

Keywords: Conservation; coral reefs; environment; marine recreation; preferred practices for good environmental behavior; recreational boat operations; general boating; bare boat rental; safety; jetski boats; towed recreation; whale watching; dolphin watching; surfing; surf schools; surfboard rental; water safety; kayaking

Voluntary Standard for Recreational Boat Operations in West Hawaii Waters

Prepared by:
Members of West Hawaii's Community
with assistance of the Coral Reef Alliance.

Abstract:

This voluntary standard specifies standards for environmental performance, conservation practices, and operational safety that enhance marine recreational activities while minimizing environmental impact of boating operations on fragile marine ecosystems, fish and whales in the waters of West Hawaii particularly near coral reefs, related coastal environments and impacts on marine species such as cetaceans, turtles, monk seals and other animals. This standard addresses general operation of all types of watercraft with specific practices applicable to bareboat rentals, kayaking, and surfing.

This standard was developed by community members within West Hawaii that represented key interest groups with the assistance of the Coral Reef Alliance (CORAL) and the West Hawaii Standards Taskforce (WHST). WHST 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is subject to revision at any time and must be reviewed every five years and if not revised either reaffirmed or withdrawn.

CONTENTS

1. **Scope**
2. **Referenced Documents**
3. **Definitions**
4. **Boating standards**
 - 4.1. **Requirements**
 - 4.2. **Current Coast Guard, State or Federal Regulations of Note**
 - 4.3. **Good Seamanship**
 - 4.4. **Proper mooring and anchoring**
 - 4.5. **Minimizing environmental impact**
 - 4.6. **Waste management and emission control**
 - 4.7. **Bareboat rentals**
 - 4.8. **Surf schools and rentals**
 - 4.9. **Kayaking tours and rentals**

Annex

- A. **Safety and environmental briefing outline for surf instructors and renters**
- B. **Safety and environmental pledge for surfers**
- C. **Safety and environmental briefing outline for kayaking guides or renters**
- D. **Environmental pledge for kayakers**

FOREWORD

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

This voluntary consensus standard is the product of a (number)-member taskforce representing four interest groups:

Supplier: People who provide services such as shop owners or guides (diving, snorkeling, kayaking, wildlife viewing etc);

Purchasers/Consumer: Hotels, concierge or others who actively book clients on tours or environmental associations such as dive clubs or photography clubs;

Local Communities: State, Federal, or Non-Government Organizations employees

General Interests: Local community members with knowledge and interest to assist in creating marine recreational standards with no particular affiliation with the above categories.

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.

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

Voluntary Standard for Recreational Wildlife Interactions in West Hawaii Waters

1. Scope

This West Hawaii voluntary standard specifies requirements for marine recreation providers engaged in boat operations - including motorized and non-motorized boats, glass-bottom boats, sailing boats, multihull boats, submerged and semi-submerged vessels, thrill craft, jet skies, surf boards, kayaks and boats used for parasailing, near fragile ecosystems such as coral reefs or protected 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, whale and dolphin watching, and bareboat rentals. This voluntary standards document does not address standards for business relationships with clients

2. Referenced documents

The following documents are referenced in this standard:

West Hawaii Voluntary Standard 4 - *Standard requirements for recreational scuba diving and snorkeling operations in Hawaiian waters*¹

West Hawaii Voluntary Standard 1 - *Voluntary Standard requirements for wildlife interactions in Hawaiian waters*²

West Hawaii Voluntary Standard 3 - *Voluntary Standard requirements for shoreline activities in Hawaiian waters*³

Chapter 13-257 Hawaii administrative rules "Day-use mooring rules"⁴

Malama Kai Foundation day-use mooring guide⁵

Hawaii Boating Law basics⁶

Occupational Safety & Health Administration Standard 1910.266 App A , First-aid Kits (Mandatory), 29 CFR.⁷

Division of Boating and Ocean Recreation (DOHBOR) Rule §13-232-6 Littering land areas - prohibited.⁸

DOBOR rule §13-232-7 Littering or polluting water - prohibited.⁹

^{1, 2 & 3} Available online at <http://www.coral.organization/>_____, or from CORAL, 417 Montgomery St., Suite 205, San Francisco, CA, 94104, USA.

⁴ Available at <http://hawaii.gov/dlnr/dbor/rules/13-257.pdf>

⁵ Department of Land and Natural Resources Division of Boating and Ocean Recreation
333 Queen Street, Suite 300 Honolulu, HI 96813

⁶ Available online at www.state.hi.us/dlnr/dbor/dbor.htm

⁷ Available online at
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=9863&p_table=STANDARDS

^{8,9} Available online at <http://www.state.hi.us/dlnr/dbor/rules/Boating1.pdf>

3. Definitions:

For the purposes of this standard, the following definitions apply:

3.1 Bareboat

A boat either either powered or unpowered, or with sails, that is rented (chartered) without a captain or crew employed by a marine recreation provider.

3.2 Boat

Any vessel which is used or is capable of being used as a means of transportation on the water.

3.3 Captain

The person who has ultimate responsibility for operation of a vessel whether he or she is or is not physically manning the helm.

3.4 Coral reef conservation

The act of preserving and protecting coral reefs, related near-shore ecosystems and coastal environments from degradation.

3.5 Coral reef ecology

The study of organisms in their coral reef environment that includes the interactions within this environment.

3.6 Day-use mooring

A mooring installed in near shore waters for short-term public boater use during daylight hours that was legally put in through permit .

3.7 Environmental briefing

Information on ways and reasons to minimize impact on coral reefs and related coastal environments while engaged in recreational activities presented verbally by a divemaster, guide, Instructor, captain or naturalist prior to engaging in the activities.

3.8 Guided kayaking

Organized kayaking where clients are accompanied by a kayaking guide appointed by the marine recreational provider.

3.9 Guided surfing

Organized surfing where clients are accompanied by a surf instructor appointed by the marine recreational provider.

3.10 Guided whale and dolphin watching

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

3.11 Harassment (Marine Mammal Protection Act official definition)

Any act of pursuit, torment or annoyance that:

- (a) injures or has the potential to injure a marine mammal or marine mammal stock in the wild; or
- (b) disturbs or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surface breathing, nursing, breeding, feeding or sheltering.

3.12 Independent surfing

Surfing activities not organized by a marine recreational provider or led by an employee of the provider, but where an individual has rented equipment from a provider.

3.13 Independent kayaking

Kayaking activities not organized by a marine recreational provider or led by an employee of the provider, but where an individual has rented equipment from a provider.

3.14 Kayaking guide

A person who has sufficient knowledge, skill and experience to plan, organize, teach, supervise and lead kayakers in how to kayak while staying safe in the ocean around fragile habitats and marine animals.

3.15 Live boating

Diving or snorkeling operations conducted from a boat that is neither anchored nor moored (also called drift diving or snorkeling).

3.16 Marine Protected Area (MPA)

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

3.17 Marine recreation provider:

Entity (business, individual or organization), including any individual acting on behalf of such entity, which offers one or more of the following services to individuals as for hire.

(a) Training, education or information sharing on SCUBA diving, snorkeling, kayaking, surfing or other marine recreational activity.

(b) Guided operations of SCUBA diving, snorkeling, surfing, kayaking, marine wildlife viewing, sightseeing or the rental of powered or unpowered boats with or without crew or other recreational activity

(c) Rental of recreational equipment for snorkeling, SCUBA diving, kayaking, surfing or other marine recreational activity.

(d) Environmental education prior to or during guided activities or prior to the rental of equipment to persons participating in marine recreational activities.

(e) Entities such as bus drivers and tour guide operations providing a tour that includes shoreline activities. This shall not include entities that are hired only to transport customers to a specific destination.

3.18 No wake speed

A vessel speed at which the vessel does not produce a wake (a wave of appreciable height). This speed should not exceed 5 miles per hour.

3.19 Non-state waters

Waters extending further than three miles from shore.

3.20 Safety briefing

Information sharing by marine recreation providers that instructs and guides those participating in marine recreational activities in safety and operational practices prior to engaging in these activities.

3.21 Sewage

Solid or liquid human body wastes.

3.22 Six Pack

An uninspected passenger vessel, limited to six paying customers.

3.23 Surfing instructor

A person who has sufficient knowledge, skill and experience to plan, organize, teach, supervise and lead surf students in how to surf while staying safe in the ocean around fragile habitats and marine animals.

3.24 Whale-watch or dolphin-watch guides

Persons who have specialized knowledge, skill and experience to plan, organize, supervise and lead customers in how to safely view whales and dolphins around fragile habitats.

4.1 Requirements:

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 captains and crew members possess the requisite level of knowledge and experience for the service in which they are engaged and comply with these standards 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 where required.

4.1.2 All recreational boating operations involving SCUBA diving and snorkeling shall fully comply with the West Hawaii Voluntary Standard for SCUBA Diving and Snorkeling Activities, WHVS 4. Those involving wildlife interactions or viewing whales, dolphins and other marine animals shall fully comply with West Hawaii Voluntary Standard for Wildlife Interactions, WHVS 1, and any shoreline activities shall fully comply with West Hawaii Voluntary Standard for Shoreline Activities, WHVS 3.

4.1.3 The captain of a boat is ultimately responsible for the safety of passengers, the vessel and its crew as well as for his or her own safety. Boat captains 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 Marine recreation providers, captains, and crew shall ensure all Coast Guard required safety equipment is onboard in proper working order before each charter. This includes but is not limited to PFD's, first aid kits, working marine radio, fire extinguishers, flares, etc.

4.1.5 Prior to departure the captain 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 as set by the certificate of inspection (COI) as established by the Coast Guard for inspected vessels or the weight limit for six packs;

(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 at the destination, and return time to base with a responsible person or organization; and

(f) Provide a safety briefing to all on board on emergency procedures, location of personal flotation devices (PFDs), fire extinguishers, and methods of seeking assistance.

4.2 Current Coast Guard, State or Federal Regulations of note:

4.2.1 Speed restrictions – 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.

4.2.2 While underway, captains shall at all times be prepared to avoid a collision and have engines or sails ready for immediate maneuvering.

4.2.4 Department of boating ocean recreation (DOHBOR) Rule §13-232-6 Littering land areas – prohibited, specifies that “No person shall throw, place, leave, deposit, or abandon, or cause or permit to be thrown, placed, left deposited, or abandoned any litter within a small boat harbor, except in receptacles designated by the department for the disposal of such materials. No person shall use refuse containers or other refuse disposal facilities in a small boat harbor for disposing of litter brought as such into the small boat harbor except when the litter is generated during and results from a vessel's voyage. Without limiting the generality of the foregoing, "litter" as used in this section means any and all types of debris and substances, whether liquid or solid, and materials such as garbage, refuse, rubbish, glass, cans, bottles, paper, wrappings, fish or animal carcasses, or any other nauseating or offensive matter or any machinery, appliance or automobile, or parts thereof, or any other substances which render small boat harbor lands or facilities unsightly, noxious, or otherwise unwholesome to the detriment of the public health and welfare or the enjoyment of the small boat harbor for recreational purposes.”)

4.2.5 DOBOR rule §13-232-7 Littering or polluting water – prohibited specifies that : No person shall place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the waters of a small boat harbor any litter, sewage, or other gaseous, liquid, or solid materials which render the water unsightly, noxious, or otherwise unwholesome so as to be detrimental to the public health and welfare or to the enjoyment of the water for recreational purposes.”

4.2.6 When underway marine radios shall be turned on with the volume up and set on channel 16 or scan unless in the process of communication on another channel, upon the completion of which, the radio shall again be tuned to channel 16 or scan.

4.3 Good seamanship

4.3.3 Boats shall not run between an anchored, moored or drifting vessel and the shoreline at any rate above a no-wake speed if within 200 feet of the vessel anchored, moored or drifting vessel.

4.3.4 Boats shall use ramps and piers for loading and unloading expeditiously – boats shall not linger awaiting passengers. If needed, a boater can pull away from the ramp or pier to wait for a client, thus allowing others access.

4.3.5 Marine recreation providers shall be considerate and acknowledge other users rights as not to dominate or overuse an area. Areas being used for cultural significance shall be respected such as when possible Marine recreation providers shall not use Pawai Bay mooring buoys during weekends and holidays unless sea states or other weather conditions cause all other areas to be deemed unsafe to dive or snorkel.

4.3.6 Marine recreation providers shall not use loud speakers near homes, cultural sites, fragile environmental sites, or other operators to gain customers' attention except in emergency situations. This is noise pollution for others and the environment.

4.3.7 Marine recreation providers shall advise customers swimming from a boat to not go beyond the high water mark on private property if swimming into shore from the boat.

4.3.8 Marine recreation providers shall not offload customers to engage in snorkeling, diving, or other recreational activity in areas fishermen are actively fishing from a boat or shore, and are advised to choose a different site. Customers shall not be offloaded at dive sites where fisherman already have lines from shore within the water, and vessels shall not pull up to drifting nets where a fisherman is already trolling to drop snorkelers and divers in the water

4.3.9 Fishermen in boats or from shore shall not begin fishing in an area in which divers or snorkelers are active. .

4.3.10 Marine recreation providers shall brief clients to be respectful when within a cultural site.

4.3.11 Alert other Marine recreation providers of any hazards observed in the area through marine radio, Coast Guard or Department of Land and Natural Resource Hawaii.

4.4 Proper mooring and anchoring

4.4.1 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.

4.4.2 Day-use moorings are designed for use by a single vessel under 50 feet, 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 100 yards of the mooring is permitted. The 50 foot boat length limitation is currently recommended because the seabed and nearby shoreline do not render many mooring sites safe for larger vessels.

4.4.3 Captains 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.

4.4.4 Any mooring damage not caused by recommended use is the responsibility of the captain and marine recreation provider that caused the damage. The damaging parties shall replace or repair the damaged mooring buoy in a timely manner or request Malama Kai Foundation to repair it at the operator's cost.

4.4.5 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; DOBOR (808) 329-4215, or Jack's Diving Locker (808) 329-7585.

4.4.6 If mooring systems are not installed, anchors shall be placed in sand or rubble channels away from coral reefs where anchors, chafing chain, anchor chain etcetera can not come in contact with the reef or boats can "live boat" according to current Coast Guard rules. For example, current Coast Guard regulations for six pack vessels with scuba divers do not require Marine recreation providers to have a divemaster on deck when "live boating". For vessels carrying more than six passengers a crew member in addition to the captain shall be onboard the boat during "live boating" with SCUBA divers or snorkelers in the water.

4.4.7 When anchoring a vessel near coral reefs, great care shall be taken to ensure that the anchor and anchor chain or line does not contact any corals or live rock. State administrative rules allow for a fine of up to \$1000 per coral head destroyed or broken to be levied upon the operator, the captain or both. The following good practices shall be followed :

(a) Anchors shall be emplaced in a sand or rubble location that is large enough to assure that the anchor and all chain do not contact any coral

(b) Boats shall use anchors of appropriate size for their vessel

(c) When placing an anchor, captains shall use one of the following methods:

- (i) When visibility below water allows, crew members may guide the anchor into the sand or rubble area from aboard the boat. Anchors must then be checked by diving below the water.
- (ii) A crew member shall enter the water and guide the anchor into a sand or rubble patch

4.4.8 Boat captains shall be aware of no-anchoring zones (such as Pawai Bay and Kealakekua Bay), seasonal closures, areas closed due to emergencies, and shall obey markers or signs that designate such zones.

4.4.9 In addition to the primary anchor line, boats shall carry a secondary anchor line in case of emergencies.

4.5 Minimizing environmental impact

4.5.1 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.

4.5.2 Prior to embarking or during the trip, diving and snorkeling clients or whale watchers shall receive environmental briefings according to West Hawaii Standards WHVS1 for Wildlife Interactions or WHVS 4, SCUBA Diving and Snorkeling standards as applicable.

4.5.3 Marine recreation providers shall:

(a) Be on the alert for seals, sea turtles, sharks, rays, whales and dolphins as well as other marine life and travel slowly in areas where they are known to be present;

(b) Comply with all state and federal rules applicable to observing endangered and federally protected animals such as whales, dolphins, turtles and monk seals.

4.6 Waste management and emission control

4.6.1 Marine recreation providers shall brief clients, comply with and stay vigilant toward 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.

4.6.2 All sewage (black water) shall be properly disposed at least three miles from shore (non-state waters).

4.6.3 All fish carcasses, fish scraps, or other remains shall be properly disposed of at least three miles from shore (non-state waters) or wrapped in plastic for proper disposal into dumpster within the harbor. Fish carcasses, fish scraps, or other remains shall never be used to attract marine life (including all fishes and sharks) to a dive site or dumped in state water, including harbors.

4.6.4 When the captain, crew or clients observe trash or other floating debris at dockside, or in the ocean these shall be collected whenever possible and properly disposed of at onshore facilities.

4.6.5 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.

4.7 Bareboat rentals - for vessels large enough to hold 3 or more clients.

4.7.1 Rental operators shall brief their customers on

(a) Safety and operational practices for the particular boat they are renting and the waters they will transit;

(b) ways and reasons to minimize impact on coral reefs and related coastal environments and the contents of WHVS 1,2,3, and 4;

(c) applicable Coast Guard regulations ;

(d) current sea state and conditions ;

4.7.2 Bareboat rental operations shall have on board:

(a) a copy of West Hawaii's Voluntary Standards 1, 2, 3, and 4 ,

(b) a copy of the day-use mooring booklet published by Malamaki foundation for West Hawaii

(c) a copy of DLNR's current regulations booklet .

4.7.3 Bareboat rental operations shall equip their boats with :

(a) Coast Guard regulation safety equipment (this shall include PFDs, first aid kit, signaling devices, etc.)

(b) a Global Positioning System (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 shall be briefed on how to call for assistance from the Coast Guard if in need.

4.7.5 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) Operation of communications equipment and the GPS unit;

(c) Managing solid waste, sewage and other refuse if appropriate;

(d) No-anchoring locations;

(e) How to contact the marine recreation provider and emergency services.

(f) Locations of marine protected areas (MPAs) and their meaning.

4.8 Surf Schools and Rentals

4.8.1 Marine recreation providers shall demonstrate leadership and role modeling both along the shoreline and in the water by enforcing all provisions of the preferred practices for safe surfing, as well as environmental behavior specified in Annex A. Oral pre-surf briefings shall review these preferred practices and alert surfers to the impact of poor environmental practices on coral reefs, related coastal ecosystems and wildlife. Briefings may be facilitated by use of a whiteboard, video, handouts, or other educational materials, but these aids are not substitutes for oral briefings.

4.8.2 All in-water staff shall be trained in the procedures for surfing and safety practices. All in-water staff shall maintain current certification in first aid and cardiopulmonary resuscitation (CPR) that includes Automated External Defibrillator (AED) training.

4.8.3 New surfers to the area are encouraged to always go with a surf instructor, but it is not mandatory. For all guided surfing sessions a surf instructor shall take

no more than four students per qualified surf instructor or assistant. Surf instructors and assistants shall serve as role models, share information and provide leadership to clients both out of and in the water by enforcing all provisions for the preferred practices for environmental behavior outlined in Annex A.

4.8.4 All instructors shall have ready access onsite (at the shoreline) to an OSHA-approved first aid kit designed to address the potential needs of all students including the instructor. Requirements for a first aid kit can be found at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=9863&p_table=STANDARDS

4.8.5 Instructors shall use a buoyed safety line system when instructing more than one student at a time. Buoy line systems shall be deployed and picked up during each lesson (never left in the water between lessons) and placed in locations to which students can easily paddle and grasp the safety line to keep from drifting while the instructor is with another student.

4.8.6 Buoyed safety lines shall be placed in sand or rubble channels away from coral reefs. It is illegal to break any coral when securing buoy safety lines. The penalty is upwards of a \$1,000 dollar fine for each broken coral head.

4.8.7 Instructors shall provide necessary assistance to students in and out of the water and are advised to carry boards in for students when conditions are not optimal.

4.8.8 During high surf conditions Marine recreation providers shall employ a second instructor for groups to work as an inside catcher for students.

4.8.9 Before any student enters the water the instructor or person checking in students shall verify that all students can swim.

4.8.10 All students or clients renting gear shall be given an oral orientation briefing and environmental briefing using Annex A or B and be presented with the material in at least one additional method from the list below:

- (a) Reef Etiquette video ,
- (b) Interpretive and Instructional Flip-Chart ,
- (c) Environmental pledge (CORAL's, DAR's or HIRSA's),
- (d) Environmental pledge bookmarks,
- (e) Environmental bag tag.

4.8.11 During guided surfing activities marine recreation providers and their staff are responsible for pointing out poor environmental behavior, in a positive and supportive manner to students while in the water and after a lesson, and for providing information on why and how to adjust this behavior.

4.8.12 Staff shall be trained in management of clients who disregard rules or are ignorant of environmental impacts associated with inappropriate behavior. After training, surf instructors shall have practical tools and methods at their disposal for taking corrective action, including the following: verbally communicating with the client in a positive, reassuring manner, carried out in as courteous manner as possible; warning second time offenders they may be banned from further surfing activities; either banning third time offenders from activities or restricting access to only coastal areas that will not be effected by their behavior.

4.9 Kayaking Tours and Rentals

4.9.1 Marine recreation providers shall demonstrate leadership and role modeling both along the shoreline and in the water by enforcing all provisions of the preferred practices for safe kayaking and environmental behavior specified in Annex C. Oral pre-kayaking briefings shall review these preferred practices and alert kayakers to the impact of poor environmental practices on coral reefs, related coastal ecosystems and wildlife. Briefings may be facilitated by use of a whiteboard, video, handouts, or other educational materials, but these aids are not substitutes for oral briefings.

4.9.2 Within the state of Hawaii, all guided kayak tour Marine recreation providers are required to have a permit for operation.

4.9.3 All in-water staff shall be trained in the operational procedures for kayaking, and safety practices. All in-water staff shall maintain current certifications in first aid and cardiopulmonary resuscitation (CPR) that includes Automated External Defibrillator (AED) training as well as carry a current lifeguard training certification.

4.9.4 New kayakers to the area are encouraged to always go with a kayaking instructor, but it is not mandatory. For all guided kayaking sessions a kayaking guide shall take no more than eight clients per qualified kayaking guide.,.

4.9.5 All guides shall create a float plan prior to departure. Float plans shall include

(a) Land Contact (someone who knows the guide's plan and can contact help if the guide doesn't reach their destination);

(b) Necessary camping permits ;

(c) Departure and return times ;

(d) Weather and surf reports Possible sites to use are www.hawaiiurfnews.com
www.surfnewsnetwork.com www.soesthawaii.edu/buoy/model ;

(e) Paddle plan

4.9.6 In choosing launching and landing sites kayaking guides shall

- (i) Know and obey legalities pertaining to their use ;
- (ii) Take into account tide and surf patterns ,
- (iii) Know the locations of sites where kayaks can be safely be hauled and launched without damage to any of the surrounding fragile coastal environment.

4.9.6 Before departure, guides shall ensure all clients have appropriate foul weather gear, sun and foot protection.

4.9.7 All guided tours shall carry a complete emergency kit including, but not limited to :

(a) Spare paddle,

(b) 50 foot tow rope,

(c) Spare PFD,

(d) Flares and other appropriate signaling devices,

(e) Waterproof flashlight,

(f) Thermal Blanket,

(g) Extra water,

(h) Extra food,

(i) Charged cell phone or VHF radio in a waterproof case,

(j) Snorkel gear for guides,

(k) Pump and water bailer,

(l) Identification,

(m) OSHA approved first aid kit designed to address the potential needs of all individuals on the tour including the instructor Requirements can be found at:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=9863&p_table=STANDARDS

4.9.8 Long distance trip planning (trips traveling 3 miles or more, or that include an overnight stay) shall include all above materials with additional supplies suitable to the extent of travel planned.

4.9.9 Guides shall provide necessary assistance to kayakers as they transit in and out of the water and are advised to help kayakers load kayaks in regard to weight distribution, back support systems, ensuring gear is properly attached to kayaks and that bow-stern lines are safely stored.

4.9.10 During guided kayak tours guides shall paddle on the shoreward side of clients when ever possible. Instructors are charged with ensuring clients stay off the coral reef and surf areas.

4.9.11 All kayakers renting gear or going on a tour shall be given an oral briefing and environmental briefing following the outline in Annex C. All kayakers shall also sign the environmental pledge Annex D.

4.9.12 Staff shall be properly trained management of clients who disregard rules or are ignorant of environmental impacts associated with inappropriate behavior. After training, kayaking guides shall have practical tools and methods at their disposal for taking corrective action, including the following: verbally communicating with the client in a positive, reassuring manner, carried out in as courteous manner as possible; warning second time offenders they may be banned from further kayaking activities; either banning third time offenders from activities or restricting access to only costal areas that will not be affected by their behavior.

The best practices for safety good environmental behavior specified here are a mandatory part of West Hawaii Voluntary Standard WHVS 2 - *Standard requirements for General Boating activities including surfing and kayaking in West Hawaii Waters*

Annex A : Safety and environmental briefing outline for surf instructors or renters

Briefings shall address the following topics:

- a. Avoiding danger and injury
 - i. **Safety**
 - ii. **Undertow**
 - iii. **Rip Tide Currents**
 - iv. **Fun**
- b. Rocks – brief on slickness and urchins
- c. Falling off -
 - i. No head dives
 - ii. No feet first
 - iii. Land flat with as much surface area as possible.
- d. Leashes
- e. No standing on the reef at any time
 - i. Why not to stand
 1. Corals are alive
 2. Standing on or touching corals easily hurts or kills them
- f. How to paddle
- g. When to get off the board
- h. Never reach the rocks; if you end up on the rocks your day is done.

Annex B : Safety and environmental pledge for Surfers

I have received a briefing about the surfing activities in which I am about to engage, and this pledge indicates my awareness of the potential impact of my activities upon the reef environment and associated marine wildlife.

I will:

- Never touch, stand-on, or kick the coral reef or live coral;
- Carefully select points of entry and exit to avoid areas of the reef;
- Never sit in front of another surfer;
- Never chase, move or manipulate marine life;
- Recognize that if I am new to Hawaiian waters that I should go with a guide my first time; at a minimum I will seek local knowledge to orient myself to local waterways, ocean conditions, marine life and local guidelines and regulations;
- Remember that “SURF” stands for “Safety,” “Undertow,” “Rip Tide Currents” and “Fun!”
- Finally, share the waves and have FUN!!

Signed: _____ Date: _____

Annex C: Safety and environmental briefing outline for kayaking guides or renters:

1. Provide a safety orientation
2. Demonstrate proper paddling techniques and stress how improper techniques not only do not propel you through the water, but can damage the fragile ecosystem they are enjoying by disrupting the benthic habitat,
3. Review and practice capsizing procedures and kayak re-entry stressing to never stand on the bottom where corals live. Not only can coral cut into their feet or damage equipment, but corals are alive and standing on or touching corals easily hurts or kills them
4. Brief clients to stay on the ocean side of guides within shallow waters and to stay close within easy hearing distance of the guide at all times.
5. Check for swimming skills and water knowledge - Difference of Hawaiian waters to lakes, rivers etc
6. Stress that paddlers should wear their PFD's at all times for safety, and if capsizing occurs, can help them avoid coming in contact with the reef.
7. Discuss entry and exit techniques to avoid all damage to fragile Hawaiian coastal ecosystems
8. Give information on how to respect areas of landing and any legal issues for the areas they will/shall visit.
9. Environmental review
 - (a) Endemic animals,
 - (b) Potentially dangerous animals such as wana/urchins; jellyfish; predatory animals,
 - (c) Corals ,
 - (d) Dolphins andwhales – brief on good practices in wildlife interactions spelled out instandard WHVS 1. .

Annex D: Environmental pledge for Kayakers

I have received a briefing about the kayaking activities in which I am about to engage, and this pledge indicates my awareness of the potential impact of my activities upon the reef environment and associated marine wildlife.

I will:

- Never touch, stand-on, or kick coral reef or live coral;
- Carefully select points of entry and exit to avoid areas of the reef;
- Lift kayaks over rocks at entry and exit points;
- Use pivoting haul out for single person kayaks;
- Pack in-out all trash and goods;
- Use non-intrusive storing of gear while on site;
- Never chase, move or manipulate marine life ;
- Recognize that if I am new to Hawaiian waters it is recommended that I go with a guide my first time; at a minimum I will seek local knowledge to orient myself to local waterways, ocean conditions, marine life and local guidelines and regulations;

Signed: _____ Date: _____