

CITY AND COUNTY OF HONOLULU

DEPARTMENT OF PARKS AND RECREATION

Under and by virtue of the authority conferred upon him by Chapter 91, Hawaii Revised Statutes (HRS), Chapter 10, Revised Ordinances of Honolulu 1990 (ROH), as amended, and every other enabling power, the Director of the Department of Parks and Recreation of the City and County of Honolulu does hereby prescribe the following:

AMENDED RULES AND REGULATIONS

GOVERNING COMMERCIAL SCUBA DIVING (TO INCLUDE SNUBA)

AND SNORKELING ACTIVITIES IN CITY BEACH PARKS

LOCATED WITHIN STATE CONSERVATION DISTRICTS

(EXCEPT HANAUMA BAY NATURE PARK,

KOKO HEAD SANDY BEACH PARK,

AND MAKAPUU BEACH PARK)

PART VIII

Section 44. Findings and Purpose. Pursuant to Section 10-1.3(10)(b), ROH 1990, as amended, and Section 8 of these rules and regulations, a public hearing was conducted to determine the propriety of scuba diving (diving with self-contained underwater breathing apparatus) and snorkeling (use of face mask and tubed breathing apparatus) as commercial activities at City beach parks located within State Conservation Districts, except Hanauma Bay Nature Park.

The Department duly received applications from various individuals and organizations to conduct these activities, pursuant to Section 7 of these rules and regulations. As a result of the public hearing, the Department finds the proposed commercial activities to be essentially recreational in nature and complementary to the facilities of the park.

These activities are hereby designated authorized activities in accordance with the definition provided in these rules and regulations, subject to the limitations and conditions hereinafter described.

Section 45. Number of Persons.

The maximum number of persons in a group, including instructors and assistants, shall be 10.

Section 46. Times of Use.

(a) Permittees may engage in commercial scuba diving and snorkeling on any day, weekends and holidays included.

(b) Permittees shall limit their commercial activities to the hours between sunrise and sunset, except that night diving may be allowed for certification purposes only.

Section 47. Fees.

See Chapter 10.3 ROH 1990, as amended.

Section 49. Permits.

(a) Permits shall be honored at any of the following seven City beach parks which are located within State Conservation Districts:

- (1) Kaupo Beach Park
- (2) Keaau Beach Park
- (3) Mokuleia Beach Park
- (4) Waimea Bay Beach Park
- (5) Diamond Head Beach Park
- (6) Kaaawa Beach Park
- (7) Kalae-Oio Beach Park

(b) Each permit shall allow only one group to be at any of the above beach parks at any one time.

(c) Each applicant shall be limited to one permit for each day of operation.

(d) Annual, monthly and daily permits may be applied for at any time.

Section 49. General Conditions.

(a) Applicants for permit must possess the licenses required to conduct business in the State of Hawaii. Applications for these permits shall be limited to those who are qualified to conduct these activities as defined in Section 3, Definitions - Scuba Instructor, Snorkel Instructor and Snorkel Tour Guide, of Part I of these rules and who shall have and provide proof of having experience of providing these services.

(b) Each permit applicant must have in current force and effect an insurance policy covering the respective activity in which the combined limit of liability for bodily injury and property damage is \$1 million per occurrence. The insurance certificate shall name

the City and County of Honolulu, its officers and employees, and the State of Hawaii, its officers and employees, as additional insured. A copy of the certificate of insurance shall be filed with the Parks Permit Section of the Department.

(c) Picnic tables and benches or areas owned by the City shall not be reserved for exclusive use of permittees. The beach parks and adjacent State-owned beach shall not be used for storage or as a staging area for commercial scuba diving and snorkeling equipment and supplies.

(d) Vehicles used for commercial scuba diving and snorkeling activities shall not be driven onto or be parked in City beach areas, except in designated parking lots.

(e) Soliciting of business is prohibited within any of the beach parks and on adjacent State-owned beach.

(f) Commercial notices or advertisements for scuba diving and snorkeling activities shall not be displayed, posted, or distributed within any of the beach parks and on adjacent State-owned beach.

(g) Permittees shall be responsible for the safety of persons under their charge and for determining that their physical capability and experience are adequate to safely participate under the existing sea and surf conditions. Scuba instructors, snorkel instructors and guides shall accompany their charges and remain in the water during the period while charges are participating in the activities.

(h) Should it be adjudged that harm or death has resulted from the permittee's negligence or use of faulty equipment, the permit issued to the permittee shall be immediately revoked upon notice, review and consideration by the Department of Parks and Recreation without the possibility of future permits.

(i) Permittee failing to perform in accordance with the conditions of these rules and regulations shall forfeit any further use of an existing permit and will not be allowed to apply in person, member of a firm, corporation, or entity for a period of two years from the date of failure to perform.

(j) Permittee shall be prohibited from activities involving use of explosives or material used to cause or simulate fires in ocean waters or on objects placed in ocean waters (e.g. boats, rafts, platforms, piers) and from discharging chemicals (e.g. dyes, forams, oil, toxins, etc.) into ocean waters without separate express approval from the Department of Health and the Department of Land and Natural Resources, State of Hawaii.

(k) Permittee shall use care to prevent petroleum products, trash and debris from falling, blowing, washing, flowing or leaching into aquatic environment.

(l) Structures and other props of fiberglass, resins, foams or other materials giving off volatile substances or treated with creosote, paint, stains, or other preservatives shall be allowed to dry or "cure" for at least one week before being placed in contact with the water.

(m) The permittee shall be responsible for cleaning and removal of all litter, trash and debris attributable to the operation of the commercial activity.

(n) Soils deprived of natural cover by crew, cast or crowd of spectators, or by permittee's vehicles, or other equipment shall be revegetated or re-stabilized immediately after use to prevent erosion.

(o) Permittees shall be required to present their permit, when requested, to any authorized representative of the Department or any police officer.

Section 49a. Re-application Following Revocation of Permit.

(a) Re-application following revocation of a permit may be permitted upon the petition of the applicant to the Department of Parks and Recreation and affirmative compliance with our rules and conditions.

ADOPTED this 2nd day of October, 1992, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

WALTER M. OZAWA, Director
Department of Parks and Recreation
City and County of Honolulu

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 12th day of
October, 1992.

FRANK F. FASI, Mayor
City and County of Honolulu

CERTIFICATION

I, WALTER M. OZAWA, 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 **Rules and Regulations Governing Commercial Scuba Diving (to Include Snuba) and Snorkeling Activities in City Beach Parks Located Within State Conservation Districts (Except Hanauma Bay Nature Park, Koko Head Sandy Beach Park, and Makapuu Beach Park)**, which were adopted on October 2, 1992, following a public hearing held on September 22, 1992, after public notice was given on August 16, 1992, in the Honolulu Star Bulletin and Advertiser.

Director
Recreation

WALTER M. OZAWA,
Department of Parks and
City and County of Honolulu

Received this 13th day of
October, 1992.

RAYMOND K. PUA, City Clerk

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