
A BILL FOR AN ACT

RELATING TO REEF PROTECTION.

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

1 SECTION 1. The legislature finds that sustainable tourism
2 means valuing Hawaii's natural and marine resources over
3 short-term commercial gain. A recent study from Princeton
4 University found that coral reefs draw coastal tourists to
5 Hawaii, which in turn leads to coral erosion. The study
6 utilized social media posts on Instagram to gauge the popularity
7 of various beaches and found that popularity strongly correlates
8 with damage to the reefs. Commercial surf instruction and
9 tourism companies that provide footwear to their instructors and
10 clients for surf lessons taking place on submerged reefs creates
11 a high likelihood that the instructors and novice client surfers
12 will stand, walk, or fall on the reef structures. Commercial
13 activities that involve the high likelihood of standing,
14 walking, or falling on reef structures that endanger or threaten
15 marine reefs must be strictly regulated to prevent damage to the
16 reefs. These activities are taking place outside of Waikiki's
17 Kuhio and queen's beaches where surf instructions have



1 historically taken place and are instead being generally
2 performed on sandy offshore areas. Commercial surf tourism has
3 expanded beyond Waikiki and is threatening to further damage the
4 State's fragile and valuable nearshore reef ecosystems.

5 Accordingly, the purpose of this Act is to prohibit
6 commercial operators of surfing tourism, instruction, and lesson
7 companies from providing, or allowing the wearing of, footwear
8 during lessons taking place on or above submerged reefs located
9 in shallow ocean waters outside of the Waikiki area.

10 SECTION 2. Section 200-6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§200-6[+] **Limitation of private use of ocean waters**
13 **and navigable streams.** (a) No person shall erect or place any
14 structure or similar object, or sink any type of watercraft or
15 other sizeable object, or abandon any type of watercraft or
16 other sizeable object, either sunk or unsunk, on or within the
17 ocean waters or navigable streams of the State without a written
18 permit from the department. The department may require any
19 person violating this section to remove any structure, similar
20 object, watercraft, or other sizeable object on or within the
21 ocean waters or navigable streams of the State. If any person



1 fails to remove the same within a time limit set by the
2 department, the department may effect the removal and charge the
3 person with the cost thereof. The department may enforce
4 compliance with this section by the use of any appropriate
5 remedy including, but not limited to, injunction or other
6 equitable or legal process in the courts of the State.

7 (b) No person shall anchor, moor, or otherwise place any
8 vessel, houseboat, or other contrivance on or within the ocean
9 waters or navigable streams of the State without a permit from
10 the department. This section shall not apply to:

- 11 (1) Vessels owned by the United States;
12 (2) Vessels engaged in interstate or foreign commerce; or
13 (3) Pleasure craft or fishing vessels temporarily anchored
14 for a period of less than seventy-two hours.

15 The department may require any person violating this section to
16 remove any vessel, houseboat, or other contrivance from the
17 ocean waters or navigable streams of the State. If any person
18 fails to remove the same within the time limit set by the
19 department, the department may effect the removal and charge the
20 person with the cost thereof. The department may enforce
21 compliance with this section by the use of any appropriate



1 remedy, including, but not limited to, injunction or other
2 equitable or legal process in the courts of the State. As used
3 in this section:

4 "Contrivance" means any human-made object or artificial
5 arrangement not used or intended to be used for transportation
6 which may be floated upon or suspended within the water.

7 "Houseboat" means any vessel which is fitted for use as a
8 permanent or temporary place of habitation, and is either
9 stationary or capable of being moved by oars, sweeps, or towing.

10 "Vessel" means every description of watercraft used or
11 capable of being used as a means of transportation on water,
12 including, but not limited to, power boats, ships, tugs, sailing
13 vessels, barges, scows, lighters, ferry boats, pleasure craft,
14 floating equipment, floating gear, dry docks, and any and all
15 other watercraft.

16 (c) The permittee shall pay fees to the department for the
17 offshore mooring permit issued by the department. The fees
18 shall be based on, but not limited to, the use of the vessel,
19 its effect on the waters and aquatic resources of the State, and
20 the administrative expenses incurred by the department and other
21 state agencies in administering offshore mooring. All revenues



1 collected under this section shall be deposited in the boating
2 special fund.

3 (d) No person holding a commercial use permit from the
4 department for the purposes of providing surfing instructions,
5 tours, or lessons shall provide to any patron, or allow the
6 permittee's instructors or patrons to wear, footwear during any
7 lessons taking place on or above a submerged reef located in any
8 shallow ocean waters in which the instructor or patron is able
9 to stand, walk, or fall onto the reef; provided that this
10 subsection shall not apply to any surfing lessons taking place
11 on or above submerged reefs located in the ocean waters adjacent
12 to the Waikiki shoreline."

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19

INTRODUCED BY:

NTB

JAN 20 2023



Report Title:

Submerged Reefs; Protection; Footwear; Prohibition

Description:

Prohibits commercial operators of surfing tourism, instruction, and lesson companies from providing, or allowing the wearing of, footwear during lessons taking place on or above certain submerged reefs.

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

