

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Pursuant to and by virtue of the authority set forth in Section 10-1.3, Revised Ordinances of Honolulu, 1990, as amended, the Director of Parks and Recreation, subject to the approval of the Mayor of the City and County of Honolulu, hereby amends the following rules and regulations relating to the use and defining the specific users of Hanauma Bay Nature Preserve.

AMENDED RULES AND REGULATIONS
RELATING TO VISITOR USE LEVELS AND CONTROLS
AT HANAUMA BAY NATURE PRESERVE

Part I

Section 1. Findings and Purpose. The Department of Parks and Recreation finds that the unrestrained use of Hanauma Bay Nature Preserve has contributed to the rapid deterioration of a finite resource. Therefore, it is incumbent upon the Department of Parks and Recreation to adopt reasonable rules to control usage of Hanauma Bay Nature Preserve and the level of visitors to insure preservation of a unique resource.

The Department further finds that to prevent further deterioration of Hanauma Bay Nature Preserve, the Department must regulate commercial activities which sell the uniqueness of Hanauma Bay Nature Preserve and make use of the Hanauma Bay Nature Preserve's facilities. It is recognized that commercial activities within City parks exist as a privilege, not as a right. Therefore, all reasonable measures by the Department of Parks and Recreation to minimize the adverse impacts of commercial activities upon park capacities are just and proper. These measures may include, but not limited to, temporarily or permanently closing the facility for maintenance purposes or when the commercial activities become incompatible due to changes in circumstances. [Eff: March 31, 1990, am: JUL 16, 1998](Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Section 2. Applicability and Scope. These rules shall apply to all areas within Hanauma Bay Nature Preserve under the jurisdiction of the City and County of Honolulu. The purpose of these rules is to govern the use and to protect and preserve a finite resource. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Section 3. Definitions. As used in these rules, unless the context requires otherwise:

"Authorized representative" means any person legally or otherwise properly designated to act for the Director.

"City" means the City and County of Honolulu.

"Commercial Tour Company" means any individual, partnership, corporation, firm, association, or other business entity (including any of its employees) who promotes, sells, or merchandises Hanauma Bay Nature Preserve, whether as a sole destination, or as an incidental stop in conjunction with other stops or activities.

"Department" means the Department of Parks and Recreation, City and County of Honolulu.

"Director" means the Director of Parks and Recreation, City and County of Honolulu.

"Hawaiian" means any descendant of the aboriginal people inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which people thereafter have continued to reside in Hawaii.

"Lower Level" means all areas makai of the upper level of Hanauma Bay Nature Preserve, to include such areas as the sandy beach, "Witch's Brew" and "Queen's Bath" areas.

"Permit" means a written warrant granted by the Director authorizing use of a public park area.

"Permittee" means an individual, group or organization who has requested and received permission to conduct an authorized activity.

"Upper level" means the portion of Hanauma Bay Nature Preserve located between Kalaniana'ole Highway and the lookout area. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Section 4. Penalties. Any person convicted of a violation of these rules may be subjected to a fine of up to five hundred dollars (\$500.00), or by imprisonment for up to thirty days, or by both fine and imprisonment, for each violation. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Part II

Section 5. Times of Use.

(a) Except holidays, Hanauma Bay Nature Preserve shall be closed to visitors every Tuesday.

(b) Hanauma Bay Nature Preserve shall be closed between the hours of 7 p.m. to 6 a.m. from the Memorial Day weekend through the Labor Day weekend. From the day after the Labor Day weekend through the day prior to the Memorial Day weekend the hours of closure shall be 6 p.m. through 6 a.m.

(c) Hanauma Bay Nature Preserve may also be closed to all visitors when:

(1) The park or park facilities sustain damages; for scheduled or ongoing construction; repairs or maintenance activities; or because of other reasons.

(2) A state of emergency is declared by the Director or other proper authorities.

(3) Natural or civil disturbances, including but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes occur or threaten to occur. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3).

Section 6. Fees and Admission to Lower Level

(a) The following fees shall be assessed for entrance to the Hanauma Bay Nature Preserve:

(1) For nonresidents of Hawaii, 13 years of age and older, to enter the lower level (beyond the scenic lookout): \$7.50 per person.

(2) For vehicles entering the preserve, a \$1 parking fee shall be assessed; provided that this parking fee shall be refunded to all vehicles departing from Hanauma Bay Nature Preserve within 15 minutes of their entry.

(b) The Director is authorized to waive the fees provided by this section and to allow entry of any person to the Hanauma Bay Nature Preserve as part of an educational or promotional program or package made available or authorized by the City.

(c) Hawaiians entering the Hanauma Bay Nature Preserve to exercise their traditional and customary rights for subsistence, cultural and religious purposes shall be exempt from paying admission fees; provided that nothing in this subsection shall be construed as allowing activities which may be otherwise prohibited by the Hawaii Revised Statutes or administrative rules of the Department of Land and Natural Resources.

(d) In order to protect the quality of Hanauma Bay Nature Preserve, no more than 2,000 people may access the lower level of Hanauma Bay Nature Preserve at any one time. This number may be adjusted based on future studies or reports. [Eff: March 31, 1990, am: Jul 16, 1998 (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Section 7. Public Parking Lot.

- (a) The use of the public parking lot shall be limited to non-commercial and U-Drive passenger vehicles and authorized permittees who have obtained commercial filming, commercial scuba and snorkeling permits, in accordance with rules governing these activities. Upon request, the permittees shall show the permits to any authorized representative of the City.
- (b) Parking shall be limited to the number of parking stalls marked within the paved area of the parking lot.
- (c) Vehicles shall be denied entry into the parking lot when full.
- (d) All applicable fees shall be assessed in accordance with section 6 of these rules and regulations. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4- 105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10- 1.3)

Section 8. Commercial Vehicle Lot and Upper Level Scenic Viewing Areas.

- (a) Commercial tour company vehicles are authorized to use the commercial vehicle lot and scenic viewing areas located in the upper level of the Hanauma Bay Nature Preserve.
- (b) Taxis and vehicles displaying a disabled parking placard shall be allowed to drop off and pick up patrons in designated areas of the commercial vehicle lot, provided that the taxis and vehicles displaying a disabled parking placard comply with all applicable State statutes, City ordinances and Public Utilities Commission rules and regulations.
- (c) Use of the commercial vehicle lot and scenic viewing areas shall be limited to sightseeing and picture taking activities.
- (d) Sightseeing and picture taking activities in the commercial vehicle lot shall be limited to a period of fifteen minutes and confined to the upper level of Hanauma Bay Nature Preserve.
- (e) The use of the lower level of Hanauma Bay Nature Preserve by commercial tour companies and their patrons shall be prohibited unless authorized under City concession.
- (f) The Department reserves the right to control the numbers of commercial vehicles, including taxis, shuttles, limousines, buses, in the commercial vehicle lot.
- (g) Vehicles shall be denied entry into the commercial vehicle lot when congestion presents a safety hazard. [Eff: March 31, 1990, am: JUL 16, 1998] (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10- 1.2, 10-1.3)

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of these rules are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof. [Eff: March 31, 1990, am: Jul 16 1998 (Auth: RCH 1994 § 4-105; ROH 1990 § 1-9.1) (Imp: ROH 1990 §§ 10-1.2, 10-1.3)

Section 10. Effective Date. These rules shall take effect ten days after filing with the Office of the City Clerk.

ADOPTED this 1st day of July, 1998, by the Director of the Department of Parks and Recreation, City and County of Honolulu, State of Hawaii.

Director

/s/ William D. Balfour, Jr.
WILLIAM D. BALFOUR, JR.,

Department of Parks and Recreation
City and County of Honolulu

APPROVED AS TO FORM:

/s/ Dawn D. M. Spurlin
Deputy Corporation Counsel

APPROVED this 25th day of
June, 1998.

/s/ Jeremy Harris
JEREMY HARRIS, Mayor
city and County of Honolulu

CERTIFICATION

I, WILLIAM D. BALFOUR, JR., in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Amended Rules and Regulations Relating to Visitor Use Levels and Controls At Hanauma Bay Nature Preserve which were adopted on June 25, 1998 , 1998, following a public hearing held on July 2, 1997, after public notice was given on May 28, 1997, in the Honolulu Star-Bulletin.

Director

/s/ William D. Balfour, Jr.
WILLIAM D. BALFOUR, JR.,
Department of Parks and

Recreation
Honolulu

City and County of

Received this 6th day of
July, 1998.

/s/ Genevieve G. Wong
GENEVIEVE G. Wong, City Clerk