

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 IN  
OTHER THAN STATE CONSERVATION DISTRICTS

PART VII

Section 38. Findings and Purpose. Pursuant to Section 10-1.3(10)(b), 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 in other than State Conservation Districts.

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 39. Permits.

(a) The Department may issue annual, monthly and daily permits; however, each applicant shall be limited to one permit for each day of operation.

(b) Each permit shall be honored at any City beach park other than the following which are located within a State Conservation District:

Diamond Head Beach Park  
Hanauma Bay Nature Park  
Kaaawa Beach Park  
Kalae-Oio Beach Park  
Kaupo Beach Park

Keaau Beach Park  
Koko Head Sandy  
Makapu'u Beach Park  
Mokule'ia Beach Park  
Waimea Bay Beach Park

(c) Permittees shall be required to present their permit, upon request, to any representative of the Department or any police officer.

Section 40. Number of Persons.

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

(b) Each permit shall allow only one group to be at any of the beach parks and beach right-of-ways listed in the attachment.

Section 41. Times of Use.

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

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

Section 42. Fees.

See Chapter 10.2 ROH 1990, as amended.

Section 43. General Conditions.

(a) The applicants for permits must possess the licenses required to conduct business in the State of Hawaii. Application 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 Guides, of Part I of these rules and who shall have and provide proof of having experience of providing these services.

(b) The applicants for permits 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 and the State of Hawaii as additional insured. A 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, nor shall they 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 into or be parked in City beach park areas, except in designated parking lots.

(e) Soliciting business is prohibited within any of the beach parks.

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

(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.

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

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Director  
Recreation

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

APPROVED AS TO FORM:

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 in Other Than State Conservation Districts**, 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 Advertiser and the Honolulu Star-Bulletin.

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Director  
Recreation

WALTER M. OZAWA,  
Department of Parks and

Received this 13th day of  
October, 1992.

RAYMOND K. PUA, City Clerk

BEACH PARKS

Ala Moana Beach Park  
Áukai Beach Park  
Barbers Point Beach Park  
Bellows Field Beach Park  
Neal S. Blaisdell Park  
Éhukai Beach Park

Kuilei Cliffs Beach Park  
Kuliouou Beach Park  
Laenani Beach Park  
La'ie Beach Park  
Lualualei Beach Park  
Ma'ili Beach Park

Ewa Beach Park  
Fort DeRussy Beach Park  
Hale'iwa Alii Beach Park Mauna  
Hale'iwa Beach Park  
Hau'ula Beach Park  
Kahe Point Beach Park  
Kailua Beach Park  
Kaiona Beach Park  
Kalama Beach Park  
Kaneohe Beach Park  
Kapiolani Regional and Beach Park  
Kawaiku'i Beach Park  
Ke'ehi Lagoon Beach Park  
Kokee Kai Beach Park  
Kualoa Regional Park  
Kuhio Beach Park

Makaha Beach Park  
Makaua Beach Park  
Lahilahi Beach Park  
Maunalua Bay Beach Park  
Nanakuli Beach Park  
One'ula Beach Park  
Poka'i Bay Beach Park  
Punalu'u Beach Park  
Pupukea Beach Park  
Sunset Beach Park  
Swanzy Beach Park  
Ulehawa Beach Park  
Waiahole Beach Park  
Wai'alae Beach Park  
Wai'anae Beach Park  
Wailupe Beach Park  
Waimanalo Beach Park

### BEACH RIGHT-OF-WAYS

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#### HAWAII-KAI/KOKO HEAD

Kokee Beach Right-of-Way  
Tax Key 3-9-26:2

Koko Kai Beach Right-of-Way  
Tax Key 3-9-28:19

Hanapepe Loop  
Tax Key 3-9-28:25

Lumahai Street  
Tax Key 3-9-13

#### NIU

Kalaniana'ole Highway  
Tax Key 3-7-01

#### KAHALA

Kahala Avenue: Elepaio  
Street

#### WAIKIKI

Kalia Road  
Tax Key 2-6-04

Paoa Place  
Tax Key 2-6-08

#### EWA

One'ula Place  
Tax Key 9-1-25:61

Pupu Place  
Tax Key 9-1-30:17

Ewa Beach Road  
Tax Key 9-1-06  
(.028 acre)

Ewa Beach Road  
Tax Key 9-1-06

Tax Key 3-5-03:39	(.031 acre)
Kahala Avenue: Kala Place Tax Key 3-5-03:41	Ewa Beach Road Tax Key 9-1-06 (.028 acre)
Kahala Avenue: Hunakai Street Tax Key 3-5-04:53	Ewa Beach Road Tax Key 9-1-24 (.031 acre)
Kahala Avenue: Koloa Street Tax Key 3-5-05:76	Ewa Beach Road Tax Key 9-1-24 (.028 acre)
Kahala Avenue: Koloa Street Tax Key 3-5-05:73	Ewa Beach Road Tax Key 9-1-24 (.029 acre)
Kahala Avenue: Koloa Street Tax Key 3-6-06:32	Ewa Beach Road Tax Key 9-1-24 (.028 acre)
Kailoo Place Tax Key 3-1-41: 26	Ewa Beach Road Tax Key 9-1-23 (.029 acre)

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EWA (Continued)

Ewa Beach Road  
Tax Key 9-1-23  
(.028 acre)

Ewa Beach Road  
Tax Key 9-1-23  
(.027 acre)

Ewa Beach Road  
Tax Key 9-1-23  
(.028 acre)

Ewa Beach Road  
Tax Key 9-1-23  
(.028 acre)

KAWAILOA

Papailoa Road  
Tax Key 6-1-04:91

PUPUKEA-PAUMALU (SUNSET  
BEACH)

Oopuola Street  
Tax Key 5-9-01

Kahauola Street  
Tax Key 5-9-01

Huelo Street  
Tax Key 5-9-01

Ke-Nui Road

MAKAHA

Mouo Street  
Tax Key 8-4-05: 12

Upena Street  
Tax Key 8-4-07:12

Makau Street  
Tax Key 8-4-09:17

Makau Street  
Tax Key 8-4-10:17

Tax Key 5-9-02  
(0.12 acre)

Ke-Nui Road  
Tax Key 5-9-02  
(0.14 acre)

Ke-Waena Road  
Tax Key 5-9-03

Ke-Iki Road  
Tax Key 5-9-03  
(0.10 acre)

PUUIKI

Au Street  
Tax Key 6-8-11:42  
(por.)

Au Street  
Tax Key 6-8-12:41  
(por.)

Au Street  
Tax Key 6-8-12:53  
(por.)

Crozier Drive  
Tax Key 6-8-04:3 (por.)

Waiialua Beach Road  
Tax Key 6-7-14:42

Ke-Iki Road  
Tax Map Key 5-9-03  
(0.16 acre)

Ke-Iki Road  
Tax Key 5-9-03  
(0.08 acre)

Ke-Nui Road  
Tax Key 5-9-19  
(0.11 acres)

Ke-Nui Road  
Tax Key 5-9-19  
(0.04 acre)

Ke-Nui Road  
Tax Key 5-9-20  
(0.05 acre)

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PUPUKEA-PAUMALU (Continued)

(SUNSET BEACH)

Ke-Nui Road  
Tax Key 5-9-20  
(0.06 acre)

Ke-Nui Road  
Tax Key 5-9-20  
(0.03 acre)

LAIE

Hau'ula Beach Remnant  
Tax Key 5-4-10:5

Kamehameha Highway  
Tax Key 5-5-02:73

Kaluanui  
Kamehameha Highway  
Tax Key 5-3-10:30

KANEOHE

Kaneohe Bay Drive  
Tax Key 4-4-16:20

Kaneohe Bay Drive  
Tax Key 4-4-21:20

Milokai Place  
Tax Key 4-4-39:59

Kaimalino Street  
Tax Key 4-4-39:60

KAILUA

North Kalaheo Avenue:  
Dune Street  
Tax Key 4-3-17:1

North Kalaheo Avenue:  
Pueohala Place and  
Kalaheo  
Tax Key 4-3-17:25

North Kalaheo Avenue:  
Ainoni Street  
Tax Key 4-3-18:8