

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART III

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 254

LOCAL OCEAN WATERS AND BEACHES

Historical note. This chapter is based on rules governing Makapuu Shore Waters Rules, Kailua Shore Waters Rules and Brennecke Beach Shore Waters Rules of the Hawaii Shore Waters and Shores Rules, dated November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related boating activity was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

SUBCHAPTER 1

RULES GOVERNING MAKAPUU OCEAN WATERS

Historical note

- §13-254-1 Definitions
- §13-254-2 Bathing area
- §13-254-3 Paipo boards

Unofficial Compilation

§13-254-4 Restrictions

§13-254-5 Exceptions

§13-254-1 Definitions.

"Makapuu ocean waters" means the area confined by boundaries as shown on Exhibit F, June 1, 1981, and located at the end of this chapter, and also described as follows:

- (1) Beginning at a point, being the mean high water mark which is directly opposite from the northeast corner of the Makapuu Beach Park Building;
- (2) In the Makapuu Point direction along the mean high water mark to the tip of Makapuu Point; and
- (3) Along a straight line connecting the point described in (2) above to, and ending at the point of beginning.

"Operate" means to navigate or otherwise use a vessel, surfboard, or paddle board (paipo board).

"Outrigger canoe" means a boat equipped with a framework terminating in a float, extended outward from the side of the boat to prevent upsetting.

"Paddleboards" (paipo boards) means any type of board that is (a) without skegs, (b) does not exceed four feet in length, and (c) is used for the sport of surfriding. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-2 Bathing area. The Makapuu ocean waters [and shores] are primarily reserved for bathing and swimming. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-3 Paipo boards. The use of paipo boards, is permitted within the Makapuu ocean waters. [Eff 2/24/94] (Auth: §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

Unofficial Compilation

§13-254-4 Restrictions. No person shall operate a vessel or a surfboard in the Makapuu ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-5 Exceptions. If approved by the department of land and natural resources, the restrictions cited in section 13-254-4 may be waived for certain public events. The restrictions cited in section 13-254-4 shall not apply in cases of emergencies nor to authorized personnel on duty for the safety and protection of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

SUBCHAPTER 2

RULES GOVERNING KAILUA BAY OCEAN WATERS

§13-254-6 Restricted areas
§13-254-7 Restrictions
§13-254-8 Exceptions

§13-254-6 Restricted areas. The portions of the Kailua Bay ocean waters, confined by the boundaries shown on Exhibits G and H, June 1, 1981, and located at the end of this chapter, are reserved for bathing and swimming and subject to restrictions prescribed in these rules. The restricted areas of the Kailua Bay ocean waters are more particularly described as follows:

- (1) Restricted Area A:
 - (A) Beginning at a point where the mean high water mark intersects a seaward prolongation of the Kaneohe boundary of the walkway easement leading from Kai One Place to the sea;

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- (B) In the Lanikai direction along the mean high water mark to the point where the mean high water mark intersects a seaward prolongation of the Kaneohe boundary of the walkway easement leading from Pilipu Place to the sea;
 - (C) To a point one hundred yards seaward on the prolongation of the Kaneohe boundary of the walkway easement leading from Pilipu Place;
 - (D) In the Kaneohe direction on a straight line at right angles to the seaward prolongation of the Kaneohe boundary of walkway easement leading from Pilipu Place to a point where the line intersects a seaward prolongation of the Kaneohe boundary of the walkway easement leading from Kai One Place; and
 - (E) Along a straight line in the shoreward direction to, and ending at the point of beginning.
- (2) Restricted Area B:
- (A) Beginning at a point where the mean high water mark intersects a seaward prolongation of the Lanikai boundary of the walkway easement located approximately 110 feet in a Lanikai direction from Dune Circle and leading to the sea from North Kalaheo Avenue;
 - (B) In the Lanikai direction along the mean high water mark to the point where the mean high water mark intersects a seaward prolongation of the Lanikai boundary of the walkway easement leading to the sea from Kalaka Place;
 - (C) To a point one hundred yards seaward on the prolongation of the Lanikai boundary of the walkway easement leading to the sea from Kalaka Place;
 - (D) In the Kaneohe direction on a straight line at right angles to the seaward

prolongation of the Lanikai boundary of the walkway easement leading from Kalaka Place to a point where the line intersects a seaward prolongation of the Lanikai boundary of the walkway easement leading to the sea from North Kalaheo Avenue; and

- (E) Along a straight line in the shoreward direction to, and ending at the point of beginning. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-7 Restrictions. No person shall operate a vessel, surfboard, paipo board, or other device used in the sport of surfriding in the restricted areas of the Kailua Bay ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-8 Exceptions. The restrictions cited in section 13-254-7 may be waived by the chairperson of the board of land and natural resources for certain public events. The restrictions cited in section 13-254-7 shall not apply in cases of emergencies nor to authorized personnel on duty for the safety and protection of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

SUBCHAPTER 3

RULES GOVERNING BRENNECKE BEACH OCEAN WATERS

- §13-254-9 Definition
- §13-254-10 Restricted area
- §13-254-11 Restrictions
- §13-254-12 Exceptions

§13-254-9 Definition.

"Brennecke beach ocean waters" means the portions of Poipu ocean waters shown on Exhibit "I", June 1, 1981, and located at the end of this chapter, and more particularly described as follows:

- (1) Beginning at a point where the mean high water mark intersects a seaward prolongation of the east boundary of Maa Road;
- (2) In the Poipu Beach Park direction along the mean high water mark to the tip of the rocky point opposite the southeast corner of Poipu Beach Park; and
- (3) Along a straight line to, and ending at the point of beginning. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-10 Restricted area. The Brennecke Beach ocean waters are primarily reserved for bathing, swimming, and body surfing subject to restrictions prescribed in these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-11 Restrictions. No person shall operate a surfboard or paipo board in the restricted area of the Brennecke Beach ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-12 Exceptions. Section 13-254-11 shall not apply to:

- (1) The operation of surfboards and paipo boards in connection with public surfriding events for which the chairperson of the board of land and natural resources may grant permission in writing;
- (2) Emergencies; and

- (3) Authorized personnel on duty to protect the health and safety of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

SUBCHAPTER 4

RULES GOVERNING POINT PANIC OCEAN WATERS

- §13-254-13 Definition
- §13-254-14 Restrictions
- §13-254-15 Exceptions

§13-254-13 Definition.

"Point Panic ocean waters" means the portion of Kewalo ocean waters confined by the boundaries shown on Exhibit "J", May 12, 1998, located at the end of this chapter, which boundaries are described as follows:

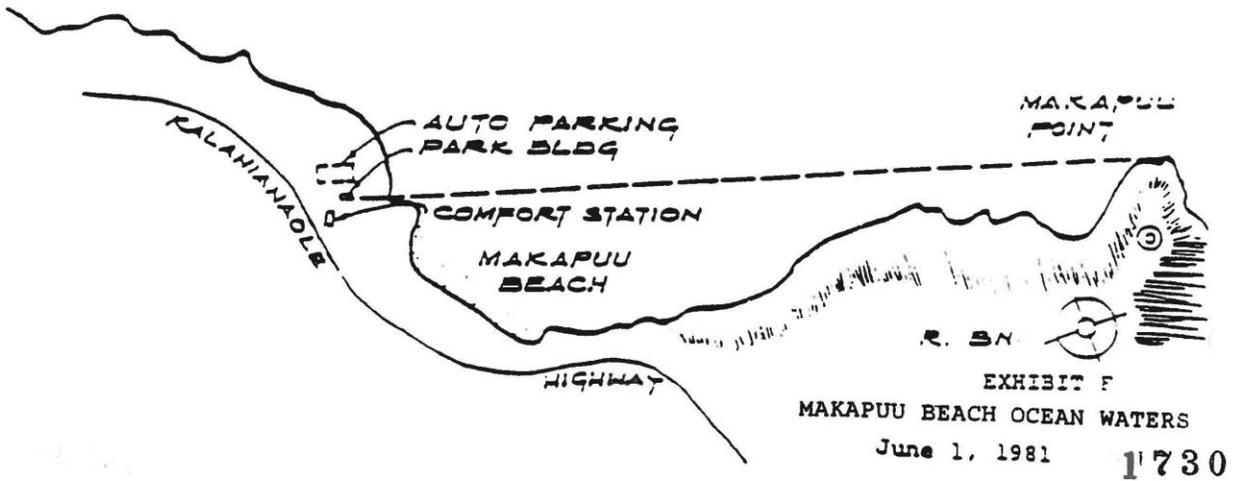
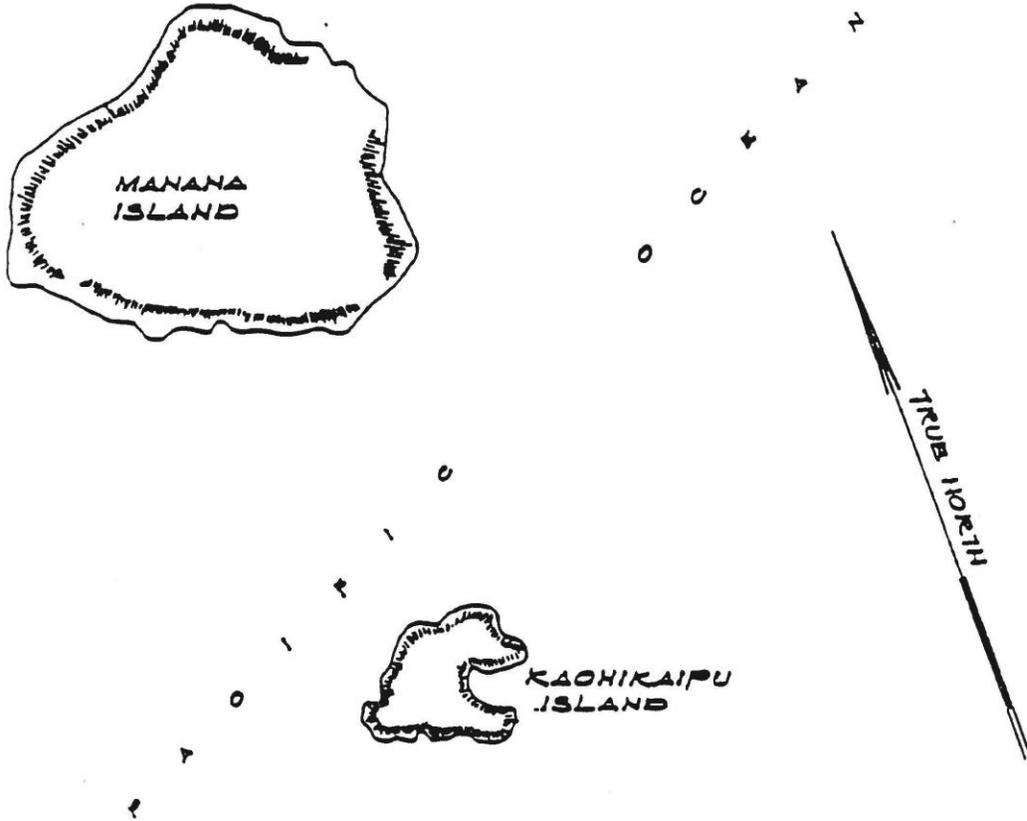
- (1) Beginning at a point where the mean high water mark intersects a seaward prolongation of the Ewa boundary of Ahui Street;
- (2) In a Diamond Head direction along the mean high water mark to the point where the mean high water mark intersects the Ewa boundary of the Kewalo Basin seawall;
- (3) To a point two hundred yards seaward on a prolongation of the Kewalo Basin seawall;
- (4) In an Ewa direction on a straight line at right angles to the seaward prolongation of the Kewalo Basin seawall to a point where the line intersects a seaward prolongation of the Ewa boundary of Ahui Street; and
- (5) Along a straight line in a shoreward direction to, and ending at the point of beginning. [Eff 2/24/94; am 09/10/01] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

Unofficial Compilation

§13-254-14 Restrictions. (a) Handboards, without skegs, are the only wave riding board allowed in the point panic ocean waters, as provided in section 13-254-13 and shown on Exhibit J, "Point Panic Ocean Waters," dated May 12, 1998. [Eff 2/24/94; am 9/10/01] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-15 Exceptions. Section 13-254-14 shall not apply to:

- (1) The operation of surfboards in connection with public surfriding events which the chairperson of the board of land and natural resources may grant permission in writing;
- (2) Emergencies; and
- (3) Authorized personnel on duty to protect the health and safety of the general public.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)



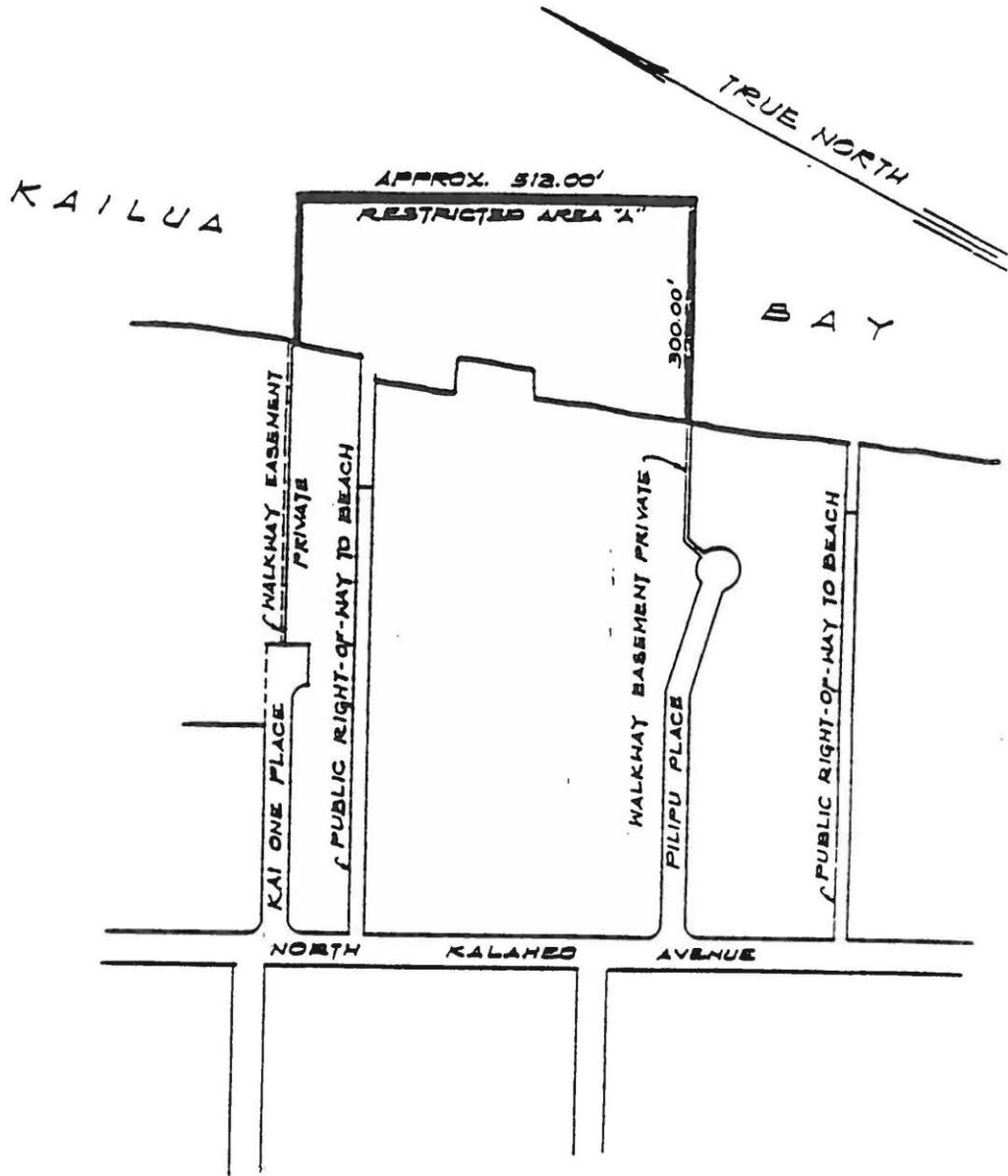


EXHIBIT G
RESTRICTED AREA A
KAILUA BAY OCEAN WATERS
June 1, 1981

1730

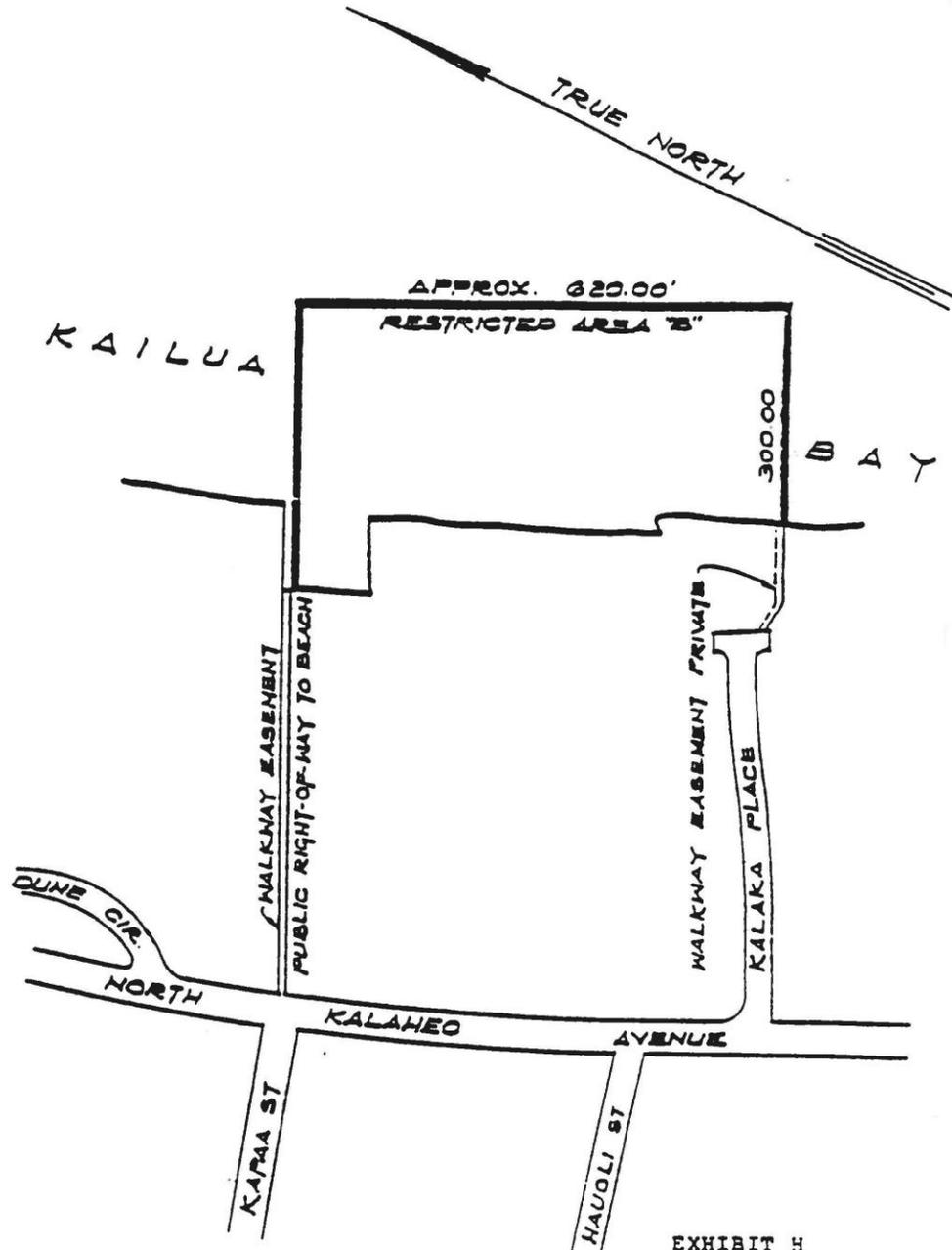


EXHIBIT H
RESTRICTED AREA B
KAILUA BAY OCEAN WATERS
June 1, 1981

1730

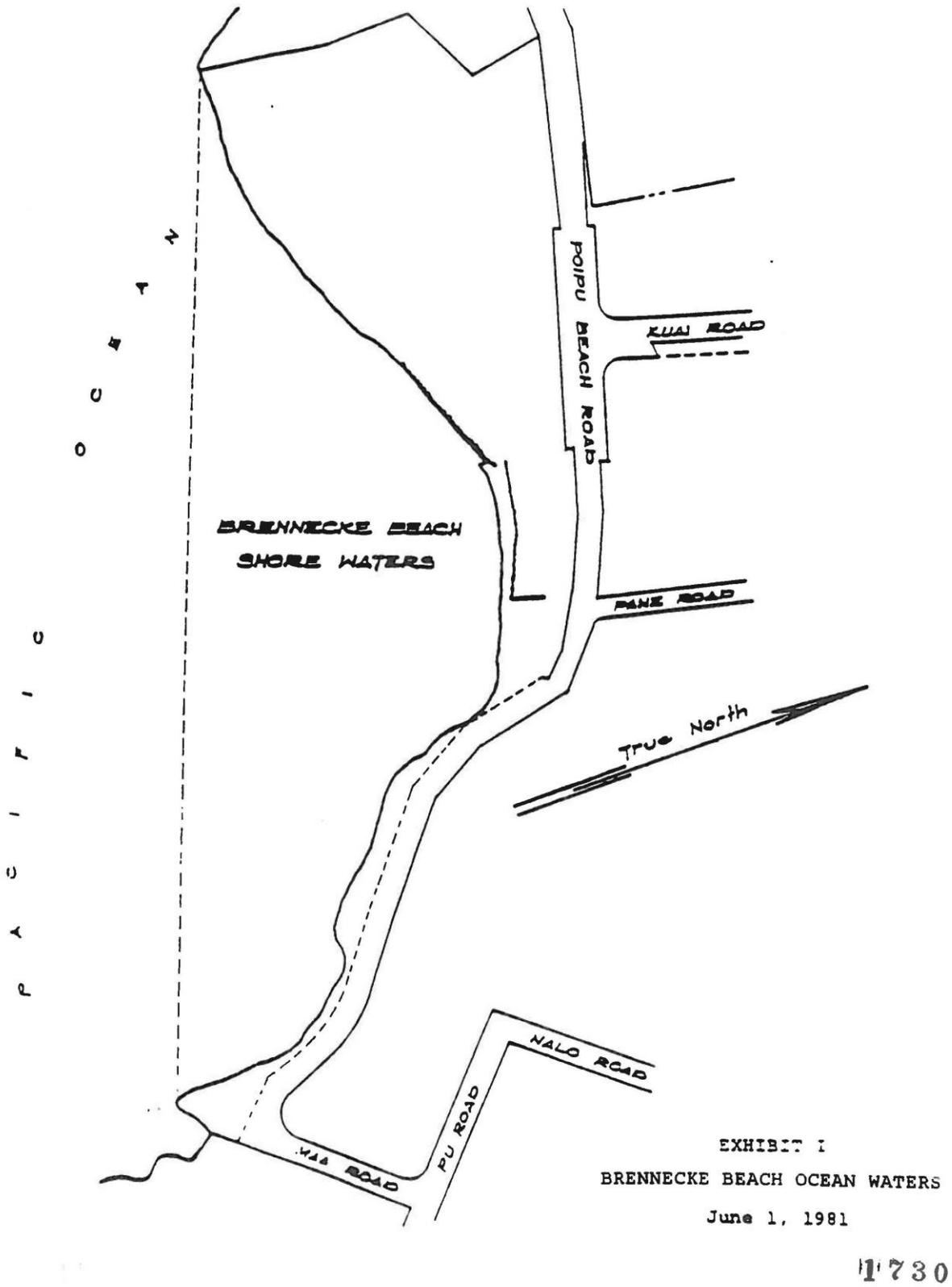


EXHIBIT I
BRENNECKE BEACH OCEAN WATERS
June 1, 1981

1730

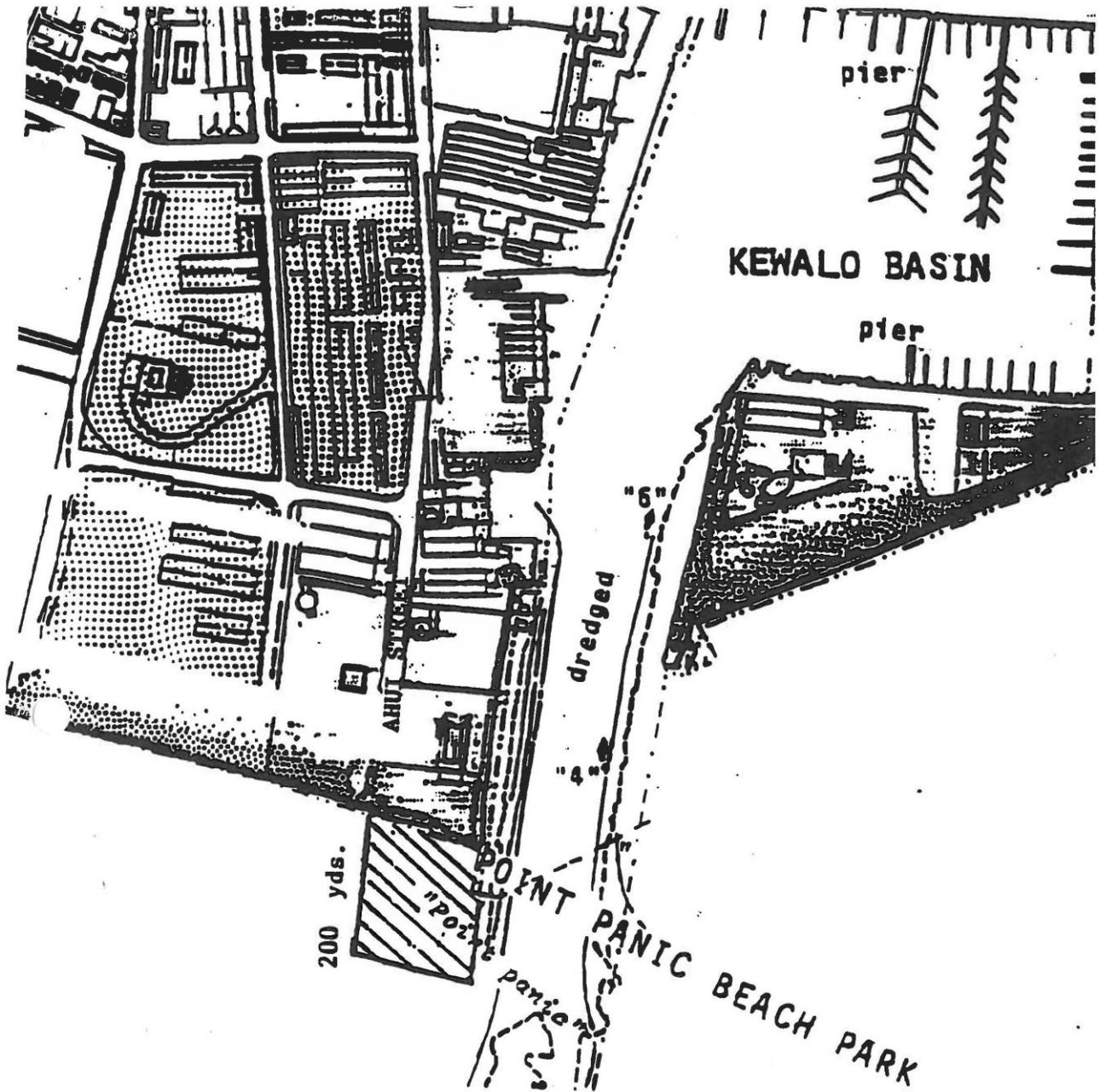


EXHIBIT J
POINT PANIC OCEAN WATERS
MAY 12, 1998