

STATE OF HAWAII  
Department of Land and Natural Resources

December 11, 2009

Attachment 3

Staff Summary of Oral Testimony Received at Public Hearings

The date and location of each meeting is listed below with a summary of attendance. Copies of the staff notes for each meeting are on the following pages in the order summarized below.

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

79 individuals signed in; 29 individuals testified.

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

11 individuals signed in, 8 individuals testified

**Hawaii:** **Tuesday, November 3, 2009 at 6pm;** Hilo State Office Building, Conference room A, 75 Aupuni St., Hilo, HI 96720;

32 individuals signed in; 17 individuals testified.

**Wednesday, November 4, 2009 at 6pm;** Old Kona Airport Pavilion, 75-5480 Kuakini Highway, Kailua-Kona, HI 96740;

22 individuals signed in; 6 individuals testified.

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

32 individuals signed in, 6 individuals testified

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

8 individuals signed in, 1 individual testified

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

77 individuals signed in, 21 individuals testified.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**LIHUE, KAUAI  
November 3, 2009**

**Hearing started: 6:15 p.m.  
Hearing closed: 8:36 p.m.**

**79 individuals signed in, 29 individuals testified**

Two (2) people supported DOFAW shooting ranges. Nine (9) people expressed opposition to the proposed DOBOR fees. The primary concern was entry fees for Kokee State Park with sixteen (16) people specifically expressing (and others inferring) opposition. Several people suggested the State consider other sources of funding for the parks, including a fee associated with rental cars. There was general testimony to the effect that the DLNR does not understand or listen to the Kauai community.

Other concerns and issues raised regarding State Park Rules were:

- The section related to Historic Property and Burial Sites, 13-146-11 is too weak
- Opposition to entry fees at Haena
- Concern for access to hunting areas
- Concern that Section 13-145-10 does not allow people to transit a park with a horse
- Support for the change to 146-40 regarding motorized vehicles
- A number of people commented that any revenues collected through fees should stay in the park where collected, or at least stay on Kauai
- Fees collected will lead to increased visitation to generate more revenue

There were a number of comments related to the Kokee-Waimea Canyon State Park Master Plan; a comment regarding enforcement at Polihale; a reference to the proposal years ago to create a National Park; and staff was served with a Cease and Desist Order by the Polynesian Kingdom of Atooi.

Concerns and issues raised regarding DOBOR rules were:

- The new fees will drive commercial operators out of business
- The temporary mooring fees are excessive
- Some said they wouldn't mind paying more if facilities and services were provided
- Concerns were raised about where the revenue is used; need to keep it on Kauai

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**KAUNAKAKAI, MOLOKAI  
November 3, 2009**

**Hearing started: 6:17 p.m.  
Hearing closed: 7:08 p.m.**

**11 individuals signed in, 8 individuals testified**

Five (5) individuals testified against the proposed amendments to 13-234 and 13-241 regarding DOBOR mooring fee increases. However, one of the five did speak in support of DOBOR's fee increases to support the on-line vessel registration system and maintenance of the vessel registration database. Two individuals stated that the recently replaced catwalk at Kaunakakai Small Boat Harbor is inadequate and unsafe.

Two (2) individuals opposed amendments to HAR 13-146 pertaining to collection of entry fees. One of the two individuals also stated that cost to collect the fees would exceed income. The other individual opposed collection of fees in general, called for public hearing prior to establishment of any agreement on a concession and opposed the establishment of the (DLNR) Chairperson as the authority setting entry fees. This individual also expressed interest in knowing which parcels of land on Molokai will be used by DLNR's Land Division for revenue generation as part of the Recreational Renaissance Plan B.

No testimony was submitted on DOFAW's proposed rule amendments.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**HILO, HAWAII  
November 3, 2009**

**Hearing started: 6:12 p.m.  
Hearing closed: 7:33 p.m.**

**32 individuals signed in, 17 individuals testified**

*Prior to the Public Hearing, DOBOR Hawaii staff conducted an informal informational meeting that started at 5 p.m.*

Twelve (12) individuals testified against the 13-234 and 13-241 DOBOR rule changes, the previously approved new insurance requirement and mooring fees at Reed's Bay. There was no support for any of the rule changes – and only a few constructive comments on changing the non-rule issue of vessel insurance and the type of insurance to reflect the size and type of vessel and to respond to vessel removal. There were comments against and relating to numerous aspects of DOBOR administration that was not directly related to the proposed rule changes, and the perception that there was a lack of public information disseminated on the proposed changes.

Three (3) individuals testified in support of the 13-121-2 DOFAW Shooting Range rules – with amendments related to eliminating the listed prohibitions and several restrictions and instead have allowable activity be negotiated in a lease or concession. One of these individuals suggested a new chapter specific to shooting ranges rather than amending 13-121.

Two (2) individuals testified against any entrance or parking fees at Akaka Falls State Park (13-146-5 (3)) and expressed the desire to adopt the park to support maintenance.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**KONA, HAWAII  
November 4, 2009**

**Hearing started: 6:12 p.m.  
Hearing closed: 7:01 p.m.**

**22 individuals signed in, 6 individuals testified**

*Prior to the start of the Public Hearing, DOBOR Hawaii staff conducted an informal public informational meeting that started at 5 p.m.*

Three (3) individuals testified in staunch opposition against the 13-234 and 13-241 DOBOR rules, the non-rule vessel insurance requirements and one person stated opposition to the Rec Ren and expressed the perception that multiple rule hearings violates administrative procedures. There were a variety of comments directed against DOBOR administration and a perception of a lack of boater involvement in policy development. There were comparison so to superior mainland boating faculties and that fees were applied to better facilities.

One (1) individual testified in favor of the 13-121-2 DOFAW Shooting Range rules, which had also testified in Hilo with the same amendments that had been previously submitted to eliminate several restrictions and allow greater latitude for management by a lease or concession

One (1) individual testified in favor of 13-126 DOFAW Wildlife Sanctuary rules but requested an amendment that would allow for bicycle use under certain conditions.

One (1) individual testified with several vague references to being opposed to all of the rule changes and specifically felt there was a lack of recognition of cultural values in the rules and a general assertion that regulations interfere with the practice of native tenant religion at cultural sites.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**LANAI CITY, LANAI  
November 5, 2009**

**Hearing started: 5:15 p.m.  
Hearing closed: 5:46 p.m.**

**8 individuals signed in, 1 individual testified**

One (1) individual testified against the proposed amendments to 13-234 and 13-241 regarding DOBOR mooring fee increases. This individual also expressed concern over Maui commercial operators bringing tourists to Lanai beaches, the lack of information available for Lanai boaters about the Day-Use Mooring Program and pending DOFAW rule changes that would affect bag limits on Mouflon Sheep.

No testimony was submitted on the State Parks proposed rule amendments.

No testimony was submitted on DOFAW's proposed rule amendments.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**MAALAEA, MAUI  
November 4, 2009**

**Hearing started: 6:17 p.m.  
Hearing closed: 6:36 p.m.**

**32 individuals signed in, 6 individuals testified**

Two (2) individual testified against the proposed amendments to 13-234 and 13-241 regarding DOBOR mooring fee increases. A third individual did not express support or opposition but said he would like the revenue generated from the fee increase to stay in the harbors generating those revenues and also stated that he would have preferred the increase to be implemented when the economy was better. A forth individual said he does not oppose the fee increase but wants to see improvements in the harbor and would like to see a timetable for improvements.

One (1) individual opposed amending HAR 13-146, stating that he was shocked to discover the parking entrance fee for select parks will become an entrance fee. That individual, and two others (total of three) suggested that DLNR delay implementation of any plans for Makena State Park until the master plan for the area can be completed. Traffic, security, protection of the sand dunes, parking and new roads were issues raised.

One individual expressed support of DLNR's plans for public/private partnerships.

No testimony was submitted on DOFAW's proposed rule amendments.

**PUBLIC HEARING FOR DLNR  
HAWAII ADMINISTRATIVE RULE AMENDMENTS  
RELATING TO RECREATIONAL RENAISSANCE PLAN B**

**HONOLULU, OAHU  
November 9, 2009**

**Hearing started: 6:17 p.m.  
Hearing closed: 8:44 p.m.**

**77 individuals signed in, 21 individuals testified**

Three (3) individuals against any entrance fees at State Park (13-146-5 (3)). One of those also commented in concerned about the landscaping at Makapuu Point that died.

Seven (7) individuals testified on the wildlife sanctuaries rules. Five (5) individuals testified on the wildlife sanctuaries rules affect on Kapapa Island specifically. One (1) individual testified in favor of 13-126 DOFAW Wildlife Sanctuary rules. Two (2) of those individuals, including the one in support, commented that the kayak permit should apply to the public in addition to the commercial rentals and tours. However, one of the two supporting permits for general users also mentioned a concern that changing the kayak rules would affect the tourism industry.

Six (6) individuals testified against the 13-234 and 13-241 DOBOR rule amendments, opposition to the boating fee increases in general.

Three (3) individuals testified in support of the increase of permanent mooring slips, but also commented that the temporary rates proposed were too high.

In total, seven (7) individuals testified that the temporary rates proposed in the harbors was too excessive and two (2) suggested that the temporary rate phase in like the permanent mooring fees proposed.

There were a variety of comments asking if their time was being well spent and directed against DOBOR administration and a perception of a lack of boater involvement in policy development.

One (1) individual testified to being opposed to all of the rule changes under Recreational Renaissance Plan B and specifically felt the boating fees were an exorbitant increase and that the Boating and Ocean Recreation program should focus on filling all vacant slips to gain revenue.

In total, three (3) suggested that DOBOR look to filling slips to gain revenues. One mention was made that neighbor islands should offer permanent slips and not just temporary moorings.