

ACT 89

H.B. NO. 2133

A Bill for an Act Relating to the Natural Area Reserve System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Kaena point area, at the westernmost tip of the island and comprising of approximately thirty-four acres, represents the last relatively intact coastal dune ecosystem remaining on Oahu. Prior to the inclusion of the area into the natural area reserve system managed by the department of land and natural resources, it was a favored spot for off-road driving that severely degraded the value of the ecosystem. The simple traversing of the area in a vehicle on a then existing narrow jeep trail caused extreme degradation to the resources of

the area. Soon after the department of land and natural resources closed the area to vehicular access, the vegetation began to recover.

The purpose of this Act is to prohibit all public vehicular access within the Kaena point natural area reserve.

SECTION 2. Chapter 195, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§195- Kaena point natural area reserve; vehicular access prohibited.

(a) The use of any vehicle within or traversing the Kaena point natural area reserve is prohibited, except as provided in this section. Any violation of this section shall be subject to section 195-8.

(b) The department may adopt rules pursuant to chapter 91 to allow a limited number of persons vehicular access to the Kaena point natural area reserve for department-permitted fishing and camping activities.

(c) This prohibition shall not apply to:

- (1) Vehicles operated by personnel or agents of the department of land and natural resources necessary for the management and maintenance of the Kaena point natural area reserve and its resources; and
- (2) Emergency vehicles, including emergency medical ambulances, police department vehicles, and fire department vehicles.

(d) For purposes of this section, “vehicle” means every motorized device in, upon, or by which any person or property is or may be transported or drawn, including all-terrain vehicles and mopeds.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 10, 2006.)

Note

1. Edited pursuant to HRS §23G-16.5.