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## HOUSE CONCURRENT RESOLUTION

STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES  
TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY.

1           WHEREAS, in late 2003, a raft with a shack affixed to it  
2 that is best described as a "squatter barge" was anchored off  
3 the shore at Laenani Park; and  
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5           WHEREAS, shortly thereafter, residents registered many  
6 complaints with the City & County of Honolulu and various State  
7 agencies regarding the litter left in Laenani Park by the owner  
8 of the barge and suspected drug trafficking off of the barge;  
9 and  
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11           WHEREAS, the numerous complaints and public scrutiny  
12 apparently forced the "squatter barge" to weigh anchor in 2005;  
13 and  
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15           WHEREAS, undeterred, the "squatter barge" anchored off  
16 another part of the Kaneohe Bay shoreline, going so far as to  
17 moor the "barge" on trees located on the property of another  
18 without permission, and destroying foliage on the property in  
19 order to provide easy access from shoreline to road; and  
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21           WHEREAS, as was the case when the floating shack moored off  
22 Laenani, residents in the immediate area began to report  
23 incidences of theft and break-ins, litter, and heavily increased  
24 foot traffic to and from the "barge" and drug trafficking  
25 activities; and  
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27           WHEREAS, residents registered many complaints with the City  
28 & County of Honolulu, various State agencies, and elected  
29 officials about the activities of the owner of the "barge", as  
30 well as elected officials from the area; and  
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32           WHEREAS, the residents of the area have also complained  
33 about physical threats and a history of violence by the owner



1 and occupants of the "barge", and have been victimized by  
2 retaliation; and

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4 WHEREAS, in response to a request for a legal opinion from  
5 the representative of the area, the Attorney General opined that  
6 the owner of the "barge" could moor on the edge of Kaneohe Bay  
7 only if the owner obtained a permit from the Division of Boating  
8 and Ocean Recreation of the Department of Land and Natural  
9 Resources; and

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11 WHEREAS, the Attorney General also found that the owner of  
12 the "barge" does not have the required permit; and

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14 WHEREAS, after receiving the complaints and the opinion of  
15 the Attorney General, the Department of Land and Natural  
16 Resources has not acted to enforce its own rules, allowing a  
17 known threat to the community and lawbreaker to remain when the  
18 Department has the means to remove him; now, therefore,

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20 BE IT RESOLVED by the House of Representatives of the  
21 Twenty-third Legislature of the State of Hawaii, Regular Session  
22 of 2006, the Senate concurring, that the Legislature strongly  
23 requests the Department of Land and Natural Resources to enforce  
24 its permitting rules with respect to this "squatter barge", as  
25 set forth by the Attorney General in its expedited opinion; and

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27 BE IT FURTHER RESOLVED that the Department of Land and  
28 Natural Resources is requested to amend its rules such that the  
29 Department can clearly deal with this "squatter barge" and  
30 future similar problems without delay and confusion due to  
31 misguided interpretations of its own administrative rules; and

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33 BE IT FURTHER RESOLVED that certified copies of this  
34 Concurrent Resolution be transmitted to the Chairperson of the  
35 Department of Land and Natural Resources, the Administrator of  
36 the Division of Boating and Ocean Recreation, the Attorney  
37 General, and the Kahaluu Neighborhood Board.

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H.C.R. NO. 238

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