

Item H- 5 REQUEST FOR FINAL APPROVAL TO ADOPT PROPOSED HAWAII ADMINISTRATIVE RULES, CHAPTER 13-234-1, 13-234-3, 13-234-5, AND 13-241-25 RELATING TO DIVISION OF BOATING AND OCEAN RECREATION

A. Public input and discussion

In total, there were 113 comments (60 written comments and 53 oral comments) regarding the proposed Rule changes for division of boating and ocean recreation mooring fees, temporary mooring rates, and registration fee rules.

Of those sixty, DOBOR received four (4) comments submitted expressing general support for the increases in user fees and supported a user-pays model and three (3) comments expressing supporting the increase in registration fees. Six (6) comments were in opposition of any increase in boating fees and seven (7) written comments specifically opposed any increase in mooring fees. One (1) recreational boater supporting the mooring fee increases on the condition that repairs and maintenance would improve.

Comment: Mooring rates too high.

Discussion: A few written comments were received in opposition to the mooring rate increase. Other written comments supported the increase in mooring fees and some of the oral testimony at the public hearings understood the need for the increase as long as improvements and maintenance come in the future.

The proposed mooring fee increase was calculated according to the Hawaii Revised Statutes as well as the Hawaii Administrative Rules. The law requires that the mooring fees be sufficient to cover the operating costs of the small boat harbors. DOBOR prepared a revenue and expense report that took into account the costs of operating the harbors versus the revenue collected. DOBOR found that none of the state small boat harbors operated at a break even and have been subsidized since their inception. In order for the small boat harbors to break even, the per foot mooring fee would need to be increased by \$3.47 statewide. DOBOR realized that this would be difficult for some so they proposed to implement the increase over a five-year period. During this five-year period, the small boat harbors would still need to be subsidized and unless costs remain the same, they will continue to be subsidized from other revenue sources.

Of those sixty, DOBOR received twenty-nine (29) written comments opposing the temporary mooring rates because the proposed rates were too high.

Comment: Temporary mooring rates are too high and affect the yacht brokerages.

Discussion: The majority of the comments received related to the temporary mooring fees.

During the public hearing process, the Department proposed to amend the temporary mooring fees to \$2.00 per foot per day for vessels moored within the harbor and \$1.00 per foot per day for vessels moored offshore.

Because of the amount of input received from the recreational boaters and one commercial yacht brokerage, DOBOR is proposing to reduce the temporary mooring fee for vessels moored within the harbor from the proposed \$2.00 per foot per day to \$1.00 per foot per day. The temporary fee for vessels moored offshore would remain at the proposed rate of \$1.00 per foot per day. A comparison of this fee to other West Coast harbors is on the following page. DOBOR request that the Board approve the temporary fee rate with amendments.

B. Changes to draft rules based on input

DOBOR received the majority of the testimony regarding the temporary mooring fees from the recreational boaters and a limited amount of testimony from commercial operators. DOBOR is recommending a change to rule 13-243-5 by amending the temporary fee for vessels moored within the harbor from the proposed \$2.00 per foot per day down to \$1.00 per foot per day. The proposed offshore mooring rate would remain the same at \$1.00 per foot per day. This change to the reduction in the mooring fee was a direct result of public input received oral and written testimony.

MOORING FEE COMPARISON OF DOBOR PROPOSED RATES
WITHIN HAWAII AND WITH WEST COAST HARBORS

The following fees are based on a 35' vessel. The table reflects the proposed fees to be charged for moorage within a state small boat harbor once the entire fee increase of \$3.47 is implemented compared to what is currently being charged at three private harbors in Hawaii and twelve West Coast harbors under a variety of management styles.

TYPE OF FACILITY	HARBOR	REGULAR MOORING FEE (rates per month)
Hawaii State Small Boat Harbors under DOBOR jurisdiction ¹	Category E, Hawaii Harbors	\$178.15
	Category D, Hawaii Harbors	\$253.75
	Category C, Hawaii Harbors	\$263.20
	Category B, Hawaii Harbors	\$272.65
	Category A, Hawaii Harbors	\$319.90
Private Marinas in Hawaii	Hawaii Yacht Club, HI (Members only ²)	\$280.00
	Waikiki Yacht Club, HI (Members only ³)	\$280.00
	Ko Olina Marina, HI	\$552.88
West Coast Marinas	Santa Barbara Harbor, CA	\$280.30
	Treasure Isle Marina, CA	\$340.00
	Central Marina, CA	\$351.00
	North Basin Marina, CA	\$351.00
	Union Point Marina, CA	\$359.00
	Ballena Isla Marina, CA	\$385.00
	Westport Marina, CA	\$385.00
	Jack London Square, CA	\$401.00
	Peninsula Yacht Marina, CA	\$468.00
	Ventura Isle Marina, CA	\$504.00
	Anacapa Isle Marina, CA	\$564.00
	Cabrillo Isle Harbor, CA	\$690.00

¹ Hawaii State small boat harbors are broken down into five categories, which include:
Category A: Ala Wai; Category B: Keehi, Honokohau, Maalaea, and Lahaina; Category C: Haleiwa, Heeia Kea, Waianae, Nawiliwili, Port Allen, Kailua-Kona, Keauhou, and Manele; Category D: Wailoa, Kikiaola, Kaunakakai, N. Kawaihae, and Kukuiula; Category E: S. Kawaihae, Hana, and Hale O Lono.

² Hawaii Yacht Club regular membership costs include \$600 initiation fee and \$660 annual dues and a required minimum \$75 quarterly spending at the club.

³ Waikiki Yacht Club regular membership costs include \$2000 initiation fee and \$115 monthly dues (\$1380 annual) and a required minimum \$120 quarterly spending on food and beverages.

TEMPORARY MOORING FEE COMPARISON OF DOBOR PROPOSED RATES
WITHIN HAWAII AND WITH WEST COAST HARBORS

The following temporary fees are based on a 35’ vessel. The Department proposes a temporary mooring fee of \$1 per foot per day within a state small boat harbor. The table reflects the proposed rate in comparison to current charges at three private harbors in Hawaii and twelve West Coast harbors under a variety of management styles.

Type of Facility	HARBOR	TEMPORARY MOORING FEE (per day)
Hawaii State Small Boat Harbors under DOBOR ¹	Small Boat Harbor Category E	\$35.00
	Small Boat Harbor Category D	\$35.00
	Small Boat Harbor Category C	\$35.00
	Small Boat Harbor Category B	\$35.00
	Small Boat Harbor Category A	\$35.00
Private Marina’s in Hawaii	Hawaii Yacht Club, HI (guest temporary rates)	\$29.75
	Waikiki Yacht Club, HI (guest temporary rates)	\$52.50
	Ko Olina Marina, HI	\$87.50
West Coast	Treasure Isle Marina, CA	\$35.00
	Ballena Isla Marina, CA	\$35.00
	Peninsula Yacht Marina, CA	\$35.00
	Santa Barbara Harbor, CA	\$42.00
	Central Marina, CA	\$52.50
	North Basin Marina, CA	\$52.50
	Union Point Marina, CA	\$52.50
	Westport Marina, CA	\$52.50
	Jack London Square, CA	\$52.50
	Ventura Isle Marina, CA	\$52.50
	Anacapa Isle Marina, CA	\$52.50
	Cabrillo Isle Harbor, CA	\$52.50


¹ Hawaii State small boat harbors are broken down into five categories, which are as follows: Category A: Ala Wai; Category B: Keehi, Honokohau, Maalaea, and Lahaina; Category C: Haleiwa, Heeia Kea, Waianae, Nawiliwili, Port Allen, Kailua-Kona, Keauhou, and Manele; Category D: Wailoa, Kikiaola, Kaunakakai, N. Kawaihae, and Kukuiula; Category E: S. Kawaihae, Hana, and Hale O Lono.

C. Recommendations for Item H-5:


“That the Board of Land and Natural Resources

1. Grant approval to adopt amendments of Chapter 13-234-1, 13-234-3, 13-234-5, and 13-241-25 of DOBOR’s Hawaii Administrative Rules as amended after public hearings.
2. Authorize the Chairperson, once approved as to form by the Attorney General, to sign for adoption the proposed administrative rules, to submit to the Governor for approval, and to submit to the Office of the Lieutenant Governor for filing.”

Respectfully submitted,


ED R. UNDERWOOD
DOBOR Administrator

Approved for Submittal:


LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources