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LAND
STATE PARKS

LATE

Testimony of
DAWN N.S. CHANG
Chairperson

Before the Senate Committees on
WAYS AND MEANS
and
COMMERCE AND CONSUMER PROTECTION

Wednesday, April 2, 2025
10:00 AM
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 1316, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

House Bill 1316, House Draft 2, Senate Draft 1 (HB1316,HD2,SD1), 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 (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 Kealakekua 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.

Kealakekua Bay SHP is the only park unit where the Department 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.

As proposed under HB1316,HD2,SD1, the Department may only regulate the use of kayaks and SUPs by rules adopted pursuant to Hawai'i Revised Statutes Chapter 91. The statute should also allow the Department to establish conditions of use by special use permit. The Department may respond more quickly and creatively to ever-changing issues of overcrowding and overuse by imposing conditions through its special use permits than it can through the rulemaking process. Accordingly, the Department proposes the following amendments to HB1316,HD2,SD1:

On page 2, line 18, adding after “may” a comma and “by special use permit or by”, adding "ing" at the end of "adopt"; on page 2, line 18, adding a comma after "91"; and on page 2, line 19, removing “to” The proposed amendment to HB1316,HD2,SD1 would read as follows:

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§184- **Registration required for rental vessels; registration number; fees.** (a) Beginning January 1, 2026, no person shall rent or lease, or offer for rent or lease, a vessel to the public for transiting the navigable waters of a state park, unless the rental vessel is registered and numbered with the division of state parks of the department in accordance with rules adopted by the department pursuant to chapter 91 or authorized by a special use permit.

(b) Beginning January 1, 2026, every rental vessel rented or leased, or offered for rent or lease, to the public for transiting the navigable waters of a state park shall have a registration number affixed to the rental vessel.

(c) The department may, by special use permit or by adopting rules pursuant to chapter 91, establish conditions of use for rental vessels transiting the navigable waters of a state park and reasonable fees for the initial registration, annual renewal registration, and ancillary decals of those rental vessels, to be deposited to the credit of the State Parks Special Fund.

(d) As used in this section, “vessel” has the same meaning as in section 200-6 and includes but is not limited to barges, boats, canoes, catamarans, charter boats, cruisers, ferryboats, fishing boats, flatboats, floating cabanas, houseboats, jet skis, kayaks, motor vessels, motorboats, party boats, powerboats, rafts, rowboats, sailboats, scows, ships, stand-up paddleboards, towboats, tugs, windsurfers, or any similar buoyant devices permitting or capable of free flotation.”

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

HB-1316-SD-1

Submitted on: 3/31/2025 7:27:48 PM

Testimony for WAM on 4/2/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Madeline Bragiao	Testifying for Kayak Adventures Inc	Support	Written Testimony Only

Comments:

My name is Madeline Bragiao, and I am the President of Kayak Adventures Inc (Permit SP0030), operating guided tours on the Wailua River. I am submitting this testimony in strong support of HB1316.

As a permitted company that has operated responsibly for decades under DLNR's regulatory framework, I have seen the complete breakdown of order on the Wailua River due to the rise of unpermitted rental operations. These companies have flooded the area with unguided, unchecked visitors while ignoring the rules the rest of us are required to follow.

In 2002, the Wailua River Master Plan was established to protect this culturally and environmentally sensitive area. It limited the number of permitted kayak rentals, imposed a rest day on Sundays for local use, and ensured safe operations through permit requirements and trail stewardship. This structure worked for nearly 20 years, balancing business, visitor experience, and resource protection.

Since 2020, however, that structure has been dismantled. The shift in oversight from DOBAR to DLNR has opened the door for companies to exploit a loophole—claiming that as long as they car-top their kayaks, they can operate without a permit. In practice, this has led to at least eight unpermitted rental businesses openly renting to the public every day of the week, including weekends when permitted companies are required to shut down.

While permitted companies like ours are limited to a small number of kayaks, pay DLNR ramp fees, invest in safety training, conduct trail maintenance, and hold insurance, these new operations face zero oversight. Some are placing infants and toddlers on kayaks without any safety standards. Others operate during hazardous weather and flood warnings, further putting visitors at risk. They pay nothing and follow no rules—yet dominate the weekends and overcrowd the river daily.

The result has been overcrowding, environmental damage, degraded visitor experience, and a growing safety hazard. Parking and trail capacity are constantly exceeded, cultural sites are being disrespected, and the core principles of the original Master Plan have been disregarded entirely.

HB1316 is a necessary step to re-establish control and fairness. It prioritizes companies that have followed the rules and restores the balance that once made the Wailua River a safe and

meaningful experience for both visitors and Kama‘āina. We are not asking for new privileges—we are asking for enforcement of standards that already existed and were proven to work.

Please pass HB1316. It is time to correct course and protect the future of the Wailua River.

Mahalo for your time and consideration.

Sincerely,
Madeline Bragiao
President, Kayak Adventures Inc (Permit SP0030)