

JAN 23 2006

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# 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 by amending subsection (a) to read as follows:

3           "(a) The chairperson may adopt rules necessary:

4           (1) To regulate the manner in which all vessels may enter  
5           the ocean waters and navigable streams of the State  
6           and moor, anchor, or dock at small boat harbors,  
7           launching ramps, and other boating facilities owned or  
8           controlled by the State;

9           (2) To regulate the embarking and disembarking of  
10           passengers at small boat harbors, launching ramps,  
11           other boating facilities, and public beaches;

12           (3) For the safety of small boat harbors, launching ramps,  
13           and other boating facilities, the vessels anchored or  
14           moored therein;

15           (4) For the conduct of the public using small boat  
16           harbors, launching ramps, and other boating facilities  
17           owned or controlled by the State;



- 1           (5) To regulate and control recreational and commercial  
2           use of small boat harbors, launching ramps, and other  
3           boating facilities owned or controlled by the State  
4           and the ocean waters and navigable streams of the  
5           State;
- 6           (6) To prevent the discharge or throwing into small boat  
7           harbors, launching ramps, other boating facilities,  
8           ocean waters, and navigable streams, of rubbish,  
9           refuse, garbage, or other substances likely to affect  
10          the quality of the water or that contribute to making  
11          the small boat harbors, launching ramps, other boating  
12          facilities, ocean waters, and streams unsightly,  
13          unhealthful, or unclean, or that are liable to fill  
14          up, shoal, or shallow the waters in, near, or  
15          affecting small boat harbors, launching ramps, and  
16          other boating facilities and the ocean waters and  
17          navigable streams of the State, and likewise to  
18          prevent the escape of fuel or other oils or substances  
19          into the waters in, near, or affecting small boat  
20          harbors, launching ramps, or other boating facilities  
21          and the ocean waters and navigable streams of the  
22          State from any source point, including, but not



1 limited to, any vessel or from pipes or storage tanks  
2 upon land. The rules may include:

3 (A) Requirements for permits and fees for:

4 (i) The mooring, docking, or anchoring of  
5 recreational and commercial vessels or the  
6 launching of recreational or commercial  
7 vessels at small boat harbors, launching  
8 ramps, and other boating facilities; or

9 (ii) Other uses of these facilities;

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

13 (C) Requirements governing:

14 (i) The transfer of any state commercial,  
15 mooring, launching, or any other type of use  
16 or other permit, directly or indirectly,  
17 including, but not limited to, the  
18 imposition or assessment of a business  
19 transfer fee upon transfer of ownership of  
20 vessels operating commercially from, within  
21 or in any way related to the state small  
22 boat harbors; and



1           (ii) The use of state small boat harbors,  
2                   launching ramps, or other boating facilities  
3                   belonging to or controlled by the State,  
4                   including, but not limited to, the  
5                   establishment of minimum amounts of annual  
6                   gross receipts required to renew a  
7                   commercial use permit, and conditions under  
8                   which a state commercial, mooring,  
9                   launching, or any other type of use or other  
10                  permit may be terminated, canceled, or  
11                  forfeited; and

12           (D) Any other rule necessary to implement this  
13                   chapter pertaining to small boat harbors,  
14                   launching ramps, and other boating facilities  
15                   belonging to or controlled by the State;

16           (7) To continue the ocean recreational and coastal areas  
17                   programs and govern the ocean waters and navigable  
18                   streams of the State, and beaches encumbered with  
19                   easements in favor of the public to protect and foster  
20                   public peace and tranquility and to promote public  
21                   safety, health, and welfare in or on the ocean waters  
22                   and navigable streams of the State, and on beaches

1 encumbered with easements in favor of the public. The  
2 rules may include:

3 (A) Regulating the anchoring and mooring of vessels,  
4 houseboats, and other contrivances outside of any  
5 harbor or boating facility, including:

6 (i) The designation of offshore mooring areas;

7 (ii) The licensing and registration of vessels,  
8 houseboats, and other contrivances; and the  
9 issuance of permits for offshore anchoring  
10 and mooring of vessels, houseboats, and  
11 other contrivances; and

12 (iii) The living aboard on such vessels,  
13 houseboats, or other contrivances while they  
14 are anchored or moored within ocean waters  
15 or navigable streams of the State.

16 The rules shall provide for consideration of  
17 environmental impacts on the State's aquatic  
18 resources in the issuance of any permits for  
19 offshore mooring;

20 (B) Safety measures, requirements, and practices in  
21 or on the ocean waters and navigable streams of  
22 the State;



- 1           (C) The licensing and registration of persons or
- 2                   organizations engaged in commercial activities in
- 3                   or on the ocean waters and navigable streams of
- 4                   the State;
- 5           (D) The licensing and registration of equipment
- 6                   utilized for commercial activities in or on the
- 7                   ocean waters and navigable streams of the State;
- 8           (E) For beaches encumbered with easements in favor of
- 9                   the public, the prohibition or denial of the
- 10                  following uses and activities:
- 11                   (i) Commercial activities;
- 12                   (ii) The storage, parking, and display of any
- 13                          personal property;
- 14                   (iii) The placement of structures or obstructions;
- 15                   (iv) The beaching, landing, mooring, or anchoring
- 16                          of any vessels; and
- 17                   (v) Other uses or activities that may interfere
- 18                          with the public use and enjoyment of these
- 19                          beaches; and
- 20           (F) Any other matter relating to the safety, health,
- 21                   and welfare of the general public; [~~and~~]

- 1 (8) To regulate the examination, guidance, and control of
- 2 harbor agents and their assistants[-]; and
- 3 (9) To maximize the number of commercial permits issued
- 4 for any small boat harbors, launching ramps, offshore
- 5 moorings, piers, wharves, landings, and other areas
- 6 under the jurisdiction of the department; establish
- 7 limits on permits issued for different types of
- 8 commercial activities; and limit or revoke commercial
- 9 permits if the commercial activities create or
- 10 threaten to create negative impacts on the public
- 11 health or the environment."

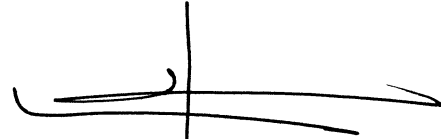
12 SECTION 2. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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SB2152

**Report Title:**

Small Boat Harbors; Commercial Permits

**Description:**

Authorizes Department of Land and Natural Resources to increase issuance of commercial permits in state boating facilities; limits issuance of commercial permits in small boat harbors if permits create negative impact on public health or environment.

