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

DIVISION OF STATE PARKS
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the House Committee on
FINANCE**

**Monday, February 24, 2025
2:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1316, HOUSE DRAFT 2
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

House Bill 1316, House Draft 2, proposes to require that, beginning January 1, 2026, rental vessels be registered and numbered with the Department of Land and Natural Resources (Department) before being rented or leased, or offered for rent or lease, by the public for transiting the navigable waters of a state park and requires registration fees to be deposited into the State Parks Special Fund. **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 Kaua'i and Kealahou Bay State Historic Park (SHP) on Hawai'i Island are the two major park units currently subject to the rental kayak and SUP industry. Ahupua'a O Kahana SP on O'ahu 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. Nāpali 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 boundaries and is regulated when landing in a 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.

At Wailua River SP, commercial kayak tours are restricted to weekdays only but there are 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.

The Department appreciates the clarification by the Consumer Protection & Commerce Committee that the funds will be deposited into the State Parks Special Fund.

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

HB-1316-HD-2

Submitted on: 2/22/2025 1:17:21 AM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Miguel (Micco) Godinez	Kayak Kauai	Comments	Written Testimony Only

Comments:

Bill as is, remains vague.

Registration should be only those present compnaies that presenty are permitted to offer tours and/or rentals.

Per Parks: Present operators are already restricted from operating on weekends due to over impact of the resource and to give the resouce a breather.

Registering more rental kayaks will further burden already maxed outresource.

Come visit the North Fork of the Wailua River and you will be struck by the present congestion.

That said, and has always been the issue, that is enforcement.

Thanks for your time.

HB-1316-HD-2

Submitted on: 2/22/2025 10:47:06 AM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Haviland	Outfitters Kauai Ltd	Support	Written Testimony Only

Comments:

Support. This bill will allow for Kayak/SUP rental used in State Parks waters to be restricted to existing permitted operators who are regulated to alleviate overcrowding of resource, pay fees, provide safety services and maintain trails, and are properly insured.

Sincerely,

Rick Haviland, President

HB-1316-HD-2

Submitted on: 2/23/2025 11:42:48 AM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew parker	Wailua Kayak Adventure	Support	Written Testimony Only

Comments:

Aloha,

my name is Matthew Parker and I am writing this testimony on behalf of our family's Wailua River Kayak Company. We are writing in support of this bill. Our business was created in the early 90's and has been one of the original outfitters with permits for both guided tours on the Wailua as well as self guided kayak rentals. Our family was part of the original hui of kayak tour owners who took part in the 8 years of discussions leading to The Wailua River Master Plan established and signed off from Gov. Ben Cayetano in November of 2002. The reason of the plan coming into effect, which limited the amount of kayak operators and physical kayaks on the river each day, was done so to preserve the sustainability of natural resources that the river provides, ensure safe boating with paddling rules, allow Kama'aina to enjoy the rivers on Sundays in which all of us had to to shut down, and to make an overall better experience for visitors by making sure the river was never overrun with too many kayakers on a given day.

During the time when the master plan was implemented, the 4 permitted kayak rental outfitters had to register our kayaks with DOBAR and had Wailua River sticker decals on each kayak showing that they were in compliance with our special use permits. We were each allowed 6 doubles kayaks to be put on the river per day for kayak rentals and Sundays were a down industry day. We also had to have our customers car top the kayaks to the river from our office.

From 2002 until 2020 this plan was a relatively smooth and universally understood part of the Wailua River. There were no new companies popping up because of the fact that there were no new permits issued. Both guided tour operators as well as the 4 kayak rental companies flourished with the capped amount of supply and a steady demand. If you couldn't find availability on a guided Secret Falls Tour you might be able to find a kayak rental, and vice versa for rentals to tours.

In 2020 when the departments switched from DOBAR to DLNR the rental industry drastically changed. Here in Wailua, we started noticing small and some large kayak rental operators starting to open up. I would frequently show up at these companies telling them that they cannot operate without a permit and would always receive the same response saying that "they did not need permits to rent kayaks for the Wailua" I would argue the fact constantly, but they would always refer back to saying that they had reached out to DLNR and were told that as long as they were car topping their kayaks (like we've had to do since 2002) they could rent their boats. When I reached out to DLNR to ask about these findings, I got the same answer. That basically any company, any person, could rent kayaks without a permit as long as they were car topping. Well then I asked what do we even have a permit for? I was told that we can now deliver our kayaks

to the state park with our permit, which is a hand up on the other companies that can't. How had things changed this much without anyone's knowing?

So now the reality on the Wailua River is this. There are still the same 4 permitted companies that can operate our rentals on the river. We still can only rent our 6 double kayaks per per and now we have to close not just on Sundays but Saturdays as well. There are currently that I know of eight unpermitted kayak rental operators that have popped up here in Wailua since 2020. They have no rules as far as how many kayaks they can rent per day and some of which have over 50 kayaks at their locations. They also have no regulation on not operating on the weekends, giving them full range to dominate the market on Saturdays and Sundays. They also pay no Ramp fees, as we all do and also do not have to take part in any sort of trail maintenance that our permit requires of us. They operate during flood watches which we all do not, bringing safety to a head with flooding.

In a nutshell It has entirely changed the landscape of the rental market here on the Wailua, making not only an unsafe environment for visitors and locals alike, but a completely overrun river on a daily basis. Our parking at the state park is way over capacity, the trailhead area is way over capacity, And the weekends which were supposed to be set aside for, Kama'aina are completely overrun with unpermitted kayakers. It has truly been hard to watch as the original master plan got tossed aside and for the last 4 years has been forgotten on the kayak rental side of things.

We do support this new bill being passed hoping that it basically brings back what we had already established as a capped number of kayak rentals on the river. Our hope is that this bill prioritizes the 4 companies that have been in operation paying our dues to the state and following the guidelines set forth to us. Something definitely needs to be done to bring back the limits that were imposed in 2002 to keep the experience of being on the Wailua River a great one for both Kama'aina and visitors alike. Mahalo for your time and consideration.
aloha Matthew Parker

Office Manager Wailua Kayak Adventure

HB-1316-HD-2

Submitted on: 2/22/2025 11:34:10 AM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Leighton	Individual	Support	Written Testimony Only

Comments:

I am in support of this Bill. With few rules in effect, individuals and businesses are renting massive numbers of SUP boards and kayaks in Wailua River. It is very difficult for residents to even find a parking space at the Kaumuali'i Section of Wailua River State Park and the river is crowded with literally hundreds of people every day of the week.

Commerical operators might comment that this measure will put them out of business but if they've been operating without concern for the resource and/or local residents, should they have the privilege of operating?

I owned a business here in Kauai for 20 years and had to repeatedly deal with folks who came here and tried to "compete" with us without having to go through the permitting process that we did. They all got shut down because they were in violation of the law and their actions created an extremely uneven playing field.

The same thing has happened here since 2016, when management of the river migrated from DOBOR to State Parks. Prior to this change, there were rules in place to regulate the commercial activity. Now, however, the river and adjacent park resources are overwhelmed with rental activity.

Recently, a visitor who rented a kayak from an unpermitted operator complained that there was no parking at the Kaumuali'i boat ramp: there was a canoe regatta that day and all the local families who parked in NO PARKING zones were issued parking citations by Kauai Police Officers because all the spaces were taken up by visitors who rented watercraft. Is this fair?

Recreational use by local taxpayers takes precedence over all commercial activity so there is a desperate need to get control over this overcrowding situation.

Mahalo,

Ann Leighton

Kapa'a, Kaua'i, Hawai'i

HB-1316-HD-2

Submitted on: 2/22/2025 12:12:56 PM

Testimony for FIN on 2/24/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support HB1316 HD1.