

Standard Format
06/23/11

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment to Chapter 13-256,
Hawaii Administrative Rules

June 23, 2011

SUMMARY

§ 13-256-73.13, Hawaii Administrative Rules,
entitled "Ahu o Laka safety zone", is adopted.

§13-256-73.13 Ahu o Laka safety zone. (a) The

Department finds that the immediate adoption of this section is necessary to prevent an imminent peril to public health, safety, or morals, due to increasing alcohol-related activities within the environs of Ahu o Laka on three-day holiday weekends resulting in mishap, and the imminent danger posed by the escalation of such activities during the upcoming summer months.

(b) Zone H-2 Ahu o Laka safety zone means the area described in this section and encompassed by the boundaries shown on Exhibit "X-2," dated June 8, 2011, and located at the end of this subchapter. The boundaries of Zone H-2 are defined as follows:

Starting at a point in the water at 21° 28.462' N 157° 49.203' W, a straight line drawn to a point at 21° 27.9647' N 157° 49.140' W, then to 21° 27.514' N 157° 48.115' W, then to 21° 28.030' N 157° 47.940' W, then back to the starting point.

Zone H-2 is subject to the following restrictions commencing from 12:00 a.m. and ending at 11:59 p.m. of any day of a three-day weekend involving a state holiday as described in section 8-1, Hawaii Revised Statutes, in which the holiday is observed on either the preceding Friday or the following Monday:

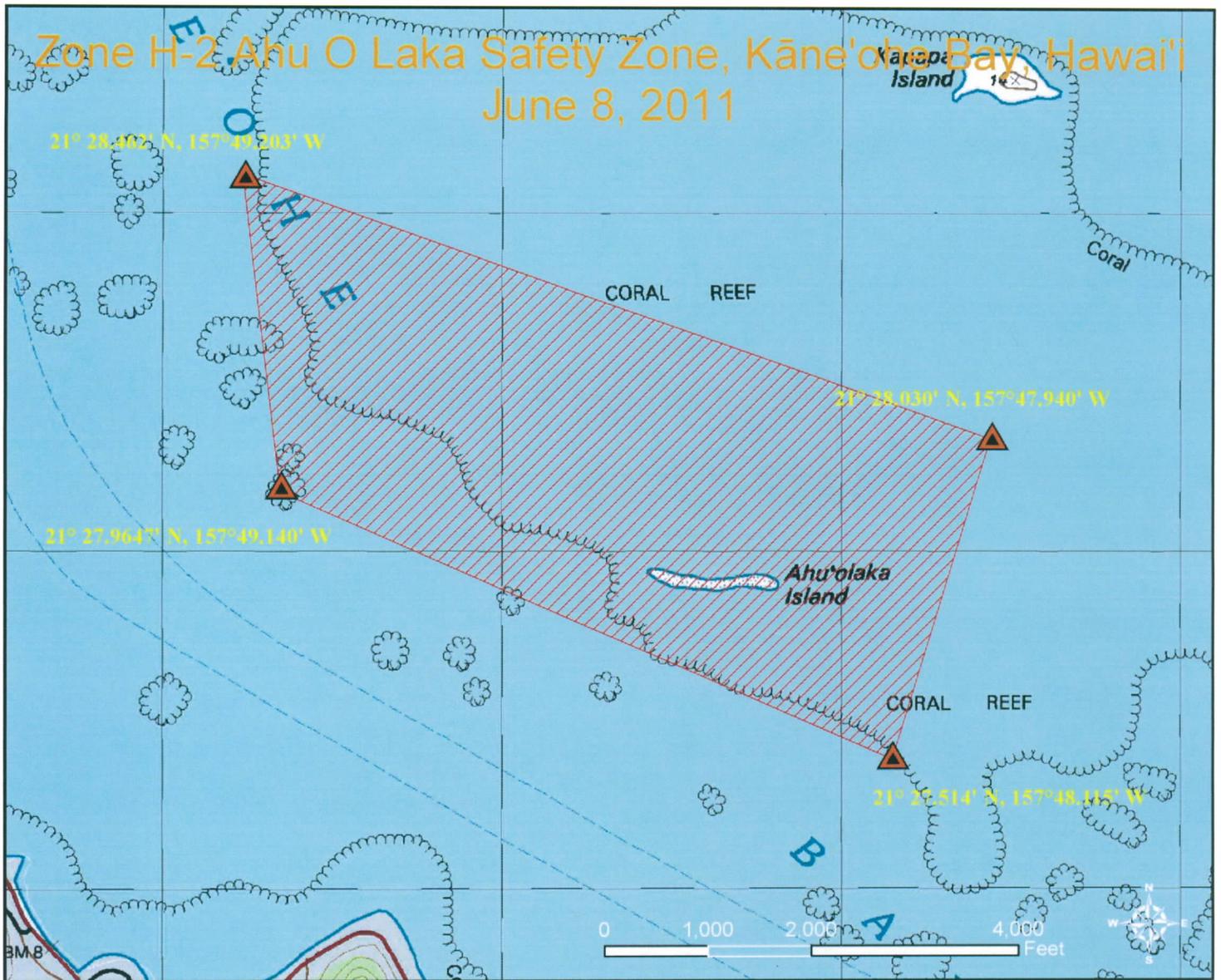
- (1) No person shall consume, use, or possess alcohol within Zone H-2;
- (2) No person shall enter or remain in Zone H-2 when manifestly under the influence of alcohol, narcotics, or drugs;
- (3) No person shall engage in disorderly conduct, as defined in section 711-1101, Hawaii Revised Statutes, within Zone H-2.

(c) In addition to any other penalty authorized by law, a violation of subsection (b) shall be subject to penalties as provided in sections 200-14 and 200-14.5, Hawaii Revised Statutes.

(d) If any provision of this section, or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not

affect the other provisions or any other application of the section, which can be given effect without the invalid provision or application. To this end, all provisions of this section are declared to be severable. [Eff **JUN 23 2011**] (Auth: HRS §200-4) (Imp: HRS §§200-2, 200-3, 200-4, 200-14, 200-14.5)

Ocean Recreation Management Areas
Exhibit "X-2"
Zone H-2 Ahu O Laka safety zone, Kāne'ōhe Bay, Hawai'i
June 8, 2011



DEPARTMENT OF LAND AND NATURAL RESOURCES

The amendment to chapter 13-256, Hawaii Administrative Rules, on the Summary page dated June 23, 2011, were adopted on June 23, 2011, following the Board of Land and Natural Resource's finding at its public meeting that the immediate adoption of the amendment was necessary to prevent an imminent peril to public health, safety, or morals.

The adoption of emergency rule section 13-256-73.13, Hawaii Administrative Rules, shall take effect upon filing with the Office of the Lieutenant Governor, and shall be effective for no more than 120 days after such filing without renewal.



William J. Ailā, Jr.
Chairperson
Board of Land and Natural
Resources

APPROVED AS TO FORM:



Deputy Attorney General



Neil Abercrombie
Governor
State of Hawaii

Date:

Filed

11 JUN 23 P4:18
LIEUTENANT GOVERNOR'S
OFFICE