

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-232.1
Hawaii Administrative Rules

[Date of adoption by agency]

1. Chapter 13-232.1, Hawaii Administrative Rules, entitled "SMALL BOAT HARBOR AND BOATING FACILITY HOURS OF OPERATION", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

CHAPTER 232.1

SMALL BOAT HARBOR AND BOATING FACILITY HOURS OF
OPERATION

- §13-232.1-1** Findings
§13-232.1-2 Small boat harbor and boating
facility hours of operation;
restrictions on access

§13-232.1-1 Findings. The department finds there has been an increase in gun violence state-wide. The department further finds that small boat harbors and boating facilities, and adjacent areas thereto, attract members of the public at all hours due to a lack of posted hours of operation. The department

finds that keeping small boat harbors and boating facilities, and adjacent areas thereto, open to the public at all hours without reasonable access restriction thereto constitutes an imminent peril to public health, safety, and morals. [Eff]

§13-232.1-2 Small boat harbor and boating facility hours of operation; restrictions on access.

(a) The administrator of the division, with the approval of the chairperson, may establish a reasonable schedule of hours of operation for all or a portion of any and all state small boat harbors, state boating facilities, and adjacent areas thereto including, but not limited to parking areas, boat washdown stations, and boat storage areas, and may close or restrict public use to all or any portion thereof, when necessary for the protection of the small boat harbor or boating facility or for the health, safety, or welfare of persons or property, by the posting of appropriate signs at the small boat harbor or boating facility and on the department's website and when applicable, indicating the extent and scope of closure.

(b) No person may enter or remain within a small boat harbor or boating facility outside of posted hours of operation, except for:

- (1) Persons who hold a valid mooring permit issued by the department applicable to the small boat harbor or boating facility they are attempting to access;
- (2) Persons who hold a valid principal habitation or stay aboard permit issued by the department applicable to the small boat harbor or boating facility they are attempting to access, and any guests when in the company of the permit holder;
- (3) Persons who are entering the small boat harbor or boating facility for the purpose of launching or recovering a trailered vessel, who possess a valid launch ramp

decal for state launch ramps and a valid vessel registration or documentation certificate;

- (4) Persons who have written approval for access from the administrator of the division, or their designee;
- (5) Law enforcement officers and emergency personnel performing official duties; and
- (6) Authorized employees of the department performing official duties.

(c) Any vehicles left unattended in a small boat harbor or boating facility outside of hours of operation, except for those with a valid parking permit issued by the department or written approval from the department, may be removed pursuant to chapter 13-233.

(d) Entry into a small boat harbor or boating facility outside of posted hours of operation or during a closure is prohibited.

(e) Any person who enters or remains at a small boat harbor or boating facility outside of posted hours of operation or during a closure, without authorization pursuant to subsection (b), and who remains after a request to leave is made by a law enforcement officer shall be guilty of criminal trespass onto state lands and subject to penalties in accordance with section 708-814.7, Hawaii Revised Statutes." [Eff] (Auth: HRS §§200-2, 200-3, 200-4, 708-814.7) (Imp: HRS §§200-2, 200-3, 200-4, 708-814.7)

2. The department finds that increase in gun violence throughout the state, including at small boat harbors and boating facilities, constitutes an imminent peril to the public health, safety, and morals, and requires immediate adoption of these emergency rules pursuant to section 91-3(b), Hawaii Revised Statutes.

3. The adoption of chapter 13-232.1, Hawaii Administrative Rules, shall take effect upon filing with the Office of the Lieutenant Governor, and shall be effective for no more than 120 days after such filing without renewal.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, pursuant to emergency rulemaking authority in chapter 91, Hawaii Revised Statutes, and filed with the Office of the Lieutenant Governor.

DAWN N.S. CHANG
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:



Deputy Attorney General