
A BILL FOR AN ACT

RELATING TO OCEAN SAFETY.

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

1 SECTION 1. The legislature finds that increased
2 recreational and commercial activities in Hawaii's nearshore
3 waters have led to safety concerns and, in some cases, tragic
4 results. According to the department of land and natural
5 resources, there were at least four accidents involving swimmers
6 and divers being struck by boats in 2011. In December 2011, a
7 man died after being struck by a boat in waters off of Hanakao
8 beach park on the island of Maui.

9 Many nearshore areas statewide are popular attractions for
10 multiple ocean activities. The legislature finds that Kamaole
11 beach and the waters of Kaanapali on the island of Maui are two
12 such areas. The amount of growth on Maui has resulted in an
13 overabundance of ocean and beach visitors, and the legislature
14 finds that there is a compelling need to provide safe and
15 suitable areas for residents and visitors to enjoy the water.

16 The legislature finds that adopting and enforcing stricter
17 rules and regulations that protect ocean users and installing
18 safety features such as swim zone buoys to clearly delineate



1 areas reserved for differing uses will ensure greater ocean
2 safety in highly populated areas of the State.

3 The legislature also finds that given the popularity of
4 ocean activities in Kaanapali, the department of land and
5 natural resources should establish a west Maui ocean recreation
6 management area advisory committee to work on issues relating to
7 the area, particularly the waters of Kaanapali.

8 The purpose of this Act is to improve ocean safety by:

- 9 (1) Requiring the department of land and natural resources
10 to adopt rules imposing stricter regulations for the
11 safety of ocean users;
- 12 (2) Appropriating funds for swim zone buoys at Kamaole
13 beach; and
- 14 (3) Establishing the west Maui ocean recreation management
15 area advisory committee comprised of users of the
16 ocean to work with the department of land and natural
17 resources on issues relating to the area, particularly
18 the waters of Kaanapali.

19 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§200- Safety of ocean users; rules. The department
2 shall adopt rules to promote greater safety of ocean users in
3 the State's nearshore waters. The rules shall include but not
4 be limited to the creation of safe zones for free divers and
5 swimmers and stricter enforcement of boating regulations around
6 swim zone buoys.

7 §200- Alternate access to state boating facilities;
8 rules. The department shall adopt rules to allow vessels
9 holding a valid ocean recreation management area commercial use
10 permit to use a state small boat harbor or boat launching ramp
11 when unsafe wind and sea conditions would prevent safe access to
12 the shoreline through a designated ingress or egress zone. The
13 vessel operator or master shall afford the department prior
14 notice of the presence or threat of such conditions and shall be
15 subject to local direction and control as necessary to avoid
16 conflict with other users of the facility. Use of a state
17 boating facility in accordance with this section shall not
18 affect the permittee's right to use such boating facilities in
19 the absence of such conditions as permitted by law."

20 SECTION 3. The legislature finds that eight swim zone
21 buoys are needed at the following coordinates to increase the
22 safety of ocean users:



- 1 (1) Buoy 1: N 20° 42.623, W 156° 26.836;
- 2 (2) Buoy 2: N 20° 42.736, W 156° 26.863;
- 3 (3) Buoy 3: N 20° 42.836, W 156° 26.888;
- 4 (4) Buoy 4: N 20° 42.984, W 156° 26.912;
- 5 (5) Buoy 5: N 20° 43.120, W 156° 26.934;
- 6 (6) Buoy 6: N 20° 43.237, W 156° 26.962;
- 7 (7) Buoy 7: N 20° 43.410, W 156° 27.019; and
- 8 (8) Buoy 8: N 20° 43.498, W 156° 27.043.

9 SECTION 4. There is appropriated out of the ocean-based
10 recreation fund the sum of \$ or so much thereof as may be
11 necessary for fiscal year 2012-2013 for the installation of
12 eight swim zone buoys at Kamaole beach at the coordinates
13 specified in section 3 of this Act for the purpose of increasing
14 the safety of ocean users.

15 The sum appropriated shall be expended by the department of
16 land and natural resources for the purposes of this Act.

17 SECTION 5. The department of land and natural resources
18 shall relocate the buoys in the waters off Kaanapali beach
19 between Mala wharf and Black Rock on the island of Maui to
20 waters beyond the lanes or areas used by canoe paddlers.

21 SECTION 6. The department shall report to the legislature
22 on the status of rulemaking pursuant to section 2 of this Act



1 and any other measures taken to promote the safety of ocean and
2 beach users in the State's nearshore waters, no later than
3 twenty days prior to the convening of the 2013 regular session.

4 SECTION 7. (a) Not later than September 1, 2013, the
5 department of land and natural resources shall establish the
6 west Maui ocean recreation management area advisory committee
7 that shall advise the department of land and natural resources
8 on issues related to the uses and maintenance of state waters
9 within the west Maui ocean recreation management area,
10 particularly within the waters adjacent to Kaanapali on the
11 island of Maui.

12 (b) The advisory committee shall consist of five members
13 of the west Maui community appointed by the chairperson of the
14 board of land and natural resources without regard to section
15 26-34, Hawaii Revised Statutes, as follows:

- 16 (1) One swimming enthusiast;
17 (2) One paddling enthusiast;
18 (3) One surfing enthusiast;
19 (4) One boating enthusiast; and
20 (5) One canoeing enthusiast.

21 SECTION 8. The department of land and natural resources
22 shall submit a report to the legislature, no later than twenty



1 days before the regular session of 2013, regarding the findings
2 and recommendations, including any proposed legislation, of the
3 west Maui ocean recreation management area advisory committee.

4 SECTION 9. New statutory material is underscored.

5 SECTION 10. This Act shall take effect on July 1, 2012.



Report Title:

Department of Land and Natural Resources; Ocean Safety; Swim Zone Buoys; Appropriation; West Maui ORMA; Kaanapali; Advisory Committee

Description:

Requires the Department of Land and Natural Resources to adopt rules that promote greater safety of ocean users in the State's nearshore waters. Appropriates funds for swim zone buoys at Kamaole beach. Establishes the West Maui Ocean Recreation Management Area Advisory Committee to advise the Department of Land and Natural Resources on state waters within the area, particularly with respect to Kaanapali. Requires reports to the legislature. Effective July 1, 2012. (SB2933 HD1)

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