



# University of Hawaii at Manoa

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**SB 2404**  
**CONSERVATION LANDS**  
**(BEACHES AT HAENA, KAUAI)**

**Statement for**  
**Senate Committee on**  
**Economic Development**  
**Public Hearing - February 20, 1986**

**By Marshall Mock, Kauai Community College**  
**Doak C. Cox, Environmental Center**

SB 2404 would amend HRS 183-41, a section dealing with the powers and duties of the Department of Land and Natural Resources (DLNR) with respect to lands in the Conservation District. This statement on the bill does not reflect an institutional position of the University of Hawaii.

By amendment proposed in SB 2404, the DLNR would be prohibited from permitting landing of "motorized boats conducting sight-seeing or other tours or expeditions" on beaches at Haena, Kauai. The rationale for the proposed prohibition expressed in findings in the bill is that the boats used by commercial operators, who are using the beaches at Haena to pick up and drop off passengers, "present a physical danger to the users of the beach area and degrade the quality of near shore waters."

Although, degradation of the waters would be sufficient to ban the use of the boats under present water quality regulations, the physical hazard to swimmers and other beach users would in itself be sufficiently great to justify the prohibition proposed in SB 2404.

However, prohibitions as specific as this seem better provided by a departmental rule than by a statute. If either the DLNR or the Department of Transportation (DOT) has the authority to adopt rules including prohibitions of this sort, a legislative resolution calling for the prohibition would seem preferable to passage of SB 2404. If not, consideration should be given to revising the bill so that it would allow the DLNR or DOT to adopt such rules more generally.

Whether in a rule or in a statute, the wording of the provision for the prohibition should preferably be revised. It is not the boats but their operators who conduct tours.

We believe, also, that it would be appropriate to limit the prohibition to commercial activities or to allow for exceptions in the case of the rare scientific expedition that might wish to use the beaches at Haena.