
A BILL FOR AN ACT

RELATING TO HARBORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 200-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~200-4~~§~~ **Rules.** (a) The chairperson ~~may~~ shall
4 adopt rules necessary~~+~~ to determine the number of commercial
5 permits issued for any small boat harbors, launching ramps,
6 offshore moorings, piers, wharves, landings, and other areas
7 under the jurisdiction of the department, or originating from
8 privately operated facilities in order to establish limits on
9 permits issued for different types of commercial permits if the
10 commercial activities create or threaten to create negative
11 impacts on public health or the environment, or result in user
12 conflicts.

13 (b) The chairperson may adopt rules necessary:

14 (1) To regulate the manner in which all vessels may enter
15 the ocean waters and navigable streams of the State
16 and moor, anchor, or dock at small boat harbors,
17 launching ramps, and other boating facilities owned or
18 controlled by the State;



- 1 (2) To regulate the embarking and disembarking of
2 passengers at small boat harbors, launching ramps,
3 other boating facilities, and public beaches;
- 4 (3) For the safety of small boat harbors, launching ramps,
5 and other boating facilities, the vessels anchored or
6 moored therein;
- 7 (4) For the conduct of the public using small boat
8 harbors, launching ramps, and other boating facilities
9 owned or controlled by the State;
- 10 (5) To regulate and control recreational and commercial
11 use of small boat harbors, launching ramps, and other
12 boating facilities owned or controlled by the State
13 and the ocean waters and navigable streams of the
14 State;
- 15 (6) To prevent the discharge or throwing into small boat
16 harbors, launching ramps, other boating facilities,
17 ocean waters, and navigable streams, of rubbish,
18 refuse, garbage, or other substances likely to affect
19 the quality of the water or that contribute to making
20 the small boat harbors, launching ramps, other boating
21 facilities, ocean waters, and streams unsightly,
22 unhealthful, or unclean, or that are liable to fill



1 up, shoal, or shallow the waters in, near, or
2 affecting small boat harbors, launching ramps, and
3 other boating facilities and the ocean waters and
4 navigable streams of the State, and likewise to
5 prevent the escape of fuel or other oils or substances
6 into the waters in, near, or affecting small boat
7 harbors, launching ramps, or other boating facilities
8 and the ocean waters and navigable streams of the
9 State from any source point, including, but not
10 limited to, any vessel or from pipes or storage tanks
11 upon land. The rules may include:

- 12 (A) Requirements for permits and fees for:
- 13 (i) The mooring, docking, or anchoring of
14 recreational and commercial vessels or the
15 launching of recreational or commercial
16 vessels at small boat harbors, launching
17 ramps, and other boating facilities; or
 - 18 (ii) Other uses of these facilities;

19 (B) Requirements for permits and fees for use of a
20 vessel as a principal place of habitation while
21 moored at a state small boat harbor;

22 (C) Requirements governing:



- 1 (i) The transfer of any state commercial,
2 mooring, launching, or any other type of use
3 or other permit, directly or indirectly,
4 including, but not limited to, the
5 imposition or assessment of a business
6 transfer fee upon transfer of ownership of
7 vessels operating commercially from, within
8 or in any way related to the state small
9 boat harbors; and
- 10 (ii) The use of state small boat harbors,
11 launching ramps, or other boating facilities
12 belonging to or controlled by the State,
13 including, but not limited to, the
14 establishment of minimum amounts of annual
15 gross receipts required to renew a
16 commercial use permit, and conditions under
17 which a state commercial, mooring,
18 launching, or any other type of use or other
19 permit may be terminated, canceled, or
20 forfeited; and
- 21 (D) Any other rule necessary to implement this
22 chapter pertaining to small boat harbors,

1 launching ramps, and other boating facilities
2 belonging to or controlled by the State;

3 (7) To continue the ocean recreational and coastal areas
4 programs and govern the ocean waters and navigable
5 streams of the State, and beaches encumbered with
6 easements in favor of the public to protect and foster
7 public peace and tranquility and to promote public
8 safety, health, and welfare in or on the ocean waters
9 and navigable streams of the State, and on beaches
10 encumbered with easements in favor of the public. The
11 rules may include:

12 (A) Regulating the anchoring and mooring of vessels,
13 houseboats, and other contrivances outside of any
14 harbor or boating facility, including:

15 (i) The designation of offshore mooring areas;

16 (ii) The licensing and registration of vessels,
17 houseboats, and other contrivances; and the
18 issuance of permits for offshore anchoring
19 and mooring of vessels, houseboats, and
20 other contrivances; and

21 (iii) The living aboard on such vessels,
22 houseboats, or other contrivances while they



1 are anchored or moored within ocean waters
2 or navigable streams of the State.

3 The rules shall provide for consideration of
4 environmental impacts on the State's aquatic resources
5 in the issuance of any permits for offshore mooring;

6 (B) Safety measures, requirements, and practices in
7 or on the ocean waters and navigable streams of
8 the State;

9 (C) The licensing and registration of persons or
10 organizations engaged in commercial activities in
11 or on the ocean waters and navigable streams of
12 the State;

13 (D) The licensing and registration of equipment
14 utilized for commercial activities in or on the
15 ocean waters and navigable streams of the State;

16 (E) For beaches encumbered with easements in favor of
17 the public, the prohibition or denial of the
18 following uses and activities:

19 (i) Commercial activities;

20 (ii) The storage, parking, and display of any
21 personal property;

22 (iii) The placement of structures or obstructions;

1 (iv) The beaching, landing, mooring, or anchoring
2 of any vessels; and

3 (v) Other uses or activities that may interfere
4 with the public use and enjoyment of these
5 beaches; and

6 (F) Any other matter relating to the safety, health,
7 and welfare of the general public; and

8 (8) To regulate the examination, guidance, and control of
9 harbor agents and their assistants.

10 [~~b~~] (c) All rules shall be adopted in accordance with
11 chapter 91 and shall have the force and effect of law."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

15 INTRODUCED BY:

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JAN 25 2006

HB 2927

Report Title:

Small Boat Harbors; Commercial Permits

Description:

Authorizes the DLNR to increase issuance of commercial permits in state boating facilities and to limit issuance of commercial permits in small boat harbors if permits create a negative impact on public health or the environment.

