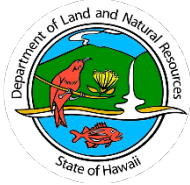


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, March 28, 2023
9:30 AM
State Capitol, Conference Room 430**

**In consideration of
HOUSE CONCURRENT RESOLUTION 25/HOUSE RESOLUTION 27
REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE
OPERATIONS AND MANAGEMENT OF THE DEPARTMENT OF LAND AND
NATURAL RESOURCES' DIVISION OF BOATING AND OCEAN RECREATION.**

House Concurrent Resolution 25/House Resolution 27 requests the Auditor to conduct a comprehensive performance audit of the Division of Boating and Ocean Recreation (DOBOR) of the Department of Land and Natural Resources (Department). **The Department offers the following comments.**

The Department notes that the following management audits have been conducted for the Small Boat Harbor Program:

- 1976: Management Audit of the Recreational Boating Program (under management of the Department of Transportation)
- 1995: Follow-Up on a Study of the Financing of the Small Boat Harbors and Boat Ramps Program of the Department of Land and Natural Resources
- 1998: Audit of the Management of Small Boat Harbors and Boat Ramps
- 2001: Audit of the Management of State Boating Facilities by the Department of Land and Natural Resources

A financial audit of DOBOR is conducted every year. Additionally, the following financial audits and reviews have been conducted by the Legislative Auditor for the Small Boat Harbor Program:

- 1986: Financial Audit of the Boating Program (under management of the Department of Transportation)
- 2000: Financial Audit of the Department of Land and Natural Resources
- 2006: Financial Audit of the Department of Land and Natural Resources

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
FIRST DEPUTY

M. KALEO MANUEL
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

- 2009: Department of Land and Natural Resources – June 30, 2008 Financial Statements and Single Audit Report
- 2010: Department of Land and Natural Resources – June 30, 2009 Financial Statements and Single Audit Report
- 2014: Review of Special Funds, Revolving Funds, Trust Funds, and Trust Accounting of the Department of Land and Natural Resources
- 2018: Review of Special Funds, Revolving Funds, Trust Funds, and Trust Accounting of the Department of Land and Natural Resources
- 2019: Department of Land and Natural Resources – June 30, 2017 Financial Statement

When the Small Boat Harbor Program was transferred from the Department of Transportation to the Department in 1991, the Department received the then-\$300 million backlog of deferred maintenance projects, which include capital improvement projects (CIP) and repair & maintenance (R&M) projects. Adjusted for inflation, the deferred maintenance balance in 1991 dollars is equivalent to approximately \$660 million in 2023 dollars. As of the date of this testimony, the deferred maintenance balance of the Small Boat Harbor Program is approximately \$300 million; this equates to roughly half of the deferred maintenance being addressed, adjusted for inflation, since the Small Boat Harbor Program was first transferred to the Department in 1991. While the Department has been able to incrementally decrease the deferred maintenance balance of the Small Boat Harbor Program over the years, inflation, rising costs, and severe underfunding have hindered DOBOR's ability to fully clear the deferred maintenance backlog.

It is important to note that DOBOR's statutory mandate, contained in Section 200-3, Hawaii Revised Statutes, includes operation of both the Small Boat Harbor and the Coastal Areas Programs, which expands DOBOR's jurisdiction to include ocean recreation activity management in ocean waters out to three nautical miles from shore. DOBOR is unable to adequately manage ocean recreation activity due to having to focus the majority of its staff and funding on the Small Boat Harbor Program.

If the Legislature is concerned with improving DOBOR's management strategies, the Department recommends allowing DOBOR to implement its 2019 Strategic Plan, which calls for Public-Private Partnerships for state small boat harbors as an improved management tool. The Department notes that DOBOR has not been able to fully implement the goals highlighted in its 2019 Strategic Plan because the necessary legislation has continually failed to pass the Legislature.

Mahalo for the opportunity to provide comments on these measures.

An open testimony

(Note: This testimony has been published on the Hawaii Ocean News website so that all of Hawaii might be aware of its existence.)

Regarding [HR27](#):

REQUESTING THE AUDITOR TO CONDUCT A COMPREHENSIVE MANAGEMENT AUDIT OF THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Testimony submitted by:

Katherine Lindell
Honolulu, Hawaii
Katherine@HawaiiOceanNews.com

On: March 27, 2023

Testimony

In a 2001 audit of the DLNR's Division of boating and Ocean Recreation,

“. . . the Auditor found that the boating program's mismanagement and neglect have allowed facilities to deteriorate to the point where the continued use of the facilities threatens public safety, as many facilities needed major repairs”

“The Auditor also found that many of the problems facing the Division of Boating and Ocean Recreation stemmed from poor planning, an insufficient fee structure, paying a disproportionate share of the Department's enforcement expenses, and funding programs with special fund monies that should be supported by general funds and that little had changed since these deficiencies had been reported in prior audits”

Not only has nothing changed since 2001, DOBOR's administrator, Ed Underwood has taken things to the next level by choosing to repeatedly lie to legislators and BLNR board members alike in a charade designed to make it appear as though DOBOR has been victimized by circumstance and should be held harmless for the catastrophic condition of Hawaii's boating scene and recreational boating facilities around the state. (Ref: [HERE](#), [HERE](#), [HERE](#), [HERE](#)).

Upgrades, repairs, maintenance, and security in Hawaii's 14 harbors – especially in Hawaii's largest publicly-owned harbor, the Ala Wai Small Boat Harbor (AWSBH) – has been nearly non-existent, for years on end. Clearly a deliberate ploy to help rationalize DOBOR's wish-list privatization of our public harbor system, the DLNR, at DOBOR's urging, painted a picture for the legislature and the media of a harbor system that was filled with drug addicts, miscreants and "low-lives" – when in fact many harbor residents are college educated and productive taxpayers – and THEY, the harbor residents themselves, were the reason why the public's harbor system was in such a shambles.

The boating community has had enough of the abuse heaped upon them for years-on-end by Underwood's DOBOR, and DEMAND a thorough, independent audit of DOBOR operations and finances.

Further, we would suggest here that auditors have a closer look at, 1) the, what appears to be, fraudulent "appraisal" that DOBOR used to rationalize the near-instant doubling and trebling of mooring rates in §13-234 (2019); 2) the fraudulent basis for ridiculous flat-rate electrical fees being charged boaters at the AWSBH and elsewhere; and 3) the fraud inherent to the charging of boaters for access to the liveaboard lists at the AWSBH and Keehi Small Boat Harbor and then renegeing on passing out any of the dozens of permits available.

And lastly, upon completion of the audit and its inevitable conclusion, we demand that Mr. Underwood be promptly relieved of his position as DOBOR administrator before he does any more harm to boaters in this state.

We strongly support this Measure.

Katherine Lindell
Honolulu, Hawaii

HR-27

Submitted on: 3/26/2023 4:03:07 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
keone downing	Individual	Support	Written Testimony Only

Comments:

Chair Inouye and committee members, I strongly support HR 27 having DOBOR do a comprehensive audit. All State agencies should be held accountable for their actions which is best for the State.

This is long overdue. There are so many practices within DOBOR that are questionable in serving the publics interest.

HR-27

Submitted on: 3/27/2023 8:33:32 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Samantha Lara	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Samantha Lara and I am a patron of the state boat harbors. I have a boat moored at Keehi Small Boat Harbor. The state of the harbors leaves much questioning as to how the harbors are being managed. I fully support an operations and management audit of the state harbors. I will also add here that I feel strongly that the current management attempts to paint a picture that the harbors are not making enough money to fund proper upkeep and repairs, however, countless slips are left empty with people on waiting lists for both a slip and a liveaboard permit. The liveaboard permits would generate much income for the state harbors and create a sense of community with the harbor residents. I hope the audit takes into account how much money is currently not being generated with the way the management is handling the waiting lists. Also, to be clear, people are paying to be on a liveaboard waiting list that the management has no intention of issuing out more liveaboard permits. Many questions have not been answered by DOBOR in regards to their proposed bills and plans forward and I feel strongly an operations and management audit would help clear up some of those questions in efforts to be more informed.

HR-27

Submitted on: 3/27/2023 8:34:19 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
jaynee howe	Individual	Support	Written Testimony Only

Comments:

Please ensure a proper audit is conducted.

HR-27

Submitted on: 3/27/2023 8:46:33 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ROBERT DUERR	Wailoa River and Reeds Bay Boating and USers Association 501(c)3	Comments	Written Testimony Only

Comments:

Strongly support HR27 DOBOR Performance Audit

HB1089 SB1387 RELATING TO A STATE BOATING FACILITY LEASE PILOT PROGRAM. Instead command that DOBOR accounts for the Special Boating Fund informs the public of their strategic plan to lease harbors.

We must remember that Hawaii is an ocean state and that access to the sea is the life blood of the citizens of Hawaii. Hawaii harbors are used by lawai'a, fisher folk who want sustainable food security for the Hawaii's ocean ohana. These are rights protected in the Hawaii Constitution.

In 2019 the Department of Boating and Ocean Recreation eliminated its obligation to promote fishing from HRS statutes. Now in HB1089 SB1387 they want to privatize boating and avoid legislative scrutiny. All the while neglecting to inform Hawaii citizens, ocean users, boaters and fishers of their intentions. It's not the first time.

Boating wants out of boating as stated in DOBOR's "Modernizing Ocean Recreation Management in Hawai'i Strategic Action Plan 2019." DOBOR Administrator Ed Underwood vision is that all state small boat harbors will become Public-private partnerships. In this document with suspect accounting standards DOBOR claims that boating lost over \$2 million dollars in 2018.

DOBOR's Underwood at the 6/14/19 BLNR meeting to raise boating rates stated "2018 the mooring program operated a two million dollar loss. And as the first half of this fiscal year the mooring program is operating at a one point six million dollar loss. So we're nowhere near keeping up with just basic break even right now. We're relying on other fees from other sources. Um, that the money we get from the uh, fuel tax, the land lease rents, all the other fees we collect are all pooled into the special funds and that's what's keeping the, the harbor is running right now."

Where's the accountability. When small boat harbors were transferred from DOT to DLNR in 1991 by Act 272 the Boating Special Fund went with it. This Boating Special Fund is to allow small boat harbors to be sustainable. Its funds are generated from tate boating program is paid for by the Special Boating Fund. Where is the accounting for these funds? Where is the financial support that this privatization will help and not hurt or hinder Hawaii Boating.

DOBOR says boating is broke. DOBOR's Underwood at the 6/14/19 BLNR meeting to raise boating rates stated "2018 the mooring program operated a two million dollar loss. And as the first half of this fiscal year the mooring program is operating at a one point six million dollar loss. So we're nowhere near keeping up."

Underwood claimed at the same meeting that it has to fund boating shortfalls: "We're relying on other fees from other sources. Um, that the money we get from the uh, fuel tax, the land lease rents, all the other fees we collect are all pooled into the special funds and that's what's keeping the, the harbor is running right now."

DLNR Chair Suzanne Case in her testimony against House Bill 1299 (HB1299), which proposed to repeal various non-general funds and transfer unencumbered balances to the credit of the general fund, Case said "HRS §248-8 establishes the Boating Special Fund. Funding is derived from fees collected for the use of the state small harbors, commercial activities occurring in state waters, property leases, vessel registration fees, federal funds, fuel tax revenue, and other fees associated with the boating and ocean recreation program. The purpose of the fund is to fund the State small boat harbor and coastal area programs.

Mr Underwood apparently doesn't realize that to fund boating he doesn't have to rely on fuel tax revenues because they should be applied to boating.

The other reason DOBOR wants out of boating is more money. "But the boom in ocean recreation, the weather, and Hawai'i's landscape and culture - the engine that keeps Hawai'i's economy healthy - does not result in a windfall in funding for DLNR or DOBOR," says the DOBOR Strategic Action Plan.

The way for DOBOR to exit boating is by leasing public harbors. Remember that in 2019 there was another DOBOR pilot harbor lease proposal. House Bill 1032 to lease Lanai's Manele Small Boat Harbor passed the state House and Senate. Lanai is 98% owned by Larry Ellison who is a world class yachtsman and America's winner. Would a 100 billionaire be good for Manale Small Boat Harbor? We'll never know there was no public discussion. The Governor vetoed HB1032 saying that it lacked public input.

If you can't manage Boating administration what makes DOBOR think they can become a commercial lease operator?

DOBOR has admitted in it Strategic Action Plan is that they are not able efficiently operate a statewide boating program. What they have not admitted is that their track record is terrible at leasing state facilities.

The failed Ala Wai Small Boat Harbor HoneyBee USA Wedding Chapel lease negotiation took ten years to negotiate unsuccessfully and cost boaters over \$500,000.

A Kona Honokohau Harbor lease was another disaster costing boaters \$423,000. DOBOR didn't allow the tenant to inspect the property before signing the lease. When the tenant inspected the property they found that it was not as advertised.

BLNR described this DOBOR lease blunder in their July 2020 meeting agenda:
“INTRODUCTION Division of Boating and Ocean Recreation manages state small boat harbors. harbors, including Honokohau SBH on the Big Island, a few miles from the Kona Airport. DOBOR leases land at the harbor to various tenants including Pacific Marine Partners LLC. PMP has a number of claims against DOBOR. We are recommending settlement in the amount \$423,000 for the reasons and on the terms stated in this submittal.”

Where’s the transparency? DLNR’s State Parks and Division of Aquatic Resources both engaged the public with issues. State parks when they sought a strategic direction and DAR with their Holomua 30x30 reef conservation proposal. There has been no DOBOR outreach to the boating community or public on DOBOR’s strategic plan to incrementally privatize small boat harbors or to eliminate fishing from it’s duties.

A DOBOR performance audit should look into the chart of accounts for the Special Boating Fund.

A DOBOR audit should include the public. Statewide public hearings on the audit findings and sharing the status of the Special Boating Fund and the DOBOR strategic plan to eliminate boating from the Department of Boating and Ocean Recreation would be a start.

Lawai’a are concerned about food security. Boating Kupuna since the 1950s have known that a sustainable boating program with unrestricted access to sea is critical for Hawaii. DOBOR says that boating is broke and that public harbors should be outsourced.

Once gone they will never come back.

Mahalo.

Robert Duerr

Wailoa River and Reeds Bay Boating and Users Association 501(c)3

Hilo, Hawaii

HR-27

Submitted on: 3/27/2023 8:55:18 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Hallahan	Individual	Support	Remotely Via Zoom

Comments:

Dear Representatives, I strongly support Bill HR27.

Since this Bill HR27 is written as an audit with a nearly 2 year time span, please require a mid-way public informational session in the legislature to review the process the audit is being conducted. We need to make sure the processes will meet the intent of this bill.

Can you add revenue earned from the film industry permits. Also, how they secure the parking for the film industry, and other restrictions for the film industry. Can the commission review the revenue earned to sell food in the Ala Wai Harbor parking spaces. Can all food permits revenue be reviewed, as well?

Though this two year period of time is important, it could also lead to irreparable damage from actions by the State Division of Boating and Ocean Recreation in the interim. It is hard to take a price tag on the current damages that are being done right now.

I recommend these changes: Hawaii State ethic review reports need to be completed in one year from the County or State. The Ethics Boards must report directly to Senators and the Governor's office for immediate action or criminal investigation. For example please watch Rick Robinson Ethics Board member:

Ethics Board member Rick Robinson criticized the conduct of state official Edward Underwood, the administrator of the Division of Boating and Ocean Recreation (DOBOR), during a meeting in Hilo Tuesday

<https://www.youtube.com/watch?v=UEB8UFalVDI>

<https://www.bigislandvideonews.com/2017/05/09/video-ethics-board-member-slams-dobor-admin/>

Ethics Board Member Slams DOBOR Admin (May 9, 2017)

It has been a long time since any major actions have been done to stop the harmful actions of the State Division of Boating and Ocean Recreation. Thank you for this needed oversight of the State Division of Boating and Ocean Recreation in Bill HR27.

HR-27

Submitted on: 3/27/2023 9:22:32 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Huntmer	Individual	Support	Written Testimony Only

Comments:

I have submitted testimony in support of this measure and continue to support the effort to have a performance audit of DOBOR. Mahalo

HR-27

Submitted on: 3/27/2023 9:22:57 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kate Thompson	Individual	Support	In Person

Comments:

I strongly support HR 27 and its companion bill SCR 224.

Please pass HR27 : REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE OPERATIONS AND MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF BOATING AND OCEAN RECREATION.

For the past 15 years, DOBOR continues to print 'Strategic Plans' with no measurable goals, by date or measurable criteria. For example, a measurable goal for the Ala Wai Harbor would be would be:

1. All slips are repaired and in rentable order: No more than 7 of the 700 slips can be can be in a condemned status at any given time to meet this 'metric'. The measurable goal date December 1, 2023.

Why are we allowing the State employees at DOBOR, who have made so many poor stewardship decisions regarding the contracts in our recreational harbors work as the 'real estate agents' offering State land and harbors in long term leases to for profit corporations?

The financial part of the review needs to go back to 2011, for all harbors.

The first physical place to inspect is the fuel dock at the Ala Wai Small Boat Harbor, non-operational since 2010. We have waited 12 years, and the poor contracts have lead to this.

DOBOR needs more oversight, not less.

Thank you House of Representative Legislators. Your work on this bill is very important. The public deserves to know IF recreational harbor privatization is acually financially necessary. If a pilot program starts it could be for one 'marina supporting' land lot at a time, like the fuel dock.

As legislators, you are quite possibly saving ocean access for Hawaii's residents, for generations to come.

Mahalo for your interest in State Recreational Harbors.

Kate Thompson

My sailboat is moored at Ala Wai Boat Harbor, katet@me.com

A founding member of www.Surfparking.org, kate.thompson@surfparking.org

**Testimony of
SCOTT F. ALLEN**

**Before the House Committee on
Water and Land**

**Tuesday, March 27, 2023
9:00 A.M.**

State Capitol, Conference Room 430

**In consideration of
HOUSE RESOLUTION 27
REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE
OPERATIONS AND MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL
RESOURCES' DIVISION OF BOATING AND OCEAN RECREATION**

I support this resolution wholeheartedly.

My level of support for the audit of DOBOR can best be illustrated through a story from this legislative session.

During questioning from this committee in regard to HB 1089, DOBOR's administration indicated that because they don't think harbor permittees should be allowed to live on their vessels, they stopped issuing available liveaboard permits 4 years ago. (Link to WAL Hearing @ timev stamp 49:01 <https://www.youtube.com/live/!Pi5kf1sznA?feature=share&t=2941>)

Refusing to issue revenue generating permits in harbors that continually have a waitlist of people willing to pay double the base mooring rate for the right to live on their boat makes me question the judgment of current DOBOR Administration.

This decision alone would have resulted in a loss of millions of dollars in permit fees over the years which could have gone into our special boating fund to maintain harbor infrastructure. *(Note: approximation assumes 90 unissued permits between Keehi SBH and Ala Wai SBH; average vessel length of 36ft; over a 4 year period: **loss of \$2,021,760 to special boating fund**).*

Furthermore, I would like to call attention to DOBOR's treatment of state residents living in the harbor system. While the former Governor called for an eviction moratorium and rental relief programs were put into place during the pandemic, DOBOR not only sought and obtained legislative approval to drastically increase the rent of those living on their vessels at state boat harbors, but they simultaneously implemented an increase to late fees for inability to pay. These actions led to many low-income or

unemployed residents having their homes repossessed by the state during. These homes were then destroyed using state funds.

I support this audit, however I would also like to caution that many in the harbor community believe DOBOR has been deliberately mismanaging the harbors to support their clear desire for privatization. Refusal to issue available permits at the expense of revenue which would improve the harbors may support this claim. An audit should take this into consideration and not let potential mismanagement result in turning over public assets to private interests. Those interested in considering what other forms of public governance and management of harbors could look like need look no further than the Port of Seattle.

Thank you for this opportunity to submit testimony in support of this resolution. I will remain available for questions.

HR-27

Submitted on: 3/27/2023 10:08:45 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Haley Greene	Individual	Support	Written Testimony Only

Comments:

I support HR27 to complete a comprehensive audit of the Division of Boating and Ocean Recreation (DOBOR). I visit the Ala Wai Boat Harbor often for recreation and the aging infrastructure is clearly noticeable. The facilities at the harbor are also unusable most of the time due to poor maintenance and unsanitary conditions. Mahalo for your attention to this issue.

HR-27

Submitted on: 3/27/2023 10:14:31 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katarina Ruiz	Individual	Support	Written Testimony Only

Comments:

I strongly support HR 27 and its companion bill SCR 224.

Please pass HR27 : REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE OPERATIONS AND MANAGEMENT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF BOATING AND OCEAN RECREATION.

For the past 15 years, DOBOR continues to print 'Strategic Plans' with no measurable goals, by date or measurable criteria. For example, a measurable goal for the Ala Wai Harbor would be would be:

All slips are repaired and in rentable order: No more than 7 of the 700 slips can be can be in a condemned status at any given time to meet this 'metric'. The measurable goal date December 1, 2023.

Why are we allowing the State employees at DOBOR, who have made so many poor stewardship decisions regarding the contracts in our recreational harbors, work now as the 'real estate agents' offering State land and harbors in long term leases to for-profit corporations?

The financial part of the review needs to go back to 2011, for all harbors.

The first physical place to inspect is the fuel dock at the Ala Wai Small Boat Harbor, non-operational since 2010. We have waited 12 years, and the poor contracts have lead to this.

DOBOR needs more oversight, not less.

Thank you House of Representative Legislators. Your work on this bill is very important. The public deserves to know IF recreational harbor privatization is acually financially necessary. If a pilot program starts it could be for one 'marina supporting' land lot at a time, like the fuel dock.

As legislators, you are quite possibly saving ocean access for Hawai'i's residents, for generations to come.

Mahalo for your interest in State Recreational Harbors.

HR-27

Submitted on: 3/27/2023 10:44:16 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
MARILYN JOHNSON	Individual	Support	Written Testimony Only

Comments:

I will repeat what I wrote in Testimony to the Senate SCR 224.

I strongly support that DOBOR have a comprehensive management audit. I am shocked to learn that there has not been such an audit since 2001.

Perhaps that explains why DOBOR is so ineffective at its designated task - management of ocean recreation for the benefit of the people. We lease a slip, and so I pay close attention to how DOBOR operates. The bureaucracy is shocking. Sometimes I observe rules being bent to help some people avoid the bureaucracy. Maybe that's good, because the bureaucracy is so horrible. But the correct action is to remove the waste and corruption.

It's small things, like the printed pieces of paper that must be filed each year to renew a lease, and those pieces of paper contain the same information we submitted in the prior year on other pieces of paper. Why cannot lease holders just acknowledge there has been no change since the prior year and request the lease be renewed? It can take hours to renew our lease each year because we must provide paper with a signature in blue ink. Why?

It's frustrating things, like DOBOR's inability to properly track received payments, requiring leaseholders to make multiple calls to get DOBOR accounting straightened out. Most people who answer the phone are friendly, but the problem is not fully resolved, requiring another phone call.

It's the lack of accountability, like certain employees that are supposed to be doing maintenance, but instead sit in their truck looking at their phone for the amount of time that the task should take to get done - and then driving away without doing the work, e.g. bathrooms not being cleaned. I'm not saying every employee does that, but I have observed it more than once over the years.

It's the lies, such as the rate increase a few years ago that was based on claims that amenities exist at a facility so a rent increase was needed to be more inline with charges at California marinas with similar amenities, when in fact, those amenities that DOBOR claims to be available have been inoperable for years from lack of maintenance. And they still are inoperable years after the rate increase went into effect.

It's the corruption, like those cases exposed after federal agents did an investigation into various DOBOR agent behaviors.

It seems as if DOBOR as an organization has lost focus that one of their tasks is providing useable ocean recreation to the people. A management audit will determine whether it's the recreational boaters who expect too much, or the agency that does too little to support ocean recreation.

To those DOBOR employees who do their job well, I say thank you. I hope a management audit and the resultant corrective action plan will make the work for good employees be more rewarding. It's tough on people who care about their job to have to work among bureaucracy, corruption and waste.

A final thought - I actually thought twice before submitting this testimony for fear of retaliation by someone in DOBOR or DOCARE - that should never ever be the case when a resident files a legitimate complaint with the government.

HR-27

Submitted on: 3/27/2023 12:19:42 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Nierode	Individual	Support	Written Testimony Only

Comments:

I strongly SUPPORT passage of HR27, requesting an audit of DLNR Division of Boating and Ocean Recreation (DBOR).

As a recreational boater in Hawaii I am constantly baffled by the indifference of DBOR regarding both boaters and the general public. The physical and managerial condition of our boating facilities is a blight upon our State, repulsing the boaters who use them and the public (tourists) who observe them. Hawaii should be a major draw (\$) to boaters and ocean users from around the world, but instead DBOR drives us away.

Harbors and facilities are not maintained, rules are inconsistently applied or ignored, employees are left to act in their own personal interests . . . the list of grievances goes on and on.

Please PASS HR27, and let DBOR face the auditors.

Mahalo!