honolulu, Hawaii 96830 Phone 808 372 4661

From: drgeorgepc [drgeorgepc@yahoo.com]
Sent: Tuesday, March 09, 2010 3:27 AM
To: WTLTestimony
Subject: STRONG OPPOSITION TO HB2582

Respected Members of the Committee,

As a boat owner and more than 47 year resident of the Ala Wai Small Boat Harbor, I strongly oppose HB2582 for the following reasons:

1. Deed restrictions at Ala Wai prohibit commercial vessels. 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.
2. It reduces the number of recreational slips in both harbors thus creating longer wait lists: for recreational boaters to get a slip for a boat, for current slip holders to move to a different slip or change current vessel size, which may require either a larger or smaller slip. Additionally, long wait lists discourage: out of state yachters that want to sail to Hawaii and local, slip-holding residents from selling their boats to enthusiasts that do not have mooring sites.
3. 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.
4. Presently, there are many vacant slips at Oahu's commercial piers. Why do we need more? There is no physical need. Perhaps the answer lies in the inability of DOBOR/DLNR to benefit financially from any of the present commercial slip rents, of which many, I believe, come under the auspices of DOT. Not a good reason, especially in lieu of DLNR's gross physical and financial mismanagement of the Ala Wai Marina. Some examples: for years slip rent proceeds (surplus from Ala Wai) that should have been placed in the boating fund and used for onsite, harbor repairs were diverted to the general fund and used elsewhere. Another case in point is closing of the Ala Wai working dock, a much needed facility for boaters and generator of income for DLNR. To date, this facility remains vacant with no revenue stream. Lastly, although there is a waiting list for slips, many usable slips that can generate income remain consistently empty, not to mention the huge revenue loss (over years) from unused berths due to disrepair. This accounts for more than 75 empty slips.
5. This bill also creates a hardship on me and other Ala Wai residents that live aboard, especially those retired and on fixed income. Those of us who live aboard at Ala Wai are taxpayers and tenants. Raising live aboard fees in addition to raising mooring fees would be an unconscionable act intended in serving special interests, rather than those of taxpayers. For many, their boat is the only housing they can afford. Fees are already high when compared with marinas elsewhere. Raising live aboard will render many homeless.
6. Please take note of strong opposition testimony, submitted to House Committee on Finance the 24th of February 2010, by Reg White, Tenant and resident of Ala Wai Boat Harbor; Commercial operator from Honolulu, Waianae, Kewalo and Lahaina harbors. His testimony begins on Page 9 of the following document:

PLEASE ACT RESPONSIBLY AND OPPOSE HB2582 AS IT WOULD ONLY SERVE SPECIAL INTERESTS AND NOT THOSE OF TAXPAYERS AND YOUR CONSTITUENTS.

Respectfully Submitted,
Dr. GEORGE CARAYANNIS
1741 Ala Moana Blvd. #70
Honolulu, HI 96815
Slip 511 Ala Wai

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 9:13 PM
To: WTLTestimony
Cc: barnacleb@hotmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: William J. Crockett
Organization: Individual
Address: 1739C Ala Moana Blvd. Honolulu, Hawaii
Phone: 808-250-6701
E-mail: barnacleb@hotmail.com
Submitted on: 3/8/2010

Comments:

From: Betty Marshall [blacksheepturtle@gmail.com]
Sent: Monday, March 08, 2010 9:23 PM
To: WTLTestimony
Subject: HB2582 hearing Wed. Mar 10th @ 2:45 pm WTL

I am opposed to HB2582.

My husband and I waited 6 years for our slip at the Ala Wai Small Boat Harbor. We are currently living aboard. By converting our slips to commercial slips you are denying more people of Hawaii boat ownership. You are interfering with the existing recreation (fishing, sailing, surfing, paddling, etc.). You are creating safety issues in our harbor. You are changing the esthetics for those Waikiki tourists you want to please!

This proposal is not based on any real need. When everyone was giving testimony against the parking changes that were made people spoke over and over again about how little ocean access there is for local people in Waikiki. This is just another example of someone trying to close assess again by bringing in more commercial enterprises.

Betty Marshall Ala Wai Small Boat Harbor

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 9:34 PM
To: WTLTestimony
Cc: Nurseducator@gmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: William Marshall
Organization: Individual
Address:
Phone:
E-mail: Nurseducator@gmail.com
Submitted on: 3/8/2010

Comments:

I strongly oppose HB 2582 as a tenant of Ala Wai Small Boat Harbor and a Hawaii Yacht Club member.

The red text is from Laura H. Thielens testimony for HB 2582 submitted to the House Committee on FINANCE on Wednesday, February 24, 2010 11:00 AM at the State Capitol, Conference Room 308

The majority of individuals living on their vessels rarely take their vessels out of the harbor because of the preparation involved in making them ready for sea.

First this is not true, there are equally more non liveaboard boats that are not taken out since the owners are not even here. And second how does that account for raising fees. All boats are already paying insurance, what should cut costs already for DLNR since they don't have to salvage stranded boats no more.

Additional commercial activity within state small boat harbors would increase vessel activity and stimulate existing marine related businesses.

HOW? WHY? There is only one marine related business left, since the boat yard is closed and commercial boats are already using the fuel dock to get gas. It would not benefit the harbor itself, just Diamond Parking and maybe the nearby restaurants.

It would not only increase traffic, noise, garbage- which by the way you want to charge the liveaboards for- but also create a safety risk in the channel.

Liveaboards are taking care of unattended boats, each others boats, the harbor property, since this is in no way supported by DLNR. Everybody can walk on any given boat, since even existing gates are always open, because DLNR employees are worried to be bothered at night, if somebody loses their key.(o-tone) Since there even is no available number for such or real emergency calls we could not even call them. So close the gates!!!! As recently happened on G-dock, somebody tried to steal a secured dinghi OFF THE BOAT.... good the owner is living aboard and could prevent it...

This would provide additional revenues for the Department and the additional revenues would be used to operate, maintain, and improve the ocean recreation facilities.

Additional revenue would be provided if the empty slips would get filled by the many boats waiting for years to get into our harbor. There are slips that are empty for 5 years now.

If revenue is all they are concerned about, liveaboards at our present fee level almost pay the same as a commercial vessel of the same size would bring in. On the other hand the costs to support these operations would be way higher due to additional maintenance, traffic and security issues related to commercial boats.

Due to the Hobron Trust only non-commercial vessels are allowed makai of the lands that were transferred, which includes all of Ala Wai Harbor. The State can not change the deed covenants unilaterally.

Fees for liveboards are already higher than in other marinas, that offer way more amenities. Right now there are showers that are not accessible for 3 weeks and most Mondays there are no supplies in the restrooms.

Do not pass this bill. It would create more problems than this harbor and DLNR can handle.

Mahalo for your time,
Antje Gruenewald

Tenant and resident of Ala Wai Boat Harbor

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 10:29 PM
To: WTLTestimony
Cc: HARRISMDW001@hawaii.rr.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: William Harris
Organization: Individual
Address: 1765 Ala Moana Blvd. #1880 Honolulu, HI 96815
Phone: (808) 941-8151
E-mail: HARRISMDW001@hawaii.rr.com
Submitted on: 3/8/2010

Comments:

HB2582

I oppose the provisions in HB2582 that would commercialize the Ala Wai Boat Harbor.

The Ala Wai small boat harbor will be degraded by commercial boat operations. Hobron lane is the primary exit from the harbor and boat operations here will only increase the traffic impediments.

The large commercial boats will pose a hazard to surfers in Ala Moana Bowl, canoe paddlers, recreational sailors, and swimmers because of the narrow channel they must all use.

In addition, while the state may profit from the revenues, C&C will take a loss, since property values and the concomitant property taxes from the nearby Ilikai buildings will be diminished as a result of the early morning noise generated by the boat operations.

It also appears that Kewalo Basin has empty commercial slips. Why make new slips in the Ala Wai when Kewalo, which is supposed to be commercial, still has empties?

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 08, 2010 10:40 PM
To: WTLTestimony
Cc: hbpa@aol.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: William E. Mossman
Organization: Individual
Address: 282 Aikahi Pl. Kailua, HI
Phone: 8082542267
E-mail: hbpa@aol.com
Submitted on: 3/8/2010

Comments:
HB2582

Senator Clayton Hee, Chair WLT
Senator Jill Tokuda, Vice Chair WLT

Dear Chair Hee, Vice Chair Tokuda and members of the WLT Committee,

The Ala Wai and Keehi SBHS are the only State harbors that are restricted to Recreational vessels, and have been so designated since their construction. This was done to better serve the most densely populated areas of the State. Also, the availability of the Kewalo Basin marina in the same general area served to compensate for the commercial needs.

The "recreational only" designation of the Ala Wai SBH also has roots in the provisions of the "Hobron Trust" (that provided the harbor area to the State) that the harbor property be limited to public recreational purposes. Similarly, the submerged lands of the Keehi SBH are also limited to public recreational use by a State of Hawaii agreement with the U.S. Department of the Interior that came about during the "Reef Runway" development project, and focused on the preservation of certain wild fowl habitats.

HB2582 will effectively take 164 of the recreational moorings at the Ala Wai and Keehi SBHS and convert them to Commercial use, while there is a substantial waiting list for Recreational moorings. We must be mindful of the fact that Section 200-9 HRS "Purpose and use of state small boat harbors" para (a) states that "State small boat harbors are constructed, maintained, and operated for the purposes of:

- (1) Recreational boating activities;
 - (2) Landing of fish; and
 - (3) Commercial vessel activities."
- (In that order of priority.)

Reducing the inventory of recreational moorings while there is a high demand (long waiting list), in order to increase the number of commercial moorings (when Kewalo Basin commercial moorings are going begging) is absurd, and reflects poorly on the preparation of the Bill. Permitting commercial vessel use of the Ala Wai and Keehi SBHS and thus removing 164 recreational moorings (IAW HB2582) must not be allowed.

More. It is awkward and confusing to note that HB2582 SECTION 1. Section 200-9 (b) deletes the text that prohibited commercial vessels/activity at Ala Wai and Keehi SBHs and essentially wipes out the only "recreational only" (noncommercial) harbors in the State. YET, SECTION 2. Section 200-10 (c) (3) 9A) and (B) establish special "live-aboard" fees for vessels moored in an "exclusive, noncommercial harbor". This also causes one to question the quality and integrity of the Bill.

Here's another one: I believe that it is reasonable to assume that it would be advantageous and beneficial for a commercial vessel operator to have a mooring right in the heart of Waikiki, vis a vis Location! Location! Location! It also seems reasonable that a "premium" would be in order to acquire such a strategic location. However, that is not the case. Instead, the Bill allows the commercial operator to moor in the choice harbor location without any premium or fee increase, and somehow the "live-aboards" get stuck with a "reverse premium" of a 168% fee increase (e.g. \$380 up to \$960). What does increasing "live-aboard" fees have to do with whether a harbor is commercial or recreational?? These types of uncoordinated, arbitrary and senseless actions with very little regard and respect for any critical public review is causing the public rating of DLNR-DBOR to reach new lows. November can't come soon enough.

Help save DLNR-DBOR (from itself) - vote NO on HB2582.

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association

From: t rich [terex96734@yahoo.com]
Sent: Tuesday, March 09, 2010 12:08 AM
To: WTLTestimony
Subject: HB 2582 opposition

Aloha and mahalo respected members of the House Committee on Finance,

I am offering my written testimony to you in regards to HB 2528, re; increased fees on live-aboard tenants of the small boat harbors, located in the Ala wai and Keehi harbors. I strongly oppose this increase, for the reasons stated below;

- 1) Targeting one select group of revenue generators within the small boat harbors, Alawai and Keehi, is unfair and unreasonable. The current restricted and limited number of live-aboards are the largest contributors to the harbor's revenue, and represent the smallest group of harbor users.
- 2) The language in this bill is misleading by way of unsubstantiated methods, hypothetical and vague intentions, and bullying tactics(either/or) by a Govt. agency.
- 3) The supposed increased use of electricity, water, refuse and sanitation is not addressed with any accuracy. All slips/tenants, with the exception of the 800 row,(2/3 of which are reserved for transients/temporaries) pay their electricity usage individually, and directly to H.E.C.O. As for the other services, all users of the harbor, including non-boaters, (hotel staff/contractors), surfers, beach users , foot traffic visitors, and canoe clubs are contributing to the use of restroom facilities, water consumption/waste, and trash disposal. Many contractors have been seen dumping their *job trash* into the publicly accessible receptacles. The boat owners are the least of the facilities users and are currently supplementing those facilities with their own resources, including soaps, toilet paper and cleaning supplies, due to budgetary cutbacks of cleaning services and neglect.
- 4) Bringing in commercial operations will create hazardous conditions for the numerous pleasure craft users; surfers, canoe paddlers, junior sailors, and all boaters. This will also increase the potential for environmental mishaps.
- 5) Current fees do not remain within the small boat harbors, and most likely will not after the increased fees are imposed, therefore leaving necessary improvements still left undone for unacceptable amounts of time. Current conditions are already at substandard levels.
- 6) This most recent TSUNAMI experience, showed the level of competency and preparedness of the live-aboards. Almost all of them left the confines of the harbor, in an effort to preserve their investment in their vessel and residence. This is a testament of their resolve and commitment.
- 7) The live-aboard community is an on-sight, non-paid security force and emergency service to the harbor. They should, at the least, be given a more respectful consideration of their presence and participation, before being levied with unprecedented rate increases without having comparable improvement of facilities and services to that of other marinas.

In conclusion, the short sighted solutions proposed are not viable and suitable for the betterment of the community, nor the State. I believe the revenue deficits sought by DOBOR can be recovered by other creative means, and not by burdening the faithful and consistent revenue generating base of live-aboards. The fiscal and

administrative issues confronting mismanaged Govt. departments should not be placed upon the shoulders and pocketbooks of those who contribute the most, both financially and physically.

Respectfully submitted, Troy Richards

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 5:34 AM
To: WTLTestimony
Cc: aprice@ama.ab.ca
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Art Price
Organization: Individual
Address: 1777 Ala Moana Blvd. #1312 Honolulu, Hawaii
Phone: 808-955-3817
E-mail: aprice@ama.ab.ca
Submitted on: 3/9/2010

Comments:

I fully support additional commercial use of the Ali Wai Harbour, given it is in dire need of improvement and accessibility.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 6:21 AM
To: WTLTestimony
Cc: sandersl@hawaii.rr.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Larry Sanders
Organization: Individual
Address:
Phone:
E-mail: sandersl@hawaii.rr.com
Submitted on: 3/9/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 7:19 AM
To: WTLTestimony
Cc: captbud@lava.net
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Donald Scelsa
Organization: Individual
Address:
Phone: 808-371-3465
E-mail: captbud@lava.net
Submitted on: 3/9/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 5:35 AM
To: WTLTestimony
Cc: rjmike@iwon.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: R J Mikesell
Organization: Individual
Address:
Phone:
E-mail: rjmike@iwon.com
Submitted on: 3/9/2010

Comments:

Monday February 08, 2010

Sir/Madam,

I cannot attend the March 10 meeting as I am currently away from Honolulu.

I oppose HB2582. The DLNR has demonstrated its inability to enact sound business practices in a number of business decisions it has pushed through the Land board. As a resident of the Ilikai I have been opposing the Commercialization of the Ala Wai for almost 10 years. Yes, it has been a long time and big money just never gives up. The Ala Wai is supposed to be about service to the community not just about \$\$\$\$. The property was a gift to the state to be used by the general public, not to be turned into commercial use to generate hugh dollars for private individuals. We neighbors surrounding the harbor want to preserve a small part of Hawaii that will continue to look like Hawaii, not some Marina in Los Angeles.

DOBOR claims it is losing money. I have a view of the harbor and have observed at least 100 slips are vacant and yet they tell you there is over a two year waiting list. They are waiting for sure. They are waiting to bring the commercial boats into those slips, and losing thousands of dollars each month in the interim.

The DLNR started paid parking over a year ago and \$.25 an hour seemed reasonable, now it is up to a \$1.00 an hour and the parking lot is now empty. The community is viewing this as a sign that they are no longer welcome. Not welcome in the harbor that was left as a gift to the general public. Kelawa Basin is a commercial area for charter boats and they cannot even fill that.

I say No! to the commercialization of the Ala Wai: I observe lessons for the kiki's in their small sail boats conducted by various yacht clubs. They exit the channel and congregate outside the bouys. The paddlers are consistent with their races. Moving commercial boats to the Ala Wai would become dangerous for these small craft and they will probably give up and go away. What a loss that would be; so many tourist comment on this kind of activity, they love to see it. You folks should try to preserve all that is Hawaii.

Preservation of the harbor for the Hawaiian community is much to important to be left to those who only see \$\$\$ signs, hopefully our legislators will continue to look to the worth of maintaining a Hawaii that visitors from all over the world have come to expect. Our future depends on protecting our natural resources and use them as they were intended..

Lea Sasak

1777 Ala Moana Blvd #1810

Honolulu, Hi 96815 cell#925-580-9149 e-mail alohalea@msn.com

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 8:00 AM
To: WTLTestimony
Cc: jerry.sinay@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Jerry Sinaiy
Organization: Individual
Address: 3931 Gail Street Honolulu, Hawaii
Phone: 808-383-2525
E-mail: jerry.sinay@yahoo.com
Submitted on: 3/9/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 8:03 AM
To: WTLTestimony
Cc: rich@hawaiiiguide.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: richard johnson
Organization: ala wai marina committee
Address: P. O. Box 75566
Phone: 8089461000
E-mail: rich@hawaiiiguide.com
Submitted on: 3/9/2010

Comments:

We oppose this bill because:

1. It is in violation of the Hobron Trust and will be challenged in court. (The Hobron trust specifies that the area should be used for recreational purposes.)
2. It is in violation of two State Audits on the DLNR regarding fiscal controls, management problems, and confusing rules.
3. The bill is designed to harm Hawaii Residence and empty the Ala Wai Marina.

Note: The over 170 empty slips in the Ala Wai cannot be filled because boats are leaving Hawaii and being crushed by DOBOR.

Boat owners are leaving because the State of Hawaii has a world wide reputation for being unfriendly to boater. Boats are not welcome in Hawaii. This message has been sent out over the past 20 years and it has been received. "Don't take your boat to Hawaii." DOBOR must face up to the reality that the slips will never be filled.

4. The bill is designed to cover-up and support DOBOR/DLNR incompetence.

Results of past errors:

1. Raiding the Boating Special Fund to support Park Rangers. Result: removes over 1 million dollars per year from the Wallop/Barrrough fuel tax fund from slip fees revenues.
2. Removing \$500,000 from the Boating Special Fund to pay for lifeguards on Maui.
3. Negotiating a fifty year lease with the Hilton Corp. for the Hilton Lagoon and pier and diverting the funds for the Boating Special Fund. (Note: All lands from the edge of Ft. DeRussy to the other side of Kawalo Basin is part of the Hobron Trust.)
4. Not all boats in the marina are paid for. In some cases, the added fees will be higher than their mortgage payments. This will cause some boaters to find other solutions to their problems and return the boat to the bank. Some will be foreclosed. DOBOR will have to crush them.

5. Many of you are new to the problems faced by boaters in Hawaii. You are basically the problem. Previous legislators have led us here. Now, you must decide if you are part of the problem or part of a new solution.

We strongly suggest that you vote "NO" on this hb 2582.

Sincerely,

Richard Johnson
former chair
Ala Wai Marina Committee

Dear Mdm, Chair
RE: HB 2582

MAR 10 2010

It is blatantly obvious through your status of a collective vote that those of us who live aboard boats in the Ala Wai Harbor are being regarded as deficient in character and/or apparent heirs to a broken system; our words fallen upon deaf ears; excluding and applauding Mr. Brewer, for, at minimum, remaining present at a meeting called by committees on WLO, FIN etc. while his fellow representatives smugly evacuate to grab coffee, snacks, perhaps make a few calls or otherwise disengage themselves as 'officials of business' in matters seemingly where 'they' have already made a decision, regardless of facts and testimony. Forgive me for any rudeness implied. This IS NOT my intention.

The facts have been stated. The truth is simple. The so-called "fix" is an abomination that conflicts with both.

The Ala wai harbor was built as a small boat /recreational harbor . It pays for itself and will continue to do so if common sense, not GREED is utilized. We have a plethora of vacant slips avail for lease to small boats that can and will be a profit to the harbor, thus to the state! The plan to introduce commercial boats to a recreational small boat harbor when a commercial harbor is literally NEXT DOOR holding vacant slips is quite frankly, A BAD IDEA and a poor financial solution to acquiring more funds.

I see it fairly comparable to wiping out a 12th grade education (a bill being processed in another state) the level of intellect and expertise at this point falling short of this minute amount of education. Do we really need more incompetence steering this process of government? Please exercise some wisdom and recognize the past, present and future affectation of a bill insufficiently designed.

Go back to the drawing board. Stay in your seats. Visualize effectual change. Research the 'facts' as written and displayed physically within the harbor. Give your constituents their deserved respect. We are ALL people.

I urge you to reconsider this bill. I ask you to extinguish the poor language and unreasonable application of law whereby one would rob Peter to pay Paul, instead focus on filling our vacancies with our already long waiting list of boats and defer to leaving commercial boats in the established commercial boat harbor NEXT DOOR.

Try working for the people. Tourists would love a five minute walk to an appropriate point of departure! Believe me, I've done some traveling!

Mahalo, sincerely
Kate Johnson

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 9:12 AM
To: WTLTestimony
Cc: cascadesunrise@hotmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Les Parsons
Organization: Individual
Address: Honolulu, HI
Phone: 945-3648
E-mail: cascadesunrise@hotmail.com
Submitted on: 3/9/2010

Comments:

HB 2582 Wednesday, March 10, 2010
Before Senate Water, Land, Agriculture and Hawaiian Affairs Committee

Chairman Hee, Vice-Chair Tokuda, and Committee Members

HB 2582 is unquestionably both DISCRIMINATORY AND PUNITIVE.

This measure specifically targets liveaboard boaters. And in plain English is both a threat by the state and a bludgeon - to wit:

Accept our unfair commercialization plan, or suffer significant financial consequences.

Aside from the fairness issue:

To quote DLNR Director Thielen, "...additional commercial activity would increase vessel activity and stimulate existing marina related businesses..."
Existing? I have to wonder, was she referring to the Ala Wai's once-busy boat repair facility which was forced out of business more than a year ago...with a current plan of replacing that needed boatyard with, of all things, a wedding chapel?
How well I remember Marian Higa's descriptive audit term, referencing DOBOR: "mismanagement."

And speaking of the contemplated "increased vessel activity"...some of them very high-speed boats such as the parasail operators....one of whom made his case at a recent House hearing. Please! Please! Please consider the danger and risk to canoe paddlers who use the Ala Wai channel...or those who swim their surfboards across rather than pay outrageous harbor parking at a dollar an hour....or the many keiki who learn to sail in small boats in yacht club sponsored programs?

They quite often can be seen in the Ala Wai channel or turning basin.

In years past when a similar commercialization scheme had been proffered other members of our legislature have seen the inherent wisdom of banning commercial and high volume/high speed boat traffic in this area...

Hopefully you will also.

If additional revenues are needed, the administration should heed the frequent call of Ala Wai boaters...three simple words: Fill Vacant Slips. A years-long waiting list persists, as do those very visible vacancies. Just come to the Ala Wai and take a look!

One final and brief point:

For years it seems that DLNR/DOBOR has done everything they can think of to alienate those who pay their salaries - the boaters.

Why is this? An on-going adversarial and hostile relationship persists.

HB2582 is further clear evidence of this. It's an unfortunate situation of which boaters worldwide have become aware.

Thank you for this opportunity to present my views.

Les Parsons

Ala Wai SMALL BOAT Harbor tenant

From: Philip English [morningstar.penglish@gmail.com]
Sent: Tuesday, March 09, 2010 9:21 AM
To: WTLTestimony
Subject: HB 2582

February 8, 2010,

Re: HB 2582
Hearing: March 9, 2010 2:45pm

Sir/Madam,

I am writing in strong opposition to HB 2582. I am a 23 year resident of Hawaii and have had boats in various harbors at various times during those 23 years. There has never been a time during those 23 years when there was not some outrage or controversy over the State's management of the harbors. It has become a tragedy of now epic proportions.

I have been a sailor from the age of 14 and have traveled to marinas from Victoria, Canada to Auckland, New Zealand, and certainly throughout the west coast of the mainland. I know how marinas work, what they charge, and how they operate. What we have in Hawaii can only be described as something outside of the reality of marina operations. It can only be described as bizarre.

HB 2582 is another example of bizarre attempts at marina management.

Claim: DLNR is claiming there is not enough money to operate the marinas.

Response: Hundreds of slips remain empty, not for weeks or months, but for years! Strangely, there is by some estimates a 7 year waiting list to get a slip.

Resolution: Get rid of the bureaucracy! Streamline the system for getting slips. Also, be more proactive in filling slips with temporary moorings. There is no reason with the demand that the Ala Wai Marina should not be filled to capacity everyday of the year.

Claim: Need for commercial slips at the Ala Wai Marina

Response: Kewalo Basin has empty slips for commercial use. Furthermore, there are now recreational boats moored at Kewalo while waiting to get a slip at the Ala Wai. The intentions of the Hobron Trust was that the Ala Wai marina would be used for recreational boating not to mention the increased hazards for recreational boaters, paddlers, and surfers.

Resolution: Allow recreational boaters to get slips at the Ala Wai then there would be even more space at the "commercial" boat harbor of Kewalo Basin.

Claim: The 300% increase in live aboard fees if boaters do not agree with commercialization of the Ala Wai marina.

Response: No matter how you read this bill, it is written as a threat! Go along otherwise we will stick it to you. Outrageous! Again, I have been in many, many, marinas throughout the Pacific region. I know if no other marinas like ours that would even think of charging such fees.

Resolution: I try to figure out how you guys come up with this stuff. What are you basing your fees on? Typically, marinas will charge a flat rate (not per foot like we do here in Hawaii) per person or family. The rates vary depending on the location and condition of the marina. There is no question that this marina is in Waikiki. But is it in a good location?

In the past two years my car has been stolen two times!

Just last week I had to chase a guy off of my boat in the middle of the night before he could steal my zodiac and out board.

The bathrooms have been at various times open to the public and have been taken over by the homeless. They remain in disrepair on an on going basis.

The gates on the floating piers are open to the public and anybody can walk down to the boats even though they were built with closing gates they are left open.

Since I have lived aboard there have been gangs, drug dealers, prostitution rings, murders, and brawls.

There is no security, no management, or harbor personnel present for at least two days of the week.

Rates typically would run at the low end at about \$50 per person per month to a high of \$200 per person per month (in a good marina). Currently, I pay about \$226 per month just to live aboard.

Phil English

Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs

Re: HB 2582

Hearing Date: Wednesday, March 10, 2010, 2:45 PM

STRONGLY OPPOSED TO HB 2582

Chairman Hee and members of the Committee;

What is it, exactly that you people are trying to do? Is it your intention to completely destroy the boating community in the Hawaiian Islands?

I live on the Mainland and visit the Islands and my boat in the Ala Wai marina only occasionally. I have participated in the boating community for many years and have experienced marinas on both coasts of the United States, and also many in Mexico. I can say without question that what you have and are creating in Hawaii is the most boater unfriendly environment that I have ever experienced. It appears that your DLNR has but one motivation....to completely destroy boating in the Islands. As was pointed out by Mr. Roy Disney, a world renowned boater, someone who was a whole lot more influential than I, and practically a native son of Hawaii, your state should be among the most sought after destinations in the world. You have a paradise there. And yet; through gross mismanagement of your facilities as well as total ignorance as to the nature of business, you have caused many boaters (read that "sources of revenue") to completely bypass Hawaii as a destination because the poor facilities and the lack of adequate management thereof are a joke worldwide. Rather than the crown jewel of the Pacific that Hawaii should be, you are a laughing stock.

Item #1:

Proposed Commercialization of Ala Wai.

Why? What is your motivation? The only conclusion that a prudent business person could reach is that you are trying to increase revenue by so doing. There are a few puzzling facts the come to light regarding this strategy.

First: It is commonly known that the Ala Wai marina has been profitable for years (according to financial audits), yet its coffers have been robbed in order to divert fees into less profitable projects and facilities. Financial statements have been mysteriously "altered" in order to make it appear that the facility is in a negative cash-flow position. Could this be because the Department needs to paint an appropriately "negative" picture of its finances in order to convince the Committee to pass this legislation?

Second: If the DLNR could manage their facilities they would simply fill up the slips in the marina that already exist. Wouldn't it make sense that that is the most reasonable option to increase cashflow? At last count there are upwards of 160 slips in the marina that are unoccupied! No tenant: No revenue. Seems simple enough to me. Furthermore; there is a 5+ year waiting list to get into the marina. How can that be? How can there be empty slips and yet a long wait time? Fill them up!

Third: The area where the boat haulout and repair facility used to be has been vacant for some time now. Obviously; this earns the State no revenue. It is my understanding that when soliciting bids for a lease agreement no-one bid because the state overvalued the lease, and effectively, priced themselves "out of the market". Once again....No tenant: No revenue. We now hear that they have found a customer. A wedding chapel! You have got to be kidding!

Fourth: You are presuming that there is an unsatisfied market for commercial slips. If I am not mistaken, are there not commercial slips sitting unoccupied in the Kewalo basin? Enough vacant, in fact, that that harbor is currently soliciting and houses several recreational vessels in order to generate revenue to "make up" for the shortfall from lack of commercial tenants. Where do you find the "pent-up demand" for commercial dock space?

At a previous hearing before the House Finance Committee; a commercial operator testified that he thought it would be "more convenient" for his customers to come see him at Ala Wai as opposed to Kewalo where he now does business. This raises a couple of questions in my mind. 1) So he vacates Kewalo in favor of Ala Wai to accommodate his customers "convenience". Is this not a zero sum event? More revenue for Ala Wai; less for Kewalo. A lateral move for the State of Hawaii, no increased revenue. 2) In his testimony he also stated that it would be easier for his customers to get to him in Ala Wai rather than take a bus or cab ride to Kewalo. How are they going to get to Ala Wai? Walk? How about the effects on the area around Ala Wai. More traffic, more pressure on parking facilities, impacts on roads, restrooms, and consequently the harbor users, i.e. your CURRENT CUSTOMERS!

Fifth: Liability Issues. The harbor entrance and turning basin within the marina is frequently used by youngsters both sailing small boats in large numbers as well as young canoe paddlers. There are times when the traffic in the basin is quite exciting with all the small vessels darting back and forth. Are you prepared to face the liability of an accident between the "Screamer" and one of these young keiki?

Sixth: Legal Issues. The deed whereby the harbor property was "gifted" to the State of Hawaii prohibits any commercial use thereof. Simple.

Item #2:

Increase in Live-aboard fees.

This action is clearly punitive in nature. In the testimony of Laura Thielen, Chair of DLNR to the House Finance Committee, please note that I have copied directly from the transcript:

"In order to address the concerns of the liveaboards at the Ala Wai and Keehi Small Boat Harbors that commercial operations would be disruptive to the them, this bill offers a compromise. It

provides that any harbor that excludes commercial operations, liveaboards will pay three times the mooring fee. This would provide compensation for the loss of commercial vessel revenue. If the harbor allows for commercial activities, a liveaboard would only have to pay two times the moorage rate."

To paraphrase this statement directly....If you want to exclude commercial operations in your harbor, fine; you just will pay 3 times as much as anybody else. Plain and simple; this is together punitive, extortive, and discriminatory.

Over the past couple of years, the tenants at the Ala Wai marina have been subjected to:

- a) a 15-fold increase in the cost of a parking permit. (That's 1,500%!!!)
- b) Slip fee increases amounting in total to virtually double.
- c) a gross decrease in the quality of services (have you visited the rest rooms lately?)

Concurrent with all these fee increases, the marina residents need to sit still and watch as 200 slips sit vacant, and to have to hear the Department complain that they don't have any money! The inadequacy of DLNR's administration of its facilities is exemplary.

Keep in mind a few facts:

- 1) Live-aboards provide additional security in and around the marina facilities. They are always there and watching out!
- 2) Live-aboards consume no more resources than other harbor users. Most don't even use the keyed rest rooms.
- 3) Live-aboards, since they LIVE there, care about the marina and its facilities more than a casual user would. Witness them helping to clean the restrooms, watering lawns, etc. On their own!

In Summary

There is a problem in the way the DLNR perceives their facilities.

The Department bases their fee structure on what other marinas in the world charge for their facilities. There is one big problem with this. Your facilities are not comparable. One cannot presume to charge residents fees for a "full service" marina where the services do not exist. This is a public, State-run facility with all the shortcomings that are implied and inherent in a facility of that type. No security; no recreational features; no nothing.

There exists within the department not only mismanagement, but a total lack of knowledge about how to run a business. Furthermore; evidence exists that there have been manipulations financially that border upon malfeasance.

When you have filled the marina up, leased up contiguous properties and otherwise have maximized your revenues, you may be surprised to find that your financial woes have lessened significantly. The answer is not to overburden your current "customers/tenants" with confiscatory fees. **You are driving them out**, myself included.

My limited experience with DLNR is that they profess to hold meetings for "public comment" and then charge ahead with their proposed agenda without regard to public concerns. I have attended meetings to find that the overwhelming public comment is contrary to the Department's proposed intentions, only to be summarily dismissed and/or ignored. Why propagate the charade?

Perhaps you all have forgotten who it is that signs both your paychecks and also whose money it is that you are charged with spending wisely. We are the employer, here. There exists no money but that it comes from us.

I would therefore ask that the Committee soundly **REJECT HB 2582!** Fee increases are not what is called for...new management is.

Respectfully submitted,

Kathryn J. Price

Ala Wai Slip renter

Revenue contributor

Boat Owner

Dear Senators,

I strongly oppose HB 2582 for the following reasons:

My wife and I have lived on the boat we built ourselves, in Australia, back in 1978. Our boat is our home and we don't plan to give it up. We have lived in the Ala Wai Boat Harbor for the last 20 years. We've always been good stewards of the harbor. We clean rubbish from the water and docks and watch out for suspicious behavior. Since we've lived in the harbor, our liveaboard fees have always been pegged to the length of our boat which is 51 feet. We do not consume any more of the harbor's resources than two people that live on a 30 foot boat. It is grossly unjust forcing an increase to an already unfair fee. Liveaboard fees should be related to the number of people living on the vessel. This is the standard practice in marinas in Canada, Australia and the mainland of the USA. When asked for a rational for the per foot liveaboard fee, the managers of the harbor admit it's unfair, but want it to continue because, "It's always been this way." An injustice does not become just by making it ongoing.

The managers of the harbor admit that they do not have the staff to regulate and police the liveaboard laws. Consequently, those of us that pay our exorbitant fee are surrounded by those that don't. They live illegally on their boats without consequence knowing that if they should happen to hear a knock on the hull at night don't answer it. The harbor managers have no legal authority to go below on a boat to check for illegal liveaboards. If you want to stay on your boat and you do not have a liveaboard permit, you are supposed to fill out a "Stay aboard notification", and place it under the door at the harbor master's office. This allows you to nominate "Stay aboard" (3 or less days per week) or "Vacation" (4 or more days per week, not to exceed 30 days per year). The total time allowed is no more than 90 days per year. You can just imagine how unenforceable this law is. I doubt if there's ever one of these notes put under the harbormaster's door. People come here from the mainland and vacation on their boats for as long as they want, with no consequent.

The only privilege we get for our liveaboard status, besides the right to be on our own boat, is that we're allowed to have a mail box in front of the Harbor Master's office. We get no special parking privileges. We share the same toilet accommodations with the homeless. There are no quality laundry facilities. Our parking fees increase 1200% like everyone else. If I rinse my car from a harbor faucet, I run the risk of a \$50 ticket, while trailer boat owners can run water through their outboard for an hour at no cost.

We have always been surrounded by many empty slips that could be generating revenue for DLNR. It's a criminal waste that this problem has never been

addressed by DLNR authorities.

I don't object to the commercialization of a small area of the harbor. However, I think DLNR is far overestimating the demand for commercial slips at the rates proposed. I don't agree with allocation a 15% block, all at once. I think slips should be allocated on an "on demand" basis.

There are many other issues that have been adequately addressed by others testifying. I encourage you all to do the right thing and vote down this unjust, poorly thought out bill.

Sincerely,

Mac Oliver

Dear Senators,

I strongly oppose HB 2582 for the following reasons:

My husband and I have lived on the boat we built ourselves, in Australia, back in 1978. Our boat is our home and we don't plan to give it up. We have lived in the Ala Wai Boat Harbor for the last 20 years. We've always been good stewards of the harbor. We clean rubbish from the water and docks and watch out for suspicious behavior. Since we've lived in the harbor, our liveaboard fees have always been pegged to the length of our boat which is 51 feet. We do not consume any more of the harbor's resources than two people that live on a 30 foot boat. It is grossly unjust forcing an increase to an already unfair fee. Liveaboard fees should be related to the number of people living on the vessel. This is the standard practice in marinas in Canada, Australia and the mainland of the USA. When asked for a rational for the per foot liveaboard fee, the managers of the harbor admit it's unfair, but want it to continue because, "It's always been this way." An injustice does not become just by making it ongoing.

The managers of the harbor admit that they do not have the staff to regulate and police the liveaboard laws. Consequently, those of us that pay our exorbitant fee are surrounded by those that don't. They live illegally on their boats without consequence knowing that if they should happen to hear a knock on the hull at night don't answer it. The harbor managers have no legal authority to go below on a boat to check for illegal liveaboards. If you want to stay on your boat and you do not have a liveaboard permit, you are supposed to fill out a "Stay aboard notification", and place it under the door at the harbor master's office. This allows you to nominate "Stay aboard" (3 or less days per week) or "Vacation" (4 or more days per week, not to exceed 30 days per year). The total time allowed is no more than 90 days per year. You can just imagine how unenforceable this law is. I doubt if there's ever one of these notes put under the harbormaster's door. People come here from the mainland and vacation on their boats for as long as they want, with no consequent.

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There are many other issues that have been adequately addressed by others testifying. I encourage you all to do the right thing and vote down this unjust, poorly thought out bill.

Sincerely,

Kate Oliver

From: chershhouse@aol.com
Sent: Tuesday, March 09, 2010 10:10 AM
To: WTLTestimony
Subject: HB2582, March10, 2010@2:45PM

Sir/Madam,

I am an Ilikai owner speaking out in firm opposition to HB2582 and I am going to confine my testimony to quality of life issues.

Each one of you members of this committee, has a special place that you call home a place that you chose for specific reasons personal to you. It may have a special view, or be the place you were raised. Maybe you chose it because of proximity to a certain school or because it was near a baseball field where your team plays. It may even be because you like to grow certain flowers and the climate in the place you call home is just right.

Now imagine this!!! You discover that a strip mall is planned directly across the street from this place you call home and it is even going to replace your favorite baseball field!!! The reason commercial interests will bring in more money they say! Members of the committee, I'll bet the following things would be going through your heads. How can this be the property across the street is zoned residential? How can this be ... we will lose our baseball field! How can this be ... there will be too much traffic, too much noise, too many people! How can this be ... our children's safety is a stake and we will have to look out our front window at a parking lot or a store!!!

In answer, the development planner (in our case the state) says ... "Not to worry, we'll allow some residential lots to be mixed in with the commercial and we'll be one big happy family!!! We will install traffic lights and crosswalks for the safety of your children and just think you won't have to drive out of your neighborhood to shop any longer!!! We're going to bring the shopping to you!!!

Distinguished committee members, this is not a decision you can make from your office at the state capital. You must spend some time in the world we call home. You must see first hand, the children learning to sail. You must go to Ala Moana Park early on a Saturday morning, shake hands with the canoe paddlers and ask them how much they want to paddle their canoes along side a commercial vessel. These are people of all races, creeds, and color ... many native Hawaiian, who after a long work week choose to recreate in this way. You must experience this before dooming this community to cheap commercialization!

In closing, I would like to ask each of you committee members to visit us this week end. I will make my apartment available to you. We can go down and meet the canoe paddlers and watch the children sail. Then you can make your decision!

Feel free to e-mail me at the above address or phone me at 946-1202.

Respectfully submitted,

Cheryl Van Law
1777 Ala Moana Blvd. #1202

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 10:14 AM
To: WTLTestimony
Cc: dlphillippi@earthlink.net
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Donald L Phillippi
Organization: Individual
Address: 4 Sand Island Acc. Road #40
Phone: 808 381-3833
E-mail: dlphillippi@earthlink.net
Submitted on: 3/9/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 10:15 AM
To: WTLTestimony
Cc: blenkeit@hawaii.rr.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Bruce Lenkeit
Organization: Individual
Address:
Phone: 808 3844550
E-mail: blenkeit@hawaii.rr.com
Submitted on: 3/9/2010

Comments:

I oppose HB2582 because DLNR has allowed more than 150 slips to go unfilled for many years with a 5 to 8 year waiting list depending on the size of the boat. It makes bad business since to raise fees while allowing existing resources to go untapped. During the last few years DLNR has doubled the slip fees and is doubling them again, has increased the daily parking 4X and permit parking 15X and is now proposing to double the live aboard fees. DLNR should be held accountable for their existing resources before they ask for more.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 11:57 AM
To: WTLTestimony
Cc: go.aia@hawaiiantel.net
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: No
Submitted by: Gary M. O'Donnell, AIA
Organization: Individual
Address: 320 Liliuokalani Ave, Unit 2005 Honolulu, HI
Phone: 808 923-8107
E-mail: go.aia@hawaiiantel.net
Submitted on: 3/9/2010

Comments:

I am testifying as a recreational boater at Ala Wai since 1996. I will not be at the hearing since my Mom passed away yesterday and I have to fly to the mainland tonight. Commercialization of part of Ala Wai Boat Harbor by passage of HB2582 will likely require substantial reconstruction of Ala Wai Harbor at least in part to accommodate commercial vessels. This is not a repair project and therefore should require at least an Environmental Assessment to identify the issues and resolve them upfront and to determine whether a full Environmental Impact Statement is warranted. Comingling commercial vessels with recreational vessels raises safety issues. There are also traffic issues. Kewalo Basin is easy in and out for many large buses and delivery vehicles. The 700/800 row of Ala Wai Harbor is essentially a narrow dead end street. Then there is the fuel dock. In order to accommodate larger commercial vessels and recreational vessels, the fuel dock will likely need to be substantially upgraded. About a decade ago Hilton did an EIS on their development of the former Waikikian property. I commented that the road needs to be widened to 2 lines in and 2 lines out, in order to accommodate possible future commercialization of the 800 row. Hilton was not interested and the State never got involved. Now the best access to the 800 row is a relatively narrow street. It will be a worse situation than the situation that exists on narrow Liliuokalani Ave in front of the Pacific Beach Hotel. The only other accesses to Ala Wai Harbor are routes that go around the back of the Ilikai and Prince Hotels, which are already congested and further traffic will detract from this area. In the 21st Century Environmental Assessments and Impact Statements done upfront identify and resolve potential problems, getting construction and the economy moving. Don't put the cart before the horse like what was done with the Super Ferry. HB2582 is not ready for prime time. I have to oppose it as it stands. One way for DLNR to raise dollars in the interim is to increase the number of livaboard boats by 30%. Let's get things right together upfront before jumping into something that is not well conceived. HB2582 appears to be a predecisional action before a much needed Environmental Assessment of the issues that will need to be resolved. - Gary M. O'Donnell, AIA, LEED AP, NCARB

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 1:01 PM
To: WTLTestimony
Cc: Hossellman@aol.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Jeff Hossellman
Organization: Individual
Address: Honolulu, HI 96813
Phone:
E-mail: Hossellman@aol.com
Submitted on: 3/9/2010

Comments:

Honorable Committee Members:

Even though mixed use is the norm in Hawaii's harbors many individuals will oppose this measure. The reason for opposition is the expected increase in use of the harbor. However the harbor is presently under utilized with upwards of 80 percent of the boats rarely if ever going to sea. 15 percent of the boats are principal residences which is at best an ancillary use. Many more are also used as residences without benefit of law.

It is clear that those who reside in or very near the harbor do not want outsiders to disturb their space.

Yet the purpose of the harbor is to fairly give as many as possible a recreational boating experience. Short of buying a boat there is no other way but through mixed use that the many thousands of people residing near the Ala Wai can utilize this harbor for recreational boating.

The 100 or more new small businesses would clearly benefit the economy and the maritime workers of Hawaii.

In conclusion, please let us show some Aloha and share the beauty of Hawaii's small boat experience with our neighbors.

Sincerely,

Jeff Hossellman

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 1:07 PM
To: WTLTestimony
Cc: bilniceguy@hotmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: William Beadle
Organization: Individual
Address: 1720 Ala Moana Blvd., 1406A Honolulu, HI 96815
Phone: 808-352-0350
E-mail: bilniceguy@hotmail.com
Submitted on: 3/9/2010

Comments:

I am opposed to commercialization of any slips at the Ala Wai Small Boat Harbor. There is a waiting list of 3-6 years for recreational boats to acquire slips in the Ala Wai Harbor and there is no waiting list for commercial boats at Kewalo Harbor. It just doesn't make sense.

The Ala Wai Canal and Channel is used by paddlers, junior sailors, surfers and recreational boaters. The inclusion of 129 commercial boats would add to congestion of both streets and channel. The resultant wakes would decimate bowls surf break and create hazardous conditions for paddlers and jr. sailors. It is not safe.

If DOBOR wants to increase revenues there should be two changes to the harbor. One, fill the 150 empty slips awaiting boats. Two, increase the number of live aboards allowed from 15% to 30% of the slips in the harbor.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 1:57 PM
To: WTLTestimony
Cc: dutchyk1@yahoo.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Martin Koehler
Organization: Individual
Address: 1741 Ala Moana Blvd. #69
Phone:
E-mail: dutchyk1@yahoo.com
Submitted on: 3/9/2010

Comments:

HB 2582
Committee: WTL
Room: 229
Hearing Date: 3/10/2010 2:45:00 PM

Opposed

Like many boaters in Hawai'i, I stand opposed to HB 2582. I am an active boater who is in his second year of waiting for a slip in the Ala Wai Harbor. I use the harbor weekly and am very familiar with its use and management.

1. Commercial Slips:

- a. The measure proposes reducing the number of recreational slips in the Ala Wai harbor. Despite 150+ vacant slips in the harbor, recreational boaters are waiting over 7 years to be assigned a slip. Reducing the number of available recreational slips available will only increase that wait. Introducing commercial traffic will only stretch meager management resources beyond their limit.
- b. Kewalo Basin, established as the commercial harbor, has numerous open slips available for rent. In fact, private individuals are being allowed to rent slips in the commercial harbor to fill those vacant slips. Please do not allow DOBOR to convince you otherwise. Simply call Charles Barkley, the harbor master and ask him.
- c. The Hobron Charter established the Ala Wai Harbor as an "active recreational harbor." Commercial craft were expressly excluded from this use. Please have the integrity to honor the gift of the Hobron Family.

2. Increased Liveboard Fees

- a. Liveboard fees at almost every harbor in the US are a flat, tack-on rate to accommodate additional services required to accommodate additional use of facilities. The proposal to increase those fees based on overall boat length is arbitrary and punitive. For the most part, liveboards provide security, cleaning, maintenance and harbor presence not provided by harbor staff. Frankly, without them the harbor would be in far worse shape.
- b. Increases of 1200% for parking permits, and 400% for fee parking are already resulting in far fewer user of the harbor and adjacent properties. While the \$45,000 per month income for the state from Diamond Parking may seem a good investment, it will prove fruitless if users refuse to park there, or use the harbor because it is prohibitively expensive. Such increased pose an undue burden on harbor users with little or no net gain for the state or its citizens.

Please do not allow this measure to go forward.

respectfully Submitted

Jeff Lilley

HB 2582 Wednesday, 10 March 2010 at 1445 in Room 229

Senate Committee on Water, Land, Agriculture & Hawaiian Affairs In Strong Opposition to HB 2582

Chair Hee and Respected members of the Committee;

This bill, HB 2582, 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 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 elsewhere, 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. 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. 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 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, 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 is some good language in this bill. 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. This suggested permit structure will make 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.

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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 09, 2010 2:43 PM
To: WTLTestimony
Cc: nancymueting@hotmail.com
Subject: Testimony for HB2582 on 3/10/2010 2:45:00 PM

Testimony for WTL 3/10/2010 2:45:00 PM HB2582

Conference room: 229
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Nancy Mueting
Organization: Individual
Address: 1777 Ala Moana Blvd. Honolulu, HI
Phone: 946-6724
E-mail: nancymueting@hotmail.com
Submitted on: 3/9/2010

Comments:

From: Lorna K [paddleyourheartout@gmail.com]
Sent: Tuesday, March 09, 2010 2:45 PM
To: WTLTestimony
Subject: measure is HB 2582

I am an avid paddler that opposes HB 2582. Hundreds of paddlers use the area in question and having commercial vessels would pose a significant danger to all paddlers to include kids. Mixing commercial and recreational in this small basin is not safe.

Mahalo,
Lorna Kaaloa
paddler

TESTIMONY

HB 2582

(END)