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# A BILL FOR AN ACT

RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 department of land and natural resources to regulate those  
3 commercial enterprises that operate out of private marinas.

4           It is not the intent of this Act to provide for additional  
5 regulation of existing regulated commercial enterprises but to  
6 address only currently unregulated activities.

7           SECTION 2. Section 200-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "~~+~~§200-3~~+~~ **Ocean recreation and coastal areas programs.**

10 The board shall assume the following functions of the department  
11 of transportation:

12           (1) Managing and administering the ocean-based recreation  
13 and coastal areas programs of the State;

14           (2) Planning, developing, operating, administering, and  
15 maintaining small boat harbors, launching ramps, and  
16 other boating facilities and associated aids to  
17 navigation throughout the ~~[State,]~~ state;



- 1 (3) Developing and administering an ocean recreation  
2 management plan;
- 3 (4) Administering and operating a vessel registration  
4 system for the State;
- 5 (5) Regulating the [~~commercial~~] commercially permitted use  
6 of both governmental and private boating facilities;  
7 provided that no new permit shall be required for, or  
8 new regulation shall apply to, activities permitted or  
9 regulated under any other chapter;
- 10 (6) Regulating boat regattas and other ocean water events;
- 11 (7) Administering a marine casualty and investigation  
12 program;
- 13 (8) Assisting in abating air, water, and noise pollution;
- 14 (9) Conducting public education in boating safety;
- 15 (10) Administering the boating special fund;
- 16 (11) Assisting in controlling shoreline erosion;
- 17 (12) Repairing seawalls and other existing coastal  
18 protective structures under the jurisdiction of the  
19 State; and
- 20 (13) Removing nonnatural obstructions and public safety  
21 hazards from the shoreline, navigable streams,



1            harbors, channels, and coastal areas of the [~~State~~.]  
2            state."

3            SECTION 3. Section 200-4, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

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

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

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

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

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

20            (5) To regulate and control recreational and commercial  
21            use of small boat harbors, launching ramps, and other  
22            boating facilities owned or controlled by the State



1 and the ocean waters and navigable streams of the  
2 [~~State,~~] state;

3 (6) To prevent the discharge or throwing into small boat  
4 harbors, launching ramps, other boating facilities,  
5 ocean waters, and navigable streams, of rubbish,  
6 refuse, garbage, or other substances likely to affect  
7 the quality of the water or that contribute to making  
8 the small boat harbors, launching ramps, other boating  
9 facilities, ocean waters, and streams unsightly,  
10 unhealthful, or unclean, or that are liable to fill  
11 up, shoal, or shallow the waters in, near, or  
12 affecting small boat harbors, launching ramps, and  
13 other boating facilities and the ocean waters and  
14 navigable streams of the [~~State,~~] state, and likewise  
15 to prevent the escape of fuel or other oils or  
16 substances into the waters in, near, or affecting  
17 small boat harbors, launching ramps, or other boating  
18 facilities and the ocean waters and navigable streams  
19 of the [~~State~~] state from any source point,  
20 including[] but not limited to[] any vessel or from  
21 pipes or storage tanks upon land. The rules may  
22 include:



- 1 (A) Requirements for permits and fees for:
  - 2 (i) The mooring, docking, or anchoring of
  - 3 recreational and commercial vessels or the
  - 4 launching of recreational or commercial
  - 5 vessels at small boat harbors, launching
  - 6 ramps, and other boating facilities; or
  - 7 (ii) Other uses of these facilities;
- 8 (B) Requirements for permits and fees for use of a
- 9 vessel as a principal place of habitation while
- 10 moored at a state small boat harbor;
- 11 (C) Requirements governing:
  - 12 (i) The transfer of any state commercial,
  - 13 mooring, launching, or any other type of use
  - 14 or other permit, directly or indirectly,
  - 15 including[~~7~~] but not limited to[~~7~~] the
  - 16 imposition or assessment of a business
  - 17 transfer fee upon transfer of ownership of
  - 18 vessels operating commercially from, within
  - 19 or in any way related to the state small
  - 20 boat harbors; and
  - 21 (ii) The use of state small boat harbors,
  - 22 launching ramps, or other boating facilities



1 belonging to or controlled by the State,  
2 including~~[7]~~ but not limited to~~[7]~~ the  
3 establishment of minimum amounts of annual  
4 gross receipts required to renew a  
5 commercial use permit, and conditions under  
6 which a state commercial, mooring,  
7 launching, or any other type of use or other  
8 permit may be terminated, canceled, or  
9 forfeited; ~~and~~

10 and

11 (D) Any other rule necessary to implement this  
12 chapter pertaining to small boat harbors,  
13 launching ramps, and other boating facilities  
14 belonging to or controlled by the State;  
15 (7) To continue the ocean recreational and coastal areas  
16 programs and govern the ocean waters and navigable  
17 streams of the ~~[State,]~~ state, and beaches encumbered  
18 with easements in favor of the public to protect and  
19 foster public peace and tranquility and to promote  
20 public safety, health, and welfare in or on the ocean  
21 waters and navigable streams of the ~~[State,]~~ state,



1 and on beaches encumbered with easements in favor of  
2 the public. The 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.~~] state.

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

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

5 (D) The licensing and registration of equipment  
6 [~~utilized~~] used for commercial activities in or  
7 on the ocean waters and navigable streams of the  
8 [~~State;~~] state;

9 (E) For beaches encumbered with easements in favor of  
10 the public, the prohibition or denial of the  
11 following uses and activities:

- 12 (i) Commercial activities;
- 13 (ii) The storage, parking, and display of any  
14 personal property;
- 15 (iii) The placement of structures or obstructions;
- 16 (iv) The beaching, landing, mooring, or anchoring  
17 of any vessels; and

18 (v) Other uses or activities that may interfere  
19 with the public use and enjoyment of these  
20 beaches; [~~and~~]

21 and





- 1 (F) Any other matter relating to the safety, health,  
2 and welfare of the general public; [~~and~~]  
3 (8) To regulate the examination, guidance, and control of  
4 harbor agents and their assistants[~~-~~]; and  
5 (9) To regulate commercial activities in private marinas;  
6 provided that no new permit shall be required for  
7 those commercial activities in private marinas  
8 regulated by any other chapter. For the purpose of  
9 this paragraph, "commercial activity" shall have the  
10 same meaning as in section 188-40.6."

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2030.



**Report Title:**

Ocean Resources; Commercial Activities; DLNR

**Description:**

Adds regulatory function over commercially permitted use of government and private boating facilities and commercial activities in private marinas. (SB2196 HD1)

