

COUNCIL OF THE COUNTY OF MAUI
HEALTHY FAMILIES AND
COMMUNITIES COMMITTEE

November 8, 2019

Committee
Report No. 19-132

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

Chair and Members:

Your Healthy Families and Communities Committee, having met on October 3, 2019, refers to County Communication 19-344, from the Director of Parks and Recreation, 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 WAHIKULI WAYSIDE PARK."

The purpose of the proposed bill is to prohibit Commercial Ocean Recreation Activity, or CORA, at Wahikuli Wayside Park, Lahaina, Maui, Hawaii. Your Committee notes that the community has expressed strong concerns that CORA is increasingly incompatible with local resident recreational and cultural activities in beach parks in the area. The prohibition will be accomplished by discontinuing the issuance of permits for these activities under the Commercial Ocean Recreation Activity Permits program. This program is administered by the Department of Parks and Recreation pursuant to Chapter 10-102 of the Department's administrative rules entitled, "Rules of Practice and Procedure for Commercial Ocean Recreational Activity Permits." The bill would add Wahikuli Wayside Park to the list of parks where CORA is prohibited. The list currently includes the following:

1. Baldwin Beach Park
2. Cove Park
3. Ho`okipa Beach Park
4. Kamaole Beach Park I
5. Kamaole Beach Park II
6. Kamaole Beach Park III
7. The southern portion of Kalama Park

COUNCIL OF THE COUNTY OF MAUI
HEALTHY FAMILIES AND
COMMUNITIES COMMITTEE

Page 2

Committee
Report No. 19-132

8. Launiupoko Beach Park
9. Puamana Beach Park
10. Hanakao`o Beach Park

The Director of Parks and Recreation informed your Committee there are no active CORA permits for Wahikuli Wayside Park. The Director also informed the Committee CORA permit holders at nearby Hanakao`o Beach Park, also known as "Canoe Beach," were successfully relocated to Papalaua Park following enactment of Ordinance 4989, which took effect July 5, 2019.

Your Committee notes the quality of life, health, and well-being of local residents should be prioritized over the needs of tourists and the visitor industry, and Maui County's parks and sporting facilities are primarily intended for residents. Your Committee further notes there is an increasing priority to balance the needs of local residents with those of visitors and to prevent residents from being supplanted from popular recreational areas. This is especially salient as the number of visitors continues to increase and issues of overtourism become more pressing.

Your Committee understands and supports local communities that have called for improving the management of the County's recreational facilities to allow for:

- increased ease of use by residents,
- adaptation to changing trends in sports, and
- response to park users' expressed needs and desires.

COUNCIL OF THE COUNTY OF MAUI
HEALTHY FAMILIES AND
COMMUNITIES COMMITTEE

Page 3

Committee
Report No. 19-132

The proposed bill would further the following General Plan directives:

- “Mitigate the impact of tourism on the host culture, natural environment, and resident lifestyles.” (Maui Island Plan, page 4-13.)
- “Manage park use and control access to natural resources in order to rest sensitive places and utilize the resources in a sustainable manner.” (Countywide Policy Plan, page 65.)

Your Committee also notes that the traditional Hawaiian kapu system’s practice of limiting specific activities within designated areas has a long history and is the cornerstone of sustainable management of the County’s resources. The kapu system of laws and regulations called for periodically limiting access to sensitive natural areas to give time to recover from overuse. Kapu also prohibited certain activities, such as fishing, cutting trees, or other resource gathering, within specific areas.

Noting the importance of prioritizing residents’ needs, the responsibility of encouraging a high quality of life for those who live and work in Maui County, and the robust community backing for CORA restrictions, your Committee expressed its support for the proposed bill.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Hokama, Vice-Chair Sugimura, and members Kama, King, Molina, Paltin, and Rawlins-Fernandez voted “aye.”

Your Healthy Families and Communities Committee **RECOMMENDS** the following:

1. That Bill 60 (2019), attached hereto, entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290,

COUNCIL OF THE COUNTY OF MAUI
**HEALTHY FAMILIES AND
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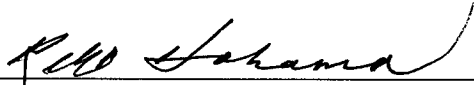
Page 4

**Committee
Report No. 19-132**

MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN
RECREATIONAL ACTIVITY AT WAHIKULI WAYSIDE PARK,"
be PASSED ON FIRST READING and be ORDERED TO PRINT;
and

2. That County Communication 19-344 be FILED.

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



RIKI HOKAMA, Chair

hfc:cr:19029aa: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 WAHIKULI WAYSIDE 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 Wahikuli Wayside Park, Lahaina, Maui, Hawaii, because commercial ocean recreational activity has proven to be increasingly incompatible with the growing need to house recreational and cultural 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 Wahikuli Wayside Park until those permits expire.

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

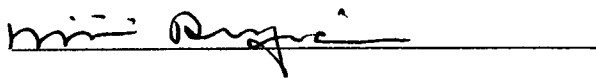
"13.04A.290 Prohibitions. Commercial ocean recreational activity requiring a permit under subsection 13.04A.300(A) is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the southernmost parking area adjacent to South Kihei Road), Launiupoko Beach Park, Puamana Beach Park, **[and]** Hanakao'o Beach Park[.], and Wahikuli Wayside 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 Wahikuli Wayside 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:

A handwritten signature in black ink, appearing to read "Mimi Ruyter", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

LF 2019-1220