

STAND. COM. REP. NO.

1794

Honolulu, Hawaii

APR 03 2019

RE: S.R. No. 168
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.R. No. 168 entitled:

"SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF BOATING AND OCEAN RECREATION TO COLLABORATE WITH THE COUNTY OF HAWAII TO IMPROVE AND STREAMLINE THE STATE WATERS AND BEACH AND SHORELINE COMMERCIAL USE PERMIT PROCESSES FOR KAHALU'U BEACH PARK ON HAWAII ISLAND, "

begs leave to report as follows:

The purpose and intent of this measure is to request the Department of Land and Natural Resources' Division of Boating and Ocean Recreation (DOBOR) to collaborate with the County of Hawai'i to improve and streamline the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park on Hawai'i island.

Your Committee received comments on this measure from the Department of Land and Natural Resources and Aha Moku Advisory Committee.

Your Committee finds that commercial ocean activity operators at Kahalu'u Beach Park are under dual government oversight. The County of Hawai'i regulates activity on the beach, while DOBOR regulates activity in the ocean waters. DOBOR adopted amendments to the Hawaii Administrative Rules in 2016 to allow four



commercial surf instruction operators to receive permits for activities in Kahalu'u Bay ocean waters. The County of Hawai'i Department of Parks and Recreation Director and Deputy Director recently notified the Department of Land and Natural Resources that it intends to authorize all surf schools who meet the minimum requirements to conduct surf instruction from county property at Kahalu'u Bay, rather than only four surf schools. There are at least seven surf schools that have received authorization from the County of Hawai'i; however, under existing DOBOR administrative rules, only four commercial surf instruction operators can be issued a permit for commercial instruction in Kahalu'u Bay ocean waters. Your Committee further finds that this complex situation requires close collaboration between the Department of Land and Natural Resources and County of Hawai'i administration to reach a balanced solution for the community and commercial operators that addresses the issues of overcrowding and safety through the commercial permitting process.

Your Committee has amended this measure by:

- (1) Amending language to instead request DOBOR and the County of Hawai'i to collaborate to identify and pursue the best plan of action moving forward, given adjacent jurisdictions of the County and State at Kahalu'u Bay, to meet county and state interests in supporting a balanced solution for community and business to address issues of overcrowding and safety; improving, identifying, and protecting native Hawaiian rights and customary and traditional practices; and streamlining the state waters and beach and shoreline commercial use permit processes for Kahalu'u Beach Park;
- (2) Making conforming amendments to the reporting requirement;
- (3) Amending its title accordingly; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 168, as



amended herein, and recommends its adoption in the form attached hereto as S.R. No. 168, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,




KAIAMA I. KAHLE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SR1168	Committee Referral: WTL	Date: 3/27/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
NISHIHARA, Clarence K.				X
RIVIERE, Gil				X
FEVELLA, Kurt	X			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes