

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Section 13-256-152
Hawaii Administrative Rules

November 10, 2022

SUMMARY

1. Section 13-256-152, Hawaii Administrative Rules, is amended.

§13-256-152 Kahaluu Bay ocean waters. (a)

Kahaluu Bay ocean waters means the area confined by the boundaries shown on Exhibit H-5, titled "Kahaluu Bay Ocean Waters, Ocean Recreation Management Area", dated August 1, 2022, located at the end of this subchapter. 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 Kahaluu Bay at 19°35'09.24"N, 155°58'15.91"W; then along the shoreline in a southerly direction to the point of beginning.

Kahaluu Bay ocean waters is designated as a swimming, surfing, and diving zone. No commercial water sports instruction or commercial tours shall be conducted in Kahaluu Bay ocean waters without a permit from the department.

(b) Kahaluu Bay 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 southeasterly 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 northeasterly ending at the point of beginning.

Kahaluu Bay ocean waters zone A is designated as a surfing zone. At all times, no person shall operate or moor any motorized vessel in this zone.

All commercial activities of any type shall be prohibited in this zone, except that the department may issue commercial use permits to authorize commercial surfing instruction within this zone; provided that:

- (1) The total number of permits authorizing commercial surfing instruction issued under this subsection shall not exceed four 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 surfing instruction within Kahaluu Bay ocean waters zone A;

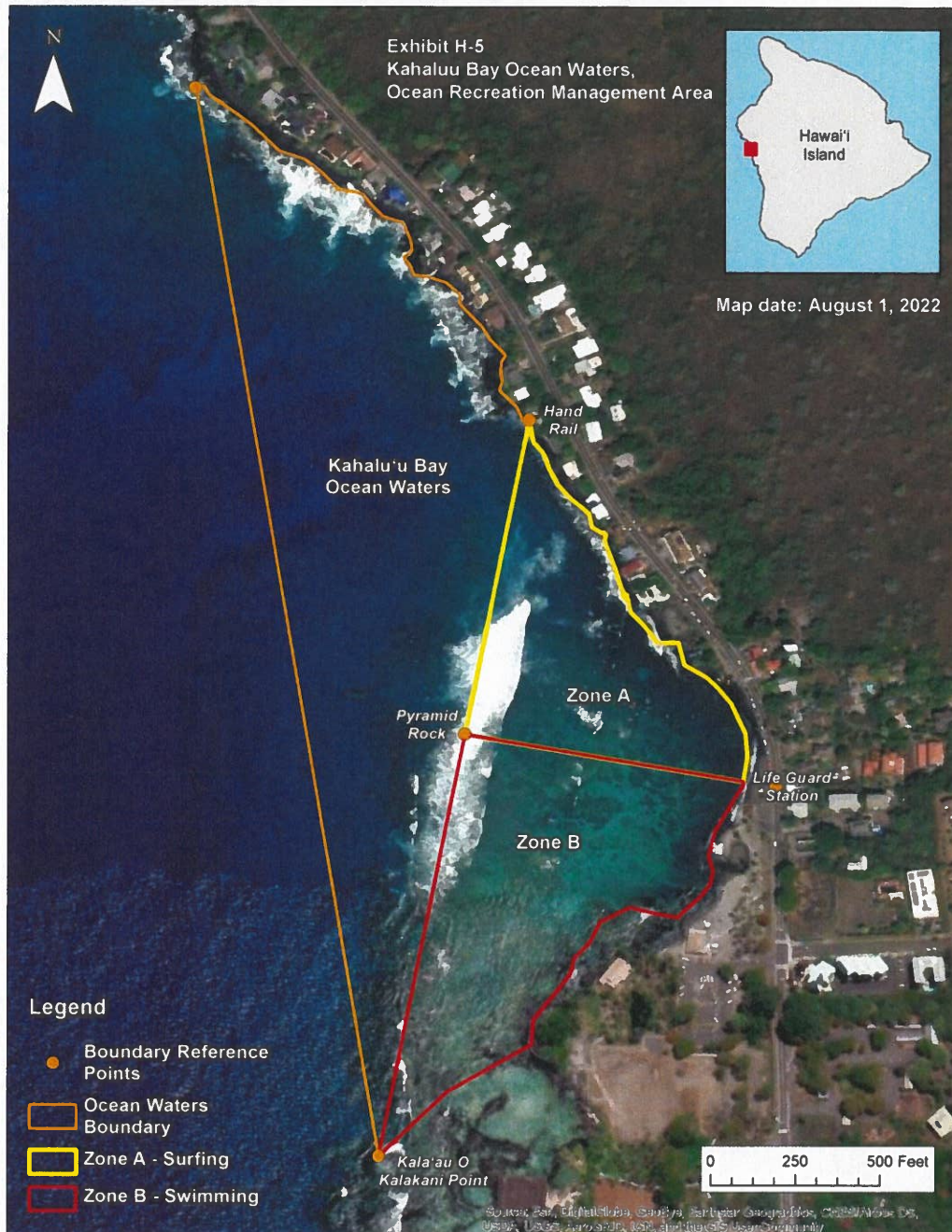
- (3) No permittee may allow more than four students in the water at any one time per surfing instruction permit, regardless of the number of surf instructors of that permittee in the water;
- (4) Each surf instructor shall, at a minimum, possess a current advanced life saving certificate; and
- (5) The department may designate the site of surf instruction within Kahaluu Bay ocean waters zone A and hours of operation for each permittee. The department may change a designated site of operation within Kahaluu Bay ocean waters zone A whenever such changes are found by the department to be necessary for reasons of public health, safety, or welfare.

(c) Kahaluu Bay 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 northwesterly 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.

Kahaluu Bay ocean waters zone B is designated as a swimming and diving zone. 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 **DEC 21 2022**] (Auth: HRS §§200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

Exhibit H-5. Kahaluu Bay Ocean Waters, Ocean Recreation Management Area, August 1, 2022



DEPARTMENT OF LAND AND NATURAL RESOURCES

The amendments to section 13-256-152, Hawaii Administrative Rules, on the Summary page dated November 10, 2022, were adopted on November 10, 2022 following a public hearing held on Hawaii on October 14, 2022, after public notice was given in the Hawaii Tribune-Herald and West Hawaii Today on September 14, 2022.

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

Suzanne D. Case

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

David Y. Ige

DAVID Y. IGE
Governor
State of Hawaii

Dated: NOV 30 2022

APPROVED AS TO FORM:

[Signature]

Deputy Attorney General

DEC 11 2022

Filed

LIEUTENANT GOVERNOR'S
OFFICE

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