

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Section 13-256-152
Hawaii Administrative Rules

[Date of adoption by agency]
DRAFT RULES AS OF 2/2/2021

1. Section 13-256-152, Hawaii Administrative Rules, is amended to read as follows:

"§13-256-152 Kahaluu Bay ocean waters. (a) Kahaluu Bay ocean waters means the area confined by the boundaries shown on Exhibit "H-5", dated November 20, 2014, located at the end of this subchapter and incorporated herein. The boundaries are as follows:

Beginning at the low water mark of Kalaau o Kalakani Point at 19°34'37.81"N, 155°58'10.50"W; then to a point on the low water mark on the northern side of the [~~Kahaluu~~] Kahaluu Bay at Kamo Point at 19°35'09.24"N, 155°58'15.91"W; then along the shoreline in a southerly direction to the point of beginning.

~~[(1) Restrictions.]~~ Kahaluu Bay ocean waters is designated as a swimming, surf boarding, and diving zone.

~~[(2)]~~ No commercial water sports instruction or commercial tours [~~may~~] shall be conducted in Kahaluu Bay ocean waters without a permit from the department.

(b) Kahaluu Bay [~~Zone~~] ocean waters zone A is described as follows: Beginning at a point on the low water mark on the northern side of the shoreline at 19°34'59.48"N, 155°58'06.11"W (hand rail); then south-easterly along the shoreline to the north lifeguard tower at 19°34'48.67"N, 155°57'58.88"W; then seawards northwesterly to Pyramid Rock at 19°34'50.21"N, 155°58'07.98"W; then seawards north-easterly ending at the point of beginning.

~~[(1) Restrictions. Zone]~~ Kahaluu Bay ocean waters zone A is designated as a surfing zone. At all times, no person shall operate or moor any type of vessel, or

use any type of water sports equipment other than a surfboard, in this zone.

~~[(2) The]~~ All commercial activities of any type shall be prohibited in this zone, except that the department may issue [a total of up to four] commercial use permits [for] to authorize commercial [surf school] surfing instruction within [Zone A.] this zone; provided that:

- (1) The total number of permits authorizing commercial surfing instruction issued under this subsection shall not exceed eight at any one time for Kahaluu Bay ocean waters zone A;
- (2) Each permit issued by the department pursuant to this subsection shall only authorize [surf school instructors to conduct] surfing instruction [only] within [Zone] Kahaluu Bay ocean waters zone A[-] ;
- (3) No more than four permits shall authorize commercial surfing instruction from 8:00am to 12:00pm, and no more than four permits shall authorize commercial surfing instruction from 1:00pm to 5:00pm;
- (4) [Each instructor shall have no more than four students in the water at a given time, with a maximum of eight] No more than four students per [surf school] surfing instruction permit may be in the water at any [given] one time[. The maximum of one to four instructor to student ratio must be maintained at all times while in the water.] , regardless of the number of surf instructors of that permittee in the water;
- ~~[(4) The]~~ (5) Each surf instructor shall, at a minimum, possess a current advanced life saving certificate[, and be authorized by the County of Hawaii to conduct surf instruction on County property at Kahaluu Bay.] ; and
- ~~[(5)]~~ (6) The department may designate the site of surf instruction within Kahaluu Bay [Zone] ocean waters zone A and hours of

operation for each permittee~~[, and]~~ . The department may change [the] a designated site of operation whenever such changes are found by the department to be necessary.

(c) Kahaluu Bay [~~Zone~~] ocean waters zone B is described as follows:

Beginning at Kalaau O Kalakani Point at 19°34'37.81"N, 155°58'10.50"W; then northeasterly along the shoreline to the north lifeguard tower at 19°34'48.67"N, 155°57'58.88"W; then seawards north-westerly to Pyramid Rock at 19°34'50.21"N, 155°58'07.98"W; then seawards in a southerly direction ending at Kalaau O Kalakani Point at the point of beginning.

~~[-(1) Restrictions. Zone]~~ Kahaluu Bay ocean waters zone B is designated as a swim zone.

~~[-(2)]~~ No person shall operate or moor any vessel within this zone, including, but not limited to, boats, motorboats, surfboards, paddleboards, sailboards, kayaks, and canoes." [Eff 2/24/94; am 4/22/16; am] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. The amendments to Section 13-256-152, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ by the Board of Land and Natural Resources.

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General