COUNCIL OF THE COUNTY OF MAUI

ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

June 18, 2019

Committee Report No. _____

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

Chair and Members:

This report recommends passage of a bill to prohibit activity requiring a commercial ocean recreational activity permit at Hanakaoʻo Beach Park, also known as "Canoe Beach."

Your Environmental, Agricultural, and Cultural Preservation Committee, having met on June 4, 2019, makes reference to County Communication 19-195, from Councilmember Tamara Paltin, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAOʻO BEACH PARK."

The purpose of the proposed bill is "to prohibit commercial ocean recreational activity at Hanakaoʻo Beach Park, Lahaina, Maui, Hawaii, also known as 'Canoe Beach,' because commercial ocean recreational activity has proven to be increasingly incompatible with the growing need to house recreational and cultural canoe activities at the beach park."

The Director of Parks and Recreation informed your Committee there are four active permits for Hanakaoʻo Beach Park. The permits are issued to three scuba operations and one kayak operation, respectively, and are due to expire on June 30, 2019.

Your Committee received approximately 70 pieces of written and verbal testimony in favor of the proposed bill and 6 against it.

Members from several canoe clubs attended your Committee's meeting and presented testimony citing safety issues, overcrowding, and

a history of canoe-paddling activities being displaced by tourism activities. Testifiers reported increased conflicts between commercial operations and canoe club activities, and that these conflicts pose safety problems. Testifiers also noted the important cultural and historic relevance of outrigger-canoe paddling and its importance to the community.

Two permit holders presented testimony in opposition. They noted that small businesses engaged in commercial ocean recreational activity are also an important part of the community, by providing jobs and economic opportunity.

After consulting with legal counsel, your Committee revised the proposed bill to ensure its text is consistent with your Committee's legislative intent of promoting opportunities for recreational and cultural canoe activities at Hanakao`o Beach Park.

Noting the strong community support, your Committee expressed its supported for the revised proposed bill.

In addition, your Committee notes the revised proposed bill would further the following Maui County General Plan directives:

- "Perpetuate the Hawaiian culture as a vital force in the lives of residents." *(Objective, page 49, Countywide Policy Plan.)*

- "Protect . . . recreational activities that support local cultural practices, such as . . . outrigger-canoe paddling." *(Policy, page 49, Countywide Policy Plan.)*

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Sinenci, Vice-Chair Kama, and members King, Lee, Molina, Paltin, and Sugimura voted "aye."

COUNCIL OF THE COUNTY OF MAUI

ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

Committee Report No. _____

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 revisions.

Your Environmental, Agricultural, and Cultural Preservation Committee RECOMMENDS the following:

1. That Bill _____ (2019), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO`O BEACH PARK," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 19-195 be FILED.

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

SHANE M. SINENCI, Chair

eacp:cr:19027aa:wac

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO`O BEACH PARK

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

SECTION 1. The purpose of this ordinance is to amend section 13.04A.290, Maui County Code, to prohibit commercial ocean recreational activity at Hanakao`o Beach Park, Lahaina, Maui, Hawaii, also known as "Canoe Beach," because commercial ocean recreational activity has proven to be increasingly incompatible with the growing need to house recreational and cultural canoe activities at the beach park.

According to Subsection 13.04A.330(A), Maui County Code, existing commercial ocean recreational activity permits may be issued for up to one year before expiring automatically. The prohibition will allow existing permit holders to continue their operation at Hanakao`o Beach Park until those permits expire.

SECTION 2. Section 13.04A.290, Maui County Code, is amended to read as follows:

> "**13.04A.290 Prohibitions.** Commercial ocean recreational activity <u>requiring a permit under subsection 13.04A.300(A)</u> is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the **[**southern most**]** <u>southernmost</u> parking area adjacent to South Kihei Road),

Launiupoko Beach Park, [and] Puamana Beach Park[.], and Hanakao`o Beach Park."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. A holder of a valid commercial ocean recreational activity permit issued for Hanakao`o Beach Park pursuant to Article VII of Chapter 13.04A, Maui County Code, as of the effective date of this ordinance, may continue to operate until the permit expires, provided the permit holder is in compliance with permit requirements.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:19-182a
LF 2017-0706
EACP-27 2019-06-05 Ordinance