

ACT 4

H.B. NO. 967

A Bill for an Act Relating to Ocean Recreation Management.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the conclusions of the Kaneohe Bay task force, which was created in 1990 by Act 208, were developed through a community-based mediated process. Through this process, the Kaneohe Bay master plan was developed and completed in May 1992. The plan contains, among other things, limits on commercial water recreation to meet the following criteria:

- (1) Reduce conflict;
- (2) Retain the rural character of Kaneohe Bay;
- (3) Safety;
- (4) Protect reefs and submerged lands;
- (5) Preserve the public interest;
- (6) Maintain consistency with AA class waters; and
- (7) Provide a fair opportunity for commercial recreation consistent with the other criteria.

The legislature further finds that the department of land and natural resources has failed to implement the recommendations of the Kaneohe Bay task force and believes that these conclusions should be fully implemented.

The purpose of this Act is to implement changes in the law regulating recreational and commercial uses of Kaneohe Bay, which were established in the Kaneohe Bay master plan.

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

“[[§200-39]] Kaneohe Bay ocean use activities; permits; restrictions.

(a) For the purposes of this section, “ocean use activities” means commercial operation of thrill craft, high speed boating, parasailing, water sledding, sailing and snorkeling tours, [and] glassbottom boat tours[.], or any other similar commercial ocean recreation activity for hire.

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

(c) Permits issued by the department for the commercial operation of ocean use activities in Kaneohe Bay shall be limited to the number[, and locations], by permit type and vessel and passenger capacity, provided in the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990; provided that passenger capacity for snorkeling tours and glassbottom boat tours shall be set through rules adopted pursuant to chapter 91. No thrill craft permit may be transferred [more than five years] after [the effective date of this section;] June 21, 1998;

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provided that transfers of permits may be made at any time between family members.

(d) On Sundays and federal holidays, all commercial ocean use activities shall be prohibited.

(e) All rules adopted by the department with regard to Kaneohe Bay shall be drafted in consultation with the Kaneohe Bay regional council and shall be in accordance with, and implement the recommendations in, the Kaneohe Bay master plan developed pursuant to Act 208, Session Laws of Hawaii 1990.

(f) The Kaneohe Bay regional council shall review and revise the master plan by December 1999, with the assistance of the office of planning of the department of business, economic development and tourism and the department.’

SECTION 3. Act 317, Session Laws of Hawaii 1993, is amended by amending section 7 to read as follows:

“SECTION 7. This Act shall take effect upon its approval[, and shall be repealed on July 1, 1998]; except that SECTION 5 shall take effect on July 1, 1993.”

SECTION 4. Act 258, Session Laws of Hawaii 1996, is amended by amending section 3 to read as follows:

“SECTION 3. This Act shall not apply to existing permits issued by the department of land and natural resources pursuant to section 200-39, Hawaii Revised Statutes. [Upon the repeal of section 200-39, Hawaii Revised Statutes, the provisions of chapter 200, Hawaii Revised Statutes, shall apply to the Kaneohe bay ocean use activities regulated by the department of land and natural resources.]”

SECTION 5. Act 317, Session Laws of Hawaii 1993, is amended by repealing section 4.

[“SECTION 4. The office of state planning shall convene a Kaneohe Bay task force in 1997 to evaluate the status and effectiveness of the activities undertaken by the Kaneohe Bay regional council to improve circumstances relating to ocean use activities and well-being of the bay in light of the past, present, and future research programs, implementation of the 1992 Kaneohe Bay master plan by the council, and changing public and environmental circumstances.”]

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved March 25, 1998.)