

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

February 13, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

REQUEST APPROVAL TO INITIATE RULE-MAKING PROCEEDING, INCLUDING PUBLIC HEARING, TO AMEND HAWAII ADMINISTRATIVE RULES (HAR) § 13-256-93 AND TO REPEAL HAR §§ 13-256-94 TO 97 IN ORDER TO REVISE THRILL CRAFT ZONES AND RESTRICTIONS WITHIN KEEHI LAGOON. ATTACHED TO THIS AGENDA AND INCORPORATED HEREIN AS EXHIBIT "A" ARE THE PROPOSED CHANGES TO HAR § 13-256-93 TO 97.

PURPOSE: The purpose of this amendment is to reorganize ocean recreation rules for Keehi Lagoon, Oahu, to clearly designate the various recreational and commercial zones within the lagoon as well as to amend the location of zone F designated for recreational thrill craft operations. Additionally, the amendment to HAR § 13-256-93 updates the rule to use GPS coordinates to describe zone designations and updates the corresponding exhibit to the rule to a current map in order to create a more user-friendly rule. Repealing HAR §§ 13-256-94 to 97 consolidates all Keehi lagoon commercial and recreational zones into a single rule for efficacy.

REMARKS:

On December 12, 2014 The Board of Land and Natural Resources (BLNR) approved submittal K-2 of the Office of Conservation and Coastal Lands for the issuance of a Conservation District Use Permit by Mamala Bay Seafood for a mariculture facility in the Reef Runway Borrow Pit located in Keehi Lagoon, Honolulu, Oahu TMK (1) 1-1-003:005 (submerged lands). *See* BLNR Submittal K-2, December 12, 2014. This location is currently designated in the Division of Boating and Ocean Recreation's (DOBOR) administrative rules as a recreational thrill craft zone. In anticipation of the installation of a mariculture facility pursuant to the BLNR's decision, and to better suit the needs of recreational thrill craft users within Keehi lagoon, DOBOR proposes to reposition Zone F to the location described in Exhibit "A" attached hereto, and demarcated in the corresponding map to HAR § 13-256-93.

DOBOR determined the new location proposed for Zone F after continued consultation with recreational thrill craft users and determined the new area to be a more accessible site than the current location of Zone F. Recreational thrill craft users indicated that the new proposed location of Zone F was more accessible from the Keehi Lagoon launch ramp, and also safer due to its proximity to the launch ramp. Additionally, site visits by the mariculture applicant confirm

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that the current location of Zone F is not being regularly utilized by recreational thrill craft users. Between 2006 and 2013, in 80 site visits by the mariculture applicant, no thrill craft were seen. See BLNR Submittal K-2, December 12, 2014.

The proposed repeal of HAR §§ 13-256-94 to 97 simplifies unnecessarily bulky rules by consolidating all description of Kechi Lagoon recreation zones in HAR § 13-256-93. This proposed change is an effort by DOBOR to make its administrative rules more accessible to the public, streamline future rule changes and keep location designations up to date by using GPS coordinate and current maps.

RECOMMENDATION:

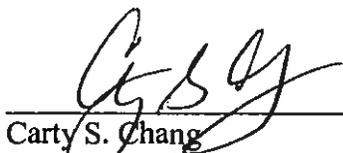
1. That the Board of Land and Natural Resources grant to DOBOR approval for the initiation of rule-making proceedings, including public hearing, to amend HAR § 13-256-93 and the repeal HAR §§ 13-256-94 to 97 which is attached to the agenda for the Board's February 13, 2015 meeting.

Respectfully submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL



Carty S. Chang
Acting Chairperson and Member

Attachments

Proposed amendments to HAR §§ 13-256-93 to 97 (Exhibit A)