

From: Cynthia S
To: [DLNR.BLNR.Testimony](#)
Subject: REF: HAR 13-234 Small Boat Harbor Fee Increases
Date: Wednesday, June 12, 2019 6:42:20 PM

I am *strongly OPPOSED* to the proposed fee increases based upon the following:

- 1.) No research has been reported so far that identifies THE MANY, MANY NEGATIVE impacts of immediately doubling the Small Boat Harbor Fees. As such there can be no assurance that such a drastic and sudden increase will not pose substantial risk to both the harbors, those who use them, and all Hawaii voters and residents.
- 2.) There is substantial evidence that the harbors have been and continue to be mismanaged to a dangerous and grossly negligent degree. No logical argument can be made that simply clearing up the NUMEROUS management problems would solve the problems that DOBOR claims.
- 3.) At this same time, the condition of all of the harbors has continued to deteriorate to dangerous and embarrassing levels for anyone living at, visiting, or even just walking by them. Just take a look at the condition of the docks at Ala Wai, or the boater parking lot at Keehi which has continued to degrade into a disgusting unsanitary mud pit and cesspool (It was blissfully advertised that it was going to be repaved over THREE YEARS ago).
- 4.) EVEN MORE IMPORTANTLY, the additional “gift” of doubled boater revenue is NOT EARMARKED to be used anywhere near any of the harbors, nor for the benefit of ANY of the boaters who are painfully PAYING for that “gift.” Much of the previous testimony and filed documents seem to allude to a perception that if the boat owners begin to pay these grossly exaggerated additional fees, the extra revenue will somehow miraculously translate into a better-maintained and improved harbor for them to have, keep, and use their boats.

NOTHING HAS EVER BEEN PUBLISHED OR PROMISED BY DOBOR OR ANYONE ELSE STATING THAT THIS ADDITIONAL REVENUE WILL EVER, EVER FIND ITS WAY BACK TO THE HARBORS THAT PAINFULLY PROVIDED IT!

It will only continue to disappear into the government budgetary black hole or into the pockets of supposedly “necessary”

additional employees that are claimed to be needed to properly manage the already degraded harbors in their PRESENT STATE.

5.) DOBOR has avoided a thorough audit for nearly a decade. At the VERY LEAST a forensic audit must be requested before allowing DOBOR to side-step its clear management failures by infusing itself with more ridiculously high fees.

6.) I can firmly state from my own circumstances that it is a certainty that these unconscionable, capricious, unsupported and punitive additional fees will result in many boat owners losing their boats, MINE INCLUDED. With DOBOR's history of neglecting vessels it confiscates, there is little doubt many of these vessels will sink before they can be removed, sold, or otherwise disposed of. There are currently at least five sunken boats in Keehi Harbor alone. Most of these sunken boats will cost the state AT LEAST \$15,000 EACH or roughly four years of slip revenue to remove.

7.) DOBOR has many options to bring the harbors into a revenue neutral position without causing undue hardship on those who use the harbors. It has spent over a million dollars in the last three years supplying water to the Waianae harbor homeless camp paid for by the boaters. That is just ONE example of MANY outrageous expenses DOBOR claims are the responsibility of the boating fund.

8.) DOBOR has not completed and published even the most rudimentary cash-flow analysis to project either the needed revenue OR any anticipated increases in expenses. To raise rates without such a study is both negligent and risky, and ignores the department's fiduciary responsibilities to the voters and citizens of Hawaii. The absolute LEAST the board should do, if anything is really needed in the not-too-distant future (which it is NOT without proper prior research), is to implement graduated, incremental proposed fee increases over a significant period of time to allow boaters to adjust their budgets or get rid of their boats before losing them to DOBOR's blind disregard for basic human decency and survival.

Cynthia Stutzman

From: Jessica Wright
To: [DLNR.BLNR.Testimony](#)
Subject: REF: HAR 13-234 Small Boat Harbor Fee Increases
Date: Wednesday, June 12, 2019 7:04:16 PM

I am *strongly OPPOSED* to the proposed fee increases based upon the following:

- 1.) No research has been reported so far that identifies **THE MANY, MANY NEGATIVE** impacts of immediately doubling the Small Boat Harbor Fees. As such there can be no assurance that such a drastic and sudden increase will not pose substantial risk to both the harbors, those who use them, and all Hawaii voters and residents.
- 2.) There is substantial evidence that the harbors have been and continue to be mismanaged to a dangerous and grossly negligent degree. No logical argument can be made that simply clearing up the **NUMEROUS** management problems would solve the problems that DOBOR claims.
- 3.) At this same time, the condition of all of the harbors has continued to deteriorate to dangerous and embarrassing levels for anyone living at, visiting, or even just walking by them. Just take a look at the condition of the docks at Ala Wai, or the boater parking lot at Keehi which has continued to degrade into a disgusting unsanitary mud pit and cesspool (It was blissfully advertised that it was going to be repaved over **THREE YEARS** ago).
- 4.) **EVEN MORE IMPORTANTLY**, the additional “gift” of doubled boater revenue is **NOT EARMARKED** to be used anywhere near any of the harbors, nor for the benefit of **ANY** of the boaters who are painfully **PAYING** for that “gift.” Much of the previous testimony and filed documents seem to allude to a perception that if the boat owners begin to pay these grossly exaggerated additional fees, the extra revenue will somehow miraculously translate into a better-maintained and improved harbor for them to have, keep, and use their boats.

NOTHING HAS EVER BEEN PUBLISHED OR PROMISED BY DOBOR OR ANYONE ELSE STATING THAT THIS ADDITIONAL REVENUE WILLEVER, EVER FIND ITS WAY BACK TO THE HARBORS THAT PAINFULLY PROVIDED IT!

It will only continue to disappear into the government budgetary black hole or into the pockets of supposedly “necessary” additional employees that are claimed to be needed to properly manage the already degraded harbors in their **PRESENT STATE**.

- 5.) DOBOR has avoided a thorough audit for nearly a decade. At the **VERY LEAST** a forensic audit must be requested before allowing DOBOR to side-step its clear management failures by infusing itself with more ridiculously high fees.
- 6.) I can firmly state from my own circumstances that it is a certainty that these unconscionable, capricious, unsupported and punitive additional fees will result in many boat owners losing their boats, **MINE INCLUDED**. With DOBOR's history of neglecting vessels it confiscates, there is little doubt many of these vessels will sink before they can be removed, sold, or otherwise disposed of. There are currently at least

five sunken boats in Keehi Harbor alone. Most of these sunken boats will cost the state AT LEAST \$15,000EACH or roughly four years of slip revenue to remove.

7.) DOBOR has many options to bring the harbors into a revenue neutral position without causing undue hardship on those who use the harbors. It has spent over a million dollars in the last three years supplying water to the Waianae harbor homeless camp paid for by the boaters. That is just ONE example of MANY outrageous expenses DOBOR claims are the responsibility of the boating fund.

8.) DOBOR has not completed and published even the most rudimentary cash-flow analysis to project either the needed revenue OR any anticipated increases in expenses. To raise rates without such a study is both negligent and risky, and ignores the department's fiduciary responsibilities to the voters and citizens of Hawaii. The absolute LEAST the board should do, if anything is really needed in the not-too-distant future (which it is NOT without proper prior research), is to implement graduated, incremental proposed fee increases over a significant period of time to allow boaters to adjust their budgets or get rid of their boats before losing them to DOBOR's blind disregard for basic human decency and survival.

Aloha,
Jessica Wright

Sent from my iPhone

Public Testimony

Tendered: Wednesday, June 12th, 2019

Re: BLNR Meeting, Friday, June 14th, 2018, **9:15 A.M.**
Kalanimoku Building, Land Board Conference Room 132, 1151 Punchbowl Street,
Honolulu, Hawai'i 96813

Agenda Item J-1, "Request for Approval and Adoption of Amendments to Title 13, Hawaii Administrative Rules (HAR), Chapters 13-234, Small Boat and State Boating Facility Fees and Charges,"

This testimony has been published online at this URL:

<https://hawaiiocannews.com/index.php/2019/06/10/dlnr-attempts-to-pass-13-234-rules-package/>

A copy of this testimony, with cover letter, has been forwarded to the Attorney General, Clare Connor, Lt. Governor Josh Green's office, and Governor David Ige's office.

This public testimony is intended for the members of the Board of Land and Natural Resources, State of Hawaii:

- [Suzanne D. Case](#), Chairperson
- [Stanley H. Roehrig](#), Hawai'i Member (Term: 7/01/14 – 6/30/18 – extended)
- [James A. Gomes](#), Maui Member (Term: 7/01/17 – 6/30/21)
- [Thomas Oi](#), Kauai Member (Term: 7/01/16 – 6/30/2020)
- [Samuel "O'ahu" Gon III](#), O'ahu Member (Term: 7/01/17 – 6/30/21)
- [Christopher Yuen](#), At-Large (Term: 7/11/14 – 6/30/18 – extended)

*(Please note: **footnotes** may either be accessed by clicking on the **footnotes link**, or by scrolling down to the "**Footnotes**" section of this document.)*

Ladies and gentlemen of the Board,

Aloha and thank you for taking the time out of your busy schedules to consider this public testimony.

The Chapter 13-234 rules package contains multiple fatal flaws, and should never be allowed to pass this board in its current form. To wit:

1) The appraisal upon which Chapter 13-234 fee increase packet is based, is not an "independent appraisal", as prescribed by Hawaii statute, and is therefore illegal for use in this context. Further, this appraisal has disqualified itself, in its entirety, because of the disturbing frequency of fundamental errors within the document on top of a structure of invalid assumptions.

- See attached footnotes for detailed examples. ([Item # 1](#))

2) Chapter 13-234-10, electrical fee increase proposal for non-metered electrical receptacles is patently illegal and invites the expense of litigation:

- See attached footnotes for detailed examples ([Item # 2](#)).

3) Chapter 13-234 repeatedly asks boaters for fees for non-existent services and phantom facilities. Chapter 13-234 makes fraudulent claims that establish a basis for legal challenges.

- See attached footnotes for detailed examples ([Item # 3](#)).

4) A disturbing succession of internally generated DoBOR judgment errors, some of which with legally questionable processes, cost the Special Boating Fund \$100s of thousands of dollars over the past couple of years. Why are recreational boat owners being asked to pay for these internal Agency errors?

- See attached footnotes for detailed examples ([Item # 4](#)).

5) Chapter 13-234-3 (a): asking recreational boat owners to begin paying for their entire pier length, instead of the usual and customary boat-length metric, results in illegal discrimination against lower-income boaters, in a public harbor system. Someone who can only afford to own a 20-foot vessel, for example, will now be required to pay the exact same mooring rate as his/her neighbor with the 28-foot vessel. Patently unfair and discriminatory. And, once again, the invalid appraisal that inspired this section is incapable of differentiating between slip spaces in public marinas and private land-based rental properties.

6) *The preamble of the Constitution of the State of Hawaii states: We reaffirm our belief in a government of the people, by the people and for the people Historically, there is no discernible evidence to suggest that the DLNR is listening to the people it's supposed to be serving.*

1) Beginning on March 2nd, 2019 The DLNR/DoBOR recorded more than 20 hours of in-person testimony regarding 13-234 and hundreds of written testimonies, many published online; ***100% of the testimony was in opposition to the passage of Chapter 13-234. 100%.***

2) If Hawaii's State government is truly a government "***of, by and for the people of Hawaii,***" then **why are the people's voices being ignored?**

7) *The number of legal issues found in Chapter 13-234 is unsettling and may cost the State of Hawaii in legal challenges; the State may find that enforcing some of the rules will be very difficult; and the legal quagmire and then the logistics of removing and disposal of increased numbers of abandoned vessels from the State Harbor system, as a result of the fee increases, may cost the State more than what it gained.*

1) The Attorney General's Office admits, in writing, to not having been fully qualified to vet Chapter 13-234 for all inherent legal irregularities. See attached footnotes for details (**Item # 7**).

2) Chapter 13-234, much of it legally troubling, does nothing to improve the State's public harbor system *or the boating environment in Hawaii, while simultaneously creating an unnecessary hardship for the grass-roots ocean recreation community -- a community that has found itself excluded from this rule-making process -- and an intensified adversarial relationship between the DLNR and Hawaii's public.*

3) What is needed, instead, is responsible, thoughtful stewardship of these precious heirlooms, our public harbors, through diligent effort and collaborative planning with the very public that is being served by this public harbor system.

8) The recent indefinite deferment, by legislators, of SB1257, sends a clear message to the DLNR regarding legislative opinion about rate increases in Hawaii's public harbor system.

Ladies and gentlemen of the Board of Land and Natural Resources, Chapter 13-234, in its present form, is rife with legally troubling implication, will end up costing the State of Hawaii much more money than it will take in, is based on poorly thought-through funding schemes that will not solve any of the urgent issues now facing our public harbor system, is based on an invalid and illegal appraisal, and displays an especially disturbing mean-spiritedness in the way in which it ignores the will of the people it pretends to serve, while creating unnecessary and undue hardship in our ocean recreation community.

We respectfully ask that you put the current revised version of Chapter 13-234 aside, in its entirety, and make a genuine effort to work together with the people that you are charged with serving -- the very same people who fund your paychecks -- in order to develop a mutually workable plan for Hawaii's public harbor system.

Thank you for taking a moment to consider our testimony.

Katherine Lindell,
Honolulu, Hawaii
This 12th of June, 2019

**Footnotes/More Detail: Chapter 13-234 Rules Package
Proposal Testimony**

Footnotes

Item # 1: The appraisal upon which Chapter 13-234 fee increase packet is based is not an "independent appraisal", as prescribed by Hawaii statute, and is therefore illegal for use in this context. Further, this appraisal has disqualified itself, in its entirety, because of the disturbing frequency of fundamental errors within the document on top of a structure of invalid assumptions. To wit:

- 1.) The appraiser relied entirely on data provided by DOBOR disqualifying it as an "independent appraisal," as prescribed by the Hawaii State Legislature, making this document illegal for use in this context.
- 2.) The appraisal is based on an assumption that the State's public harbor system has been the recipient of an "average management" scenario – something which is sadly untrue as the harbor system has been so mismanaged as to be a shambles.
- 3.) By the appraiser's own admission, the findings relied on conditions described by DOBOR that were inconsistent with, and universally superior to, those actually observed by the appraiser(s).
- 4.) The appraisal assumes that the vessel owner and DOBOR enter into rental agreements in a free and open market and both parties are free of coercion. In actual fact, a boat owner either pays the new exorbitant fees -- however randomly generated -- or faces loss of his vessel through state confiscation, the very definition of coercion (not an uncommon theme in DoBOR's management scheme).
- 5) Simple things like slip counts in public harbors were incorrect. For example, there are approximately 152 slips at Keehi Harbor. The appraisal claims 284. Even if one includes the non-existent 500 pier and the condemned 400 pier, there are still fewer than 225.
- 6) The appraisal uses \$45,500 (a number given to them by DOBOR) as a base replacement cost for the 200+/- offshore moorings in Keehi Small Boat Harbor. Then the appraiser uses that replacement cost to calculate the "fair market rent" for each. However, Underwood's own "deferred maintenance" lists replacement of the existing moorings at \$11,500 each (1/4 of the appraiser's replacement cost).
- 7) Even information as simple as minor math calculations within the appraisal document are incorrect. For example, $12 + 12$ does NOT equal 12.

8) The appraiser further bases the fair market rent for a given slip on decades-old matrices created by DOBOR without regard to the accuracy or completeness of those matrices. It further relies on Kewalo Basin (current slip rent: \$21.50/ft) which is now a private marina with a significant commercial presence, as well as Ko'Oolina, which has almost NO comparison to ANY State harbor. Even the two actual marinas they DO list in their comparison offer more amenities and cost LESS than the \$13/ft proposed by the appraiser.

Item # 2: Chapter 13-234-10, electrical fee increase proposal for non-metered electrical receptacles is patently illegal and invites the expense of litigation:

1) ***Electrical power consumption cannot legally be based on an appraisal*** (assuming the appraisal was legal and valid), as electrical power usage is ***based on consumption and not location***;

2) ***The electrical fee increase proposal is based on zero discernible basis-in-fact***, as confirmed by Ed Underwood himself in [our discussion with him](#) and other DoBOR representatives. The numbers represented in this section were pulled from thin air -- contrived, arbitrary and capricious and do not represent real-world consumption statistics (***DoBOR confirmed this when it recently arbitrarily changed the numbers and conditions in the current version of Chapter 13-234***);

3) ***The only fair way to assess tenants for power usage*** Is by noting, through inspection, the use of major appliances on a vessel, and then assessing accordingly;

4) There are two groups of tenants, that we know of, that have formed for the purpose filing a class-action lawsuit to challenge 13-234-10 in its current form.

Item # 3: Chapter 13-234 charges fees for non-existent services and phantom facilities. Chapter 13-234 makes fraudulent claims that establish a basis for legal challenges.

1) **13-234-4**, *Offshore Mooring rates; mooring and anchoring away from harbor environments*: Note to reader: there are no facilities available for vessels anchored offshore on their own anchor in Hawaiian waters.

2) **13-234-8**, Stay-aboard or principal habitation fee: Note to reader: a harbor tenant with a liveaboard permit does NOT receive additional services or have access to facilities that non-liveaboards do not have access to.

3) **13-234-9**, Stay-aboard or principal habitation fee for offshore mooring or anchoring: any mariner staying aboard his or her vessel anchored offshore on their own tackle receives no more privilege than does someone who is not staying aboard.

4) **DoCARE Security** in the Public harbor system is non-existent: The DLNR would have those not familiar with the public harbor system believe that it provides a security presence in their harbors. Not only does the DLNR NOT provide security in its harbors, DoCARE, the DLNR's security division, is currently under investigation by the Attorney General's office for dereliction of duty and is barely able to provide security for its own building.

There are many other examples, the above should suffice.

Item # 4: A disturbing succession of internally generated DoBOR judgment errors, some of which with legally questionable processes, cost the Special Boating Fund \$100s of thousands of dollars over the past couple of years. Why are recreational boat owners being asked to pay for these internal Agency errors?

1) Literally hundreds of slips throughout the harbor system go unrented, month after month, sometimes for years, costing the Special Boating Fund \$100s of thousands of dollars in lost revenue every single year.

2) In a [most recent example](#), the 82-foot, 149 passenger cruise ship, Navatek II, a vessel *already known to be derelict* while moored in the DOT's commercial Honolulu Harbor, was admitted into the State's public recreational harbor system via a backdoor transaction between Ed Underwood and the owner of that vessel (recently confirmed by the DLNR's communications department), instantly costing the Special Boating Fund

\$10s of thousands of dollars – and possibly as much as six figures when all is said and done.

3) Recreational boaters using the public harbor system are now being asked to pay Navatek II's bill, partially through these fee increases.

4) There are multiple examples of a pattern of destructive Agency-internal error -- too many to list here -- and some representing not only financial loss for the Special Boating Fund, but also, in some cases, creating a [hazardous environmental condition](#) that has threatened the health and safety of nearby tourist populations and tenants within the Ala Wai Small Boat harbor.

5) DoBOR's hiring of a contractor, Coconut Wireless, that turned out not to be qualified to do the electrical work necessary on the 800-row pier at the Ala Wai Small Boat Harbor has cost the Special Boating Fund nearly \$100,000. Recreational boaters are now being asked to pay for this deficit, partially with proposed fee increases. Why? This was an internal error committed by DoBOR itself.

Item # 7: We have, in our possession, an e-letter from the Attorney General's office, stating that its deputy attorneys general did NOT possess the depth of knowledge needed to properly assess Chapter 13-234 for all of its inherent legal inconsistencies, and that they did not bring in a consultant to help with the interpretation.

From: Mark Werkmeister
To: [DLNR.BLNR.Testimony](#)
Subject: 13-234
Date: Wednesday, June 12, 2019 8:19:09 PM

I'm writing to voice my concern regarding administrative rules 13-234. In my 40 plus years as a tenant of the Ala Wai boat harbor this is the most regressive and moronic proposal I have seen for managing the harbor. Needless to say I adamantly oppose the proposal.

The prior public forum for hearing testimony about the proposal was full of information about the gross mismanagement of the harbor and the legal implications of the proposal. Since none of you were present I trust that you have read all the testimony and have a better appreciation of the facts of the situation. I will not beat a dead horse with more examples of dereliction of duty on behalf of DBOR and DLNR. I would however like to remind the board and other bureaucrats about the basic principle of government which seem to have been lost in this whole mess. The state constitution clearly states the the function of government is to provide services! These lands were deeded to the government to provide the public with a functioning marina and support services! It was never the intention that these public lands become cash cows or be leased to the highest bidder! Try doing the job you were put there to perform.

We at one time had a functioning dry dock with an associated chandlery (marine equipment and related items) as well as a functioning fuel dock. Both of those services are a thing of the past! We had a public pump out facility; not a pump out station on leased land that is basically inaccessible to the public and all that that implies!

We even had a half hearted attempt to deal with the trash and flotsam that clogs the harbor and is a pollution hazard as well as a pitiful eyesore. Remember the barge! And the bringing down of the prison population to help with the cleanup! Now nobody gives a rip. More services lost! People getting flesh eating bacteria from the polluted Ala Wai water and the head of the DLNR callers herself an environmentalists! What a joke!

The point is that as the harbor is going to hell in a hand basket and services are declining the bureaucrats want more money and ridiculous unenforceable regulation to provide us with a improved boating experience! If you believe that I have some lava land in Puna real cheap!

Thank you for your time and I hope you will do the right thing moving forward.

Sincerely

Mark Werkmeister

Sent from my iPad

From: Robert Duerr
To: [DLNR.BLNR.Testimony](#)
Subject: Vote "NO" Testimony. 06/14/19 Agenda item J. DIVISION OF BOATING AND OCEAN RECREATION
Date: Thursday, June 13, 2019 8:21:27 AM

To: Board of Land and Natural Resources
blnr.testimony@hawaii.gov

From: Wailoa River and Reeds Bay Boating Association

Dear BLNR,

The Wailoa River and Reeds Bay Boating Association strongly urges a “no” vote on a DBOR rate increase proposal on BLNR Agenda 6/14/19.

This “no” is for agenda item J. DIVISION OF BOATING AND OCEAN RECREATION: “Request for Approval and Adoption of Amendments to Title 13, Hawaii Administrative Rules (HAR), Chapters 13-234.”

Public-Private partnership. This substantial rate increase from 50% to 500% is not to ensure sustainable small boat harbors in Hawaii but to increase income to attract bidders for a public-private partnership selloff.

This is seen in both the DBOR appraisal report and strategic plan. The CBRE “Restricted Appraisal Report” was done for Edward Underwood DBOR administrator. The “Modernizing Ocean Recreation Management in Hawaii; Strategic Action Plan-2019,” outlines that DBOR.

Association boaters agree with the strategic plan’s conclusion: “At the core of the problem lies an inefficient harbor management model.” Boaters don’t agree with DBOR’s conclusions that a selloff of harbors is the only savior.

Ala Wai Bench Mark. Wailoa River and Reeds Bay Boating Association takes exception to the CBRE appraisal bench marking rate increases to the needs of DBOR’s largest money generator the Ala Wai Harbor.

Both Wailoa River and Reed’s Bay boaters set and maintain their own moorings. Reeds Bay boaters anchor their boats in offshore moorings. They have just completed DBOR mandated and Army Corps overseen engineered mooring specifications. This cost Reeds Bay boaters \$2500-\$3000.

Wailoa River boaters moor at a concrete walkway at the Wailoa ramp. These boats have the constant pressure of heavy rains flooding the river and moving moorings. Tsunamis and flood tides also cause resetting and maintenance.

Reeds Bay has no DBOR support facilities. No dingy pier, no haul out, no utilities. Wailoa River currently has a concrete pilings without a bumper system to prevent boats slamming concrete in high winds or when vandals disturb mooring lines.

Per Foot or Maximum Length. The Association is disturbed with the rate increase requirement that “The mooring rate schedule in this subsection shall be per foot of vessel’s length overall or maximum length of berth or mooring which ever is greater.”

As one member said “it’s like going to the supermarket and paying for what isn’t in the cart.” How is DBOR going to establish a mooring length in a navigable river? Will Reed’s Bay boats moored offshore have to pay a cruise liner fee if on can fit on the mooring?

Sounds ridiculous. It isn’t. DBOR not only has a monopoly but an executioners hood as well. Where does a sailboat go if it loses its mooring?

Public Meeting Not to Standards. Association members are upset that the March 7, 2019 meeting did not fulfill the requirements of “Notice of Public Hearing.” The meeting neither ended at 7 pm or when the last person testified.

What also upset local boaters was the requirement at the public hearing that boaters could only talk and no questions would be answered. The gag order was an insult to folks who do not use computers as a communication tool.

One question never answered is why are ramp fees rising 50% and mooring fees are going up over 200%. Or more. Boaters don't know what DBOR will levy as "maximum length of berth or mooring."

Insult to Injury. Finally, Association boaters are used to paying bills and seeing bills go up. DBOR conducted a stealth legislative campaign this session for privatization of small boats harbor without any communication with permittees. The manner in which DBOR treated permittees some who have paid thousands of dollars in rent over decades was rude, unnecessary and insulting.

The Association would like to thank the Board for their time and effort in what is arguably the toughest job in Hawaii.

Mahalo,
Robert Duerr

Wailoa River Slip 8
Wailoa River and Reeds Bay Boating Association

From: Sandra Dahl
To: [DLNR.BLNR.Testimony](#)
Subject: Slip Fee increases
Date: Saturday, June 8, 2019 1:00:06 PM

I feel that a 360% increase is outrageous fee increase, when the rent is \$9.00 a foot and you jump it up by \$4.00 to \$13.00 a foot that is terrible. Do the math, who jumps up rent that fast, houses are not increasing that fast. just get everyone on the same page of rent, (like the old timers) and fix the 100 condemned slips at the Ala Wai Small Boat Harbor and you will see more revenue.

Sandra L Dahl
Ala Wai Harbor Live Aboard
808 429 8097

From: scotty.sailing16
To: [DLNR.BLNR.Testimony](#)
Subject: Harbor fee increase
Date: Saturday, June 8, 2019 11:08:41 AM

I oppose any harbor increases. Hawaii needs to support boating instead of your current policy ,attitude towards boaters. Mahalo, Scott Geffe Maui.

Sent from my Verizon, Samsung Galaxy smartphone

From: Susan Ray
To: [DLNR.BLNR.Testimony](#)
Subject: Testimony against proposed harbor fee increases
Date: Sunday, June 9, 2019 11:21:26 AM

I stand opposed to the proposed fee increases based upon the following:

The fee increases proposed are out of proportion with what is necessary for any maintenance or improvements of the harbor. Revenues have been lost over the last 10 years by leaving slips that could produce revenue empty for several years. This is completely the harbormasters decision. The revenue from the harbor decreases with the lack of maintenance due to the mismanagement of revenue funds. The board should implement any REASONABLE fee increases over a period of time to allow boaters to adjust their budgets. Otherwise many boaters will lose their boats and the harbor will lose more revenues for the them to mismanage and have many more boats to pay to crush. Of course they won't sell at auction as no one will have any place to put them at a reasonable cost and the length of time it takes to bring them to action makes them turn into derelicts from lack of maintenance.

1.) No research has been reported identifying ANY negative impact of immediately doubling the Small Boat Harbor Fees. As such there can be no assurance that such a drastic and sudden increase will not pose substantial risk to both the harbors and those who use them.

2.) There is substantial evidence that the harbors have been and continue to be mismanaged to a startling degree. No logical argument can be made that simply clearing up the

many management problems would not solve the problems that DOBOR sites.

3.) Dobor has avoided a thorough audit for nearly a decade. A forensic audit must be requested before allowing DOBOR to side-step it's clear management failures by injecting itself with ridiculously high user fees.

4.) It is an almost certainty that these onerous fees will result in many boat owners losing their boats. With DOBOR's history of neglecting vessels it confiscates, there is little doubt many of these vessels will sink before they can be removed. There are currently at least five sunken boats in Keehi Harbor alone. Most of these sunken boats will cost the state AT LEAST \$15,000 or roughly four years of slip revenue.

5.) DOBOR has many options to bring the harbors into a revenue neutral on those who use the harbors. It has spent over a million dollars in the last three years supplying water to the Waianae harbor homeless camp paid for by the boaters. That is just ONE example of MANY outrageous expenses DOBOR claims are the responsibility of the boating fund.

6.) DOBOR has not completed even the most rudimentary cash-flow analysis to project either the revenue OR any anticipated increases in expenses. To raise rates without such a study is both risky and ignores the department's fiduciary responsibilities.

IMPORTANT ITEM!

STUDY FIRST!! NO REASONABLE MANAGER COULD BE EXPECTED TO DO LESS!!! WHAT IS THE DOWNSIDE? WHAT HAPPENS TO FIXED-INCOME TENANTS THAT

ARE PAYING RESIDENTS ON THEIR BOATS? HOW MANY MORE HOMELESS WILL THIS MONEY-GRAB CREATE? HOW MUCH WILL IT COST DOBOR TO RAISE SUNKEN BOATS, CRUSH THEM AND TRANSPORT THEM TO THE LANDFILL? HOW MUCH REVENUE WILL THEY LOSE ON THE YEARS IT WILL TAKE THEM TO DO THIS? NO ONE KNOWS AS DOBOR HAS NOT DONE ANY RESEARCH ON THE AFFECT OF THE PROPOSED UNREASONABLE FEE INCREASES.

Thank you for reading this and considering the opposition and the reasons for same.

Susan Ray

Boat owner in AWSB Harbor

--

Aloha, Susan Ray Rainbow Yachts 808.943.0199

From: Steve S
To: [DLNR.BLNR.Testimony](#)
Subject: REF: HAR 13-234 Small Boat Harbor Fee Increases
Date: Wednesday, June 12, 2019 4:05:13 PM

I am *strongly OPPOSED* to the proposed fee increases based upon the following:

- 1.) No research has been reported so far that identifies THE MANY, MANY NEGATIVE impacts of immediately doubling the Small Boat Harbor Fees. As such there can be no assurance that such a drastic and sudden increase will not pose substantial risk to both the harbors, those who use them, and all Hawaii voters and residents.
- 2.) There is substantial evidence that the harbors have been and continue to be mismanaged to a dangerous and grossly negligent degree. No logical argument can be made that simply clearing up the NUMEROUS management problems would solve the problems that DOBOR claims.
- 3.) At this same time, the condition of all of the harbors has continued to deteriorate to dangerous and embarrassing levels for anyone living at, visiting, or even just walking by them. Just take a look at the condition of the docks at Ala Wai, or the boater parking lot at Keehi which has continued to degrade into a disgusting unsanitary mud pit and cesspool (It was blissfully advertised that it was going to be repaved over THREE YEARS ago).
- 4.) EVEN MORE IMPORTANTLY, the additional “gift” of doubled boater revenue is NOT EARMARKED to be used anywhere near any of the harbors, nor for the benefit of ANY of the boaters who are painfully PAYING for that “gift.” Much of the previous testimony and filed documents seem to allude to a perception that if the boat owners begin to pay these grossly exaggerated additional fees, the extra revenue will somehow miraculously translate into a better-maintained and improved harbor for them to have, keep, and use their boats.

NOTHING HAS EVER BEEN PUBLISHED OR PROMISED BY DOBOR OR ANYONE ELSE STATING THAT THIS ADDITIONAL REVENUE WILL EVER, EVER FIND ITS WAY BACK TO THE HARBORS THAT PAINFULLY PROVIDED IT!

It will only continue to disappear into the government budgetary black hole or into the pockets of supposedly “necessary”

additional employees that are claimed to be needed to properly manage the already degraded harbors in their PRESENT STATE.

5.) DOBOR has avoided a thorough audit for nearly a decade. At the VERY LEAST a forensic audit must be requested before allowing DOBOR to side-step its clear management failures by infusing itself with more ridiculously high fees.

6.) I can firmly state from my own circumstances that it is a certainty that these unconscionable, capricious, unsupported and punitive additional fees will result in many boat owners losing their boats, MINE INCLUDED. With DOBOR's history of neglecting vessels it confiscates, there is little doubt many of these vessels will sink before they can be removed, sold, or otherwise disposed of. There are currently at least five sunken boats in Keehi Harbor alone. Most of these sunken boats will cost the state AT LEAST \$15,000 EACH or roughly four years of slip revenue to remove.

7.) DOBOR has many options to bring the harbors into a revenue neutral position without causing undue hardship on those who use the harbors. It has spent over a million dollars in the last three years supplying water to the Waianae harbor homeless camp paid for by the boaters. That is just ONE example of MANY outrageous expenses DOBOR claims are the responsibility of the boating fund.

8.) DOBOR has not completed and published even the most rudimentary cash-flow analysis to project either the needed revenue OR any anticipated increases in expenses. To raise rates without such a study is both negligent and risky, and ignores the department's fiduciary responsibilities to the voters and citizens of Hawaii. The absolute LEAST the board should do, if anything is really needed in the not-too-distant future (which it is NOT without proper prior research), is to implement graduated, incremental proposed fee increases over a significant period of time to allow boaters to adjust their budgets or get rid of their boats before losing them to DOBOR's blind disregard for basic human decency and survival.

Steve Stutzman



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