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# 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 of land and natural resources  
22 shall report to the legislature on the status of rulemaking



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

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

13 (b) The advisory committee shall consist of five members  
14 of the west Maui community appointed by the chairperson of the  
15 board of land and natural resources without regard to section  
16 26-34, Hawaii Revised Statutes, as follows:

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



1           SECTION 8. The department of land and natural resources  
2 shall submit a report to the legislature, no later than twenty  
3 days before the regular session of 2013, regarding the findings  
4 and recommendations, including any proposed legislation, of the  
5 west Maui ocean recreation management area advisory committee.

6           SECTION 9. New statutory material is underscored.

7           SECTION 10. This Act shall take effect on July 1, 2030.



**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, 2030. (SB2933 HD2)

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

