
A BILL FOR AN ACT

RELATING TO KANEOHE BAY.

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

1 SECTION 1. The legislature finds that the Kaneohe Bay
2 master plan was developed pursuant to Act 208, Session Laws of
3 Hawaii in 1990, to establish a framework for the sustainable
4 management of the bay's natural resources while accommodating a
5 variety of uses. A compromise of competing interests resulted
6 in a cap on the number of commercial enterprises and volume of
7 commercial activity that would be permitted. The vision
8 continues to be the preservation and protection of the bay's
9 natural resources for the continuing enjoyment of all.

10 The legislature further finds that limits on commercial
11 activity have been exceeded by other activities not previously
12 envisioned, and by new technologies that support their
13 proliferation. One example is the pre-positioning of rental
14 kayaks at Heeia State Park and Heeia Kea Pier, internet
15 advertisements for the kayaks, and the ability of customers to
16 pay online.



1 Accordingly, the purpose of this Act is to update the
2 statute regarding Kaneohe Bay ocean use activities to better
3 reflect the intent and execution of the Kaneohe Bay master plan.

4 SECTION 2. Section 200-39, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§200-39 Kaneohe Bay ocean use activities; permits;**
7 **restrictions.** (a) For the purposes of this section, [~~"ocean~~
8 ~~use activities" means~~] "commercial ocean use activity" means any
9 commercial operation or the providing for hire of thrill
10 craft[~~]~~; high speed boating[~~]~~; parasailing[~~]~~; water
11 sledding[~~]~~; kayaks; canoes; any manner of surfboards,
12 sailboards, or related watercraft; sailing [~~and~~], snorkeling, or
13 diving tours[~~]~~; fishing or glassbottom boat tours[~~]~~; or any
14 other similar commercial ocean recreation activity [~~for hire~~].

15 (b) Any other provision of this chapter to the contrary
16 notwithstanding, no person shall operate thrill craft,
17 parasailing, water sledding, or commercial high speed boating
18 unless the person meets the requirements of section 200-37 and
19 all rules adopted by the department that regulate or restrict
20 these activities.



1 (c) No person shall conduct any commercial ocean use
2 activity within Kaneohe Bay ocean waters without a permit issued
3 by the department.

4 (d) Delivering or pre-positioning any ocean recreational
5 equipment for hire, within one thousand feet of any shoreline of
6 Kaneohe Bay, shall be construed as conducting commercial ocean
7 use activity.

8 [~~(c)~~] (e) Permits issued by the department for the
9 commercial operation of ocean use activities in Kaneohe Bay
10 shall be limited to the number and locations, by permit type and
11 vessel and passenger capacity, provided in the Kaneohe Bay
12 master plan developed pursuant to Act 208, Session Laws of
13 Hawaii 1990, until applicable rules consistent with the master
14 plan are adopted by the department; provided that the passenger
15 capacity for snorkeling tours and glassbottom boat tours shall
16 be set through rules adopted pursuant to chapter 91. No thrill
17 craft permit may be transferred after June 21, 1998; provided
18 that transfers of permits may be made at any time between family
19 members.

20 [~~(d)~~] (f) On Sundays and federal holidays, all commercial
21 ocean use activities shall be prohibited.



1 ~~[(e)]~~ (g) All rules adopted by the department with regard
2 to Kaneohe Bay shall be drafted in consultation with the Kaneohe
3 Bay regional council. For those provisions of the Kaneohe Bay
4 master plan previously adopted by the legislature, the rules
5 adopted by the department shall be in accordance with those
6 provisions. Notwithstanding subsection ~~[(e)]~~ (e) to the
7 contrary, if the department determines for safety or
8 environmental protection reasons that a permitted use should be
9 relocated, the department may relocate the permitted use and the
10 department shall have discretion to permit vessel substitution
11 with a similar length vessel; provided that the increase is not
12 greater than ten per cent of the current vessel length.

13 For those provisions of the Kaneohe Bay master plan
14 developed pursuant to Act 208, Session Laws of Hawaii 1990, not
15 previously adopted by the legislature, the master plan shall be
16 used as the recommended guideline in the adoption and
17 implementation of rules with regard to the regulation of all
18 activities in Kaneohe Bay."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Kaneohe Bay; Restrictions; Commercial Ocean Use Activity;
Permit

Description:

Prohibits commercial ocean use activity at Kaneohe Bay or within 1,000 feet of the bay without a permit from the Department of Land and Natural Resources. Expands commercial ocean use activities requiring a permit to include those involving kayaks, canoes, surfboards, sailboards, dive tours, and fishing tours. Takes effect 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

