

DAVID Y. IGE
GOVERNOR OF
HAWAII



DEPT. COMM. NO. 115

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 17, 2019

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Requesting the Department of Land and Natural Resources Division of Boating and Ocean Recreation and County of Hawaii to Work Together to Identify and Pursue the Best Plan of Action to Address Issues at Kahalu'u Beach Park on Hawaii Island report, in response to Senate Concurrent Resolution 209, Draft 1, Regular Session of 2019. In accordance with Section 93-16, Hawaii Revised Statutes, a copy of this report has been transmitted to the Legislative Reference Bureau and the report may be viewed electronically at <http://files.hawaii.gov/dlnr/reports-to-the-legislature/2020/BD20-Kahaluu-Beach-Park-Rpt-FY19.pdf>.

Sincerely,

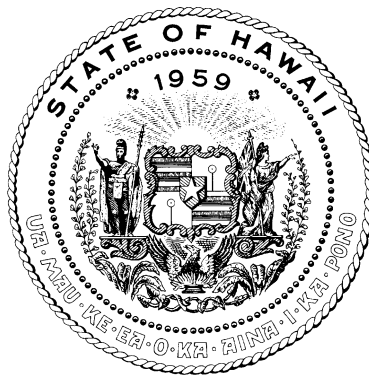
A handwritten signature in blue ink that reads "Suzanne D. Case".

SUZANNE D. CASE
Chairperson

Enclosure

**REPORT TO THE THIRTIETH LEGISLATURE
STATE OF HAWAI'I
REGULAR SESSION OF 2020**

**REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION AND COUNTY OF HAWAII
TO WORK TOGETHER TO IDENTIFY AND PURSUE THE BEST PLAN OF ACTION
TO ADDRESS ISSUES AT KAHALU'U BEACH PARK ON HAWAII ISLAND.**



Prepared by
STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION

In response to
Senate Concurrent Resolution 209, Senate Draft 1,
Regular Session of 2019

November 2019

**REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION AND COUNTY OF HAWAII
TO WORK TOGETHER TO IDENTIFY AND PURSUE THE BEST PLAN OF ACTION
TO ADDRESS ISSUES AT KAHALU‘U BEACH PARK ON HAWAII ISLAND.**

Senate Concurrent Resolution (SCR) 209, Senate Draft (SD) 1, adopted during the Regular Session of 2019, requests the Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR) to work together with the County of Hawai‘i to address issues at Kahalu‘u Beach Park, namely the issues of overcrowding and safety; improving, identifying, and protecting native Hawaiian rights and customary and traditional practices; and streamlining the state waters and beach and shoreline commercial use permit processes for Kahalu‘u Beach Park. SCR209 SD1 requested that DOBOR collaborate with the County of Hawai‘i to identify and pursue the best plan of action to address the issues.

In June of 2019, Suzanne Case, DLNR Chairperson, Robert Masuda, DLNR First Deputy, and Stephen Schmelz, DOBOR Hawai‘i District Manager, met with Hawai‘i County Mayor Harry Kim and the Hawai‘i County Department of Parks and Recreation to discuss plans for moving forward with rules and regulations for Kahalu‘u Beach Park and affected ocean waters. DOBOR's jurisdiction covers ocean waters up to the high wash of the waves, and Hawai‘i County's jurisdiction covers the land portion of Kahalu‘u Beach Park.

As a result of the meeting, DLNR and Hawai‘i County agreed that DOBOR would now take the lead on drafting and implementing administrative rules regarding commercial surfing instruction at Kahalu‘u Bay. After DOBOR establishes its administrative rules, Hawai‘i County will develop counterpart administrative rules to ensure that rules for both jurisdictions are in alignment. Commercial surf instruction permittees approved by DOBOR will receive accompanying permits from Hawai‘i County to operate on land at Kahalu‘u Beach Park. DOBOR is in the process of determining a fair and equitable method to issue the limited number of commercial surfing instruction permits for Kahalu‘u ocean waters.

DOBOR has also been engaging with Kahalu‘u commercial operators and community members to develop its administrative rules and estimates that Kahalu‘u ocean waters rules will be implemented by the end of 2020, barring any unforeseen delays. DOBOR believes that auctioning commercial use permits is a fair method of issuance which may need statutory authorization for