

Department of Land and Natural Resources
Division of Boating and Ocean Recreation

Amendments to Chapters 13-230, 13-231, 13-250, and 13-256
Hawaii Administrative Rules

1. Section 13-230-8, Hawaii Administrative Rules, is amended by adding a definition for manually-propelled vessels as follows:

"§13-230-8 Definitions. ****"manually- propelled vessel" means any non-motorized vessel moved only by hands, feet, oars, poles or paddles. Surfboards shall not be considered a vessel and shall be excluded from this definition."**** [Eff 2/24/94; am]
(Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

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2. Section 13-250-5, Hawaii Administrative Rules, is amended by adding a definition for SCUBA as follows:

"§13-250-5 Definitions. ****"SCUBA" means Self-contained Underwater Breathing Apparatus.****" [Eff 2/24/99; am] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

3. Section 13-256-165, Hawaii Administrative Rules, is adopted to read as follows:

"§13-256-165 Kealakekua Bay ocean recreation management area. (a) Kealakekua Bay ocean recreation management area means the area confined by the boundaries shown on Exhibit "OOO", titled "Ocean Recreation Management Areas, Kealakekua Bay, Hawaii, Hawaii," dated March 17, 1999, and located at the end of this subchapter. The boundaries are:

Beginning at a point in the water at Global Positioning System (GPS) XXX at Cook Point and extending along the shoreline to the high-tide mark of the bay to Manini Beach at GPS XXX, then northwest to the point of origin.

(b) All individuals conducting commercial activities within Zone C or D of Kealakekua Bay, either for profit or not-for-profit, shall be required to obtain a permit by the department and pay a monthly gross receipt equal to X per cent.

(c) Zone C means that area shown on Exhibit "OOO", titled "Ocean Recreation Management Areas, Kealakekua Bay, Hawaii, Hawaii," dated March 17, 1999, and located at the end of this subchapter. The boundaries are:

(1) Beginning at a point in the water at GPS XXX at Napoopoo landing, then in a north-westerly direction in line of sight of the Captain Cook monument to GPS XXX, then north to the high-tide mark, then along the shoreline back to the point of origin.

- (2) Zone C is an ocean recreation zone. Unless otherwise allowed by the department, all vessels are prohibited from entering Zone C.
- (3) The only water sports equipment allowed in Zone C is SCUBA, snorkel equipment, and boogie boards; however boogie-boards may only be used while in the shoreline surf zone. For the purposes of this subchapter, "boogie board" means that type of modern, commercially made paddle-board that is constructed of human-made synthetic materials and has a maximum length of four feet in length.

(d) Zone D means that area shown on Exhibit "OOO", titled "Ocean Recreation Management Areas, Kealakekua Bay, Hawaii, Hawaii," dated March 17, 1999, and located at the end of this subchapter. The boundaries are:

- (1) Beginning at a point in the water at GPS XXX at Cook Point, then north to GPS XXX, then in a southerly direction to GPS XXX, then in a southeasterly direction to GPS XXX, then along the shoreline to the high-tide mark to GPS XXX at Manini Beach, then in a straight line to the point of origin.
- (2) Zone D is a slow-no-wake zone. All vessels are required to proceed as slowly as possible without losing steerage and slow enough so as not to cause any white water in the track or path of the vessel.
- (3) All vessel operators and passengers are prohibited from disembarking from Zone D into Zone C as described in subsection (c).
- (4) All vessel operators and swimmers are prohibited from embarking or disembarking anywhere at Kaawaloa. Vessels are prohibited from approaching within ten feet of the shoreline.
- (5) All vessels are prohibited from anchoring in Kealakekua Bay. Mooring is allowed at designated mooring buoys as described in section 13-256-167."

[Eff (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)]

4. Section 13-256-167, Hawaii Administrative Rules, is adopted to read as follows:

"§13-256-167 Day use mooring area for Kealakekua Bay. (a) Anchoring in Kealakekua Bay, by any means other than at a day-use mooring or other mooring approved by the department, is prohibited.

(b) X day-use moorings, shown on Exhibit "OOO", titled "Ocean Recreation Management Areas, Kealakekua Bay, Hawaii, Hawaii," dated March 17, 1999, and located at the end of this subchapter shall be used by vessel operators wishing to moor in Kealakekua Bay. X mooring(s) shall be for the exclusive use of non-motorized vessels, e.g., kayaks, as shown on Exhibit "OOO", titled "Ocean Recreation Management Areas, Kealakekua Bay, Hawaii, Hawaii," dated March 17, 1999, and located at the end of this subchapter. Non-motorized vessels are prohibited from utilizing any other day-use mooring(s) in Kealakekua Bay.

(c) No more than X non-motorized vessels may utilize the day-use mooring(s) designated for that use at any one time. The maximum time limit which any non-motorized vessel may utilize the day-use mooring shall not exceed X.

(d) No more than one motorized vessel may moor at a day-use mooring at any one time. Unless otherwise provided by these rules, the maximum vessel length shall not exceed X feet and the United States Coast Guard authorized passenger capacity per commercial vessel shall not exceed X. Unless allowed by the department, the maximum time limit which any motorized vessel may moor at a day-use mooring shall not exceed X.

(e) Commercial motorized vessel operators who allow snorkeling or SCUBA activities are prohibited from embarking or disembarking passengers unless the vessel is moored to a day-use mooring without the propeller engaged.

(f) Unless otherwise allowed, mooring may only occur during daylight hours. Mooring overnight is prohibited. [Eff] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)(Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

5. Material, except source notes, to be repealed is bracketed. New material is underscored.

6. Additions to update source notes to reflect these amendments are not underscored.

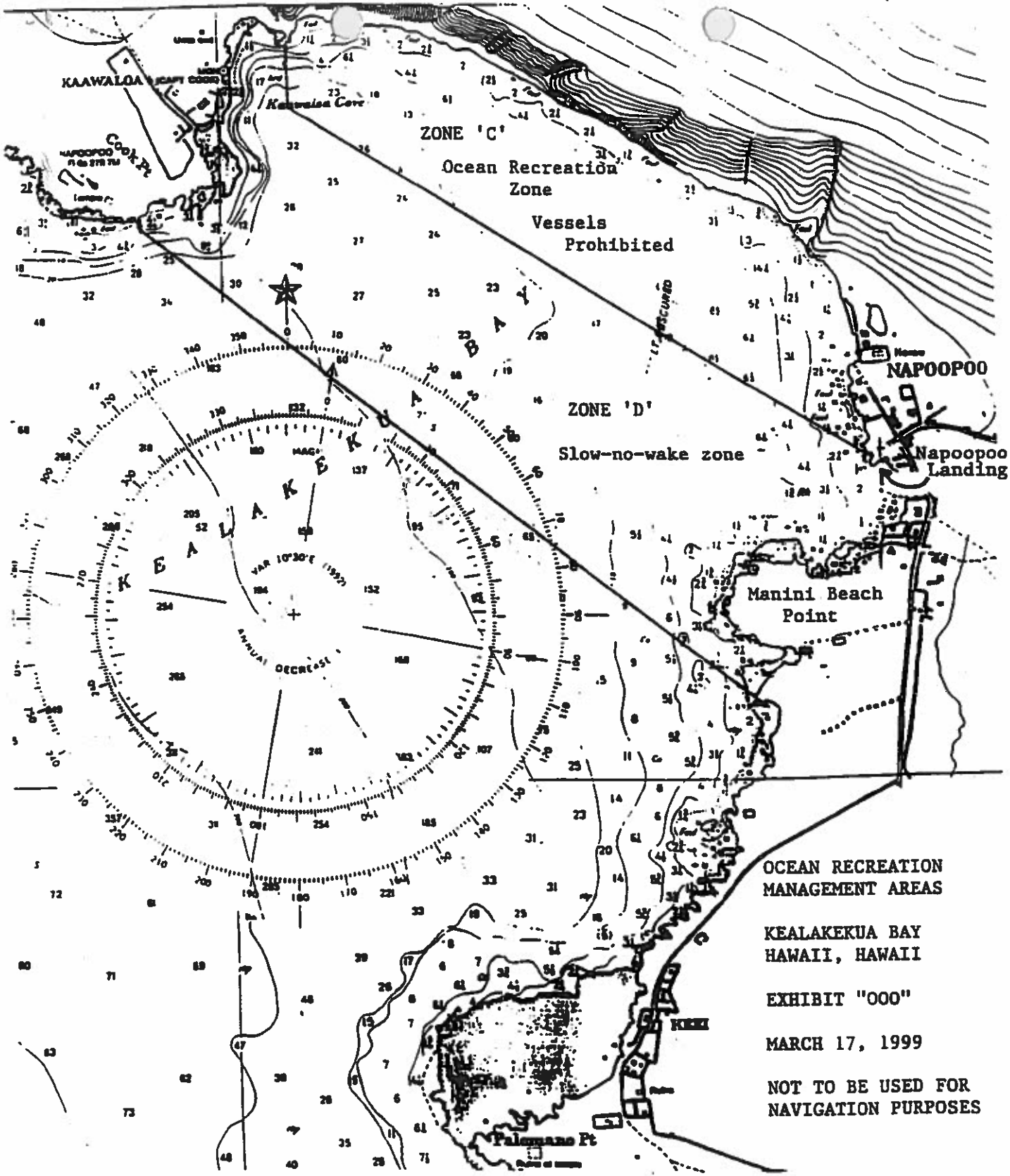
7. These amendments to chapters 13-230, 13-231, 13-250 and 13-256, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources, and filed with the Office of the Lieutenant Governor.

Timothy E. Johns, Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General



OCEAN RECREATION
MANAGEMENT AREAS

KEALAKEKUA BAY
HAWAII, HAWAII

EXHIBIT "000"

MARCH 17, 1999

NOT TO BE USED FOR
NAVIGATION PURPOSES

LOGARITHMIC SPEED SCALE



To find SPEED, place one point of dividers on pressure scale on any scale and the other on distance scale. Without changing divider spread, place right point on 60 and left point on time scale. Example: with 4.0 distance scale on 15 minutes, the speed is 96.0 knots

Nautical Mile

1/2