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Voluntary Standard for Recreational Boat Operations in Kona Hawaii Waters

Prepared by:
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with the assistance of the Coral Reef Alliance.

Abstract

This voluntary standard specifies requirements for environmental performance and conservation practices, and operational safety that enhance marine recreational activities and minimize environmental impact of boating operations on fragile marine ecosystems, fish and whales in the waters of Kailua Kona Hawaii particularly near coral reefs, related coastal environments and impacts on marine species such as cetaceans, turtles, monk seals and other animals.

This standard was developed by community members within Kona Hawaii that represented key interest groups with the assistance of the Coral Reef Alliance (CORAL) and the Kona Standards Taskforce (KST). KST and CORAL disclaim all liability for its use, application, or adaptation. This standard is subject to revision at any time and must be reviewed every five years and if not revised either reaffirmed or withdrawn.

Foreword

(This Foreword is not an official part of this standard, and is included for information purposes only.)

This standard supports ongoing sustainable initiatives in Kona Hawaii waters and along its coasts not only to conserve and protect marine ecosystems, but also to improve economic sustainability of marine recreation in the region. This voluntary consensus standard is the product of a taskforce representing four interest groups:

Suppliers - recreational marine providers and managers of marine protected areas;

Purchasers - individuals and bulk purchasers of tourism services represented by associations of tour operators, hotels and cruise ships;

Local Communities- through state and federal government agencies and non-governmental civic, environmental and tourism-oriented organizations;

General Interests - government agencies, non-government organizations, academics and others.

The widely recognized due process practices defined in the Standards Engineering Society's standard SES-2, Model Standards Development Procedure, were followed in developing this standard. In addition to in-person meetings all drafts, comments, discussions and balloting were accomplished online.

This standard fills a major void in the documentation of coastal recreation practices in the United States. It compiles in one place proven practices that promote conservation and protection of fragile ecosystems, and safety of participants and bystanders for many of the most popular recreation activities involving boats. The Kona Standards for Marine Recreation and Kona Standards Taskforce (KST) has been able to take advantage of the pioneering work of the Mesoamerican Reef Taskforce that developed and tested the initial standard. The Kona Taskforce has tailored that standard to the Hawaiian environment and applicable federal and state laws and regulations. Safety and environmental performance requirements are specified that are to be applied in these circumstances.

This standard, together with related standards on scuba diving and snorkeling, kayaking, wildlife interactions, surf schools and shoreline activities will be pilot tested at representative sites in Kona during 2009 and 2010. These tests will validate requirements in the standards, improve their quality and facilitate their implementation. In the meantime, any other country or region developing a standard for recreational boat operations should consider this standard for adoption or adaptation.

Suggestions for improvements to this standard are welcome. They should be sent to the Chairman of the CORAL Kaliua-Kona Standards Taskforce, c/o CORAL, 351 California St, Suite 650, San Francisco, CA, 94104, USA, or standards@coral.org.

1. Scope

This voluntary Kona standard specifies requirements for recreational service providers engaged in boat operations - including motorized and non-motorized boats, glass-bottom boats, sailing boats, multihull boats, submerged and semi-submerged vessels, thrillcraft, jet skies, and boats used for parasailing, near fragile ecosystems such as coral reefs and threatened marine animals. It specifies general requirements for operational, safety and environmental responsibilities, and good practices that service providers shall adopt for most types of recreational boating as well as specialized requirements for scuba diving and snorkeling, recreational fishing, whale and dolphin watching, and bareboat rentals. This standard does not specify requirements for the operation of small watercraft such as kayaks, and surfboards. These are specified in Kona Standards for kayaking and surfing. Nor does this standard address business relationships with clients.

2. Referenced documents

The following documents are referenced in this standard:

Kona Hawaii Standard # - *Standard requirements for recreational scuba diving and snorkeling operations in Hawaiian waters*¹

Kona Hawaii Standard # - *Voluntary Standard requirements for wildlife interactions in Hawaiian waters*²

Chapter 13-257 Hawaii administrative rules "Day use mooring rules"³

Hawaii Boating Law basics⁴

^{1 & 2} Available online at <http://www.coral.organization/>_____, or from CORAL, 417 Montgomery St., Suite 205, San Francisco, CA, 94104, USA.

³ Available at <http://hawaii.gov/dlnr/dbor/rules/13-257.pdf>

⁴ Department of Land and Natural Resources Division of Boating and Ocean Recreation
333 Queen Street, Suite 300 Honolulu, HI 96813
www.state.hi.us/dlnr/dbor/dbor.htm

3. Terms and definitions

For the purposes of this Kona Hawaii CORAL standard, the following terms and definitions apply:

3.1 Bareboat

A boat either motorized or with sails, that is rented (chartered) without a crew engaged by the marine recreation provider.

3.2 Boat

Any vessel which is used or is capable of being used as a means of transportation on water. For purposes of this standard the term "boat" applies to vessels at least 18 feet (6 meters) in overall length.

3.3 Briefing

Information sharing by marine recreation providers that instructs and guides those participating in boating activities in safety, environmental, conservation and operational practices. Oral presentations are the preferred method, however, when a significant number of clients are not fluent in English videos or printed handouts in languages they comprehend shall be provided.

3.4 Coral reef conservation

The act of conserving coral reefs and related near-shore ecosystems and related coastal environments.

3.5 Coral reef ecology

The study of organisms in coral reefs and related environments, and the physical and biological interactions with their environment.

3.6 Day-use mooring

A mooring located sub-surface along the Kona coast line legally put in through permit for boater use.

3.7 Environmental briefing

Briefings that address ways and reasons to minimize impact on marine animals and their habitats including coral reefs, and related coastal environments.

3.8 Guided whale and dolphin watching

Organized whale watching where clients are accompanied by a whale-watch or dolphin-watch naturalist appointed by the marine recreation provider.

3.9 Independent whale and dolphin watching

Whale watch activities not organized by a marine recreation provider led by an employee of the provider.

3.10 Live boating

Diving or snorkeling operations conducted from a boat in which the propeller is turning, whether the vessel is stationary or moving.

3.11 Marine Protected Area (MPA)

An area of the marine environment that has been reserved by a federal, state, territorial, or tribal entity, or by local laws or regulations to provide protection and conservation to part or all of the marine, terrestrial and cultural resources within its boundaries.

3.12 Marine recreation provider

Commercial entity (business, individual or organization), including any individual acting on behalf of such entity, which offers one or more of the following services:

- (a) Water-borne transportation of persons engaged in scuba diving and snorkeling, recreational (sports) fishing, marine wildlife viewing, sightseeing, and similar activities; and rental of powered or unpowered boats, with or without crew (bareboat charters), for short or extended periods of time;
- (b) Training, education or information sharing on recreational boating, the marine environment or marine ecology prior to or during recreational boating activities.

3.13 Maximum capacity

The maximum load that a boat has been designed and tested to carry when underway. This includes persons, engine and equipment.

3.14 No wake speed

"Wake" is the path of disturbed water left behind a moving boat; "no wake speed" means there is no "white" water in the track or path of the boat or created in waves immediate to the boat, and in no case greater than 5 miles per hour.

3.15 Operator

The person who has ultimate responsibility for operation of a vessel whether he or she is physically manning the helm.

3.16 Pleasure boat

A boat designed and used for recreation on a non-commercial basis by private parties.

3.17 Sewage

Human body wastes.

3.18 Six Pack

Uninspected Passenger Vessel, limited to six paying costumers

3.19 Whale watch naturalist

A person who has specialized knowledge, skill and experience to plan, organize, supervise and lead viewers to known sites within the region; possesses personal rescue and rescue management skills (if also a boat operator or crewmember); and holds requisite credentials to engage in such activity.

3.20 Whale-watch or dolphin-watch naturalists

Persons who have specialized knowledge, skill and experience to plan, organize, supervise and lead viewers to known sites within the region; and, if also a boat operator or crewmember possess personal rescue and rescue management skills and holds requisite credentials to engage in such activity.

4. General requirements

The following requirements apply to all boats used by marine recreation providers (see 3.10) and their staff as well as pleasure boat operators.

4.1 Statutory compliance

4.1.1 Marine recreation providers shall:

- (a) comply with all applicable local, national and international laws, regulations, and possess requisite licenses and permits;
- (b) verify that boat operators and crew members comply with these statutes; and
- (c) verify that boats meet applicable safety and performance standards through specified periodic inspections and possession of a current Coast Guard Certificate of Inspection.

4.1.2 Owners of pleasure boats shall comply with all applicable laws and regulations, as well as specified safety and performance standards.

4.1.3 The operator of a boat is ultimately responsible for his or her own safety and the safety of passengers, the vessel and its crew. Boat operators shall understand and comply with all regulations concerning safety, rules of the road, environmental practices and required equipment. An unsafe condition is grounds to cancel an operation or discontinue an operation in progress.

4.1.4 Boats and boating operations in Hawaii are regulated by national, state, county and local authorities and statutes.

4.1.5 It is the boat operator's responsibility to assure as best as possible, that there are no illegal drugs on board and that all passengers and crew are free of the effects of alcohol or any drugs that may cause impairment of judgment critical to the safe operation of the vessel

Note: The Kona Hawaii Standards Taskforce primarily addresses marine ecosystem protection and conservation. Safety is a related, but separate, subject. There are state, national and international institutions responsible for safety-related issues pertaining to boat operations.

4.2 Highlighted Current Coast Guard Regulations

4.2.1 Children 12 and under must wear a USCG approved and properly fitted Personal Floatation Device (PFD) at all times unless in an enclosed cabin or below deck

4.2.2 Speed restrictions. – (a) the speed of all vessels on the waters of the state shall be limited to a slow-no-wake speed so as to create no wake of appreciable wave height, when within two hundred feet of any: (1) shoreline; (2) float; (3) dock; (4) launching ramp; (5) congested beach; (6) swimmer; (7) diver's flag; or (8) anchored, moored or drifting vessel.

- 4.2.3 At all times, operators shall be prepared to avoid a collision and have engines ready for immediate maneuvering.
- 4.2.4 All wash down water must be contained (gray water)
- 4.2.5 Hull scrubbing or paint removal shall not be completed within harbor waters.
- 4.2.6 When underway marine radios shall be turned on with the volume up and set on channel 16.

4.3 Good seamanship

The following requirements apply to all boat operators, whether operating pleasure boats or boats engaged in commercial activities. These requirements also apply to employees or contractors of marine recreation providers, or the operators of bareboat rentals for short or extended periods of time.

- 4.3.1 Marine recreation providers and pleasure boat owners shall ensure that boat operators possess the requisite level of knowledge and experience for the service in which they are engaged.

4.3.2 Prior to departure the operator shall:

- (a) Perform a functional inspection of the boat and equipment, including communications, and confirm that they are working properly;
 - (b) Confirm that the passengers and their equipment will not exceed the maximum capacity of the boat;
 - (c) Assess all conditions that could affect planned activities - weather, ocean conditions, etc. - and if necessary reduce the number of passengers;
 - (d) Have appropriate charts;
 - (e) File a trip plan and estimated time of arrival with a responsible person or organization; and
 - (f) Brief (see 3.3) all on board on emergency procedures, location of personal flotation devices, fire extinguishers, man overboard procedures, and methods of seeking assistance.
- 4.2.3 Boats shall not run between an anchored, moored or drifting vessel and the shoreline.

- 4.2.4 Use ramps and piers for loading and unloading expeditiously – do not linger awaiting passengers. If needed, pull away from the ramp or pier to wait for a client allowing others access.
- 4.2.5 Do not use Pawi bay mooring buoys during week end unless sea states or other weather conditions cause all other areas to be deemed unsafe to dive or snorkel. This area is used by the cultural community for cultural practices on shore during this time.
- 4.2.6 Do not use loud speakers near homes, cultural sites, fragile environmental sites, or other operators to gain customers attentions. This is noise pollution for others and the environment.
- 4.2.7 Advise customers swimming from a boat to not go beyond the high water mark on private property if swimming into shore from the boat.
- 4.2.8 Do not offload customers in areas fishermen are actively fishing. Choose a different site.
- 4.2.9 Fishermen, do not start fishing in an area in which divers or snorkelers are actively scuba diving or snorkeling.
- 4.2.10 Brief clients to be respectful when within a cultural site.
- 4.2.11 Alert other boat operators of any hazards observed in the area through marine radio, Coast Guard or Department of Land and Natural Resource Hawaii

4.3 Proper mooring and anchoring

- 4.3.1 In Hawaiian waters day-use buoys may be installed only in locations authorized by the US Army Corps of Engineers and the Department of Land and Natural Resources. Marine recreation providers shall cooperate with these agencies, other recreation providers, managers of marine protected areas and other responsible agencies to identify sites deemed fragile and ecologically important and assist in installing day-use mooring systems in heavily visited areas. The selection of day-use mooring sites and mooring systems should take into account prevailing sea conditions and currents, and studies carried out or provided by marine environment experts or government environmental personnel.
- 4.3.2 Day use moorings are meant to be used by a single standard 12 passenger boat in moderate weather for no longer than 2.5 hours if another boat is waiting. No overnight stay on buoys is permitted. No anchoring within 100yds of the mooring is permitted.

- 4.3.3 Boat operators shall use day-use moorings whenever available. When using day use mooring follow the rules as listed in the day use mooring guide available through the Malama Kai Foundation and day use mooring regulations listed under day use mooring definition.
- 4.3.4 Any mooring damage is the responsibility of the operator and marine recreation provider that caused the damage. The damaging parties shall be replace or repair the damaged mooring buoy in a timely manner.
- 4.3.5 Report faulty or damaged moorings to the Department of Land and Natural Resources and Malama Kai Foundation for repair or replacement.
- Malama Kai Foundation – (808) 885-6354
- Division of Aquatic Resources Kona – (808) 327-6226
- 4.3.6 If mooring systems are not installed, anchors shall be placed in sand or rubble channels away from coral reefs; or boats can “live boat” according to current Coast Guard rules example for divers current standards for “six” pack’s no divemaster required on deck, more than six paying customers a divemaster must be on deck along with the captain. When anchoring a boat remember it is illegal to break any coral with upwards of a 1,000 dollar fine per coral head broken.
- 4.3.7 Boat operators shall be aware of no-anchoring zones (such as Papawi and Kealakakua bay), seasonal closures, areas closed due to emergencies and obey markers or signs that designate such zones and stay 100 yards distant from ships that are underway.
- 4.3.8 In addition to the primary anchor line, boats shall carry a secondary line in case of emergencies.

4.4 Minimizing environmental impact

- 4.4.1 The marine recreation provider shall prevent and mitigate any environmental damage to the reefs and coasts within Hawaiian waters. An action plan shall be prepared and maintained for reducing negative impacts caused by boat operations and a contingency plan for acting in case of an environmental emergency. The marine recreation provider shall review these plans with staff at six-month intervals maximum.
- 4.4.2 Prior to embarking and during the trip diving and snorkeling clients or whale watchers shall receive environmental briefings according to Kona Hawaii standards KST # or KST # as applicable.
- 4.4.3 Boat operators shall:

- (a) Be on the alert for marine animals and travel slowly in areas where they are known to be present;
- (b) Stay alert for seals, sea turtles, sharks, rays, whales and dolphins as well as other marine life;
- (c) Comply with all rules applicable to observing endangered and federally protected animals such as whales, turtles and monk seals.

4.5 Waste management and emission control

- 4.5.1 Boat operators and crew members shall brief clients, comply with and stay vigilant towards a zero waste policy, i.e. nothing goes overboard, no food (unless previously partially digested), no oil, no plastic bags or trash of any kind.
- 4.5.2 All sewage (black water) will be properly disposed at least three miles from shore (non-state waters).
- 4.5.3 All fish carcasses, fish scraps, or other remnants will be properly disposed of at least three miles from shore (non-state waters).
- 4.5.4 When the boat operator, crew or clients observe trash or other floating debris at dockside, or in the ocean these shall be collected and properly disposed of at onshore facilities.
- 4.5.5 Hazardous waste (oil, paint, batteries, cleaning agents, etc.) shall not be released into the water. Oily bilge water shall not be pumped overboard. Petroleum products shall be separated from bilge water with reusable oil-absorbent pads. The most environmentally friendly products among paints, anti-fouling bottom coatings, paint remover, detergents, etc., that are available and work efficiently shall be used. Used batteries, old anodes, transmission fluid, and oil-absorbent pads shall be treated as hazardous waste. Hazardous waste and all other refuse shall be properly disposed of at an onshore facility.
- 4.5.6 All recreational boating operations involving scuba diving and snorkeling shall fully comply with Kona Hawaii Voluntary standards scuba diving and snorkeling activities #.....
- 4.5.7 All recreational boating operations involving wildlife interactions or viewing shall fully comply with Kona Hawaii Voluntary Standard for wildlife interactions #.....

4.6 Bareboat rentals

4.6.1 Inexperienced or poorly informed operators of bareboats can be the cause of significant damage to reefs, and can expose themselves and their guests to dangerous situations. Marine recreation providers shall verify that the responsible person who will be the operator has, and can demonstrate, requisite skills and proficiency in seamanship, navigation and the handling of emergencies.

4.6.2 Bareboat rental operations shall provide renters with

- (a) a copy of these standards
- (b) a copy of the day use mooring booklet
- (c) a copy of DLNR's current regulations booklet
- (d) a briefing on applicable Coast Guard regulations
- (e) a briefing on current sea state and conditions
- (f) if customers shall be scuba diving or snorkeling customers will be given proper appendixes from said voluntary standards
- (g) if renters will be viewing or interacting with wildlife, renters shall be given annexes from applicable Kona Hawaii Voluntary Standards.

4.6.3 Bareboat rental operations shall equip their boats with

- (a) Coast Guard regulation safety equipment (this shall include PDF's, first aid kit, signaling devices etc.)
- (b) a GPS unit with waterways, mooring buoy locations and hazardous water locations,
- (c) a marine radio with a placard on how to use it, and renters be briefed on how to call for assistance from the Coast Guard if in need.

4.6.4 Prior to initiating their trip renters shall be given an oral or video briefing on the following:

- (a) Proper mooring and anchoring practices including a warning that in the event of damage to coral fines of upwards of \$1,000 per coral head can be issued;
- (b) Managing solid waste, sewage and other refuse if appropriate;
- (c) No-anchoring locations ;

- (e) How to contact the marine recreation provider and emergency services.
- (f) Locations of marine protected areas and their meaning.