

JAN 25 2006

---

---

# 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:

16 *J. P. G. G. G.* *Russell. Kohl* *D. D. D. G. G.* *Elizabeth Chun Oakland* *Charles K. Siskind* *Carol Johnson* *John L. L.*

**Report Title:**

Small Boat Harbors; Commercial Permits

**SB 2923**

**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.

