



GOV. MSG. NO. 1298

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 29, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

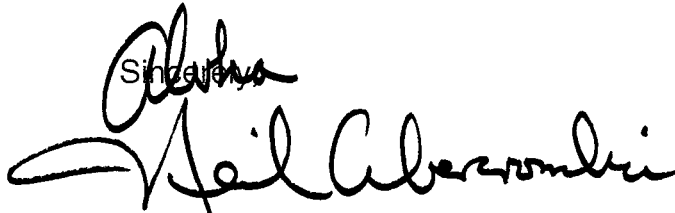
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 29, 2012, the following bill was signed into law:

SB2933 SD2 HD2 CD1

RELATING TO OCEAN SAFETY.
Act 195 (12)


Signature

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 29 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 195
S.B. NO. 2933
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO OCEAN SAFETY.

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

1 SECTION 1. The legislature finds that increased
2 recreational and commercial activities in Hawaii's nearshore
3 waters have led to safety concerns and, in some cases, tragic
4 results. According to the department of land and natural
5 resources, there were at least four accidents involving swimmers
6 and divers being struck by boats in 2011. In December 2011, a
7 man died after being struck by a boat in waters off of Hanakao
8 beach park on the island of Maui.

9 Many nearshore areas statewide are popular attractions for
10 multiple ocean activities. The legislature finds that Kamaole
11 beach and the waters of Kaanapali on the island of Maui are two
12 such areas. The amount of growth on Maui has resulted in an
13 overabundance of ocean and beach visitors, and the legislature
14 finds that there is a compelling need to provide safe and
15 suitable areas for residents and visitors to enjoy the water.

16 The legislature finds that adopting and enforcing stricter
17 rules and regulations that protect ocean users and installing
18 safety features such as swim zone buoys to clearly delineate

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1 areas reserved for differing uses will ensure greater ocean
2 safety in highly populated areas of the State.

3 The legislature also finds that given the popularity of
4 ocean activities in Kaanapali, the department of land and
5 natural resources should establish a west Maui ocean recreation
6 management area advisory committee to work on issues relating to
7 the area, particularly the waters of Kaanapali.

8 The purpose of this Act is to improve ocean safety by:

- 9 (1) Requiring the department of land and natural resources
10 to adopt rules imposing stricter regulations for the
11 safety of ocean users;
- 12 (2) Appropriating funds for swim zone buoys at Kamaole
13 beach; and
- 14 (3) Establishing the temporary west Maui ocean recreation
15 management area advisory committee comprised of users
16 of the ocean to work with the department of land and
17 natural resources on issues relating to the area,
18 particularly the waters of Kaanapali.

19 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§200- Safety of ocean users; rules. The department
2 shall adopt rules to promote greater safety of ocean users in
3 the State's nearshore waters. The rules shall include but not
4 be limited to the creation of safe zones for free divers and
5 swimmers and stricter enforcement of boating regulations around
6 swim zone buoys.

7 §200- Alternate access to state boating facilities;
8 rules. The department shall adopt rules to allow vessels
9 holding a valid ocean recreation management area commercial use
10 permit to use a state small boat harbor or boat launching ramp
11 when unsafe wind and sea conditions would prevent safe access to
12 the shoreline through a designated ingress or egress zone. The
13 vessel operator or master shall give the department prior notice
14 of the presence or threat of such conditions and shall be
15 subject to local direction and control as necessary to avoid
16 conflict with other users of the facility. Use of a state
17 boating facility in accordance with this section shall not
18 affect the permittee's right to use such boating facilities in
19 the absence of such conditions in order to provision a vessel as
20 permitted by law."



1 SECTION 3. The legislature finds that eight swim zone
2 buoys are needed at the following coordinates to increase the
3 safety of ocean users:

4 (1) Buoy 1: N 20° 42.623, W 156° 26.836;

5 (2) Buoy 2: N 20° 42.736, W 156° 26.863;

6 (3) Buoy 3: N 20° 42.836, W 156° 26.888;

7 (4) Buoy 4: N 20° 42.984, W 156° 26.912;

8 (5) Buoy 5: N 20° 43.120, W 156° 26.934;

9 (6) Buoy 6: N 20° 43.237, W 156° 26.962;

10 (7) Buoy 7: N 20° 43.410, W 156° 27.019; and

11 (8) Buoy 8: N 20° 43.498, W 156° 27.043.

12 The department of land and natural resources shall install eight
13 swim zone buoys at the coordinates indicated in this section.

14 SECTION 4. There is appropriated out of the ocean-based
15 recreation fund the sum of \$20,000 or so much thereof as may be
16 necessary for fiscal year 2012-2013 for the installation of
17 eight swim zone buoys at Kamaole beach at the coordinates
18 specified in section 3 of this Act for the purpose of increasing
19 the safety of ocean users.

20 The sum appropriated shall be expended by the department of
21 land and natural resources for the purposes of this Act.



1 SECTION 5. The department of land and natural resources
2 shall relocate the buoys in the waters off Kaanapali beach
3 between Mala wharf and Black Rock on the island of Maui to
4 waters beyond the lanes or areas used by canoe paddlers.

5 SECTION 6. The department of land and natural resources
6 shall report to the legislature on the status of rulemaking
7 required in the two new sections of the Hawaii Revised Statutes
8 in section 2 of this Act and any other measures taken to promote
9 the safety of ocean and beach users in the State's nearshore
10 waters, no later than twenty days prior to the convening of the
11 2013 regular session.

12 SECTION 7. (a) No later than September 1, 2012, the
13 department of land and natural resources shall establish a
14 temporary west Maui ocean recreation management area advisory
15 committee that shall advise the department of land and natural
16 resources on issues related to the uses and maintenance of state
17 waters within the west Maui ocean recreation management area,
18 particularly within the waters adjacent to Kaanapali on the
19 island of Maui.

20 (b) The temporary advisory committee shall consist of five
21 members of the west Maui community appointed by the chairperson



1 of the board of land and natural resources without regard to
2 section 26-34, Hawaii Revised Statutes, as follows:

- 3 (1) One swimming enthusiast;
- 4 (2) One paddling enthusiast;
- 5 (3) One surfing enthusiast;
- 6 (4) One commercial boating enthusiast; and
- 7 (5) One fishing enthusiast.

8 No member shall be made subject to chapter 84, Hawaii Revised
9 Statutes, solely because of that member's participation as a
10 member of the temporary advisory committee. The temporary
11 advisory committee created by this section shall be terminated
12 on June 30, 2015.

13 SECTION 8. The department of land and natural resources
14 shall submit a report to the legislature, no later than twenty
15 days prior to the convening of the regular session of 2013,
16 regarding the findings and recommendations, including any
17 proposed legislation, of the temporary west Maui ocean
18 recreation management area advisory committee.

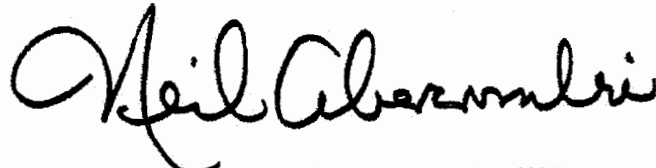
19 SECTION 9. New statutory material is underscored.

20 SECTION 10. This Act shall take effect on July 1, 2012.

S.B. NO.

2933
S.D. 2
H.D. 2
C.D. 1

APPROVED this 29 day of JUN, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII