

TITLE MC-10
DEPARTMENT OF PARKS AND RECREATION
SUBTITLE 01
DIRECTOR OF PARKS AND RECREATION
CHAPTER 102
RULES OF PRACTICE AND PROCEDURE FOR
COMMERCIAL OCEAN RECREATIONAL ACTIVITY PERMITS

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-102-1 Title. The rules in this chapter shall be known as the "Rules of Practice and Procedure for Commercial Ocean Recreational Activity Permits." [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-2 Purpose. These rules regulate commercial ocean recreational activities in, on, or over County beach parks and other properties under the control of the department of parks and recreation. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.255)

§10-102-3 Construction. These rules should be read in conjunction with the Hawaii Revised Statutes, the Revised Charter of the County of Maui (1983), as amended, and the Maui County Code. In any conflict between the provisions herein and any other provision, the more restrictive provision shall govern. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-4 Definitions. For the purpose of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Advertising" means displaying signage, posters, flyers, brochures, banners, video, or boards other than business' information that is painted or magnetically attached to the surfaces of the business' vehicle.

"Applicant" means a commercial ocean recreational activity business applying for a CORA permit.

"Business" means any commercial enterprise or establishment, including, but not limited to, sole proprietorships, joint ventures, partnerships, corporations, fraternal organizations, clubs, unorganized associations, or any other legally cognizable entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

"Business location" means a permanent, place of business with a street address and mailing address.

"Commercial ocean recreational activity" ("CORA") means any ocean recreational activity conducted by a business for a patron in or on a County beach park or other County property.

"Commercial ocean recreational activity equipment" ("CORA equipment") means any equipment used by CORA operators or patrons for commercial ocean recreational activities.

"Commercial ocean recreational activity equipment trailer" ("CORA equipment trailer") means a non-motorized vehicle rigged for the transportation and storage of CORA equipment, which is attached to and towed by the operator's motorized vehicle.

"Commercial ocean recreational activity instructor" ("CORA instructor") means an individual who has met or exceeded the respective requirements of subchapter 5 of this chapter.

"Commercial ocean recreational activity operator" ("CORA operator") means an individual who provides instruction, guidance, or other services to patrons.

"Commercial ocean recreational activity vehicle" ("CORA vehicle") means a motorized vehicle used for the transportation of CORA equipment or patrons or the storage of CORA equipment.

"County" means the County of Maui.

"County beach park" means a tract of coastal land including beach rights-of-way, associated recreational and parking areas and dune systems, owned or under the jurisdiction and control of the department, that is designated and intended to be used for active and passive forms of ocean and land-based recreation.

"County co-sponsored activity" means any activity authorized by the director of the department of parks and recreation pursuant to section 13.04.030, Maui County Code.

"County property" means any real or personal property owned by or under the control of the County. County property includes, but is not limited to, equipment and fixtures; streets and highways; parking areas; sidewalks, roadway shoulder easements, and rights-of-way; recreational facilities and community centers; beach accesses; beach parks; and beaches; from the high water mark or vegetation line to the location where other private or public property rights begin or if a certified shoreline map recorded with the State of Hawaii exists, those areas indicated by the map.

"Department" means the department of parks and recreation of the County.

"Director" means the director of the department of parks and recreation of the County or the director's authorized designee.

"Environmental protection and cultural awareness training program" means an educational program that is approved by the department, which is designed to promote environmental and cultural awareness among CORA operators and patrons. At a minimum, the training program is to provide operators with information on coral reef sensitivity to human impacts, the social and environmental responsibility of the ocean recreational industry, and the historical background to ocean recreation in Hawaii.

"Exchange of moneys" means transfer of cash or cash equivalent in exchange for commercial services.

"Holiday" means holidays recognized by the federal or state governments including, but not limited to, New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Good Friday, Prince Kuhio Day, Kamehameha Day, Memorial Day, Independence Day, Statehood Day, Labor Day, General Election Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

"Loading zone" means an area marked and designated as a loading zone for active loading or unloading of passengers and equipment.

"Patron" means any individual who contracts to participate in ocean recreational activity.

"Permit" means a permit issued pursuant to section 13.04.270, Maui County Code, unless a different type of permit is specified.

"Permittee" means the person named on the CORA permit.

"Person" means any individual, business, corporation, trust, partnership, unincorporated association, firm, society, assembly, or similar entity.

"Recreational facility" means any building or other physical structure, including, but not limited to, swimming pools, gymnasiums, community centers, pavilions, picnic tables, or any other structure used for recreational purposes and under the control, management, and operation of the department of parks and recreation.

"Showcasing" means to display or exhibit equipment, materials, and/or information that draws public attention to the product or business.

"Soliciting of moneys" means the use of marketing tools to encourage the general public to pay money for a particular commercial service.

"Special event permits" means a type of permit issued for an organized competition or event pursuant to chapter 13.04, Maui County Code.

"State" means the State of Hawaii. [Eff 9/1/09]
(Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap.
13.04, Art. X)

SUBCHAPTER 2

APPLICATION PROCEDURES AND FEES FOR APPLICANTS FOR COMMERCIAL OCEAN RECREATIONAL ACTIVITY PERMITS

§10-102-5 Permit required. It is unlawful for any person to conduct a CORA in, over, or on County property without a permit. A CORA permit is required for each activity to be conducted at each permitted beach park. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.256, 13.04.260.C)

§10-102-6 Permits. Each permit shall afford the permittee the privilege of conducting a single CORA at a single beach park, provided the activity is permitted at the beach park. The activity and the beach park shall be clearly identified on the permit. Once the permit is issued, the permittee shall not be allowed to change the activity or the beach park denoted on the permit. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.260.C)

§10-102-7 Existing permits. Regardless of any limits set forth in subchapter 4 of this chapter on the number of permits allowed, permits issued before the effective date of these rules, shall remain in effect for the duration of their respective terms, subject to compliance with all other provisions of this chapter. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-8 Permit application. Persons seeking to conduct a CORA shall complete and submit a CORA permit application to the director or the director's designee for review and determination. The CORA permit application shall include the following pertinent information regarding the business to be deemed complete:

- (1) Name of applicant;
- (2) Name of any party owning an interest in the entity applying for the permit, including, but not limited to, owner(s), stockholder(s), member(s), partner(s);
- (3) Percentage of ownership interest held by each party in the entity applying for the permit;
- (4) Mailing address;
- (5) Business location;
- (6) Telephone number;
- (7) Applicant's general excise tax number;
- (8) Description of commercial ocean activity and name of park;
- (9) Names of CORA operators and CORA instructors;
- (10) Description of CORA vehicles and CORA equipment trailers to be used for business operations, including:
 - (A) Make, model, and year of vehicle(s);
 - (B) License plate number(s); and
 - (C) Gross vehicle weight(s);
- (11) State tax clearance certificate;
- (12) Copies of all certifications for CORA instructors as required by subchapter 5 of these rules;
- (13) The applicant shall comply with all state and federal permitting requirements. Applicant shall provide any documentation of compliance upon request by the department;
- (14) The applicant shall obtain, pay for, and keep in force throughout the term of the permit,

comprehensive liability insurance issued by an insurance company authorized to do business in the State of Hawaii ("admitted carrier"), or through a general insurance agent or broker licensed in the State of Hawaii, if the company is not authorized to do business in the State of Hawaii ("non-admitted carrier"). The insurance carrier shall be rated no less than "A-" as established by "AM Best" or "Standard & Poor" ratings. The insurance policy, as evidenced by issuance of a policy endorsement, shall name the County, its officers, employees, and agents, as an additional insured. The insurance policy shall contain the following minimum requirements:

- (A) No less than a combined single limit ("CSL") of liability coverage of \$1,000,000;
- (B) No erosion of limit by payment of defense costs;
- (C) An annual aggregate limit of not less than \$2,000,000;
- (D) A duty to defend the County, its officers, employees, and agents, against any loss, liability, claims, and demands for injury or damage, including, but not limited to, claims for property damage, personal injury, or wrongful death, arising out of, or in connection with, in whole or in part, commercial ocean recreational activities, the design and maintenance of County property, and the County's permit review and approval process; and
- (E) The insurance policy naming the County, its officers, employees, and agents, as an additional insured shall be on a primary basis and not excess of any other insurance policy furnished or available to the County;

The applicant shall furnish the County with a copy of the insurance policy certificate and the required endorsements verifying such insurance coverage upon the issuance of the CORA permit. The

insurance policy shall expressly state that the coverage provided under such policy shall not be canceled or terminated, unless the carrier has first given the County at least thirty calendar days prior written notice of the intended cancellation or termination. If the scheduled expiration date of an insurance policy is earlier than the expiration date of the CORA permit, the applicant shall renew the policy, or immediately obtain a new policy satisfying the requirements of this section, and shall provide the County with a copy of the renewed or new insurance policy certificate and required endorsements;

(15) The applicant shall execute an indemnification agreement with the County requiring the applicant to indemnify, defend, and hold the County, its officers, employees, and agents, harmless against any loss sustained, in whole or in part, as the result of the activities of the applicant over and above those losses covered by the applicant's general liability insurance coverage, including claims regarding the conduct of commercial ocean recreational activities; and

(16) Upon completion of the review period specified in sections 13.04.270(C) and (D), Maui County Code, the director shall notify the applicant in writing of the approval or denial of the CORA permit application. Approval or denial will be based upon the verification of the information provided on the CORA permit application. The applicant may appeal a denial of the application with the board of variances and appeals pursuant to section 13.04.125, Maui County Code. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.270)

§10-102-9 Non-transferability of permits.
Unless otherwise authorized, permits shall be nontransferable. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.300)

§10-102-10 Expiration of permit. Permits issued pursuant to this chapter shall have a duration of up to one year and shall expire automatically, without notice to the permit holder, on the date specified on the permit. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.290.A)

§10-102-11 Permit renewal. The director may renew a permit for additional one-year periods provided the permittee is in compliance with all applicable rules. Permit renewal shall also be contingent upon the permittee renewing or attaining any necessary state and federal permits. A renewed permit shall be subject to the terms and conditions of these rules and any subsequent amendments. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-12 Permit drawing. If the director determines that the count of permits issued allows for issuance of an additional permit, the director shall publish in a newspaper of general circulation within the County, for a minimum of three consecutive days, a notice of a drawing for the available permit. The drawing shall occur within sixty days of the last day of publication. Persons seeking to participate in the drawing shall complete and submit a CORA permit application in accordance with §10-102-8. Completed applications with the CORA permit application processing fee shall be submitted to the department no later than fifteen days before the drawing. Only those applications deemed complete by the director shall be eligible to participate in the drawing. The applicant selected in the drawing shall pay the non-refundable park/activity-specific CORA permit fee

within fifteen days of the drawing. If the applicant fails to pay such fee within fifteen days after the drawing, the director shall disqualify the applicant and offer the next applicant drawn the opportunity to obtain the permit. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-13 Priority given to special events. Special events authorized by permit shall take precedence over commercial ocean recreational activities. CORA permits shall include a provision stating that the activity may be suspended by the director to accommodate special events. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-14 Fees. The applicant shall pay a non-refundable CORA permit application processing fee and a non-refundable park/activity-specific CORA permit fee, as set forth in the annual budget ordinance. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.270.B.6)

§10-102-15 Change of Information. The permittee shall notify the director within five business days of any changes regarding the information provided in the permit application under §10-102-8. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.270.D)

SUBCHAPTER 3

GENERAL REGULATIONS FOR COMMERCIAL
OCEAN RECREATIONAL ACTIVITY PERMITS

§10-102-16 Prohibited activities. No person shall engage in the following activities in, on, or over County property:

- (1) Solicitation of moneys;
- (2) Exchange of moneys;
- (3) Advertising; and
- (4) Showcasing.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280.B)

§10-102-17 Prohibited beach parks. No commercial ocean recreational activities shall be conducted at the following beach parks:

- (1) Baldwin Beach Park;
- (2) Cove Park;
- (3) Hanakao'o Beach Park;
- (4) Hookipa Beach Park;
- (5) Kamaole Beach Park I (including Charlie Young Beach Right-of-Way);
- (6) Kamaole Beach Park II;
- (7) Kamaole Beach Park III;

The southern portion of Kalama Park from the sand beach at Cove Park to the southern most parking area adjacent to South Kihei Road;

- (9) Launiupoko Beach Park; and
- (10) Puamana Beach Park.

[Eff 9/1/09; am and comp 12/30/19] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.290)

§10-102-18 Prohibited times. No commercial ocean recreational activities shall be conducted at any county beach parks:

- (1) At the director's discretion, during periods

when maintenance or repair of County beach park property or equipment is being performed. The department will give CORA permittees thirty days prior notice of any such scheduled activities;

- (2) During events that have secured a permit;
- (3) During times outside permitted hours of operation designated in subchapter 4 of this chapter;
- (4) During periods when a park is closed;
- (5) On Sundays and Holidays.

[Eff 9/1/09; am and comp 12/30/19] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

§10-102-19 Prohibited holidays. CORA operations are prohibited on all holidays recognized by state and federal governments. [Eff 9/1/09; am and comp 12/30/19] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

§10-102-20 Permit possession and display. (a) The permittee shall have the CORA permit prominently displayed at the permittee's business location.

(b) All CORA operators and CORA instructors shall have a copy of the current valid permit and appropriate identification while engaged in CORA.

(c) CORA operators and CORA instructors shall prominently display director-approved identification on the dashboard of any CORA vehicle that is in a County beach park or on County property. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.310)

§10-102-21 Report to department. Permittee shall submit an annual permit report to the department by July 1 of each year. The report shall include:

- (1) Full name and address of business;
- (2) General excise tax number;
- (3) Telephone number;
- (4) As applicable, type of activity taught during previous permit year (July 1 to June 30);
- (5) A spreadsheet detailing monthly activity-specific patron counts and a year-end financial statement (the director shall supply the form);
- (6) Number of accidents and incidents that occurred during the previous permit year (July 1 to June 30); and

- (7) A list of any individual who served as a CORA operator or CORA instructor during the previous year.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC Chap. 13.04, Art. X)

§10-102-22 Instruction. Permittees and CORA operators shall be responsible for the safety of patrons or students under their charge. Permittees and CORA operators shall determine whether the physical capability and experience of students and patrons are adequate for safe participation under existing ocean and surf conditions. Each permitted activity shall be subject to the following restrictions:

- (a) Surfing
 - (1) At least one instructor per group of six students/patrons; and
 - (2) No more than fourteen individuals, including instructors and students/patrons, at a time, per permit.
- (b) Kayaking
 - (1) At least one instructor per group of ten students/patrons; and
 - (2) No more than twenty-two individuals, including instructors and students/patrons, at a time, per permit.
- (c) Scuba Diving
 - (1) At least one instructor per group of eight students/patrons; and
 - (2) No more than eighteen individuals, including instructors and students/patrons, at a time, per permit.
- (d) Windsurfing
 - (1) At least one instructor per group of eight students/patrons;

- (2) For Kanaha Beach Park only, no more than thirty-six individuals, including both instructors and students/patrons, at a time, per permit; and
 - (3) For beach parks other than Kanaha Beach Park, no more than eighteen individuals, including both instructors and students/patrons, at a time, per permit.
- (e) Kiteboarding
- (1) At least one instructor per group of four students/patrons using one piece of equipment;
 - (2) At least one instructor per group of eight students/patrons for instructor certification clinics;
 - (3) For Kanaha Beach Park only, no more than twenty individuals, including instructors and students/patrons, at a time, per permit; and
 - (4) For beach parks other than Kanaha Beach Park, no more than ten individuals, including instructors and students/patrons, at a time, per permit.
- (f) Snorkeling
- (1) At least one instructor per group of eight students/patrons; and
 - (2) No more than eighteen individuals, including instructors and students/patrons, at a time, per permit.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
 (Imp: MCC Chap. 13.04, Art. X)

§10-102-23 CORA parking restrictions. Parking of CORA equipment trailers and CORA vehicles at County beach parks shall be limited to areas designated by the department. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-24 CORA parking areas. Each permit, unless otherwise specified, shall allow a permittee to use one parking stall in the designated CORA parking area in the beach park designated on the permit. While parked in a CORA parking stall, the permittee shall display director-approved identification on the dashboard of the vehicle. The availability of a parking stall in a beach park is not guaranteed by the permit. Stalls shall be available on a first-come basis. The CORA parking areas shall not be available for use by CORA operators during times outside the hours of operation designated within Subchapter 4 or on days which CORA operations are prohibited. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-25 Equipment. (a) Loading and unloading of CORA equipment at County beach parks shall be restricted to areas designated by the department.

(b) All CORA equipment not being utilized shall be stored in the operator's vehicle or trailer.

(c) CORA equipment shall not, under any circumstances, be dragged across grassy recreational surfaces and slopes within County parks.

(d) County showers and hosebibs shall not be utilized by the CORA operators for cleaning of contracted equipment. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-26 Use of pathways. Where available, CORA operators and patrons shall use designated pathways to gain access to park property and beach areas. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

§10-102-27 Loading zones. Use of loading zones for CORA-related purposes shall be limited to active loading and unloading for a period not exceeding thirty minutes. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.280.C)

§10-102-28 Compliance with laws. Permittees shall comply with the laws and rules of the State of Hawaii. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC Chap. 13.04, Art. X)

SUBCHAPTER 4

PARK-SPECIFIC REGULATIONS FOR COMMERCIAL OCEAN
RECREATIONAL ACTIVITY PERMITS

§10-102-29 West Maui community plan area. The following requirements and conditions shall apply to CORA activities conducted in the West Maui community plan area beach parks identified in the table below.

	NUMBER OF PERMITS ¹						PERMITTED HOURS			
	Surfing	Kayaking	SCUBA	Windsurfing	Kiteboarding	Snorkeling	Monday thru Friday	Saturday	Sunday	Holidays
D.T. Fleming Beach Park ²		2					7AM – 2PM	7AM – 2PM	No	No
Kamehameha Iki Beach Park ³	2						7AM – 3:30PM	7AM – 12PM	No	No
Papalaua Beach Park		3	4				7AM – 2PM	7AM – 12PM	No	No
Ukumehame Beach Park	2	2				2	7AM – 3:30PM	7AM – 12PM	No	No
Wahikuli Wayside Beach Park			4			2	7AM – 2PM	7AM – 12PM	No	No

¹ See §10-102-7.

² The permit holder shall add Kapalua Land Company, Ltd. and Honolulu Plantation Land Company, Inc. as "additional insureds" in addition to the County, to the insurance policy.

³ Instruction shall be conducted on the grass areas."
[Eff 9/1/09; am and comp 12/30/19] (Auth: §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

§10-102-30 Kihei-Makena community plan area.
 The following requirements and conditions shall apply to CORA activities conducted in the Kihei-Makena community plan area beach parks identified in the table below.

	NUMBER OF PERMITS ¹						PERMITTED HOURS			
	Surfing	Kayaking	SCUBA	Windsurfing	Kiteboarding	Snorkeling	Monday thru Friday	Saturday	Sunday	Holidays
Kalama Beach Park ²	6	4					7AM – 3:30PM	7AM – 12PM	No	No
Keawakapu Beach Access (I)						2	7AM – 2PM	7AM – 12PM	No	No
Keawakapu Beach Access (II)			4				7AM – 3:30PM	7AM – 12PM	No	No
Mai Poina Oe Iau Beach Park				2	2		9AM – 8PM	9AM – 8PM	No	No
Palauaea Beach Park			2			3	7AM – 2PM	7AM – 2PM	No	No
Polo Beach Park ³		1	4				7AM – 2PM	7AM – 12PM	No	No
Poolenalena Beach Park			2				7AM – 2PM	No	No	No
Ulua/Mokapu Beach Park ³			4			2	7AM – 8PM	7AM – 12PM	No	No
Wailea Beach Park ³			3			3	7AM – 8PM	7AM – 12PM	No	No
Waipuilani Beach Park	1			1	1		9AM – 5PM	9AM – 5PM	No	No

¹ See §10-102-7.

² Pursuant to section 13.04A.290, Maui County Code, CORA operations are prohibited in the southern portion of Kalama Beach Park (the section of Kalama Beach Park from the sand beach at Cove Park to the southern most parking area adjacent to South Kihei Road).

³ Scuba equipment left in the beach parks while activity patrons are in ocean waters shall be limited to one tank per person and one container (less than twenty gallons in capacity) per group. All additional equipment shall be stored in the CORA operator's vehicle.

[Eff 9/1/09; am and comp 12/30/19] (Auth: HRS §91-2,
MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

§10-102-31 Wailuku-Kahului community plan area.
 The following requirements and conditions shall apply to CORA activities conducted in the Wailuku-Kahului community plan area beach park identified in the table below.

	NUMBER OF PERMITS ¹					PERMITTED HOURS				
	Surfing	Kayaking	SCUBA	Windsurfing	Kiteboarding	Snorkeling	Monday thru Friday	Saturday	Sunday	Holidays
Kanaha Beach Park ^{2,3,4,5}	2			5	6		8AM – 8PM	9AM – 8PM	No	No

¹ See §10-102-7.

² CORA operators conducting instruction between 9:00 a.m. and 11:00 a.m. shall do so in accordance with section 13-256-130, Hawaii Administrative Rules.

³ The setting up, launching, landing, and breakdown of windsurfing equipment for beginner lessons shall be confined to the area of coastline between the easternmost restroom and the easternmost end of Kook's Beach, excluding the buoyed swim zone. Intermediate and advanced lessons may take place in the area of the coastline approximately 300' east of lifeguard tower 8, excluding the buoyed swim zone.

⁴ The setting up, launching, landing, and breakdown of kiteboarding equipment shall be confined to the area of Kanaha Beach Park fronting and west of the "Girl Scout Pavilion", excluding Ka'a Point.

⁵ Surfing for beginner levels shall be allowed at inside surf breaks below the Ka'a Point spillway. Surfing for intermediate to advanced levels shall be allowed at outside surf breaks fronting the "developed" area of Kanaha Beach Park.

[Eff 9/1/09; am and comp 12/30/19] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

§10-102-32 Hana community plan area. The following requirements and conditions shall apply to CORA activities conducted in the Hana community plan area beach park identified in the table below.

	NUMBER OF PERMITS ¹						PERMITTED HOURS			
	Surfing	Kayaking	SCUBA	Windsurfing	Kiteboarding	Snorkeling	Monday thru Friday	Saturday	Sunday	Holidays
Hana Bay Beach Park		2	2			2	7AM – 2PM	7AM – 2PM	No	No

¹ See §10-102-7.
 [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
 (Imp: MCC §13.04.260.D)

SUBCHAPTER 5

CERTIFICATION REQUIREMENTS FOR COMMERCIAL
OCEAN RECREATIONAL ACTIVITY PERMITS

§10-102-33 Maintenance of CORA instructor certification records. (a) The certification requirements of this subchapter shall apply to the activities specified and shall be maintained by the operator at the operator's expense. Valid copies of current certifications for each CORA instructor shall be submitted along with the permit application or when applying for permit renewal. Failure to submit valid copies of current certification may result in denial of the permit or permit renewal.

(b) When hiring new CORA instructors during the course of the permitted year, permittees shall submit to the department within fourteen calendar days of the hiring date of the new CORA instructor copies of all necessary certifications, excluding certification of completion of an environmental protection and cultural awareness program, for each new CORA instructor. Each new CORA instructor hired during the course of the permitted year shall complete an environmental protection awareness program within one hundred eighty days of being hired and proof of such completion shall be submitted to the department within one hundred eighty days of the date of hire.

(c) All records shall be subject to inspection, without prior notice, by any party authorized by the department. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.280)

§10-102-34 Surfing instructor requirements. CORA operators providing instruction in surfing shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association, or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor training: Provide a copy of instructor training manual and/or program and a copy of instructor certification from appropriate organization;
- (4) Completion of an environmental protection and cultural awareness program;
- (5) CORA instructors shall wear an article of clothing that identifies them as an instructor and their CORA business affiliation;
- (6) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel; and
- (7) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280)

§10-102-35 Kayaking instructor requirements.

CORA operators providing instruction in kayaking shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association, or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor training: Provide a copy of instructor training manual and/or program and a copy of instructor certification from appropriate organization (American Canoe Association);

- (4) Completion of an environmental protection and cultural awareness program;
- (5) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel;
- (6) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan;
- (7) CORA instructors shall wear a United States Coast Guard approved personal flotation device that identifies them as an instructor or apprentice instructor and their CORA business affiliation; and
- (8) Equipment requirements: All guides and patrons shall use United States Coast Guard approved personal flotation devices, Orion High Performance Alert/Locate Signal Kit, fifty-foot tow line, dive knife, whistle, a communication apparatus with the ability to maintain direct communication with land based operations.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280)

§10-102-36 Scuba diving instructor requirements.

CORA operators providing instruction in scuba diving shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association, or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor or dive master training: Provide a copy of instructor or dive master training manual and/or program and a copy of instructor or dive master certification from

- an appropriate organization for each instructor;
- (4) Completion of an environmental protection and cultural awareness program;
 - (5) CORA instructors and dive masters shall affix identification on the buoyancy compensator or air tank that identifies them as an instructor and their CORA business affiliation;
 - (6) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel; and
 - (7) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280)

§10-102-37 Windsurfing instructor requirements.
CORA operators providing instruction in windsurfing shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association, or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor training: Provide a copy of instructor training manual and/or program and a copy of instructor certification from an appropriate organization;
- (4) Completion of an environmental protection and cultural awareness program;
- (5) CORA instructors shall wear an article of clothing that identifies them as an instructor and their CORA business affiliation;

- (6) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel; and
- (7) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280)

§10-102-38 Kiteboarding instructor requirements.

CORA operators providing instruction in kiteboarding shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor training: Provide a copy of instructor training manual and/or program and a copy of instructor certification from an appropriate organization;
- (4) Completion of an environmental protection and cultural awareness program;
- (5) CORA instructors shall wear a rash guard that identifies them as an instructor and their CORA business affiliation;
- (6) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel;
- (7) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan; and
- (8) Where applicable, proof of a U.S. Department of Transportation, Federal Aviation Administration Certificate of Waiver or

Authorization issued to the applicant or to an entity that has issued an endorsement.

[Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220)
(Imp: MCC §13.04.280)

§10-102-39 Snorkeling instructor requirements.

CORA operators providing instruction in snorkeling shall comply with the following requirements:

- (1) Cardiopulmonary resuscitation certification ("CPR"): American Red Cross, American Heart Association, or sanctioned alternative;
- (2) First aid certification: American Red Cross or sanctioned alternative;
- (3) Instructor training: Provide a copy of instructor training manual and/or program and a copy of instructor certification from an appropriate organization;
- (4) Completion of an environmental protection and cultural awareness program;
- (5) CORA instructors shall wear an article of clothing that identifies them as an instructor and their CORA business affiliation;
- (6) CORA instructors shall have access to a communication apparatus in order to contact emergency personnel; and
- (7) Possession of a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plan.

[Eff 9/1/09] (Auth: §91-2, MCC §13.04.220) (Imp: MCC §13.04.280)

SUBCHAPTER 6

ENFORCEMENT OF COMMERCIAL OCEAN
RECREATIONAL ACTIVITY RULES

§10-102-40 Citations. Citations for violations of these rules and chapter 13.04, Maui County Code, shall be issued in accordance with section 13.04.235, Maui County Code. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.235)

§10-102-41 Penalties. (a) Any person who is determined to have violated any provision of these rules shall be fined in accordance with section 13.04.230, Maui County Code.

(b) Any person operating a CORA without a permit shall be subject to a fine or imprisonment in accordance with section 13.04.320, Maui County Code. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.230, 13.04.320)

§10-102-42 Suspension-Revocation of permit. The director may suspend or revoke any permit issued if the permit holder has violated any rule, ordinance, or statute relating to CORA. [Eff 9/1/09] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.290)

§10-102-43 Permit inspections. Maui police department officers and department personnel may undertake permit inspections. [Eff 9/1/09] Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.310)