

UNIVERSITY OF HAWAII AT MĀNOA

Environmental Health and Safety Office

FROM: David F. Pence, UH Diving Safety Officer



TO: UH Scientific Divers

October 7, 2014

Aloha UH Divers,

This note is to remind all UH divers that the proper use of dive flags is not only required by UH diving safety regulations, but also by Hawaii State law. In recent months, two UH dive teams have been cited by Hawaii Division of Conservation and Resource Enforcement (DOCARE) officers for lack of dive flags.

Simply towing a surface marker buoy or PAM float that does not have a proper dive flag attached is not considered adequate. Hawaii's law is one of the clearest and most specific in the U.S. It covers flag size and method of display requirements as well as timing of use and appropriate diver and boater behavior. Violations of the statute are an offense adjudicated in court, with fines starting at \$50 per person per incident. Please remember as a UH Diver or Lead Diver that you must ensure compliance with these requirements on every dive.

Please see the following from the Hawaii Administrative Rules, 13-245-9:

§13-245-9 Divers flag.

(a) A "diver's flag" as defined by rule and measuring not less than twelve inches by twelve inches shall be required to be displayed on the surface of the water by any person or group of persons engaged in free diving or SCUBA diving.

(b) Notwithstanding subsection (a), a diver's flag measuring not less than twelve inches by twelve inches, shall be displayed on the highest point of the main structure of a non-motorized vessel that is sixteen feet or less in length overall in order to provide unobstructed view of the diver's flag from all directions when diving from the vessel.

(c) Notwithstanding subsection (a), in addition to the "Alpha flag," required by the United States Coast Guard, i.e., a blue flag with a white horizontal strip running from the upper left side to the lower left side, a diver's flag measuring not less than twenty inches by twenty-four inches, shall be displayed on the highest point of the main structure of any motorized or non-motorized vessel that is greater than sixteen feet in length overall in order to provide unobstructed view of the diver's flag from all directions when diving from the vessel.

(d) No person shall engage in free diving or SCUBA diving, or display a diver's flag, in a manner that shall unreasonably or unnecessarily interfere with vessels or with free and proper navigation of the waterways of the State. (e) Except in cases of emergencies, free diving, swimming, or SCUBA diving within navigation channels shall be prohibited.

(f) All vessels shall be prohibited from approaching within one hundred feet of a displayed diver's flag or within fifty feet of a displayed diver's flag on navigable streams, except within marked navigation channels. Vessels approaching a displayed diver's flag to conduct SCUBA, snorkeling, or free diving activities within the one hundred foot or fifty foot restricted area shall be allowed to do

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so provided that the vessel approaches at a speed of slow-no-wake through the navigation channel when a diver's flag is displayed adjacent to the navigation channel.

(g) Vessels navigating through marked navigation channels are exempt from the distance restriction described in subsection (f) but shall proceed at a speed of slow-no-wake through the navigation channel when a diver's flag is displayed adjacent to the navigation channel.

(h) The diver's flag shall be displayed only when free diving or SCUBA diving is in progress, and its display in a water area when no diving is in progress in that area shall constitute a violation of these rules.

(i) There shall be no subsurface distance restrictions from a dive flag, however, except in cases of emergencies, free divers or SCUBA divers shall be prohibited from surfacing more than one hundred feet away from the diver's flag in the ocean waters of the State and fifty feet in navigable streams.

(j) Authorized representatives of the department and life saving personnel are exempt from the distance restriction of subsection (f) when performing functions related to their duties.

(k) Anyone violating any provision of this section shall be subject to fines and penalties as provided in sections 200-14, 200-14.5, and 200-25, HRS.
[Eff 2/24/94; am 7/5/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-10, 200-14, 200-14.5, 200-24, 200-25) (Imp: HRS §§200-2, 200-3, 200-4, 200-10, 200-14, 200-14.5, 200-24, 200-25)