

ITEM H-1: REQUEST FOR FINAL APPROVAL TO ADOPT PROPOSED HAWAII ADMINISTRATIVE RULES, CHAPTER 13-146, RELATING TO STATE PARKS SYSTEM

A. Public input and discussion

Comment: Public opposition to parking/entry fees. (§13-146-5)

Discussion: Parking fees are not a provision of the proposed Rule amendments, as the Board currently has the authority pursuant to §13-146-5 to set parking fees and did so at the August 14, 2009 meeting. The proposed Rule amendment is to allow for the Board to now set park entry fees. However, across the state, there was a variety and mixture of comments relating to both parking and entry fees. While there was general opposition to the concept of a user fee collection, particularly on Kauai, there were also comments related to having the fees collected at a specific Kauai park then be dedicated only to that location. On Maui, there was particular concern over parking fees expressed by part-time Mainland residents who have an out-of-state identification but also reside on Maui part-time and frequent Makena Beach State Park, one of the identified State Parks to be subject to a parking fee.

In addition, comments were directed at the method by which fees would be collected, such as opposition to an entry gate station and an assumption of potential traffic issues and a detrimental park experience associated with this type of fee collection infrastructure.

There were comments related to a potential negative impact to visitor patronage associated with visitor only fees, while some members of the public misunderstood that the proposed fees were to be applied only to visitors.

There were a few comments submitted expressing support of entry fee collection – with the rationale that this revenue source is to be collected from the actual users of park facilities rather than the taxpayer who may not use a park.

Comment: Commercial opposition to parking/entry fees. (§13-146-5)

Discussion: As directed by the Board – staff met with tourism and transportation industry agents relating to the setting of parking fees. The commercial tour and transportation industry does not support any additional fees at this time. The commercial sector did understand the dire need for additional revenue to be directed towards the maintenance of park infrastructure, due to the nexus between the quality of the park experience and the satisfaction of their patrons. There was an informal consensus that an

entry fee is preferable to a parking fee for the commercial tour industry. This is the current model in-place at Diamond Head – and reflects the premise that a patron of a commercial tour may be dropped off at a park entrance and then walk in and pay the fee – rather than the commercial entity raising their rates and passing the additional cost to the consumer. During these discussions, there was recognition that when the Board set the parking fees at the Nu’uanu Pali State Wayside, the rate was not commensurate with the reduced rate set for individual visitors in rented automobiles due to a shorter visitation period – this oversight is to be corrected in Item H-2

Comment: Historic Property and Burial Site language was considered insufficient. (§13-146-11)

Discussion: This language brings §13-146 into conformance with and is based on the current Division of Historic Preservation Hawaii Revised Statutes and Hawaii Administrative Rules, thereby improving the regulatory protection of historic sites and burials within State Parks.

Comment: Concern that amendment to §13-146-10 precludes transiting a park with a horse.

Discussion: The intent is to clarify DSP authority to regulate the use of horses in areas where there are no posted venues for riding and to allow for the use of a horse by permit under special conditions in non-posted areas.

Comment: Support of on-line camping reservations and payment via credit card. (§13-146-50)

Discussion: Concur

Comment: Support of amendments to regulation and management of motorized vehicles. (§13-146-40)

Discussion: Concur

B. Changes to draft rules based on input

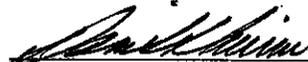
The most prevalent negative response to the proposed Rule amendments was directed toward the setting of entry fees, a common procedure in a majority of National and State Parks across the United States. Therefore, with advances in parking and entry fee technology that are unobtrusive and the fact that visitors are accustomed to entry fees, State Parks recommends no changes resulting from the public testimony to the proposed Rule amendments.

C. Recommendations for Item H-1:

“That the Board of Land and Natural Resources

1. Grant approval to adopt amendments to specific sections as shown in Attachment 6 of Chapter 13-146, of the State Parks System Hawaii Administrative Rules.
2. Authorize the Chairperson, once approved as to form by the Attorney General, to sign for adoption the proposed administrative rules, to submit to the Governor for approval, and to submit to the Office of the Lieutenant Governor for filing.”

Respectfully submitted,



DAN S. QUINN
State Parks Administrator

Approved for Submittal:



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