

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

September 11, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SUBJECT: REQUEST TO APPROVE AND ADOPT AMENDMENT TO HAWAII ADMINISTRATIVE RULES (HAR), TITLE 13, SECTION 146-6 TO SET FEES FOR CAMPING, LODGING, DAY-USE PAVILIONS, PARKING AND ENTRANCE AT STATE PARKS

PURPOSE: The purpose of adding §13-146-6 is to set fees for camping, lodging, day-use pavilions, parking and entrance at State Parks which were previously approved by the Board of Land and Natural Resources

The Rule Amendment can be Reviewed Online at: <http://ltgov.hawaii.gov/the-office/administrative-rules/> or can be reviewed in person at any State Parks District Office from 8:00am to 3:30pm, Monday through Friday, except State holidays. Location and contact information for State Parks' offices is available online at <http://dlnr.hawaii.gov/dsp/>

STATUTORY AUTHORITY: Hawaii Revised Statutes §§ 184-3, 184-5

BACKGROUND:

On April 10, 2015, under agenda Item E-3, the Board of Land and Natural Resources (Board) approved the Division of State Parks' (State Parks) request to initiate rule making regarding an amendment to HAR § 13-146, to add a section to the existing State Parks rules to set fees for camping, lodging, day-use pavilions, parking and entrance at certain parks statewide. The Board's approval included certain amendments to the fee schedule submittal presented by staff at the meeting. A copy of the draft rule amendment as approved by the Board is set forth in Exhibit A, attached hereto.

Upon approval by the Board to proceed to public hearing, State Parks submitted the draft rule amendment to the Small Business Regulatory Review Board for comment at its meeting on May 20, 2015 and received unanimous approval for the rule amendment as written. State Parks also requested approval from the Governor to proceed to public hearing on May 12, 2015, and approval was received on June 5, 2015. On July 10, 2015, State Parks placed legal ads in the Star Advertiser, West Hawaii Today, the Hawaii Tribune Herald, the Maui News and the Garden Island publications in accordance with Chapter 91 HRS notifying the public of the hearings.

Item E-1

State Parks also posted the notice and draft rule amendment on its webpage at <http://dlnr.hawaii.gov/dsp/administrative-rules> and developed an entirely new page dedicated to rule information. As required by law, the State Parks rules webpage is accessible through the Office of the Lieutenant Governor's Administrative Rules page pursuant to §91-3, HRS and the notice of hearing was made in compliance with the statute.

Public hearings were held on August 11, 2015, from 6:00pm to 8:00pm at each of the following locations:

Lihue Neighborhood Center
3353 Eono Street
Lihue, HI 96766

Board of Land and Natural Resources Meeting Room
1151 Punchbowl Street, Rm #132
Honolulu, HI 96813

Waikapū Community Center
22 E. Waiko Road
Waikapu, Maui, HI 96793

West Hawai'i Civic Center
74-5044 Ane Keohokalole Highway
Kailua-Kona, Hawai'i 96740

Hilo State Office Building
Conference Rooms A, B & C
75 Aupuni Street
Hilo, HI 96720

In total, five people signed the attendance sheets for the meetings and all five provided oral testimony. There were three testifiers on Kaua'i and two on O'ahu. There were no testifiers or attendees on Maui, Kailua-Kona and Hilo. No written testimony was received.

On Kaua'i, two individuals testified in favor of the rule amendment, while one commented in general about a lack of parking at Ha'ena State Park. On O'ahu, two individuals testified in favor of the rule amendment stating that the fees represented necessary revenue to operate the parks. There were no other testifiers.

The proposed rule amendment sets in rule what had been previously approved by Board action. Going back as far as 1999, the Board has authorized fees for the State Parks system following cooperation, compromise and outreach with several community groups and commercial tour operators. Setting the fee amounts for camping, lodging, day-use pavilions, parking and entrance at State Parks by rule is consistent with the setting of other fees by the Land Board.

The rule amendment does not infringe upon or limit the public's use of, or access to the State Parks where they are charged, but rather opens the parks for greater public access and further insures parks are adequately maintained. Having considered all the testimony received during the public hearing process for the aforementioned rule amendment, State Parks does not find that any additional amendments to the substantive portions of the proposed rule amendment are necessary and recommends approval of the addition of Section 13-146-6 to set fees as described in this submittal.

RECOMMENDATIONS:

That the Board:

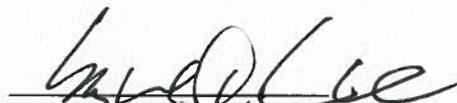
1. Approve and adopt the proposed rule amendment to HAR § 13-146 by adding Section 13-146-6 to set fees for camping, lodging, day-use pavilions, parking and entrance at State Parks as set forth in Exhibit A of this submittal;
2. Forward the rule amendment to the Governor's Office for final approval and filing with the Office of the Lieutenant Governor.

Respectfully submitted,



DANIEL S. QUINN
Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson

Amendment to Chapter 13-146
Hawaii Administrative Rules

DATE

1. Chapter 13-146, Hawaii Administrative Rules, is amended by adding a new section to read as follows:

§ 13-146-6 Fees. (a) The following fees are hereby established:

STATE PARK CAMPING FEES:

For all state parks that allow camping, except for the Napali Coast State Wilderness Park, the camping fee shall be as follows:

Residents:

\$12 per night per camp site (up to six people)
\$2 per night for each additional person, with a maximum of ten people total per camp site

Nonresidents:

\$18 per night per camp site (up to six people)
\$3 per night for each additional person, with maximum of ten people total per camp site

NAPALI COAST STATE WILDERNESS PARK

Residents: \$15/person per night
Nonresidents: \$20/person per night

CABIN RENTAL FEES:

HAPUNA BEACH STATE RECREATION AREA

Residents: \$30/night per A-Frame
Nonresidents: \$50/night per A-Frame

KALOPO STATE RECREATION AREA, POLIPOLI SPRINGS STATE RECREATION AREA, WAI'ANAPANAPA STATE PARK

Residents: \$60/night per cabin
Non-residents: \$90/night per cabin

FEES FOR CHANGE OR CANCELLATION OF CAMPING OR RENTAL CABIN RESERVATIONS:

\$3 per change
\$5 per cancellation

WAILOA STATE RECREATION AREA DAY USE PAVILIONS

Large pavilions: \$125 rental fee, with a \$150 deposit
Small pavilions: \$5/hour, with a \$50 deposit

PARKING FEES**NU'UANU PALI STATE WAYSIDE**

Residents: No charge
Nonresidents: \$3
Commercial PUC vehicles:
1-7 passenger vehicles: \$6
8-25 passenger vehicles: \$12
26+ passenger vehicles: \$24

IAO VALLEY STATE MONUMENT

Residents: No charge
Nonresidents: \$5
Commercial PUC vehicles:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26+ passenger vehicles: \$40

MAKENA STATE PARK

Residents: No charge
Nonresidents: \$5
Commercial PUC vehicle fees:
1-7 passenger vehicles: \$10
8-25 passenger vehicles: \$20
26+ passenger vehicles: \$40

HĀPUNA BEACH STATE RECREATION AREA

Residents: No charge
Nonresidents: \$5

<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$10</u>
<u>8-25 passenger vehicles:</u>	<u>\$20</u>
<u>26 + passenger vehicles:</u>	<u>\$40</u>

ENTRANCE FEES

DIAMOND HEAD STATE MONUMENT

<u>Daily Rates:</u>	
<u>Pedestrians:</u>	<u>\$1</u>
<u>Noncommercial vehicles (except mopeds):</u>	<u>\$5</u>
<u>Mopeds:</u>	<u>\$1</u>
<u>Others (not listed):</u>	<u>\$1</u>

<u>Commercial Vehicles:</u>	
<u>1-15 passenger-capacity vehicles:</u>	<u>\$10</u>
<u>16-25 passenger-capacity vehicles:</u>	<u>\$20</u>
<u>26+ passenger-capacity vehicles:</u>	<u>\$40</u>

<u>Annual Pass:</u>	
<u>Pedestrians:</u>	<u>\$10</u>
<u>Private vehicles:</u>	<u>\$30</u>

AKAKA FALLS STATE PARK

<u>Residents:</u>	<u>No charge</u>
<u>Nonresidents:</u>	<u>\$5 per vehicle</u>
<u>Others (not listed):</u>	<u>\$1 per person</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$10</u>
<u>8-25 passenger vehicles:</u>	<u>\$20</u>
<u>26+ passenger vehicles:</u>	<u>\$40</u>

WAIMEA CANYON STATE PARK AND KOKEE STATE PARK

<u>Residents:</u>	<u>No charge</u>
<u>Nonresidents:</u>	<u>\$5 per vehicle</u>
<u>Others (not listed):</u>	<u>\$1 per person</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$10</u>
<u>8-25 passenger vehicles:</u>	<u>\$20</u>
<u>26+ passenger vehicles</u>	
<u>at Waimea Canyon State Park:</u>	<u>\$40</u>

HA'ENA STATE PARK

<u>Residents:</u>	<u>No charge</u>
<u>Visitors:</u>	<u>\$5 per vehicle</u>
<u>Others (not listed):</u>	<u>\$1 per person</u>
<u>Commercial PUC vehicles:</u>	
<u>1-7 passenger vehicles:</u>	<u>\$10</u>
<u>8-25 passenger vehicles:</u>	<u>\$20</u>
<u>26+ passenger vehicles:</u>	<u>\$40</u>

(b) For purposes of this section, the following definitions shall apply:

"Commercial PUC vehicle" means a vehicle that is regulated by the Hawaii Public Utilities Commission.

"Resident" means a resident of the State with a valid State of Hawaii identification card or State of Hawaii driver's license." [Eff _____] (Auth: HRS §§ 184-3, 184-5) (Imp: _____)

2. New material is underscored.
3. The amendments to chapter 13-146, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

CARTY S. CHANG,
Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:

/s/ Cindy Y. Young
Deputy Attorney General