

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Section 13-256-73  
Hawaii Administrative Rules

January 22, 2021

SUMMARY

1. Section 13-256-73 is amended.

**§13-256-73 Kaneohe Bay ocean waters.** (a)

Kaneohe Bay ocean waters means the area within the boundaries shown on "Exhibit V. Kaneohe Bay, Oahu, Hawaii", dated July 25, 2019, incorporated herein, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at the northern point on the shoreline of Mokapu Point, located at approximately 21° 27' 33.6" N / 157° 43' 21.6" W, then in a straight line to Makahonu Point, located at approximately 21° 32' 33.6" N / 157° 50' 34.2" W, then along the shoreline of Kaneohe Bay to the point of beginning.

(b) The boundaries of zones in Kaneohe Bay ocean waters are as indicated in Table 1, "Summary of Kaneohe Bay Ocean Waters Zones & Uses", dated July 25, 2019. The zones of Kaneohe Bay ocean waters are shown on "Exhibit X. Kaneohe Bay, Oahu, Hawaii", dated July 25, 2019, incorporated herein, and located at the end of this subchapter.

(c) Restrictions in Kaneohe Bay ocean waters shall be as follows:

- (1) All commercial ocean use activities in Kaneohe Bay ocean waters are prohibited on Sundays and federal holidays.
- (2) There shall be no walking, sitting, standing, or anchoring on live coral or otherwise damaging the reef within Kaneohe Bay ocean waters. All participants in underwater activities, including, but not limited to, SCUBA, snorkeling, and sea-walker use, shall avoid touching coral or any living parts of a reef.
- (3) All sea-walker activity shall only be conducted on a flat, sandy bottom.
- (4) Commercial SCUBA activities shall be prohibited in Kaneohe Bay ocean waters, except that commercial SCUBA activities shall only be allowed in Kaneohe Bay ocean waters zone D.

(d) Kaneohe Bay ocean waters are designated according to the following restricted zone uses. See

Table 1, "Summary of Kaneohe Bay Ocean Waters Zones & Uses", dated July 25, 2019.

- (1) Zones A, B, and C are designated for operation of commercial thrill craft by full service permittees between the hours of 9:00 a.m. and 5:00 p.m. At any one time, not more than six rental thrill craft shall be allowed to operate in zones A and B, and not more than three rental thrill craft shall be allowed to operate in zone C. All commercial thrill craft shall only be operated in a clockwise direction within zones A, B, and C.
- (2) Zone D is designated for SCUBA, snorkeling, and sightseeing cruises only. Activity is limited to near the reef, and not on the reef.
- (3) Zone E is designated for SCUBA, snorkeling, underwater activities, and sightseeing cruises only.
- (4) Zones F and I are for non-exclusive commercial ocean water sports activities. All activity on top of Checker Reef in zone F is prohibited. Vessels operating in zone I shall exercise care to stay clear of sea turtles, which may migrate to the north central part of the zone. Commercial operators whose passengers are not operating thrill craft in zone I shall keep those passengers out of zones B and C.
- (5) Zones G and H are for non-exclusive use by commercial large full-service permittees and non-commercial recreational users which shall share this zone for water skiing, water sledding, and operations of towed devices used to carry passengers. For safety, no more than one commercial vessel for water sledding shall be permitted to tow at any speed in zone G at any one time. No more than two commercial vessels for water sledding shall be permitted to tow at high speed in zone H. All towing shall be

conducted in a clockwise direction. No person shall moor or anchor within these zones. High speed operations shall take place in water at least two hundred feet from any reef edge, reef crest, or sand flat.

(e) Recreational thrill craft shall not be operated in any area of Kaneohe Bay except in the designated recreational thrill craft zone as described in section 13-256-77. Recreational thrill craft shall access the recreational thrill craft zone by transiting from Heeia Kea small boat harbor directly through the Sampan channel to the Kaneohe recreational thrill craft zone as described in section 13-256-77.

(f) Slow-no-wake restrictions shall apply in Kaneohe Bay ocean waters zones D, E, F, and I; Kaneohe Bay offshore mooring areas; Kualoa waters zone B; within Kaneohe Bay for vessels within two hundred feet of Kapapa Island; and the Central Reef shallows where mean lower low water areas are less than or equal to five feet in depth including the area of Ahu o Laka (the "Sand Bar"); in addition to speed restrictions found in section 13-244-9.

(g) Commercial operators conducting snorkeling activities shall have a snorkel vest available for each snorkeler in the water and encourage use of vests to avoid the likelihood of snorkelers standing on coral.

(h) Vessels entering any Kaneohe Bay ocean waters zones shall use extreme caution, especially while in a zone with diving activities taking place.

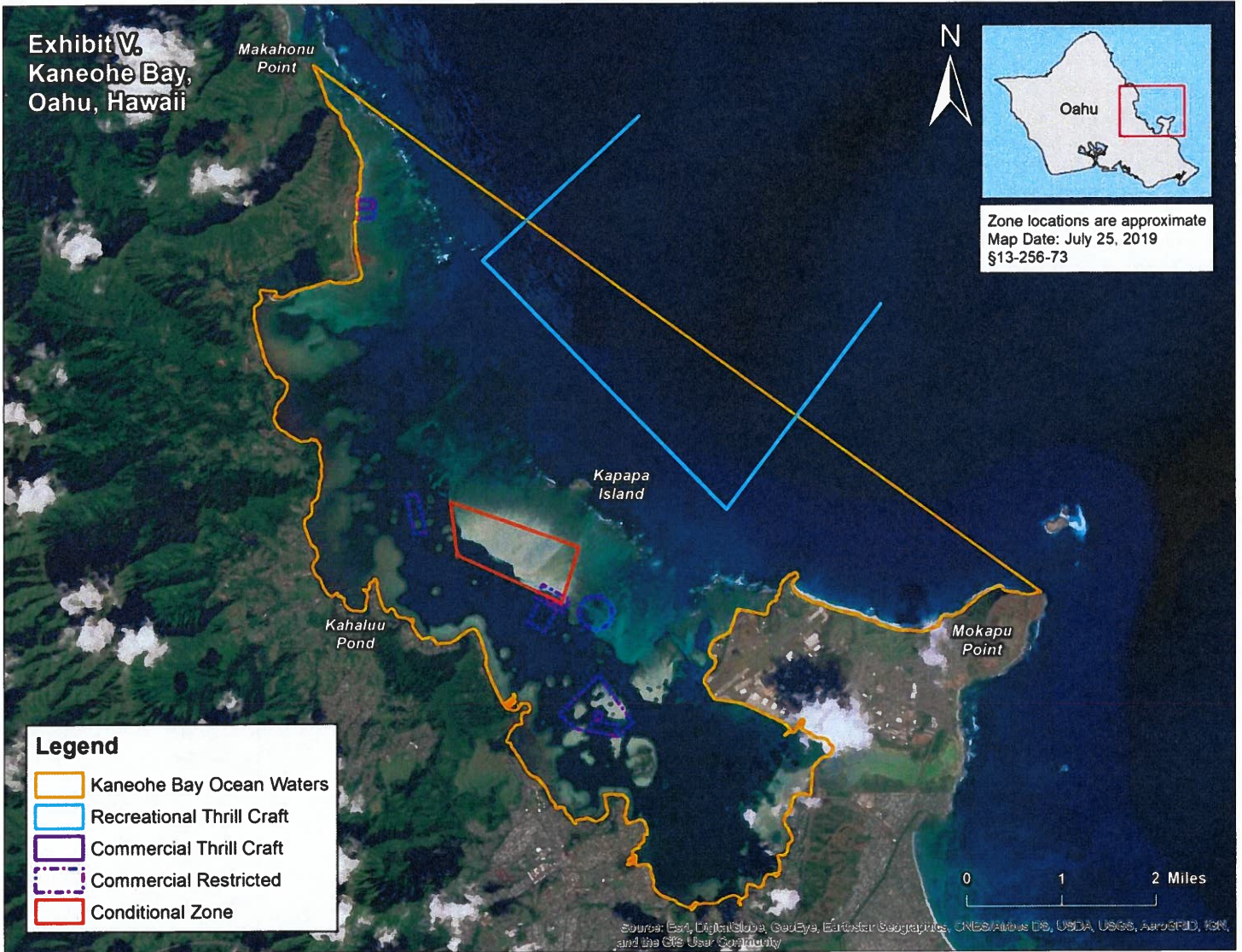
(i) No increase in the level of commercial ocean use activities existing on July 1, 1993 will be permitted within Kaneohe Bay ocean waters. [Eff 2/24/94; am 11/7/11; am **JUL - 8 2021** ] (Auth: HRS §§ 200-22, 200-24, 200-37) (Imp: HRS §§ 200-22, 200-23, 200-24, 200-37)

**Table 1. Summary of Kaneohe Bay Ocean Waters Zones & Uses**  
**July 25, 2019**

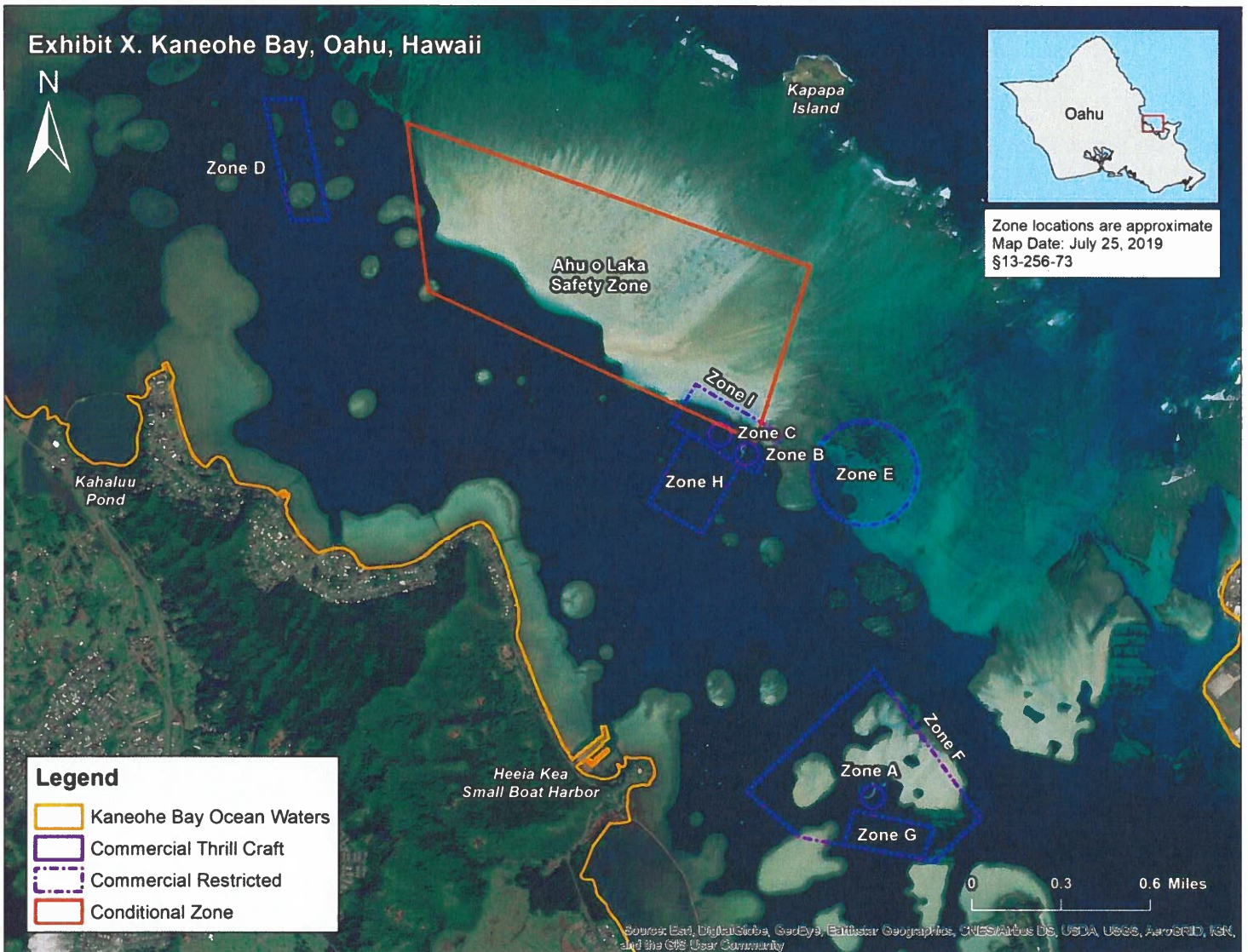
<b>Zone</b>	<b>Origin*</b>	<b>Boundary 1</b>	<b>Boundary 2</b>	<b>Boundary 3</b>	<b>Boundary 4</b>	<b>Use Restrictions</b>
<b>A</b> Checker reef 200-foot radius circle	21° 26' 27.5"N 157° 47' 45.5"W (center)					Comm. thrill craft zone (full service permit); no more than 6. Clockwise only 9am – 5pm
<b>B</b> (Sand flat) 200-foot radius circle	21° 27' 28.5"N 157° 48' 08.5"W (center)					(Same as Zone A)
<b>C</b> (Sand flat) 200-foot radius circle	21° 27' 32"N 157° 48' 13.5"W (center)					Comm. thrill craft zone (full service permit); no more than 3. Clockwise only 9am – 5pm
<b>D</b>	21° 28' 32"N 157° 49' 39"W	21° 28' 32"N 157° 49' 32"W	21° 28' 10.5"N 157° 49' 27"W	21° 28' 10.5"N 157° 49' 34"W		SCUBA, snorkel, & sightseeing cruises; near reef, not on reef; comm. SCUBA zone.
<b>E</b> 310-yard radius circle	21° 27' 25"N 157° 47' 46.5"W (center)					SCUBA, snorkel, U/W activities, & sightseeing cruises.
<b>F</b> Including Checker Reef	21° 26' 50"N 157° 47' 45"W	21° 26' 23.5"N 157° 47' 25"W	21° 26' 16"N 157° 47' 34"W	21° 26' 20.5"N 157° 47' 59.3"W	21° 26' 28.5"N 157° 48' 09"W	Non-exclusive comm. water sports zone. No activity on Checker Reef.
<b>G</b>	21° 26' 25"N 157° 47' 49"W	21° 26' 22"N 157° 47' 34"W	21° 26' 16.5"N 157° 47' 36"W	21° 26' 19"N 157° 47' 51"W		Non-exclusive comm. & rec. water ski and water sledding. Clockwise, one permittee at time. Rec. thrill craft only.
<b>H</b>	21° 27' 32.5"N 157° 48' 19.5"W	21° 27' 26.5"N 157° 48' 10"W	21° 27' 14.5"N 157° 48' 17"W	21° 27' 20"N 157° 48' 27"W		Non-exclusive comm. & rec. water ski and water sledding zone. No more than 2 comm. water sleds at high speed. Clockwise towing, no mooring. High speed areas designated.
<b>I</b>	21° 27' 41"N 157° 48' 18"W	21° 27' 32"N 157° 48' 02"W	21° 27' 25"N 157° 48' 07"W	21° 27' 34"N 157° 48' 22.5"W		Non-exclusive comm. ocean water sports zone. Comm. operators must keep passengers who are not operating thrill craft out of B & C.

\*Unless indicated, points are connected by straight lines with the final point back to the point of origin.

**Exhibit V. Kaneohe Bay, Oahu, Hawaii, July 25, 2019.**  
 (All boundaries are unchanged.)



**Exhibit X. Kaneohe Bay, Oahu, Hawaii, July 25, 2019.**  
 (All boundaries are unchanged.)



DEPARTMENT OF LAND AND NATURAL RESOURCES

The amendments to section 13-256-73, Hawaii Administrative Rules, on the Summary page dated January 22, 2021, were adopted on January 22, 2021 following a public hearing held on Oahu on December 2, 2020, after public notice was given in the Honolulu Star Advertiser on November 1, 2020.

The amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

*Suzanne D. Case*

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SUZANNE D. CASE  
Chairperson  
Board of Land and Natural Resources

*David Y. Ige*

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DAVID Y. IGE  
Governor  
State of Hawaii

Dated: June 25, 2021

APPROVED AS TO FORM:

*[Signature]*

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Deputy Attorney General

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Filed

JUN 28 2:14 PM '21

LIEUTENANT GOVERNOR'S OFFICE