

STATE OF HAWAII
Department of Land and Natural Resources

December 11, 2009

Attachment 1

Small Business Regulatory Review Board pre-hearing Recommendation

September 29, 2009 Memorandum from SBRRB Chairperson, Lynne Woods
October 14, 2009 Letter from DBEDT Director, Theodore E. Liu

45763



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

RECEIVED

No. 1 Capitol District Building, 250 South Hotel Street, 4th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2594
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October 14, 2009

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

COPY

To: The Honorable Linda Lingle
Governor of Hawaii

From: Theodore E. Liu *MML*

Subject: REVIEW OF HAWAII ADMINISTRATIVE RULES
Department of Land and Natural Resources (DLNR)
Governor's Referral: 09:1002215

DBEDT has reviewed the DLNR request for a public hearing on the amendments to: HAR Chapter 13-146, entitled "Hawaii State Park System," HAR Chapter 13-234, entitled "Small Boat Harbors," HAR Chapter 13-241, entitled "Boating," HAR Chapter 13-121, entitled "Hunting", and adoption of new HAR Chapter 13-126 entitled "Wildlife Sanctuaries" (repeals HAR Chapter 13-125).

These rule amendments are critical for the implementation of the Recreational Renaissance Plan B.

The Small Business Regulatory Review Board reviewed the proposed amendments, and unanimously recommended that they proceed to public hearing. Upon review, DBEDT believes that the small business impact is minimal and concurs that the amendments should proceed to public hearing.

c: Laura Thielen, Chairperson, BLNR

45642



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594
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MEMORANDUM

Linda Lingle
Governor

Theodore E. Liu
Director, DBEDT

Mark K. Anderson
Deputy Director, DBEDT

Members

Lynne Woods
Chairperson
Maui

Charles Au
Vice Chairperson
Oahu

Richard Schnitzler
2nd Vice Chairperson
Hawaii

Dorvin Leis
Maui

Donald Dymond
Oahu

Peter Yukimura
Kauai

Sharon L. Pang
Oahu

Bruce Bucky
Oahu

David S. De Luz, Jr.
Hawaii

TO: Laura Thielen, Chairperson
Board of Land and Natural Resources

FROM: Lynne Woods, Chairperson
Small Business Regulatory Review Board

DATE: September 29, 2009

SUBJECT: REVIEW OF HAWAII ADMINISTRATIVE RULES
HAR Chapters 13-233 and 13-234, "Small Boat Harbors" and
HAR Chapter 241, "Boating"

DEPT OF LAND
& NATURAL RESOURCES
STATE OF HAWAII
Lynne Woods

Thank you for attending the Small Business Regulatory Review Board (SBRRB) meeting on September 23, 2009. Pursuant to Chapter 201M, HRS, and the Governor's Administrative Directive No. 99-02, this memorandum is in response to the Department of Land and Natural Resources' (DLNR's) proposed amendments to HAR Chapters 13-233 and 13-234, "Small Boat Harbors," and HAR Chapter 241, "Boating."

Please be advised that upon review and discussion from you and Mr. Edward Underwood of DLNR's Division of Boating and Ocean Recreation, the SBRRB members unanimously recommended that the proposed rule amendments proceed to public hearing. Please also note that during the discussion, clarification of the following amendment is needed:

§13-234-1 General statement. (a) (3) (A) Schedule A shall include existing mooring holders with an annual increase toward schedule B rates of twenty percent per year;

Thank you for keeping the Review Board apprised of the regulatory changes at DLNR.

cc: The Honorable Linda Lingle
Edward Underwood, Division of Boating and Ocean Recreation, DLNR
Richard Schnitzler, SBRRB Second Vice Chair & Discussion Leader

66146

SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594
Fax 808 586-2572

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MEMORANDUM

December 1, 2009

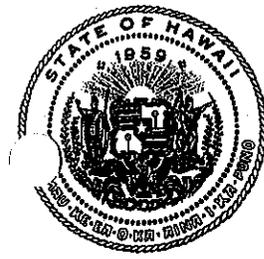
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

TO: Laura Thielen, Chairperson
Board of Land and Natural Resources

FROM: Lynne Woods, Chairperson
Small Business Regulatory Review Board

SUBJECT: REVIEW OF HAWAII ADMINISTRATIVE RULES
HAR Chapter 13-121, "Rules Regulating the Hunting of Wildlife
on Public Lands and other Lands"

Lynne Woods



Linda Lingle
Governor

Theodore E. Liu
Director, DBEDT

Mark K. Anderson
Deputy Director, DBEDT

Members
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Chairperson
Maui

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L. Dymond
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Oahu

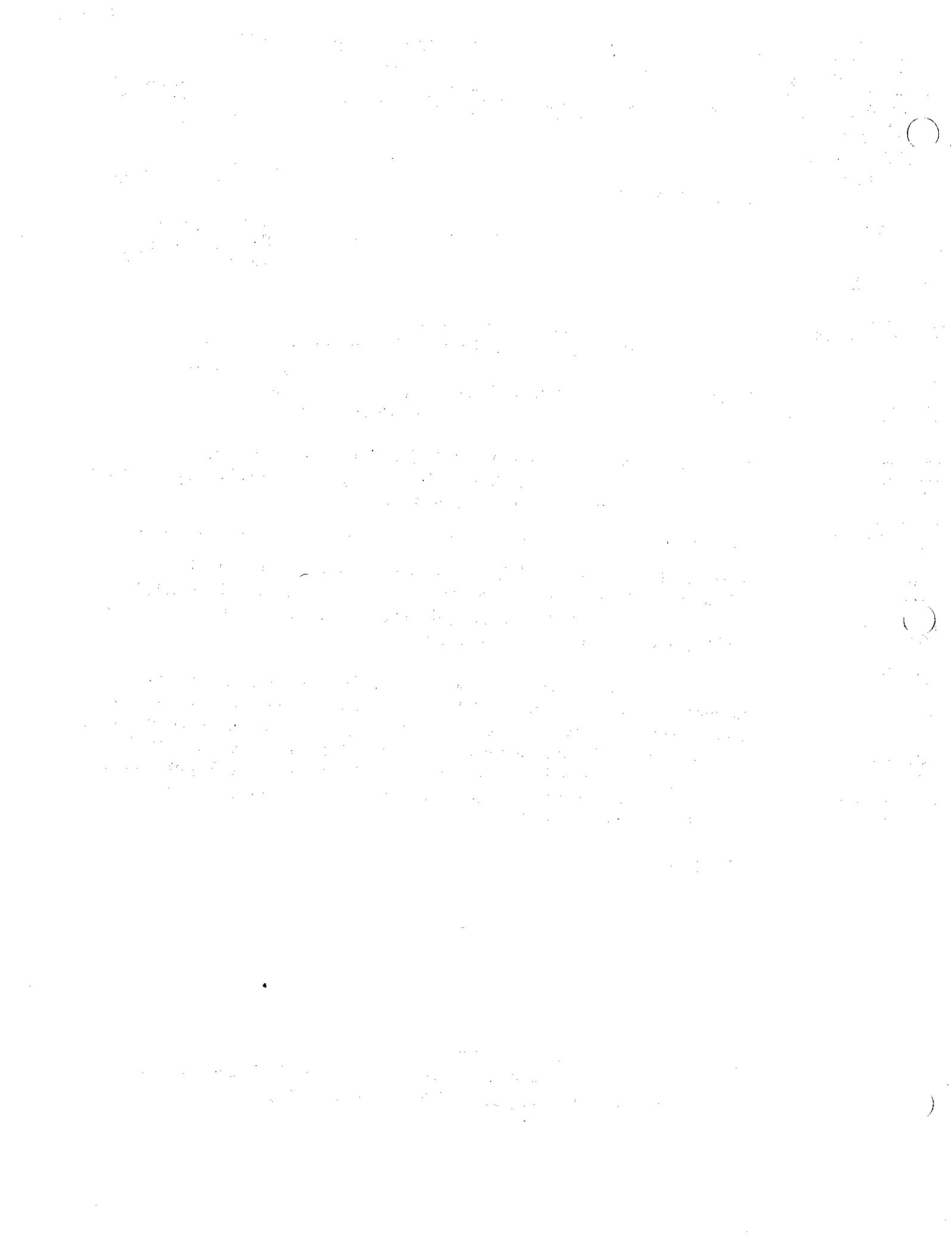
David S. De Luz, Jr.
Hawaii

The Small Business Regulatory Review Board members appreciate your attending the board meeting held on November 18, 2009 to discuss HAR Chapter 13-121, "Rules Regulating the Hunting of Wildlife on Public Lands and Other Lands," after public hearing.

Upon review and discussion of the rules, the Review Board members unanimously recommended that the proposal proceed through the proper channels for adoption. Please note that during the meeting, it was suggested that in order to influence small business development, the Land Board be encouraged to research the opportunity to create public/private partnerships as private businesses may be able to operate various locations much more cost effectively than the State.

Thank you.

cc: The Honorable Linda Lingle
Paul Conry, Administrator, Forestry and Wildlife Division, DLNR
Scott Fretz, Forestry and Wildlife Division, DLNR





SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594
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09 DEC -3 48:08

MEMORANDUM

December 1, 2009

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Linda Lingle
Governor

Theodore E. Liu
Director, DBEDT

Mark K. Anderson
Deputy Director, DBEDT

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Kauai

Sharon L. Pang
Oahu

Bruce Bucky
Oahu

David S. De Luz, Jr.
Hawaii

TO: Laura Thielen, Chairperson
Board of Land and Natural Resources

FROM: Lynne Woods, Chairperson
Small Business Regulatory Review Board

SUBJECT: REVIEW OF HAWAII ADMINISTRATIVE RULES
Repeal of HAR Chapter 13-125, "Wildlife Sanctuaries," and
Adoption of HAR Chapter 13-126, "Wildlife Sanctuaries"

Thank you for attending the Small Business Regulatory Review Board meeting held on November 18, 2009 to discuss the repeal of HAR Chapter 13-125, and the adoption of HAR Chapter 13-126, both entitled "Wildlife Sanctuaries."

Upon review and discussion of the proposed rules after public hearings, the Review Board members unanimously recommended that the proposals proceed through the proper channels for adoption.

Thank you.

cc: The Honorable Linda Lingle
Paul Conry, Administrator, Forestry and Wildlife Division, DLNR
Scott Fretz, Forestry and Wildlife Division, DLNR

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is scattered across the page and does not form any recognizable words or sentences.]

RULE-MAKING CHECKLIST
FOR
"SMALL BUSINESS STATEMENT" AFTER PUBLIC HEARING
(§ -3, Section 2, Act 168, Session Laws of Hawaii 1998)

DEPARTMENT OR AGENCY: Department of Land and Natural Resources
Chapter and Title: Title 13, Chapter 146
Name and Phone Number of Contact Person: Dan Quinn, 587-0292

1. Summarize how the comments or testimonies from small business were solicited.

Public Hearings:

Kauai: Tuesday, November 3, 2009 at 6pm; Chiefess Kamakahahei Middle School Cafeteria, 4431 Nuhou Street, Lihue, HI 96766;

Molokai: Tuesday, November 3, 2009 at 6pm; Mitchell Pauole Center, 90 Aiona St., Kaunakakai, HI 96748;

Hawaii: Tuesday, November 3, 2009 at 6pm; Hilo State Office Building, Conference room A, 75 Aupuni St., Hilo, HI 96720;
Wednesday, November 4, 2009 at 6pm; Old Kona Airport Pavilion, 75-5480 Kuakini Highway, Kailua-Kona, HI 96740;

Maui: Wednesday, November 4, 2009 at 6pm; Seaflight Building, 101 Maalaea Boat Harbor Road, Maalaea, Maui, HI 96753;

Lanai: Thursday, November 5, 2009 at 5pm; at the Lanai Senior Center, 309 Seventh St., Lanai City, Lanai, HI 96763;

Oahu: Monday, November 9, 2009 at 6pm; Jefferson Elementary School Cafeteria, 324 Kapahulu Ave., Honolulu, HI 96815.

Written comments submitted via mail at DLNR, Attn: Recreational Renaissance Rules, P.O. Box 621, Honolulu, HI 96809 or e-mail at RecreationalRenaissance@hawaii.gov

2. Summarize the written and oral comments or testimonies received from the public and small business regarding any proposed rule that affects small business.

None from commercial businesses¹. A few members of the public indicated that a new fee imposed at State Parks would result in less spending by the park visitor (presumably in the amount of the fee).

3. Summarize the department's or agency's response to the comments and testimonies received in Item 2.

State Parks recommends no changes to the rule amendment. Rule amendment regarding entry fees does not set a rate. The rule amendment provides the Land Board with the authority to establish the entry fee rates. Setting rates of entry fees and park locations will be made at a Land Board meeting open to the public and noticed in accordance with the sunshine law (Chapter 92, HRS).

4. How many persons attended the public hearing(s)?

Total attendance at Recreational Renaissance Plan B rule public hearings (includes DOBOR and DOFAW rules too).

Number of people that attended:

Kauai:	79	people signed the attendance sheet.
Molokai:	10	people signed the attendance sheet.
Hilo:	31	people signed the attendance sheet.
Kona:	20	people signed the attendance sheet.
Maui:	39	people signed the attendance sheet.
Lanai:	8	people signed the attendance sheet.
Oahu:	77	people signed the attendance sheet.

¹ State Parks held discussions (outside of the public hearing context) with tour bus companies regarding the Land Board approved parking fees for commercial uses, which is not part of the rule amendments. During discussions on implementing parking fees, businesses mentioned their preference for an entry fee model where the user pays instead passing the cost on to the tour buses. No commercial businesses submitted oral or written testimony regarding the proposed rule amendments, not even for the rule amendment allowing the Land Board to establish park entry fees.

5. How many persons orally testified at the public hearing(s)?

Total number of persons presenting oral testimony at the Recreational Renaissance Plan B rule public hearings (includes DOBOR and DOFAW rules too).

Number of people who orally testified at the hearing:

Kauai:	29
Molokai:	7
Hilo:	17
Kona:	6
Maui :	6
Lanai:	1
Oahu:	21

Number of oral testimony specific to State Park rules:

Kauai:	17 (with others inferring opposition to S. P. fees)
Molokai:	0
Hilo:	2
Kona:	1
Maui:	2
Lanai:	1
Oahu:	3

6. How many persons submitted written comments or testimonies in response to the proposed rule?

47 persons submitted written comments via mail or e-mail.

Of which all commented about park fees at specific locations, 6 comments were in support of fees to go to improvements to state parks; 23 were opposed to fees at a specific park location; and 18 non-residents submitted testimony opposing the idea of paying to go to the beach.

7. If there was a request to change the proposed rule at the public hearing in a way that affects small business and no change was made, explain why the request was not accepted.

We did not receive any comments claiming that the State Park rule amendments impacted small businesses.

(NOTE: This statement may be included in the memorandum to the Governor requesting approval of the final rule after public hearing.)

RULE-MAKING CHECKLIST
FOR
"SMALL BUSINESS STATEMENT" AFTER PUBLIC HEARING
(§ -3, Section 2, Act 168, Session Laws of Hawaii 1998)

DEPARTMENT OR AGENCY: Department of Land and Natural Resources
Chapter and Title: Title 13, Chapter 234-1, 234-3, 234-5, and 241-25
Name and Phone Number of Contact Person: Ed Underwood, 587-1967

1. Summarize how the comments or testimonies from small business were solicited.

Public hearings were held in each district (Kauai, Maui, Hawaii, and Oahu) and are listed below. Public Hearing dates/locations:

Kauai: Tuesday, November 3, 2009 at 6pm; Chiefess Kamakahelei Middle School Cafeteria, 4431 Nuhou Street, Lihue, HI 96766;

Molokai: Tuesday, November 3, 2009 at 6pm; Mitchell Pauole Center, 90 Aiona St., Kaunakakai, HI 96748;

Hawaii: Tuesday, November 3, 2009 at 6pm; Hilo State Office Building, Conference room A, 75 Aupuni St., Hilo, HI 96720;
Wednesday, November 4, 2009 at 6pm; Old Kona Airport Pavilion, 75-5480 Kuakini Highway, Kailua-Kona, HI 96740;

Maui: Wednesday, November 4, 2009 at 6pm; Seaflight Building, 101 Maalaea Boat Harbor Road, Maalaea, Maui, HI 96753;

Lanai: Thursday, November 5, 2009 at 5pm; at the Lanai Senior Center, 309 Seventh St., Lanai City, Lanai, HI 96763;

Oahu: Monday, November 9, 2009 at 6pm; Jefferson Elementary School Cafeteria, 324 Kapahulu Ave., Honolulu, HI 96815.

Written comments were received at the public hearings and submitted via mail at DLNR, Attn: Recreational Renaissance Rules, P.O. Box 621, Honolulu, HI 96809 or e-mail at RecreationalRenaissance@hawaii.gov.

2. Summarize the written and oral comments or testimonies received from the public and small business regarding any proposed rule that affects small business.

Public input was received from small business and recreational boaters within the State during each of the above-described public hearings. Interested persons gave testimony to the Department of Land and Natural Resources pursuant to section 91-6, Hawaii Revised Statutes, and section 13-1-26, Hawaii Administrative Rules. Through the course of the public hearings, small businesses provided testimony (oral and written) with the main concerns revolving around the proposed increase to the mooring fees throughout State Small Boat Harbors.

The proposed amendments that affect small business are Section 13-234-3 and Section 13-234-5, which relates directly to the proposed mooring fee increase. Commercial operators expressed concern that if the mooring fee was increased the monthly amount they are required to pay would be too substantial and it would be difficult to pay the increased fee. Commercial boating permitted operators within the State of Hawaii pay 3% of their gross receipts or twice the mooring fee, whichever is greater. Commercial businesses paying twice the mooring fee would have an increase in the monthly commercial mooring rates.

One person representing a yacht brokerage on Oahu testified that the increase in the temporary mooring rates would have a detrimental effect on their ability to sell boats because the new owner would need to be on a temporary mooring until a permanent slip was offered. Their testimony acknowledges that rates may need to increase but the proposed amount of \$2.00/ft/day for a slip was too much.

3. Summarize the department's or agency's response to the comments and testimonies received in Item 2.

13-234-3 and Section 13-234-5: Pertaining to Mooring Rates

The table below provides an example of how mooring rates for a 30-foot commercial vessel would increase incrementally from the current rates over a five-year period in all categories of mooring. (Commercial rates will still be twice the mooring fee, or 3% of their gross income, whichever is greater.) The table below shows the calculation of the proposed increase of mooring rates as the "commercial rate." As you can see, this is actually a modest fee increase with the maximum commercial rate being category "B" at \$467.40 per month for a 30-foot

vessel at the end of the five-year period. As such, DOBOR recommends no change to the rule amendment that increases the regular mooring fee.

Category ¹	Current Commercial Rate	Year 1	Year 2	Year 3	Year 4	Year 5
"A"	No commercial					
"B"	\$259.20	\$301.20	\$343.20	\$385.20	\$427.20	\$467.40
"C"	\$243.00	\$285.00	\$327.00	\$369.00	\$411.00	\$451.20
"D"	\$226.80	\$268.80	\$310.80	\$352.80	\$394.80	\$435.00
"E"	\$97.20	\$139.20	\$181.20	\$223.20	\$265.20	\$305.40

Monthly mooring rate calculated for a 30' commercial vessel

13-234-5: Pertaining to Temporary Mooring Rates

Temporary mooring rates primarily affect recreational vessels in that temporary moorings prohibit commercial operations loading or unloading of paying passengers in a Harbor and limit the stay of the vessel.

Testimony indicated there may be some indirect impacts on businesses, such as the impact on sales for the Ala Wai Yacht Brokerage and other commercial operators that may use a temporary mooring for emergency/repair stops on an occasional basis.

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/ft/day down to \$1.00/ft/day. The proposed offshore mooring rate would remain the same at \$1.00/ft/day.

13-241-25: Pertaining to Registration Fees

DOBOR does not recommend any changes to the proposed registration fees.

¹ Category "A," Ala Wai;
 Category "B," Keehi Lagoon, Honokohau, Maalaea, and Lahaina;
 Category "C," Haleiwa, Heeia Kea, Waianae, Nawiliwili, Port Allen, Kailua-Kona, Keauhou, and Manele;
 Category "D," Wailoa, Kikiaola, Kaunakakai, North Kaunakakai, and Kukuiula;
 Category "E," South Kawaihae, Hana, and Halo O Lono.

4. How many persons attended the public hearing?

Total attendance at Recreational Renaissance Plan B rule public hearings (includes SP and DOFAW rules too).

Number of people that attended:

Kauai:	79	people signed the attendance sheet.
Molokai:	10	people signed the attendance sheet.
Hilo:	31	people signed the attendance sheet.
Kona:	20	people signed the attendance sheet.
Maui:	39	people signed the attendance sheet.
Lanai:	8	people signed the attendance sheet.
Oahu:	77	people signed the attendance sheet.

5. How many persons orally testified at the public hearing?

Total number of persons presenting oral testimony at the Recreational Renaissance Plan B rule public hearings (includes SP and DOFAW rules too).

Number of people who orally testified at the hearing:

Kauai	29
Molokai	7
Hilo	17
Kona	6
Maui	6
Lanai	1
Oahu	21

Number of oral testimony specific to DOBOR rules:

Kauai	11
Molokai	7
Hilo	12
Kona	4
Maui	6
Lanai	1
Oahu	12

6. How many persons submitted written comments or testimonies in response to the proposed rule?

45 persons submitted written comments via mail or e-mail.

7. If there was a request to change the proposed rule at the public hearing in a way that affects small business and no change was made, explain why the request was not accepted.

As stated in question #3 above, the proposed mooring fee increase is modest and actually represents the actual cost of operating the small boat harbors.

(NOTE: This statement may be included in the memorandum to the Governor requesting approval of the final rule after public hearing.)

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and identify any discrepancies.

4. The second part of the document outlines the procedures for handling and storing financial records.

5. Records should be organized in a systematic manner to facilitate easy access and retrieval.

6. Appropriate security measures should be implemented to protect the confidentiality and integrity of the data.

7. The final part of the document provides a summary of the key points and offers recommendations for further improvement.

8. It is recommended that the organization review these procedures periodically to ensure they remain up-to-date and effective.

9. The document concludes by emphasizing the importance of transparency and accountability in financial reporting.

10. Overall, the document aims to provide a comprehensive guide for managing financial records and ensuring compliance with relevant regulations.

RULE-MAKING CHECKLIST
FOR
"SMALL BUSINESS STATEMENT" AFTER PUBLIC HEARING
(§ -3, Section 2, Act 168, Session Laws of Hawaii 1998)

DEPARTMENT OR AGENCY: Department of Land and Natural Resources
Chapter and Title: Title 13, adoption of Chapter 126 which appeals Chapter
125

Name and Phone Number of Contact Person: Paul Conry, 587-4182

1. Summarize how the comments or testimonies from small business were solicited.

Meetings:

Two meetings and 5 phone conversations were held with two companies running commercial tour operations and renting kayaks for transit to offshore wildlife sanctuaries. Those companies and meetings were as follows:

Two Good Kayaks, Kailua. Bob Twogood. October 28, 2009.
Kailua Sailboards and Kayaks. Egmar Klemmer. October 28, 2009.

Public Hearings:

Kauai: Tuesday, November 3, 2009 at 6pm; Chiefess Kamakahelei Middle School Cafeteria, 4431 Nuhou Street, Lihue, HI 96766;
Molokai: Tuesday, November 3, 2009 at 6pm; Mitchell Pauole Center, 90 Aiona St., Kaunakakai, HI 96748;
Hawaii: Tuesday, November 3, 2009 at 6pm; Hilo State Office Building, Conference room A, 75 Aupuni St., Hilo, HI 96720;
Wednesday, November 4, 2009 at 6pm; Old Kona Airport Pavilion, 75-5480 Kuakini Highway, Kailua-Kona, HI 96740;
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Lanai: Thursday, November 5, 2009 at 5pm; at the Lanai Senior Center, 309 Seventh St., Lanai City, Lanai, HI 96763;
Oahu: Monday, November 9, 2009 at 6pm; Jefferson Elementary School Cafeteria, 324 Kapahulu Ave., Honolulu, HI 96815.

Written comments submitted via mail at DLNR, Attn: Recreational Renaissance Rules, P.O. Box 621, Honolulu, HI 96809 or e-mail at RecreationalRenaissance@hawaii.gov

2. Summarize the written and oral comments or testimonies received from the public and small business regarding any proposed rule that affects small business.

Comments from public hearing, mail, and e-mail:

Forty seven (47) comments were received in writing or at the public hearings. Of those:

Thirty seven (37) expressed strong support for the draft rules to implement responsible management to protect biological and cultural resources and restrict human access to reduce impacts. Among those, one person also recommended that no commercial activity be allowed at Kapapa.

Five (5) people testified with concerns on restrictions on the use of Kapapa Islet for recreation. Of those, three expressed general support for the rules but recommended that camping be allowed and that the department establish a community partnership for management. The other two (2) opposed the additional of Kapapa to the rules and imposition of any restrictions.

Five people testified with concerns about commercial fees for kayaks using the sanctuaries. Two (2) of these were the largest commercial vendors that operate out of Kailua, Oahu. Both expressed general support for the rules but had concerns about impacts to their businesses and had suggestions to address those concerns. We established a dialogue with them and met with them to revise the rules to minimize impacts to their businesses. One (1) person expressed support for the commercial fees. One (1) person opposed fees for rental kayaks that were not part of a guided tour. One (1) person opposed all fees.

The concerns identified by the two commercial kayak vendors were:

1. Fees for rental kayaks were too high.
2. There was a separate fee for landing at each of neighboring islands of Popoia and Mokulua Islet that would be visited on a single trip.
3. Visitor limits per day are too low for Popoia and Mokulua Islet.
4. The commercial use permit needs to be transferable to a new agency owner.

3. Summarize the department's or agency's response to the comments and testimonies received in Item 2.

The overwhelming public response to the sanctuary rules was support for the rules to protect native resources and restrict human use and impacts.

With regard to commercial fees, commercial users are by far the largest users in terms of numbers and impacts to the islands. The purpose of the commercial fee system is to collect an entry fee from that user group, as authorized under §§183D-3(1) and (4), that will be used to regulate use, manage the sanctuaries, and offset impacts from users.

The changes that address the commercial users comments are:

1. Fees for rental kayaks were too high. The draft rule is being revised to lower costs for rental kayaks to be \$3 per single passenger kayak (versus \$5 in draft), and \$6 per double passenger kayak (versus \$10 in draft).
2. There was a separate fee for landing at each of neighboring islands of Popoia and Mokulua Islet that would be visited on a single trip. The rules will be clarified that a single fee will apply for landing at both Popoia and Mokulua Islet.
3. Visitor limits per day are too low for Popoia and Mokulua Islet. The rules will be revised to change and increase the daily use to 200 vessels per day. That will meet the current high season needs of the commercial users.
4. Commercial use permits need to be transferrable. We met with the 2 commercial users and clarified under the current draft rule that the commercial use permit is not an exclusive use permit for the current vendors, it can be applied for and obtained by any new owner in case the business is sold or transferred.

4. How many persons attended the public hearing?

Total attendance at Recreational Renaissance Plan B rule public hearings (includes State Parks and DOBOR rules.)

Number of people that attended:

Kauai:	79	people signed the attendance sheet.
Molokai:	10	people signed the attendance sheet.
Hilo:	31	people signed the attendance sheet.
Kona:	20	people signed the attendance sheet.
Maui:	39	people signed the attendance sheet.
Lanai:	8	people signed the attendance sheet.
Oahu:	77	people signed the attendance sheet.

5. How many persons orally testified at the public hearing?

Total number of persons presenting oral testimony at the Recreational Renaissance Plan B rule public hearings (includes State Parks and DOBOR rules.)

Number of people who orally testified at the hearing:

Kauai:	29
Molokai:	7
Hilo:	17
Kona:	6
Maui:	6
Lanai:	1
Oahu:	21

Number of oral testimony specific to DOFAW wildlife sanctuaries rules:

Kauai:	1
Molokai:	0
Hilo:	0
Kona:	1
Maui:	0
Lanai:	0
Oahu:	7

6. How many persons submitted written comments or testimonies in response to the proposed rule?

41 persons submitted written comments via mail or e-mail.

7. If there was a request to change the proposed rule at the public hearing in a way that affects small business and no change was made, explain why the request was not accepted.

The changes suggested or concerns identified were addressed or clarified.

(NOTE: This statement may be included in the memorandum to the Governor requesting approval of the final rule after public hearing.)



RULE-MAKING CHECKLIST
FOR
"SMALL BUSINESS STATEMENT" AFTER PUBLIC HEARING
(§ -3, Section 2, Act 168, Session Laws of Hawaii 1998)

DEPARTMENT OR AGENCY: Department of Land and Natural Resources
Chapter and Title: Title 13, amendment of Chapter 121, Rules Regulating
the Hunting of Wildlife on Public Lands and Other
Lands. Regarding Public Shooting Ranges.

Name and Phone Number of Contact Person: Paul Conry, 587-4182

1. Summarize how the comments or testimonies from small business were solicited.

Meetings:

Met with the a Hawaii Island Public Shooting Range Working Group representative on October 21, 2009 and with the entire Working Group on November 4, 2009.

Public Hearing dates/locations:

Kauai: Tuesday, November 3, 2009 at 6pm; Chiefess Kamakahahei Middle School Cafeteria, 4431 Nuhou Street, Lihue, HI 96766;
Molokai: Tuesday, November 3, 2009 at 6pm; Mitchell Pauole Center, 90 Aiona St., Kaunakakai, HI 96748;
Hawaii: Tuesday, November 3, 2009 at 6pm; Hilo State Office Building, Conference room A, 75 Aupuni St., Hilo, HI 96720;
Wednesday, November 4, 2009 at 6pm; Old Kona Airport Pavilion, 75-5480 Kuakini Highway, Kailua-Kona, HI 96740;
Maui: Wednesday, November 4, 2009 at 6pm; Seaflight Building, 101 Maalaea Boat Harbor Road, Maalaea, Maui, HI 96753;
Lanai: Thursday, November 5, 2009 at 5pm; at the Lanai Senior Center, 309 Seventh St., Lanai City, Lanai, HI 96763;
Oahu: Monday, November 9, 2009 at 6pm; Jefferson Elementary School Cafeteria, 324 Kapahulu Ave., Honolulu, HI 96815.

Written comments submitted via mail at DLNR, Attn: Recreational Renaissance Rules, P.O. Box 621, Honolulu, HI 96809 or e-mail at RecreationalRenaissance@hawaii.gov

2. Summarize the written and oral comments or testimonies received from the public and small business regarding any proposed rule that affects small business.

Comments from public hearing, mail, and e-mail:

Eight (8) comments were received in writing or at the public hearings.

Of those:

Eight (8) expressed strong support for developing public shooting ranges.

Two (2) members of the Hawaii Island Public Shooting Range testified with concerns that the draft rules contain restrictions on the potential recreational uses that can be authorized on public shooting ranges and may be counterproductive to securing a concessionaire or hunting club that would operate the facility in the future. They opposed prohibitions on hunting when range operations would not interfere with hunting activities, prohibitions on camping, prohibitions on use of alcohol if a future concessionaire opted to provide food and beverages on site, prohibitions on explosive devices if a law enforcement agency choose to train with these devices at the range, prohibitions on fires to allow campers to have fires, prohibitions on animals in case gun owners have pets.

There are no current small businesses operating at public shooting ranges, therefore there is no current affect on small businesses.

3. Summarize the department's or agency's response to the comments and testimonies received in Item 2.

The public response was support for establishing public shooting ranges.

With regard to prohibitions that may affect a future concessionaire, the department is proposing changing the draft rules to allow prohibited activities when authorized by the Board or its designated representative. The Board could authorize a concessionaire or operator to permit those activities as part of their business and operational plan.

4. How many persons attended the public hearing?

Total attendance at Recreational Renaissance Plan B rule public hearings (includes State Parks and DOBOR rules.)

Number of people that attended:

Kauai:	79	people signed the attendance sheet.
Molokai:	10	people signed the attendance sheet.
Hilo:	31	people signed the attendance sheet.
Kona:	20	people signed the attendance sheet.
Maui:	39	people signed the attendance sheet.
Lanai:	8	people signed the attendance sheet.
Oahu:	77	people signed the attendance sheet.

5. How many persons orally testified at the public hearing?

Total number of persons presenting oral testimony at the Recreational Renaissance Plan B rule public hearings (includes State Parks and DOBOR rules.)

Number of people who orally testified at the hearing:

Kauai:	29
Molokai:	7
Hilo:	17
Kona:	6
Maui:	6
Lanai:	1
Oahu:	21

Number of oral testimony specific to DOFAW public shooting range rules:

Kauai:	2
Molokai:	0
Hilo:	3
Kona:	1
Maui:	0
Lanai:	0
Oahu:	0

6. How many persons submitted written comments or testimonies in response to the proposed rule?

8 persons submitted written comments via mail or e-mail.

7. If there was a request to change the proposed rule at the public hearing in a way that affects small business and no change was made, explain why the request was not accepted.

As stated in item #2, there are no current small businesses operating at public shooting ranges, therefore there is no current affect on small businesses; nevertheless, the request to change proposed rule to provide flexibility for future concessionaire was accepted.

(NOTE: This statement may be included in the memorandum to the Governor requesting approval of the final rule after public hearing.)