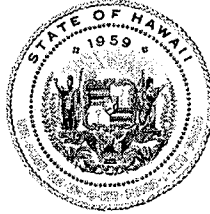
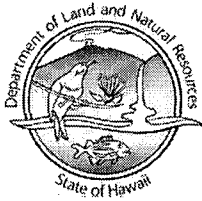


**HB 2741,
HD1, SD1
Testimony**

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

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

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

**In consideration of
HOUSE BILL 2741, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO SMALL BOAT HARBORS**

House Bill 2741, House Draft 1, Senate Draft 1, proposes to clarify that commercial fishing corporations can transfer ownership on a one-time basis without losing necessary permits and amends the liveaboard fees for the Ala Wai and Keehi Small Boat Harbors. The Department of Land and Natural Resources (Department) supports a onetime transfer of any existing commercial fishing corporation as well as the amendments to the liveaboard fees for the Ala Wai and Keehi Small Boat Harbors.

The Department recommends additional language be added clarifying that commercial fishing corporations would no longer be transferable after the onetime transfer and the law would sunset after five years.

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

kim2 - Jo Ann

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

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

Senator Donna Kim, Chair
Senator Shawn Tsutsui, Vice Chair

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

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

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

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

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

Sincerely,

William E. Mossman
Hawaii Boaters Political Action Association
8082542267

Senate Ways and Means

3/24/2010

Oppose

Testimony

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

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

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

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

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

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

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

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

Respectfully submitted,

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

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







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

Exhibit A

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

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

kim5 - Deborah

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 22, 2010 5:44 PM
To: WAM Testimony
Cc: blenkeit@hawaii.rr.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Follow Up Flag: Follow up
Flag Status: Completed

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

Conference room: 211
Testifier position: oppose
Testifier will be present: No
Submitted by: Bruce Lenkeit
Organization: Individual
Address: 1741 Ala Moana Blvd. #93 Honolulu, HI
Phone: 808 3844550
E-mail: blenkeit@hawaii.rr.com
Submitted on: 3/22/2010

Comments:

HB2741 is very similar to HB2582. The numbers vary very little. Below is my testimony for HD2582 and even though the numbers vary a little, the same issue exists. DLNR chairperson Theilen has unfairly targeted the liveaboard boaters because she believes we were partly responsible for defeating her Renaissance Bill in the Legislature. HB2582 increases fees in the Ala Wai Harbor over the next five years as well as taking 129 mooring slips and converting them into commercial slips. I am using a 55 foot boat as an example because that what I live on. The numbers for the rest are available plus a great deal of additional information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There has been progress but too little too slow.

There are also 10 to 15 unused liveaboard permits available. No new liveaboard permits have been issued since July 2009 and there is a 30+ wait list.

Here is an true example based on existing rates of a 60 foot vessel on the wait list for 8 years. and its financial impact on not only DLNR but the State of Hawaii. This family was on the wait list for 8 years living out of the country.

This is what it cost the State of Hawaii. There were available slips the entire 8 years. 8 years lost slip fee (60 feet). $\$275/\text{mo} \times 96 \text{ months} = \$26,400$ plus another $\$24,000$ live-a-board fees. Plus $\$1095$ in excise tax on the slip rental. Plus another $\$996$ in excise tax for the live-a-board fee.

8 years spending in the community ($\$30,000+$ / year) = $\$240,000+$.

$\$9960$ (4.15%) directly to the State in excise tax, plus additional taxes (income/ vehicle/ etc). Times this by 100+ vacant slips and equates to millions of dollars in lost revenue to the State of Hawaii.

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

Dear Senators,

As an Ala Wai Small Boat Harbor tenant I strongly oppose HB 2741 HD1 SD1 to raise our live aboard fees.

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

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

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

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

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

So please do not pass this bill.

Mahalo for your time,
Antje Gruenewald

kim2 - Jo Ann

From: Gary W. Brookins [brookins.boats@hawaiiantel.net]
Sent: Monday, March 22, 2010 10:54 PM
To: WAM Testimony
Subject: Opposition to HB 2741 HD1 SD1 to be heard at 9:30 a.m. on 03/24/10 in Rm 211

Sirs/Madam

I am opposed to the legislation for increasing live-aboard fees in the Ala Wai Small Boat Harbor because is discriminatory and punitive to do so for this one select harbor. Like the inequity of base mooring fees between the Ala Wai and all other harbors, the boaters of the Ala Wai are under constant attack fiscally for off-setting maintenance and operational shortages of the other harbors. There is no qualified reason for such increases, especially with the already approved fee increases of 66% over the next few years.

We all have been to the gas station, and know the cost of doing business, whether it is private enterprise or the government, have gone up dramatically over the past couple of years. DLNR offices are no exception, but they are exceptionable in how the harbors are mismanaged and under utilized to capacity, per their management.

If the Ala Wai were filled to capacity, the additional revenue would be greater than what would be collected from live-aboard boaters under this new fee structure. The waiting list for slips is years long, yet there are hundreds of unoccupied slips in the Ala Wai.

If base mooring fees were consistent from harbor to harbor throughout the state, their cash registers would be ringing again. If there were parking pay boxes installed in all harbors, the registers would ring yet again ...maybe! My suspicion is that if parking pay boxes were installed in any harbor other than the Ala Wai, they would be crab traps by morning. Anyone sent to retrieve fees deposited in them, would be crab bait by morning. Bottom line that such practices would not be tolerated, yet the Ala Wai community comes under constant attach by fee increases because these boaters pay their bills.

I am proud to able to contribute on a level that helps take care of the bigger boating community. But I am equally disappointed at the in equitability and disparity between fees collected for slip holding boaters vs. trailer boaters. While parking fees for slip holders went up 1200% last year, ramp use with it associated parking, dumpster, and water use only went up about 30% ...that is from \$25 per year to \$35 per year. It is inequitable, particularly so when you consider nearly 80% of Hawaii boaters are trailer boaters. I am one of them, and Iam offended by the blatant disparity between Ala Wai Harbor use fees for ramp users vs. slip users. If I want to park my car in front of my slip, I pay \$1.00 per hour or \$300 per year. If I park my truck, with my boat trailer attached ...about four times the length of my car, I can do so for free all weekend and then some.

The purposed fee increase for live-aboard boaters kicks it up two or three steps higher, in that on 10% of slip holders are authorized live-aboard status. I can run one or two hoses for cleaning my boat at the ramp for as long as I want, and dump all the trash I want at the same time ...for pennies per year, yet I pay hundreds per year to do the same from my slip boat. Why? This is even more discriminatory, in that non-resident boaters and ramp users can consume just as much water and dump just a much trash as the residential boater or trailer boater. This bill is discriminatory and should not be passed.

Funding shortfalls could easily be covered if the harbor users are charge equally, and slips filled to capacity. To increase fees on the basis of needing more management monies is an oxymoron. The harbors are not managed on a par with typical marina operations across the country. The Ala Wai is not policed, and theft is a daily occurrence. Security gates are not used, and come & go of vagrant persons is a common as the homeless

populations in State parks. There is not indicators or proposals to my knowledge to improve services for which the fee increases are allegedly going to be collected for. It is wrongful, discriminating, and unethical. Please scrap HB 2741 HD1 SD1 as written.

Gary Brookins
p/f 808.841.2525
cel 808.216.2972

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 7:48 AM
To: WAM Testimony
Cc: jm.marine@hotmail.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM
Attachments: Oppose Bill 2741 sd1.docx

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 8:59 AM
To: WAM Testimony
Cc: dutchyk1@yahoo.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

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

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 9:05 AM
To: WAM Testimony
Cc: RawcoHI@cs.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM
Attachments: HB 2741 SD1 Wednesday.doc; Marina_List.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

Conference room: 211
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Reg White
Organization: Individual
Address: 1540 S. King St. Honolulu, HI
Phone: 808-222-9794
E-mail: RawcoHI@cs.com
Submitted on: 3/23/2010

Comments:
HB 2741 SD1 Wednesday, 24 March 2010 at 0930 in Room 211

Senate Committee on Ways & Means

In Strong Opposition to HB 2741 SD1 and HB 2582 SD1

Chair Mercado Kim and Respected members of the Committee;

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

The liveaboard fee based on the size of the vessel has nothing to do with the cost to provide support to the people living aboard. The cost is purely dependant on the number of people

not the length of the vessel. The present vicious attack on liveaboard fees is unsupported by any cost data of just what it takes to provide the service and there most certainly is no relationship between cost to provide the additional services for liveaboards and whether or not there are commercial vessels allowed into our recreational harbors, so where does this proposed three times the slip fee increase if we do not allow commercial vessels come from? Commercial operations at Ala Wai are not opposed by only the liveaboard population. Look around you and you will see that local apartment owners are even more concerned than we are about the affect of commercial operations on our neighborhood, as are the canoe and paddling communities and the junior sailing programs. I have attached a letter from the Waikiki Area Residents Association in opposition to commercial operations at Ala Wai. Have you ever been around the harbor and observed the traffic in our channels on a fishing tournament day? Or during Transpac weeks? .

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

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

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

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

I refer you to the expert on this subject, Charles Barkley, (808) 594-0849, Harbor Master for Kewalo Basin, a successful marina manager from just down the street. He can best answer your questions as to the problems brought on by commercial operations in a busy recreational

harbor, and he can verify that there is no demand for commercial slips at present. If we are to attract any commercial operators at all, they will be looted from Kewalo Basin. One state agency robbing from another. Something is surely wrong with that picture!

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

Repeatedly we have recommended to the department that the harbor office should be relocated to above the fuel dock building so that the harbor agent can see the entrance channel conditions and can enforce traffic regulations. Presently the harbor agent has no idea what is going on inside the harbor that he must manage and be held responsible for. Look at Lahaina harbor for an example. The harbor agent fronts directly onto the very difficult entrance channel. He is always aware of what is going on in his harbor and so manages to operate a small, difficult harbor at a traffic density of about three times that predicted by any harbor traffic management expert. This relocation would also allow for real estate development of the present office location to return even more money onto the boating special fund.

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

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

Respectfully,

Reg White

Tenant and resident of Ala Wai Boat Harbor Commercial operator from Honolulu, Waianae, Kewalo and Lahaina harbors

(808) 222-9794

RawcoHI@cs.com

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

shore to just sit out our remaining years. Not at all what we had in mind when we laid our plans some years back. Please kill this narrowly focused very punitive bill.

kim2 - Jo Ann

From: Gary W. Brookins [brookins.boats@hawaiiintel.net]
Sent: Tuesday, March 23, 2010 9:34 AM
To: WAM Testimony
Subject: FW: Opposition to HB 2741 HD1 SD1 to be heard at 9:30 a.m. on 03/24/10 in Rm 211

I have amended my testimony with the addition of the opening paragraph and inclusion of my address at the end of it.

Thank you, Gary Brookins

From: Gary W. Brookins [mailto:brookins.boats@hawaiiintel.net]
Sent: Monday, March 22, 2010 10:54 PM
To: 'WAMTestimony@Capitol.hawaii.gov'
Subject: Opposition to HB 2741 HD1 SD1 to be heard at 9:30 a.m. on 03/24/10 in Rm 211

Sirs/Madam

I have been a slipped and trailer boat owner in Hawaii for twenty eight years. I am not currently a live-aboard boater in the AlaWai, but have been on & off in the past, and hope to again someday. My career here has been dedicated solely to the service and repairs of both recreational and commercial boating concerns, and includes nearly ten years of teaching boating and ocean skills through various organizations such as Marimed Foundation, Junior Sailing and Canoe Programs, and Honolulu Community College's METC (Marine Education Training Center), as well as my own maritime service business.

I am opposed to the legislation for increasing live-aboard fees in the Ala Wai Small Boat Harbor because is discriminatory and punitive to do so for this one select harbor. Like the inequity of base mooring fees between the Ala Wai and all other harbors, the boaters of the Ala Wai are under constant attack fiscally for off-setting maintenance and operational shortages of the other harbors. There is no qualified reason for such increases, especially with the already approved fee increases of 66% over the next few years.

We all have been to the gas station, and know the cost of doing business, whether it is private enterprise or the government, have gone up dramatically over the past couple of years. DLNR offices are no exception, but they are exceptionable in how the harbors are mismanaged and under utilized to capacity, per their management.

If the Ala Wai were filled to capacity, the additional revenue would be greater than what would be collected from live-aboard boaters under this new fee structure. The waiting list for slips is years long, yet there are hundreds of unoccupied slips in the Ala Wai.

If base mooring fees were consistent from harbor to harbor throughout the state, their cash registers would be ringing again. If there were parking pay boxes installed in all harbors, the registers would ring yet againmaybe! My suspicion is that if parking pay boxes were installed in any harbor other than the Ala Wai, they would be crab traps by morning. Anyone sent to retrieve fees deposited in them, would be crab bait by morning. Bottom line that such practices would not be tolerated, yet the Ala Wai community comes under constant attach by fee increases because these boaters pay their bills.

I am proud to able to contribute on a level that helps take care of the bigger boating community. But I am equally disappointed at the inequity and disparity between fees collected for slip holding boaters vs. trailer boaters. While parking fees for slip holders went up 1200% last year, ramp use with it associated parking, dumpster, and water use only went up about 30% ...that is from \$25 per year to \$35 per year. It is inequitable, particularly so when you consider nearly 80% of Hawaii boaters are trailer boaters. I am one of them, and I am offended by the blatant disparity between Ala Wai Harbor use fees for ramp users vs. slip users. If I want to park my car in front of my slip, I pay \$1.00 per hour or \$300 per year. If I park my truck, with my boat trailer attached ...about four times the length of my car, I can do so for free all weekend and then some.

The purposed fee increase for live-aboard boaters kicks it up two or three steps higher, in that on 10% of slip holders are authorized live-aboard status. I can run one or two hoses for cleaning my boat at the ramp for as long as I want, and dump all the trash I want at the same time ...for pennies per year, yet I pay hundreds per year to do the same from my slip boat. Why? This is even more discriminatory, in that non-resident boaters and ramp users can consume just as much water and dump just as much trash as the residential boater or trailer boater. This bill is discriminatory and should not be passed.

Funding shortfalls could easily be covered if the harbor users are charge equally, and slips filled to capacity. To increase fees on the basis of needing more management monies is an oxymoron. The harbors are not managed on a par with typical marina operations across the country. The Ala Wai is not policed, and theft is a daily occurrence. Security gates are not used, and come & go of vagrant persons is a common as the homeless populations in State parks. There is not indicators or proposals to my knowledge to improve services for which the fee increases are allegedly going to be collected for. It is wrongful, discriminating, and unethical. Please scrap HB 2741 HD1 SD1 as written.

Thank you, Gary Brookins

Brookins Boatworks LTD
5 Sand Island Access Rd. #117
Honolulu, HI 96819
p/f 808.841.2525
cel 808.216.2972

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 9:36 AM
To: WAM Testimony
Cc: costbenefit@hawaii.rr.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 9:45 AM
To: WAM Testimony
Cc: sybarwright@gmail.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

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

Thank you,
PC Wright

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 10:32 AM
To: WAM Testimony
Cc: aloha@boxbe.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

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

Respectfully with Aloha.

kim2 - Jo Ann

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Cheryl Van Law
1777 Ala Moana Blvd. #1202

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 11:35 AM
To: WAM Testimony
Cc: robertcsinclair@yahoo.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

Conference room: 211
Testifier position: oppose
Testifier will be present: No
Submitted by: Robert Sinclair
Organization: Individual
Address:
Phone:
E-mail: robertcsinclair@yahoo.com
Submitted on: 3/23/2010

Comments:

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 11:20 AM
To: WAM Testimony
Cc: concernedboater@hawaii.rr.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

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

Comments:

I strongly oppose HB2582 SD1 and HB2741 HD1 SD1.

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

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

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

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

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

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

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

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

March 23, 2010

John Morton

1741 Ala Moana Blvd. #57

I Oppose Bill 2741 SD1

Against Live aboard fee increase:

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

kim2 - Jo Ann

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 23, 2010 7:13 AM
To: WAM Testimony
Cc: monets001@hawaii.rr.com
Subject: Testimony for HB2741 on 3/24/2010 9:30:00 AM
Attachments: opose dlrrincrease 2010.pdf

Testimony for WAM 3/24/2010 9:30:00 AM HB2741

Conference room: 211
Testifier position: oppose
Testifier will be present: Yes
Submitted by: sam monet
Organization: Individual
Address:
Phone:
E-mail: monets001@hawaii.rr.com
Submitted on: 3/23/2010

Comments:
if i can get off work, i want to testify

To: The WAM Committee

March 23, 2010

Re: HB 2741 HD1 SD1 and HB 2582 SDI

From: Mark Meyer

1741 Ala Moana Bl. # 118 96815

NOTICE of OPPOSITION

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

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

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

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

Thank You, for your time and consideration.

Mark Meyer