

May 21 2025
Dawn N.S. Chang
Chairperson, Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813
Re: Lease of Mā'alaea Harbor Haul-Out Facility

Aloha Chair Chang:

This letter is requesting that the portion of the Ma'alaea Boat and Fishing club dry dock area be separated from the lease of the Buzz' Wharf building structure.

The building was a central meeting space for the Maui boating community for decades. Moreover, the Mā'alaea dry-dock facility is the only one available in Maui County to non-trailer boat vessels for dry-dock and emergency repairs. Thus, we feel an obligation to try and keep this space preserved for our community.

We appreciate the DLNR effort to increase the revenue stream for the Boating division, however the dry dock facility has and is still servicing the boating community of Maui County. We operate as a 503(c)(6) organization in order to pay for the dry dock expenses, lease rent and insurances.

Our club is in the process of collaborating with both the Hui O Waa Kalua and the Maui Trailer boat club as to keeping this facility with a local organization.

We hope the Department can work collaboratively with the Ma'alaea Boat and Fishing club, the Hui O Waa Kalua and Maui trailer boat club to issue a long-term lease so the dry-dock can continue to serve the Maui community.

Mahalo for your consideration,

Kalei Lu'uwai

Vice Commodore, Mā'alaea Boat and Fishing Club

cc: Division of Boating & Ocean Recreation Administrator Meghan Statts; Ben Walin

From: [Kate Thompson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] J-1 Requesting Board action on J-1 Revocable permits 120 and 125, historic records on vehicle towing from Ala Wai and Ma'alaea boat harbors facilitated with Secure Parking payment software.
Date: Wednesday, May 21, 2025 3:36:45 PM

Dear BLNR Chair Chang and members of the Board: Yoon, Canto, Smith, Barnes, Ono and Char,

J-1 Requests: regarding RP's 120 and 125 with Secure Parking Hawai'i LLC.

I am asking Board members to request the towing records for the past three years that were facilitated by Secure Parking in the Ala Wai and Ma'alaea harbor. Since the Secure Parking Hawai'i LLC revocable permit moves to a longer term Direct Issuance permit, it would be a good to have a summary of towing enforcement for parking violations.

Also, I am asking that Board Members make a motion and pass to forward the letter 1-10-2025 from harbor users, named the '7 Questions for the Attorney General' be forwarded to the Attorney General, Anne Lopez.

Thank you very much for considering these two requests.

Kate Thompson

808-383-3334

Power point outline:

Full Slide Deck Content – Public Advocacy Briefing

Slide 1

Restoring fair parking enforcement at Ala Wai and Ma‘alaea State Small Boat Harbors

Parking and Towing

Public Advocacy Briefing prepared for the Board of Land and Natural Resources meeting 5-23-2025

Copy will go to the Hawai‘i Attorney General, Anne Lopez

Prepared by Katie Thompson, RN, MSN • Public Advocate • Surfparking.org

Slide 2

Presentation Overview

Purpose: Advocate for review and reform of parking enforcement at Ala Wai and Ma‘alaea Small Boat Harbors

Audience: Board members of the Board of Land and Natural Resources and the State Of Hawaii, Anne Lopez Attorney General

Focus: Due process, public access, and contract legality

Slide 3

Public Advocacy Goals

Protect long-standing public access to coastal harbors

Ensure lawful, transparent parking enforcement practices, and towing oversight

Prevent predatory or excessive towing policies

Safeguard the rights of local harbor users in terms of access, cost, and basic first amendment right against property ‘seizure’.

Slide 4

Background: Harbors in Question

Ala Wai Small Boat Harbor (O‘ahu)

Ma‘alaea Small Boat Harbor (Maui)

State-managed public trust lands critical to ocean access (Exc. Orders and land use permits back this up)

Frequent use by local residents, surfers, outrigger paddlers, boaters, and swimmers

Slide 5

Immediate Concern: Tow-First Enforcement

Daily towing policy since 2021

5.5 vehicles towed per day per harbor –which is over 2,000 per year per harbor and 4,000 combined

Towing has replaced traditional parking citation methods, in these harbors

No warnings or intermediate penalties issued; no daily \$35.00 parking citations are issued.

Slide 6

Financial Impact on the Public

Estimated 12,000 vehicles towed since 2021; using 10,000 for conservative estimate

10,000 x \$200 average cost = approx. \$2 million in towing fees

If citations (\$35) were used instead: \$350,000 would have been collected

Public paid \$1.65 million more due to absence of citation phase

Only 7 parking tickets issued by DOCARE at Ala Wai SBH in 2023

Slide 7

Legal Questions for the Attorney General

Please see the more formal ‘seven questions’ document

- Is a ticketing stage required before towing?
- Can private vendors issue fines under Act 163?
- Are the penalties proportional and lawful?
- What is the remedy process for mistaken tows?
- Is the 5-day hearing window fair under due process?
- Can the BLNR initiate an audit of towing practices?

Slide 8

Due Process & Procedural Fairness

HRS 91 and 92 require fairness in administrative actions

Current policy lacks warnings, hearing opportunity before seizure

Vehicle seizure is a severe penalty for minor infractions

Out of step with other public facilities

Slide 9

Contracting Concerns

Secure Parking LLC received direct issuance contract under Act 163

Bypassed standard procurement process (Chapter 103D)

State receives no share of towing revenue

Tow contractors keep 100% of fees

Slide 10

Signage and Accessibility Issues

Signage is inconsistent, unclear, and sometimes misleading

Some Secure Parking logos and branding helpful, others misleading

Pay machines are complex – not user-friendly

Better systems exist in other state and city facilities (DAGS, the Zoo, State Parks)

Slide 11

Public Outreach & Testimony

Testimony presented at multiple BLNR meetings

200+ person petition submitted to DOBOR for signage reform in Oct 2021 – no action

DLNR has not held public forums despite requests

Governors, Legislators, and BLNR members contacted, no resolution

Slide 12

Equity & Cultural Considerations

Ala Wai and Ma‘alaea support generational cultural practices

Access critical to native Hawaiian communities and kama‘aina

Spaces tied to outrigger paddling, surfing, ocean education, recreation

Over-enforcement (towing) disincentivizes use of public land

Slide 13

Remedies and Recommendations

Stencil 'PERMIT ONLY' on stalls

Reinstate citation phase – already used by Secure Parking in City lots

Warning-first policy when payment was made

Electronic signage for tow risk alerts after 10:30 pm in rec areas

Clarify definition of 'abandoned vehicle'

Align towing reform with state practices

Slide 14

Request to BLNR

Motion to send seven public questions to AG

Request AG opinion on key questions

Audit towing records and procedures

Support standardized signage and markings

Conduct harbor tours with community

Promote due process and fair access

Slide 15

Closing Statement

The public is being punished for minor infractions on public land

DLNR, BLNR, and the AG can re-establish ticketing and legal access standards

Reform strengthens public trust and access

Slide 16

Prepared By

Kate Thompson, RN, MSN

27-year mooring permit holder at Ala Wai Harbor

Public advocate for fair harbor access and parking enforcement

The 7 questions for the Attorney General

May 20, 2025

Dear Honorable Attorney General Anne Lopez,

The Seven Questions for the Attorney General of the State of Hawai'i, Anne Lopez,

On January 10, 2025, at the Board of Land and Natural Resources meeting, on Agenda for Items J-1 and J-2 Regarding Contested Case Hearing Requests, regarding the Direct Issuance Parking Management Contract with Secure Parking LLC (Concierge's Car Wash and Traffic Management), at Ma'alaea Harbor on Maui.

As members of the boating public, we expressed our concerns on the legality, authority, and due process implications of parking enforcement contracts at State Small Boat Harbors. All the BLNR members present at the meeting, including Chair Chang and Deputy AG Collin Lau, received a hard copy of this list of questions from community members asking if the 'seven questions for the Attorney General' could be moved forward to her office for answers to the specific questions. (At this Jan. 10, 2025 BLNR meeting, Member Canto from Maui was on Zoom, and members Yoon and Barnes were absent.)

Given that four months have passed, I am respectfully writing to you to see if you received the document with the seven questions, and if you can answer them in writing, please.

1. Due Process in Parking Enforcement

Does the State of Hawai'i owe the public a "ticketing stage" before towing for parking violations on state boat harbor lands? This question addresses whether due process requires a citation or warning (such as those issued by DOCARE or HPD) before private towing or fee collection is permitted under DLNR contracts?

2. Authority to Create New Penalty Systems

Under Act 163, does the BLNR now have the legal authority to approve a (hypothetical) DOBOR/DLNR submittal to implement a new penalty 'middle level' parking enforcement fine system?

For example, can the BLNR authorize:

- A \$35.00 to \$40.00 fine payable directly to Secure Parking LLC?
- If so, can the public make payments at Secure Parking's retail office, or on the Secure Parking website?
- Can a credit card payment be used to remove a private vehicle immobilization device, like the windshield "Barnacle"?

3. Consistency with State Citation Penalties

If such a system is allowed, in which the private company is allowed to issue fines (already done at C&C Honolulu Zoo), should the private parking penalties be consistent with DOCARE or HPD citation amounts (e.g., \$35 for expired meter, or wrong-stall violations, the current enforcement charge of the tow is disproportionately higher than other parking financial penalties)?

4. Oversight and Record-keeping

Should the contracted parking vendor (permittee) be required to submit towing records to the DLNR as part of its obligation to public oversight and transparency? (For Ma'alaea SBH Secure Parking LLC has been allowed their own direct contract with the towing company.) This question is especially relevant under Act 163 (2022 revision), which restructured the parking procurement process to allow DOBOR/DLNR/BLNR Direct Issuance Contracts.

5. Mistaken Tows and Remedies

If a vehicle is (accidentally) wrongly towed, what entity can offer a financial remedy to the vehicle owner?

- Is the vendor allowed to issue a refund or return the vehicle to the site?
- Or must the remedy go through a formal post-tow hearing process conducted by the DOBOR/AG Deputy?

6. Post-Tow Hearing Timeline Discrepancy

What is the AG's opinion on the rationale behind the 5-day deadline to file a post-tow hearing request with DOBOR, when HPD and other citation systems allow 21 days to contest a citation (HRS 291-(6)a). Is the shortened deadline from 21 to 5 days lawful and fair under due process standards?

7. BLNR's Authority to Initiate an Audit or Investigation

Does the BLNR have the authority to initiate a study, audit, or investigation into harbor towing practices on its own?

For example, could the Board :

Randomly select 100 of the last 1,000 vehicles towed;

Contact those individuals

- 1) Determine if they were offered a post-tow hearing form
- 2) And whether the tow company required them to pay 'cash only' and if other payment methods, such as payment by credit card were denied at the tow yard?

We believe these questions are critical to restoring public trust and ensuring the DLNR's parking policies operate within the bounds of the law. We respectfully ask that the AG's office respond in writing before any multi-year contracts, or any new penalty systems are approved by BLNR members.

Thank you for your time and consideration.

Sincerely,

Kate Thompson: katet@me.com,

John Fitzpatrick: fitzformaui@gmail.com

Karen Boyer: kboyer@hawaii.edu