

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, ENERGY,
AGRICULTURE, AND RECREATION
COMMITTEE**

April 22, 2014

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Economic Development, Energy, Agriculture, and Recreation Committee, having met on March 14, 2014, and March 21, 2014, makes reference to County Communication 14-33, from Councilmember Mike White, transmitting a proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.020, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF OCEAN RECREATIONAL ACTIVITY BY ADDING TO THE LIST OF ACTIVITIES TO BE INCLUDED".

The purpose of the proposed bill is to amend Section 13.04.020, Maui County Code ("MCC"), to add "canoeing" to the definition of "ocean recreational activity".

Your Committee notes Chapter 13.04, MCC, regulates park and recreational facilities within the County. Article X of the chapter regulates commercial ocean recreational activity in or on County property and provides for a permitting system for such activity.

For purposes of these regulations, "ocean recreational activity" is defined by the act of "engaging in or providing instruction or guidance regarding the use of equipment in any pursuit that is primarily conducted in or on the ocean". A non-exhaustive list of specific pursuits such as kayaking and snorkeling is included in the definition, while pursuits requiring licenses or permits from the State Division of Boating and Ocean Recreation or the United States Coast Guard are excluded.

As confirmed by a representative from the Department of Parks and Recreation, canoeing already fits within the existing definition of "ocean recreational activity". However, your Committee notes adding the pursuit to the list removes any uncertainty that canoeing is subject to the regulations set forth in Chapter 13.04, MCC.

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Your Committee also decided it was important to specifically list canoeing as an ocean recreational activity because canoeing has deep historical roots as a long-practiced sport in Hawaii.

The Deputy Director of Parks and Recreation informed your Committee the number of commercial ocean recreational activity permits issued is currently above the capacity recommended by a consultant hired by the Department. She noted applicants for commercial canoeing activities or any other commercial ocean recreational activity will not be issued permits until a permit becomes available.

Your Committee recommended the bill be revised to change "canoeing" to "Hawaiian outrigger canoeing" to specify the type of canoeing deserving of recognition.

Your Committee voted 4-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Guzman, and members Crivello, Cochran, and White voted "aye". Committee Vice-Chair Carroll, and members Baisa and Victorino were excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision.

Your Economic Development, Energy, Agriculture, and Recreation Committee **RECOMMENDS** the following:

1. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.020, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF OCEAN RECREATIONAL ACTIVITY BY ADDING TO THE LIST OF ACTIVITIES TO BE INCLUDED", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-33 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.020, MAUI COUNTY CODE,
TO AMEND THE DEFINITION OF OCEAN RECREATIONAL ACTIVITY BY ADDING
TO THE LIST OF ACTIVITIES TO BE INCLUDED

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:


SECTION 1. Section 13.04.020, Maui County Code, is hereby amended by amending
the following definition to read as follows:

""Ocean recreational activity"" means engaging in or providing instruction
or guidance regarding the use of equipment in any pursuit that is primarily
conducted in or on the ocean, including, but not limited to, kayaking, snorkeling,
scuba diving, surfing, kite surfing, Hawaiian outrigger canoeing, and windsurfing,
excluding any pursuit requiring an operator to hold a license or permit from the
State of Hawaii division of boating and recreation or the United States Coast
Guard. Engaging in and providing instruction or guidance to any patron
regarding the use of equipment in the same pursuit shall constitute no more than
one ocean recreational activity."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need
not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Department of the Corporation Counsel
County of Maui

paf:scj:13-264a