

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

June 26, 2026

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

Land Board Members:

SUBJECT: Request approval to initiate rulemaking proceedings, including public hearings, to amend Hawaii Administrative Rule (HAR) Section 13-232-52, Restricted Areas, and compile HAR Chapter 13-232, Sanitation and Fire Safety.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices between 8:00 am to 3:30 pm, Monday through Friday, except state holidays: Hawaii District Office, 74-380 Kealakehe Parkway, Kailua-Kona, HI 96740; Kauai District Office, 2494 Niunalu Road, Lihue, HI 96766; Maui District Office, 101 Ma'alaea Boat Harbor Road, Wailuku, HI 96793; and Oahu District Office, 4 Sand Island Access Road, Honolulu, HI 96819.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>. The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>. Location and contact information for DOBOR offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>.

PURPOSE:

Amend and compile HAR Chapter 13-232, primarily regarding hours of operation and closures of small boat harbors and boating facilities.

REMARKS:

At the regularly scheduled Board of Land and Natural Resources (Board) meeting on September 27, 2024, as Agenda Item J-1, DOBOR requested that the Board find that an increase in gun violence throughout the state, including at small boat harbors and boating facilities, constituted an imminent peril to the public health, safety, and morals, and approve adoption of emergency rules pursuant to Section 91-3(b), Hawaii Revised Statutes (HRS). The Board approved Item J-1 as submitted, and the emergency rules

were approved by the Governor and went into effect on November 19, 2024. Pursuant to Section 91-3(b), HRS, emergency rules are effective for no more than 120 days without renewal; therefore the emergency rules expired on March 19, 2025.

While the emergency rules were in effect, hours of operation were implemented at Kailua-Kona Pier on Hawai'i Island and Wai'anae Small Boat Harbor on O'ahu. Upon expiration of the emergency rules, the facilities returned to being open to the public 24/7. As some of the only public spaces open during night hours, small boat harbors and boating facilities sometimes attract criminal activity. There was a noticeable decrease in criminal activities at these facilities while hours of operation were in effect. DOBOR believes that setting reasonable hours of operation at small boat harbors and boating facilities will help to prevent public safety hazards from occurring therein during night hours by discouraging congregation in these facilities by persons without legitimate business and reducing the potential for criminal activity.

Significant proposed changes include:

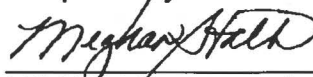
- Allowing DOBOR, with approval from the Chairperson, to implement small boat harbor and boating facility hours of operation on a long-term basis (HAR Section 13-232-52); and
- Restricting access outside of hours of operation or during a closure only to individuals who have legitimate business or are exercising their traditional and customary native Hawaiian rights.

As recommended by Administrative Rule Drafting Procedures, the entirety of HAR Chapter 13-232 is being compiled, with substantive amendments to HAR Section 13-232-52 and various technical amendments throughout for clarity and organization. A Deputy Attorney General has approved the proposed rules for public hearing.

RECOMMENDATION:

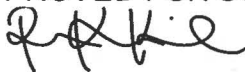
That the Board grant DOBOR approval to initiate rulemaking proceedings, including public hearings, for the administrative rule package referenced and consistent with the purposes described herein.

Respectfully submitted,



MEGHAN L. STATTS, Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



RYAN K.P. KANAKA'OLE, Acting Chairperson
Board of Land and Natural Resources