

JAN 26 2022

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# A BILL FOR AN ACT

RELATING TO KANEOHE BAY.

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

1       SECTION 1. The legislature finds that the Kaneohe Bay  
2 master plan was developed pursuant to Act 208, Session Laws of  
3 Hawaii in 1990, to establish a framework for the sustainable  
4 management of the bay's natural resources while accommodating a  
5 variety of uses. A compromise of competing interests resulted  
6 in a cap on the number of commercial enterprises and volume of  
7 commercial activity that would be permitted. The vision  
8 continues to be the preservation and protection of the bay's  
9 natural resources for the continuing enjoyment of all.

10       The legislature further finds that limits on commercial  
11 activity have been exceeded by other activities not previously  
12 envisioned, and by new technologies that support their  
13 proliferation. One example is the pre-positioning of rental  
14 kayaks at Heeia State Park and Heeia Kea Pier, internet  
15 advertisements for the kayaks, and the ability of customers to  
16 pay online.



1       Accordingly, the purpose of this Act is to update the  
2       statute regarding Kaneohe Bay ocean use activities to better  
3       reflect the intent and execution of the Kaneohe Bay master plan.

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

6       **"§200-39 Kaneohe Bay ocean use activities; permits;  
7       restrictions.** (a) For the purposes of this section, [~~"ocean  
8       use activities" means~~] "commercial ocean use activity" means any  
9       commercial operation or the providing for hire of thrill  
10      craft[~~;~~]; high speed boating[~~;~~]; parasailing[~~;~~]; water  
11      sledding[~~;~~]; kayaks; canoes; any manner of surfboards,  
12      sailboards, or related watercraft; sailing [~~and~~], snorkeling, or  
13      diving tours[~~;~~]; fishing or glassbottom boat tours[~~;~~]; or any  
14      other similar commercial ocean recreation activity [~~for hire~~].

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



1        (c) No person shall conduct any commercial ocean use  
2        activity within Kaneohe Bay ocean waters without a permit issued  
3        by the department.

4        (d) Delivering or pre-positioning any ocean recreational  
5        equipment for hire, within one thousand feet of any shoreline of  
6        Kaneohe Bay, shall be construed as conducting commercial ocean  
7        use activity.

8        [~~(e)~~] (e) Permits issued by the department for the  
9        commercial operation of ocean use activities in Kaneohe Bay  
10       shall be limited to the number and locations, by permit type and  
11       vessel and passenger capacity, provided in the Kaneohe Bay  
12       master plan developed pursuant to Act 208, Session Laws of  
13       Hawaii 1990, until applicable rules consistent with the master  
14       plan are adopted by the department; provided that the passenger  
15       capacity for snorkeling tours and glassbottom boat tours shall  
16       be set through rules adopted pursuant to chapter 91. No thrill  
17       craft permit may be transferred after June 21, 1998; provided  
18       that transfers of permits may be made at any time between family  
19       members.

20       [~~(f)~~] (f) On Sundays and federal holidays, all commercial  
21       ocean use activities shall be prohibited.



1        [~~(e)~~] (g) All rules adopted by the department with regard  
2 to Kaneohe Bay shall be drafted in consultation with the Kaneohe  
3 Bay regional council. For those provisions of the Kaneohe Bay  
4 master plan previously adopted by the legislature, the rules  
5 adopted by the department shall be in accordance with those  
6 provisions. Notwithstanding subsection [~~(e)~~] (e) to the  
7 contrary, if the department determines for safety or  
8 environmental protection reasons that a permitted use should be  
9 relocated, the department may relocate the permitted use and the  
10 department shall have discretion to permit vessel substitution  
11 with a similar length vessel; provided that the increase is not  
12 greater than ten per cent of the current vessel length.

13        For those provisions of the Kaneohe Bay master plan  
14 developed pursuant to Act 208, Session Laws of Hawaii 1990, not  
15 previously adopted by the legislature, the master plan shall be  
16 used as the recommended guideline in the adoption and  
17 implementation of rules with regard to the regulation of all  
18 activities in Kaneohe Bay."

19        SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on January 1, 2023.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. P. Rivera", is written over a horizontal line.



# S.B. NO. 3328

**Report Title:**

DLNR; Kaneohe Bay; Restrictions; Commercial Ocean Use Activity; Permit

**Description:**

Prohibits commercial ocean use activity at Kaneohe Bay or within 1,000 feet of the bay without a permit from the Department of Land and Natural Resources. Expands commercial ocean use activities requiring a permit to include those involving kayaks, canoes, surfboards, sailboards, dive tours, and fishing tours.

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

