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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF STATE PARKS  
P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N.S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Thursday, January 30, 2025  
9:00 AM  
State Capitol, Conference Room 411

In consideration of  
HOUSE BILL 1316  
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

House Bill 1316 proposes to require that, beginning January 1, 2026, rental watercraft be registered and numbered with the Department of Land and Natural Resources (Department) before being provided or offered for public use in transiting the navigable waters of a state park. **The Department supports this measure and offers the following comments.**

There is a robust market of rental kayaks and stand-up paddleboards (SUP) servicing the visitor industry statewide and a few specific State Parks that have natural resources with navigable water features that provide stunning backdrops and experience for kayaking and SUP use. Wailua River State Park (SP) on Kauai and Kealahou Bay State Historic Park (SHP) on Hawaii Island are the two major park units currently subject to the rental kayak and SUP industry. Ahupua'a O Kahana SP on Oahu has a navigable stream that is used for noncommercial recreational kayak and SUP use, but there are no commercial permits issued for this park unit due to proximity to resident homes. The Napali Coast State Wilderness Park is also a premier commercial kayak destination; however, use of the kayaks is on the ocean and not within the State Park boundary and is regulated when landing in the park by camping and/or commercial use permit conditions.

Kealahou Bay SHP is the only park unit where DSP has regulatory authority over the bay's waters. All noncommercial and commercial vessel use in the bay requires a special use permit with specific conditions to transit the bay. In 2025 there are 65 commercial kayaks with permits and required stickers issued for transiting the bay. These vessels are not allowed to land – only paddle and snorkel using a tether.

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

At Wailua River SP, commercial kayak tours are restricted to weekdays only but there is a significant number of offsite kayak and SUP rentals on the weekends. This area is the largest source of complaints about overuse, and conflicts between resident users, and tourists using rented vessels from offsite. While the permitted guided trip vendors comply with weekend prohibitions on commercial use, the river is filled with rented kayaks presently not subject to any park rules oversight. The proposed registration system could be administered with conditions of use, including a restriction on weekend use within parks, similar to what other commercial permittees are already subjected to, allowing for weekend use by residents only, when the vast majority of residents recreate. This condition alone would alleviate many of the current complaints, conflicts and overuse.

**Recommended Amendments:**

We suggest amending page 2, line 17 of this bill to add “conditions of use” to allow for weekend restriction, and other necessary rules for alleviating current commercial rental impacts.

In the Hawaii Administrative Rules, §13-146-13, the term “vessel” is used to refer to all types of watercraft. The bill should substitute the word “vessel” for “watercraft” for consistency.

Mahalo for the opportunity to provide comments in support of this measure.

**HB-1316**

Submitted on: 1/29/2025 11:13:47 AM

Testimony for WAL on 1/30/2025 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|----------------------|---------------------------|------------------------|
| Richard Haviland    | Outfitters Kauai Ltd | Support                   | Written Testimony Only |

Comments:

Aloha,

We're in support.

Mahalo,

Rick Haviland

President, Outfitters Kauai Ltd

**HB-1316**

Submitted on: 1/29/2025 2:38:07 PM

Testimony for WAL on 1/30/2025 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>  | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|----------------------|---------------------------|------------------------|
| Madeline Bragiao    | Kayak Adventures Inc | Support                   | Written Testimony Only |

Comments:

**Honorable Members of the Committee,**

I am writing to express my full support for HB1316, which aims to regulate rental watercraft, including kayaks and paddleboards, within Wailua State Park according to Department of Land and Natural Resources (DLNR) guidelines.

The situation along the Wailua River, especially within Wailua State Park, has worsened due to the unchecked growth of rental companies. These operators often lack proper permits and oversight, leading to a significant increase in unguided and often inexperienced tourists. This creates safety risks for both visitors and the environment, as well as considerable strain on permitted operators who are regularly called to assist with rescues.

A prime example of this occurred in August 2024, when a self-guided tourist, accompanied by two young children, rented a kayak and ventured to the falls. The adult male suffered a head injury and the family needed to be rescued by helicopter from the falls. It was the permitted guided companies, with their expertise and coordination, that facilitated this rescue. Unfortunately, this incident is just one of many that occur nearly weekly, where non-permitted rental guests require assistance, often at great risk to our guides safety.

Currently, rental operators operate seven days a week with no limits, sending large numbers of visitors to sensitive archaeological sites along the river. This has led to extensive littering, disruption of cultural sites, and overcrowding, particularly on weekends. It has also negatively impacted local activities, such as local canoe races, and decreased the overall enjoyment for those visitors working with permitted companies. Additionally, safety concerns persist, as infants are frequently taken on rental kayaks despite the lack of age restrictions.

Unguided tourists lack the experience needed to navigate safely and often require help from licensed guides, who are certified and equipped with essential safety gear. However, due to DLNR's "no commercial activity weekends" mandate, our guides are unavailable on weekends, leaving tourists exposed to greater risks. The absence of regulation also means that many tourists are unaware of weather warnings or evacuation routes, which is especially dangerous during flash floods.

HB1316 is an essential step toward restoring order and safety along the Wailua River. By implementing the regulations outlined in this bill, we can reduce risks, protect the environment, and preserve the cultural and natural heritage of the region.

I urge the Committee to understand the urgency of this bill in safeguarding both visitors and Hawaii's unique treasures. Your favorable consideration of HB1316 is vital to ensuring the safety of our community and the preservation of our state parks.

Thank you for your attention to this important issue.

**Sincerely,**

Madeline Bragio  
President, Kayak Adventures Inc SP0030

**HB-1316**

Submitted on: 1/29/2025 5:04:07 PM

Testimony for WAL on 1/30/2025 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Jonathan Cobb       | Individual          | Support                   | Written Testimony Only |

Comments:

My name is Jonathan Cobb, I'm a kayak guide on the Wailua River, primarily working for Kayak Adventures LLC. As such, I have a lot of interaction with people who have rented kayaks and are touring the river on their own.

As I understand it, HB 1316 would aim to regulate all kayak rentals on the Wailua river, and I'm in support of this. Kayak rental companies have exploded since 2020, with companies like Bring Me a Kayak and Scotty's Kayaks releasing hundreds of unguided and sometimes dangerously inexperienced kayakers and hikers onto the river and trail to Secret Falls. While I think rentals certainly should be available as a way to explore the Wailua River, these companies should experience the same degree of regulation that the guided tour companies do, for the same reasons.

Unchecked exploitation of the Wailua river leads to environmental degradation and safety concerns. It is especially of note that kayak rentals run 7 days a week, whereas the tour companies are limited to just Monday through Friday. The ostensible reason for limiting the tour companies is to "give the ecosystem a break," which I agree with, but that effort is undermined by the throngs of self-guided rentals that make their way up to the Secret Falls area during the weekends. Kayak rentals should be limited to 5 days a week, probably the same 5 days as the tour companies, so that the weekends can truly be days of rest for this much beloved ecosystem.

Thank you for receiving my testimony.

**HB-1316**

Submitted on: 1/29/2025 7:33:37 PM

Testimony for WAL on 1/30/2025 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>    |
|---------------------|---------------------|---------------------------|-------------------|
| Ann Leighton        | Individual          | Support                   | Remotely Via Zoom |

Comments:

HB1316 is a start but it does not resolve the problem of congestion in Wailua River due to unregulated commercial tours and rentals of various watercraft.

Since 2016 there have been no rules in place so every day of the week - including weekends and holidays, there are hundreds of people who are on tours or rent SUP boards and kayaks.

We need to reinstate the permitting system and allow ONLY permitted operators to guide tours and rent out watercraft. Parking is very restrictive at the Kapaa-side boat ramp and there is nothing to prevent renters from parking on the Lihue side next to Smith's Boats (which they do already).

Enforcement also needs to be stepped up as it's only a matter of time before this congestion caused by over-use results in an injury or a death.

I'm local - born and raised here - and it's just really frustrating that I cannot access a resource that I pay for via taxes. Again, this is a start but a lot more needs to be done to get the situation under control.

Mahalo,

Ann Leighton

Wailua, Kauai, Hawaii