

Attachment 4

Written Testimony Received at Public Hearings, Mail, or E-mail

Arrangement of the written comments is by the specific rules the comments address.

General Comments addressing multiple items

State Parks: 13-146,

DOFAW: 13-121, Public Shooting Ranges, or
13-126 replacement of 13-125, Wildlife Sanctuaries.

DOBOR: portions of 13-234 and 13-241, and



David Smith
<kawika.smith@earthlink.net>

To RecreationalRenaissance@hawaii.gov

cc

11/19/2009 03:47 PM

bcc

Subject Rules revision

Wildlife Rules:

I support the proposed wildlife sanctuary rules revision.

I support a highly protective rule that provides protection and priority for seabirds and native ecosystem protection, and minimizes other non-compatible uses of the islands.

Closing islands at night is good.

Being able to regulate commercial use is essential, both guided tours and rental kayaks. This should be done in such a way as to generate revenue for management of offshore islands and other wildlife sanctuaries.

Fees generated should go back into the program to help manage the islands.

State Parks:

I strongly support entry fees for state parks. National park entry fees in Hawaii are \$10/vehicle. Locals should be charged an entry fee along with visitors. Even a nominal amount, such as a dollar/person would be better than nothing. I would be glad to pay \$5/car to get into a state park. Put the money generated directly back into the state park system.

Harbors:

The proposed fees seem exorbitant. High visitor fees penalize inter-island cruising.

All fees and revenue from harbor lands should go directly back into the harbors.



Jim Thompson
<losekos@hotmail.com>
11/19/2009 09:05 PM

To <recreationalrenaissance@hawaii.gov>, lara thielen
<laura.thielen@hawaii.gov>, nathan eagle
<neagle@kauaipubco.com>

cc

bcc

Subject: Bond Sales

Aloha Chair Theilen and Hawaii Legislators,

In reflecting upon the proposed fee increases contained in the Plan B for the Recreational Renaissance, I am left with one question. Had the approximately \$200'000,000 in bond sales been approved in the 2008 session, would the increases in mooring rates have been the same as Plan B, or would the servicing of debt on those bonds have allowed for more modest fee increases?

Are we seeing greater increases in the user fees to fund the Renaissance as a result of the bond sale having been denied by the State Senate?

Were the Senate to approve the bond sale in the next legislative session, would the department be able to realize the improvements while raising user fees only by such amounts necessary to service the debt? Would that servicing of the debt have allowed smaller adjustments in fees than those on the table now?

What I want to know is this: would the bond sale result in more modest rate and fee increases? Or would these same increases have been coming even if the bonds were already approved for sale?

You may recall that I supported the original Renaissance Plan, having published several opinions in newspapers across the state, having submitted supportive petitions, having emailed each member of both the House and Senate Committees, and having testified electronically at the House and Senate hearings. I have even secured preliminary funding and production commitments for a documentary film on the conditions of the parks and harbors and the Department's plans for their restoration. Through our non-profits, our intent has been to air the documentary on OC-16 and the Ocean Channel. This documentary film is at least partly intended to shore up support for the bond sales.

But even some of us who initially supported the Recreational Renaissance are having second thoughts, after being apprised of the drastic nature of proposed increases.

I would like to remain in support of the Department's plans, but may only be able to do so if assured that the bond sale would lessen the short-term cash expectations from harbor user fees.

Mahalo,

James Thompson

Windows Live: [Friends get your Flickr, Yelp, and Digg updates when they e-mail you.](#)

Department of Land and Natural Resources
Attn: Recreational Renaissance Rules
P.O. Box 621
Honolulu, HI 96809

November 18, 2009

Amendments to Chapter 13-234 and Chapter 13-241

I would like to give my full support to the proposed amendments to Chapter 13-234 and Chapter 13-241. DOBOR has needed to increase its fees for many years and this is a step forward. State Boat harbors are for boaters who use their boats not for people that want a cheap place to live or a cheap place to store their boats.

Amendments to Chapter 13-146

I would like to give my full support to the proposed amendments to Chapter 13-146. The Division of State Parks has been underfunded for years. These proposed fees will help our parks sustain themselves in the face of continually increasing visitation. More funding is needed by the Legislature, but this is an important first step.

Amendments to Chapter 121

I would like to give my full support to the proposed amendments to Chapter 13-121. Public shooting ranges serve an important purpose and these rules will help the Department increase the public's access to these facilities.

Chapter 126 – Rules Regulating Wildlife Sanctuaries

I cannot support Chapter 126 as drafted due to the following issues and concerns:

Restricted Wildlife Sanctuaries – Coastal and Offshore

As drafted, access to Restricted Wildlife Sanctuaries (Exhibit 2) is restricted to areas below the "high water mark". Is the Department going to conduct certified shoreline surveys for each island yearly, to validate where the "high water mark" is? Will the "high water mark" be clearly marked with fences or other barriers? How will the public know where the "high water mark" is and where they can and cannot be on the islands?

Without clear demarcation of the "high water mark" the public will not know where they are allowed and where they are not allowed along the shoreline. Additionally the ability to determine the "high water mark" on offshore islands varies depending upon the islands terrain. Many have cliffs and rocky shorelines which make determining where the "high water mark" is difficult.

Using the "high water mark" will make DOCARE's ability to monitor activities on these islands nearly impossible. They will need to know where the "high water mark" is and be able to identify if visitors to these islands are in the "right" or "wrong" area.

Being most familiar with Kapapa Island, birds are not present on the island in the winter months. An alternative would be to close the island during the time that the birds are present and post signage noting the seasonal closure. This is already done at Kanaha Pond on Maui, and thus, there is already a precedent for this type of seasonal closure. This would allow access to the public when birds are not present and protection to the birds when they use the island. This would also give enforcement the ability to clearly determine when people are allowed to be on the island and when they are not. I am not sure if this would work on other islands, but this option should be considered for Kapapa Island.

At Kapapa Island, if the "high water mark" is used only a very small portion of the island will be accessible to the public. Fishing from the island takes place on the rocky cliffs thus this regulation would subsequently ban fishing on the Island.

Commercial Activity

How will the Department enforce commercial activities on coastal offshore islands? How will DOCARE officers know if a kayak or vessel has been rented? I understand the need to regulate commercial activities on offshore islands but the language in Subchapter 3 is too vague and does not go into enough detail as to how commercial activities will be managed and enforced. Commercial activities with tour guides should be encouraged to allow for oversight of commercial visitors' use of these islands.

Commercial activities on coastal and offshore islands should be via kayak only, not by boat or any other type of motorized vessel. The vagueness of Subchapter 3 makes it sound like commercial operators would be able to bring visitors to these islands via motorized vessel. This should not be allowed.

Commercial activity should not be allowed on Kapapa Island or Mokuauia Islet.

I understand that over the past 15+ years several businesses have been established which center on renting kayaks and taking visitors to Popoia Island and Mokunui Islet. These businesses are well established and I understand the economics of having them continue these commercial activities. However, businesses have not been established for commercial activity on Kapapa Island or Mokuauia Islet, and thus commercial activities should not be permitted to be established.

I understand the desire to take some of the pressure off of Popoia Island and Mokunui Islet, but allowing commercial activity to occur on islands that have no commercial activity currently is ludicrous. I have heard that commercial activity would not necessarily begin right away and that these rules give the Department the "option". Instead let managers in the future decide if this should be allowed through the rule making process.

Kapapa Island

In July 1990 the State Legislature placed a moratorium prohibiting expansion of commercial recreation activities in Kaneohe Bay. The 1992 Kaneohe Bay Master Plan clearly outlines how commercial activity will be managed in the Bay. In fact DOBOR is currently in the final stages of updating its rules to be in compliance with the Kaneohe Bay Master Plan. Proposed rule 13-256-73.1 states, "No commercial ocean use activity may be conducted within Kaneohe Bay waters except in accordance with a Kaneohe Bay waters commercial activity use permit issued by the department". The rules go on to further describe the types of commercial activity use permits and where these uses may occur. None of these rules describe commercial kayak operations or the use of the waters surrounding Kapapa Island for commercial activity. Commercial activity on Kapapa Island (Unless (1) done by an existing Kaneohe Bay waters commercial activity use permit and (2) DOBOR rules are changed to expand commercial use areas to include the waters surrounding Kapapa Island) is not allowed by current DOBOR rules, proposed DOBOR rules or by the Kaneohe Bay Master Plan.

Additionally, the Kaneohe Bay Master Plan states that Kapapa Island users "do not want the island overrun with tourists". 17 years later that sentiment has not changed.

If allowed, where will the commercial operations access the Bay from? The only DOBOR harbor in Kaneohe Bay does not allow launching of kayaks from its facility. So how will commercial operators access the island?

Mokuauia Islet

Will commercial activity at Mokuauia Islet be coordinated with State Parks? Mokuauia Islet lies directly off of Malaekahana State Recreation Area, and it is presumed that access would be through the Recreation Area. Will State Parks be receiving a portion of the commercial fees due to the use of the Recreation Area facilities and parking by the commercial operators?

Popoia Island and Mokunui Islet

How does the City & County of Honolulu fit into these commercial activities since currently commercial access to Popoia Island and Mokunui Islet is through Kailua Beach Park and public right-of-ways in Lanikai? For years Kailua residents have complained about kayak trailers blocking residential streets in Lanikai and taking up parking places at Kailua Beach Park. Will these commercial permits incorporate restrictions to address these and other concerns voiced by Kailua residents regarding commercial kayak operations?

Hamakua Marsh and Kawainui Marsh

At Hamakua Marsh and Kawainui Marsh where will commercial activity occur? Exhibit 2 lists where access is restricted but vague on where it will be allowed. A map should be included to allow the public to understand where this commercial activity will take place.

At Kawainui Marsh, the flood retaining wall "trail" is well used by the public and commercial activity should not be allowed on this "trail". Where will commercial operator's park and where will the Marsh be accessed? Will it be through the two heavily used City & County Parks that bound the marsh, or other areas? On many days parking at both City Parks is at capacity and thus commercial operators should not be allowed to take up public parking places. Will access be through the State Park's Ulupo Heiau State Historic Site? How will State Parks benefit from commercial activity at Kawainui Marsh? Additionally, Kailua residents have repeatedly voiced concern over tour buses stopping on Kailua Road to access the Ulupo Heiau State Historic Site. I hope that these proposed commercial permits will take these issues into consideration so that these types of parking issues do not occur.

Permits

Sections 13-126-9 and 13-126-10 outline many important specifications for permits to conduct activities within Wildlife Sanctuaries. Will these specifications be included in commercial activity permits as well? It is surprising that the permit requirements for scientific activities within the Sanctuaries are so well defined yet those for commercial activity permits are not. All of 13-126-9 and 13-126-10 should apply to commercial activity permits especially 13-126-10(d) which states that the "board or its authorized representative may hold a public hearing on an application where determined that the scope of the proposed use or the public interest requires a public hearing." Requiring commercial activity permit holders to hold annual meetings with the community would give the community the chance to raise concerns over commercial activities and give commercial operators a chance to address these concerns. In fact this should be a requirement not an option.

I understand that many of the issues I am raising can (and may) be addressed in the final commercial activity permits. However, the public is left out of the permit drafting process and never gets a chance to comment on permit conditions. The rule making process is the public's only opportunity to have a say in these commercial permits. Thus, it is very important that the specifics of these permits be included in these rules so that the public can have a say in this process.

Fees

Fees for commercial activity permits should be via a sealed bid process. The proposed fees are set way too low for the opportunity that these commercial operators are being given. Commercial activity on these islands is a privilege not a right and fees should be set accordingly.

Thank you for the opportunity to comment on these important rule amendments.

Jennifer Barra


Kailua HI 96734



madmonk@hawaiian.net

11/18/2009 09:08 PM

To RecreationalRenaissance@hawaii.gov

cc

bcc

Subject Comments on plan B

A public meeting was held in Lihue on DLNR's "Plan B" for our small boat harbors, state parks, and state forests. The good sized crowd didn't agree on everything, but they did agree they wanted almost NONE of what DLNR proposed. The one thing I remember there being agreement with was the concept of a shooting range in the state forest. Such a range would give our hunters a chance to practice their marksmanship so they can practice true gun control...hitting what they aim at!

As a new boat owner, I am very much concerned about the sorry state of the small boat harbors. The legislature hasn't adequately funded their maintenance in decades and the bill for the deferred maintenance is coming due. But as a boater in a tight economy, I am also concerned about the proposed mooring rate increases. The cost for dockage along a catwalk in a small boat harbor is scheduled to more than double. Even more disturbing, the cost of anchoring my small boat, say in Hanalei Bay, would skyrocket from a reported \$30 to over \$1,000 per month! \$1,000 per month to anchor (on MY anchor!) a boat that cost me \$5,000? Is the DLNR trying to completely eliminate private recreational boating in Hawai'i? Small moorage increases (perhaps 25%) would be much more appropriate.

A second concern (for both harbors and parks) is whether funds generated from Kaua'i parks and small boat harbors would be used to maintain (dare we hope improve?) our parks and small boat harbors. With a legislature that hasn't seemed to have yet met a special fund they didn't want to raid, can we trust them not to raid our state park improvement fund? Our small boat harbors fund? Can we set up a mechanism so a special fund will be used only for the intended purpose and not the pork du jour? I'm not sure how we can keep legislative hands off DLNR funds!

Sorry, DLNR, but it is time to go back to the drawing board, coming up with a plan that doesn't keep local people from using our state facilities. But keep the shooting range...a small fee could make it self-supporting.



Donald Aten
<daten@hawaii.rr.com>
11/10/2009 09:34 AM

To: RecreationalRenaissance@hawaii.gov
cc
bcc
Subject: DLNR "Back to Basics" proposal

Board of Land and Natural Resources:

I am a citizen and taxpayer who applauds and unequivocally endorses the DLNR "Back to Basics" plan.


It is my view that all individuals and all groups (whether "local" or "tourist") that utilize public services and facilities should pay the full cost of implementing and maintaining those facilities and services (through user fees). Conversely, taxpayers who do **not** utilize these facilities and services should **not** be required to subsidize those who do.

It is my view, too, that the number of protests from users who want these facilities and services to be subsidized by non-users is grossly disproportionate to the number of taxpayers who disagree (albeit silently) with that position.

Donald G. Aten
daten@hawaii.rr.com

Received

NOV 13 2009


Honolulu, Hawaii 96728
7 November 2009

Recreational Renaissance
P.O. Box 621
Honolulu, Hawaii 96809

To Whom it May Concern:

I read the article that was published in the Hawaii Tribune Herald, Hilo, Hawaii on November 4, 2009 with regards to increasing fees and charges for various places and I would like to voice my comment and concerns.

Over the years we have over taxed the tourist. No matter where they go they get ripped off to the tune of Aloha from our local home grown. Now you want to charge them to visit Akaka Falls in Honomu. Tourist bring a lot of money to our state and if we keep charging them for visiting some of our sites, then they will just stop coming here.

I know the state is in a financial crisis but do not blame the tourist for that. It is our elected officials that over spend because that is the only think they are good at. The teachers went on furlough but our wonderful congress did nothing. Did they take a pay cut? No. Why should they. They are of the opinion they know best how to spend our tax dollars and have said so. They consider us that voted for them to be stupid. Well I guess we are as we keep voting them in year after year.

As for Akaka Falls. You want to charge the tourist to take the long grinding walk to view the falls. And while they are there, their cars get broken into. Nice, right? Check our police department and you will find it is not a safe place. Heck, the police will not answer a call to Honomu unless there can come in numbers.

Now lets take a look at Reed's bay. You charge to drop a mooring down. The mooring must meet your standards. There are no facilities. No SECURITY and when you anchor there you take the risk of your boat being stripped clean. The mooring in Hilo sucks. If you want to charge then you put down moorings that will secure boats so as not to allow them to drift. Then you put security to keep these boats safe. (and I do not mean some midnight cowboy that will sleep under the trees). Make the place safe. Then I can see charging a reasonable fee.

We do not have a decent marina. Heck, no marina at all. Why? I know, we live in a tsunami area. So when is the next tsunami? When someone asks for a marina it fall on deaf ears, just like this letter is going to do. You ask for our input and then ignore what we suggest. Like laying pipes in Radio Bay so the water can recycle itself. We know how to fix the problem but your high paying engineers have no clue. All they can think of is how expensive something is going to be. To bad you do not listen to those that use

the harbor and bay. Yes, I have gone to your meetings and it is the same thing over and over.

You are going to build more piers to accommodate the cruise ships. Well that is in the year 2020 but the ships are here now. And with your continued tax increases, fees and charges, they also will leave. We, Hawaii is not a business friendly place to do business.

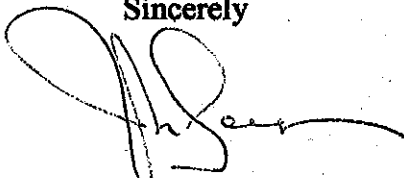
The super ferry is a good example of that. It could have stayed. But that is another problem with the state.

So my question now is are you going to require an environmental impact study before you raise prices and implement new fees and charges? What will be the impact on Akaka falls when you up the price and no one goes there? And what impact will you have when you increase and add more fees to small craft that use our harbors?

Yes, I am against charging tourist that is our number two source of income. I am against doing anything in Hilo Bay or Reeds Bay until you provide safety for the boaters.

Thank you for allowing me to add my two cents for all that it is worth.

Sincerely

A handwritten signature in black ink, appearing to read "John Gallipeau", with a long horizontal flourish extending to the right.

John Gallipeau



ryan sonognini
<ryanadventure2@yahoo.co
m>

11/10/2009 08:50 AM

To RecreationalRenaissance@hawaii.gov

cc

bcc

Subject state recreational land use

I feel that it is not wise to raise the small boat harbor fee's and mark off Kapapa island as "off limits". I grew up in kaneohe and spent many weekends at kapapa island. My father taught me to fish on the back side of that island for Ulua. I believe that too many use the island theses days and some common sense could be used in taking care of it but that is just the old Hawaiian ways dying. No longer do the locals feel it is necessary to take care of the land they use, love and raise families on. If you raise the fees's at small boat harbor's, will you use that money to update and repair the harbors that the moneys are derived from? I doubt it. there are already fees and ABSOLUTELY nothing is done. Now you want to raise the fees and taxes once again. You can't come up with budget shortfalls and just charge us for it. If you were a properly run business, you would have to make sacrifices. Your people have to work harder and accept lay off's. If you were a business right now, you'd have to file bankruptcy. Poor management on your part, don't take it out on us!



<jhisaka@hawaii.rr.com>

10/28/2009 09:21 PM

To RecreationalRenaissance@hawaii.gov

cc

bcc

Subject Proposals

All three proposals seem to be reasonable improvements for the locations named and appear to be helpful for citizens.

Jody Hisaka