
A BILL FOR AN ACT

RELATING TO OCEAN RECREATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds it a matter of concern
2 that, along the west Hawaii coast, the growing population of
3 west Hawaii and the visitor industry are affecting the
4 traditional uses of the area and are having cumulative economic,
5 environmental, social, and cultural effects on the many
6 communities along this coastline.

7 The legislature finds that the increased usage of beach
8 parks and state boating facilities to accommodate commercial
9 ocean recreation activities between Kealakekua bay and Kawaihae
10 harbor has had a significant impact on traditional commercial
11 and non-commercial fishing and ocean recreation activities.

12 The legislature finds that the ocean waters in this area
13 should be designated by the department of land and natural
14 resources as an ocean recreation management area to reduce user
15 conflicts, maintain overall public safety, and regulate
16 commercial activities by placing limitations on the locations,
17 times, and types of fishing and ocean recreation activities that
18 are permitted.



1 The purpose of this Act is to place a moratorium on the
2 issuance of new commercial vessel permits in state small boat
3 harbors involving ocean use activities for ocean waters between
4 Kealakekua bay and Kawaihae harbor until the boundaries of a
5 west Hawaii ocean recreation management area are designated and
6 administrative rules on commercial and non-commercial fishing
7 and ocean recreation activities are adopted. However, the
8 completion of a baseline environmental study is a prerequisite
9 to the establishment of the boundaries of an ocean recreation
10 management area and the adoption of the ocean recreation
11 management area rules.

12 SECTION 2. The department of land and natural resources
13 shall not issue any state small boat harbor facility commercial
14 permits for vessels engaged in ocean use activities in the area
15 from Kealakekua bay to Kawaihae harbor that would exceed the
16 total number of permits already issued as of the effective date
17 of this Act, until the boundaries of an ocean recreation
18 management area for the west Hawaii area from Kealakekua bay to
19 Kawaihae harbor are determined and ocean recreation management
20 area rules are adopted pursuant to this Act and chapter 91,
21 Hawaii Revised Statutes.



1 SECTION 3. The department of land and natural resources
2 shall prepare a baseline environmental study, in accordance with
3 chapter 343, Hawaii Revised Statutes, as an informational
4 document to be used for the designation of the boundaries of a
5 west Hawaii ocean recreation management area and the preparation
6 of ocean recreation management area rules.

7 SECTION 4. The final designation of the ocean recreation
8 management area and rules for this area shall be adopted by the
9 department, pursuant to chapter 91, Hawaii Revised Statutes, and
10 this Act, and shall include any sub-areas or restricted areas.
11 The department shall maintain rulemaking files that shall
12 include but not be limited to the following:

- 13 (1) All letters received containing substantive questions,
14 comments, or recommendations and, as applicable,
15 summaries of any scoping meetings held;
- 16 (2) A list of persons, organizations, and public agencies
17 commenting on the draft rules;
- 18 (3) The responses of the department to each substantive
19 question, comment, or recommendation received during
20 the rules adoption process; and



1 (4) The final rules written in a format that allows the
2 reader to easily distinguish changes made to the text
3 of the draft rules.

4 SECTION 5. For the purposes of this Act, "ocean use
5 activities" means commercial operation of charter fishing boats,
6 thrill craft, high-speed boating, para-sailing, water sledding,
7 sailing and snorkeling tours, glassbottom boat tours, dolphin
8 tours, or any other similar commercial ocean recreational
9 activity for hire.

10 SECTION 6. The department of land and natural resources
11 shall submit the baseline environmental study to the legislature
12 not later than twenty days prior to the convening of the regular
13 session of 2008.

14 SECTION 7. This Act shall take effect upon its approval.
15

INTRODUCED BY: Cindy Evans

JAN 23 2007



Report Title:

West Hawaii; Ocean Recreation Management Area; Environmental Study

Description:

Directs department of land and natural resources to complete an environmental baseline study relating to impact of commercial and non-commercial recreational activities on west Hawaii; establishes ocean recreational management area for west Hawaii; imposes moratorium on issuance of new commercial permits in small boat harbors in west Hawaii.

