

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii

August 22, 2014

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

REQUEST THAT THE BOARD OF LAND AND NATURAL RESOURCES APPROVE THE AMENDMENTS TO HAWAII ADMINISTRATIVE RULES (HAR), SECTIONS 13-233-26, CHARGES FOR PARKING, ALLOWS THE BOARD OF LAND AND NATURAL RESOURCES TO SET VEHICLE PARKING RATES AT EQUAL TO OR LESS THAN STATE OR COUNTY RATES AND SECTION 13-256-16, THRILL CRAFT OPERATIONS; GENERAL, CLARIFIES THAT INDIVIDUALS WHO HAVE COMPLETED AND RECEIVED A CERTIFICATION FOR THRILL CRAFT OPERATIONS FROM AN ACCREDITED INSTITUTION OF HIGHER LEARNING MEET THE MANDATORY VESSEL EDUCATION REQUIREMENT OF SECTION 13-244-15.5 THAT TAKES EFFECT ON NOVEMBER 10, 2014. THE RULES CAN BE REVIEWED ONLINE AT [HTTP://DLNR.HAWAII.GOV/DOBOR/DRAFT-RULES/](http://DLNR.HAWAII.GOV/DOBOR/DRAFT-RULES/) OR CAN BE REVIEWED IN PERSON AT ANY SMALL BOAT HARBOR FROM 8:00 AM TO 3:30 PM, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS.

PURPOSE:

The purpose of the two rule amendments is to: 1) Give the Board of Land and Natural Resources the option of setting vehicle parking rates at equal to or less than State or County rates, and 2) Clarifies that individuals who have completed and received a certification for thrill craft operations from an accredited institution of higher learning meet the mandatory vessel education requirement that takes effect on November 10, 2014.

REMARKS:

On January 24, 2014, the Board of Land and Natural Resources (Board) authorized the Division of Boating and Ocean Recreation (DOBOR) to proceed with rulemaking procedures regarding amendments to Section 13-233-26, Charges for Parking (See Exhibit A). On February 14, 2014, the Board authorized DOBOR to proceed with rulemaking procedures regarding amendments to Section 13-256-16, Thrill Craft Operations; General (See Exhibit B). The public hearings were held during the month of July 2014. The following is a breakdown of the oral and written comments received during the public hearing process.

1. Describe how opinions or comments from the public and affected small business were solicited.

A request to engage in rulemaking was brought before the Board of Land and Natural Resources and the meeting followed proper sunshine law requirements. Legal ads were placed in the newspapers in accordance with Hawaii Revised Statutes, §91-3, and the proposed rule amendment package was placed on DOBOR's website. Copies of the proposed amendments were made available at the small boat harbor offices.

2. Summary of public and small business comments.

**KAUAI 07/11/2014 PUBLIC HEARING ASSESSMENT:**

ATTENDANCE: None  
 ORAL TESTIMONY: None  
 WRITTEN TESTIMONY: None  
 SUMMARY

**OAHU 07/10/14 PUBLIC HEARING ASSESSMENT:**

ATTENDANCE: None  
 ORAL TESTIMONY: None  
 WRITTEN TESTIMONY: None  
 SUMMARY

**MAUI 04/03/2014 PUBLIC HEARING ASSESSMENT:**

ATTENDANCE: None  
 ORAL TESTIMONY: None  
 WRITTEN TESTIMONY: None  
 SUMMARY

**HAWAII ISLAND 07/10/2014 PUBLIC HEARING ASSESSMENT (KONA):**

ATTENDANCE: Nine  
 ORAL TESTIMONY: Four  
 WRITTEN TESTIMONY: None  
 SUMMARY:

Three of the testifiers were opposed to the parking fee amendment and one person supported the amendment to the parking fee in theory. The reasons stated were that the proposed amendment was too small, lacked a comprehensive vision, Kawaihae small boat harbor is too small for a parking plan, wanted to add Kawaihae and Puako specific information for historical, cultural, and customary practices class as well as the nearby fishing koa, requested security services be paid for using parking revenue.

**HAWAII ISLAND PUBLIC HEARING ASSESSMENT (HILO):**

ATTENDANCE: Two  
 ORAL TESTIMONY: None  
 WRITTEN TESTIMONY: None  
 SUMMARY

**PUBLIC HEARING ASSESSMENT OF EMAILED TESTIMONY:**

None

**CONCLUSION:**

No testimony was received regarding the clarification of the thrill craft certification requirement. The proposed rule amendment regarding the establishment of parking fees are for clarification and do not authorize DOBOR to engage in any activity that is not already authorized to do in HAR. Individuals seem to feel that DOBOR was implementing a parking plan in the Honokohau small boat harbor but staff informed them that the proposed rule amendment clarified how parking fees were to be set. Staff also informed them that there was no plan to implement a parking plan in the harbor at this time and any parking plan would need Board approval.

**RECOMMENDATION:**

1. Approve and adopt amendments to Sections 13-233-26, Charges for Parking, and 13-256-16, Thrill Craft Operations; General, as shown in Exhibits A and B;
2. Forward the HAR's to the Governor's office for final approval and filing with the Office of the Lieutenant Governor.

Respectfully submitted,



Edward R. Underwood  
Administrator

Attachments: Exhibit A - §13-233-26  
Exhibit B - §13-256-16

**APPROVED FOR SUBMITTAL**



William J. Aila, Jr.  
Chairperson and Member