

DEPARTMENT OF PARKS AND RECREATION
COUNTY OF MAUI

Amendments to Title MC-10, Chapter 102
Rules of Practice and Procedure For
Commercial Ocean Recreational Activity Permits

SUMMARY

1. §10-102-17 is amended.
2. §10-102-18 is amended.
3. §10-102-19 is amended.
4. §10-102-29 is amended.
5. §10-102-30 is amended.
6. §10-102-31 is amended.

Amendments to Title MC-10, Chapter 102
Rules of Practice and Procedure For
Commercial Ocean Recreational Activity Permits

1. Section 10-102-17 is amended to read as follows:

“§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;
- ~~[(3)]~~ (4) Hookipa Beach Park;
- ~~[(4)]~~ (5) Kamaole Beach Park I (including Charlie Young Beach Right-of-Way);
- ~~[(5)]~~ (6) Kamaole Beach Park II;
- ~~[(6)]~~ (7) Kamaole Beach Park III;
- ~~[(7)]~~ (8) The southern portion of Kalama Park from the sand beach at Cove Park to the southern most parking area adjacent to South Kihei Road;
- ~~[(8)]~~ (9) Launiupoko Beach Park; and
- ~~[(9)]~~ (10) Puamana Beach Park.”

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

2. Section 10-102-18 is amended to read as follows:

“§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] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

3. Section 10-102-19 is amended to read as follows:

“§10-102-19 Prohibited holidays. [The following table identifies by an “x” holidays on which CORA operations are prohibited at the respective beach park.

	New Year's Day	Martin Luther King, Jr. Day	Presidents' Day	Good Friday	Prince Kuhio Day	Memorial Day	Kamehameha Day	Independence Day	Statehood Day	Labor Day	Veterans' Day	General Election Day	Thanksgiving Day	Christmas Day
D.T. Fleming Beach Park	x	x	x	x			x			x	x	x	x	x
Hanakaoo Beach Park	x					x	x	x						x
Kamehameha Iki Beach Park	x					x	x	x						x
Papalaua Beach Park	x			x		x	x	x	x	x				x
Ukumehame Beach Park	x						x	x	x	x	x	x		x
Wahikuli Wayside Beach Park	x						x							x
Kalama Beach Park	x					x	x	x		x				x
Keawakapu Beach Access (South)	x					x	x	x						x
Keawakapu Beach Access (North)	x						x							x
Mai Poina Oe Iau Beach Park	x					x	x	x		x	x	x	x	x
Palauea Beach Park	x					x	x	x	x	x	x	x		x
Polo Beach Park	x						x							x
Poolenalena Beach Park	x					x	x	x		x	x	x		x
Ulua/Mokapu Beach Park	x						x							x
Wailea Beach Park	x						x							x
Waipuilani Beach Park	x					x	x	x		x				x
Kanaha Beach Park	x					x	x	x						x
Hana Bay Beach Park	x	x	x	x	x	x	x	x	x	x	x	x	x	x

] CORA operations are prohibited on all holidays recognized by state and federal governments.”

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

4. Section 10-102-29 is amended to read as follows:

“§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	[7AM – 12PM] <u>No</u>
[Hanakao Beach Park		2	2			2	7AM – 2PM	7AM – 12PM	7AM-12PM	7AM – 12PM]
Kamehameha Iki Beach Park ³	2						7AM – 3:30PM	7AM – 12PM	No	[7AM – 3:30PM] <u>No</u>
Papalaua Beach Park		3	4				7AM – 2PM	7AM – 12PM	No	[7AM – 2PM] <u>No</u>
Ukumehame Beach Park	2	2				2	7AM – 3:30PM	7AM – 12PM	No	[7AM – 12PM] <u>No</u>
Wahikuli Wayside Beach Park			4			2	7AM – 2PM	7AM – 12PM	No	[7AM – 2PM] <u>No</u>

¹ See §10-102-7.

² The permit holder shall add Kapalua Land Company, Ltd. and Honolua 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] (Auth: §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

5. Section 10-102-30 is amended as follows:

“§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	[7AM – 3:30PM] No
Keawakapu Beach Access (I)						2	7AM – 2PM	7AM – 12PM	No	[7AM – 12PM] No
Keawakapu Beach Access (II)			4				7AM – 3:30PM	7AM – 12PM	No	[7AM – 12PM] No
Mai Poina Oe Iau Beach Park				2	2		9AM – 8PM	9AM – 8PM	No	[9AM – 8PM] No
Palauea Beach Park			2			3	7AM – 2PM	7AM – 2PM	No	[7AM – 2PM] No
Polo Beach Park ³		1	4				7AM – 2PM	7AM – 12PM	No	[7AM – 2PM] No
Poolenalena Beach Park			2				7AM – 2PM	No	No	[7AM – 2PM] No
Ulua/Mokapu Beach Park ³			4			2	7AM – 8PM	7AM – 12PM	[7AM – 12PM] No	[7AM – 8PM] No
Wailea Beach Park ³			3			3	7AM – 8PM	7AM – 12PM	[7AM – 12PM] No	[7AM – 8PM] No
Waipuilani Beach Park	1			1	1		9AM – 5PM	9AM – 5PM	No	[9AM – 5PM] No

¹ See §10-102-7.

² Pursuant to section [13.04.256] 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] (Auth: HRS §91-2, MCC §13.04A.240) (Imp: MCC §13.04A.300.D)

6. Section 10-102-31 is amended as follows:

“§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 ^[6]	Holidays
Kanaha Beach Park ^{2,3,4,5}	2			5	6		8AM – 8PM	9AM – 8PM	[9AM – 4PM] <u>No</u>	[8AM – 8PM] <u>No</u>

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.

⁶ Windsurfing instruction is prohibited on Sundays.]”

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

7. Material, except source notes, to be repealed is bracketed. New material is underscored.

8. Additions to update source notes to reflect these amendments are not underscored.

9. These amendments to Chapter 102, “Rules of Practice and procedure for Commercial Ocean Recreation Activity Permits”, shall take effect ten days after filing with the Office of the County Clerk.

2019-0907
2019-08-21 Chapter 102 (Ramseyer)

ADOPTED this _____ day of _____, 2019, at
Wailuku, Maui, Hawaii.

COUNTY OF MAUI

KARLA H. PETERS
Director of the Department of
Parks and Recreation

MICHAEL P. VICTORINO
Mayor, County of Maui

Approved this _____ day of
_____, 2019

APPROVED AS TO FORM
AND LEGALITY:

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui
2019-0907
Chapter 102

Received this _____ day of
_____, 2019.

JOSIAH NISHITA
Clerk, County of Maui

CERTIFICATION

I, KARLA H. PETERS, Director of the Department of Parks and Recreation, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the rules drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the _____ day of _____ 2019, following a public hearing that closed on _____, 2019.

2. That the notice of the public hearing on the foregoing Rules was published in the Maui News on the _____ day of _____ 2019.

COUNTY OF MAUI

KARLA H. PETERS
Director of the Department of
Parks and Recreation