

S.B. NO. 2908

JAN 27 2016

A BILL FOR AN ACT

RELATING TO COMMERCIAL USE OF STATE OCEAN WATERS.

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

1 SECTION 1. Section 200-38, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§200-38 [~~Ocean recreation management areas.~~] State ocean
4 waters; restrictions. (a) Notwithstanding any other law to the
5 contrary, no commercial operator shall operate a thrill craft,
6 engage in parasailing, water sledding, or commercial high speed
7 boating, operate a motorized vessel towing a person engaged in
8 parasailing, or operate a motor vessel towing a person engaged
9 in water sledding during all weekends and state and federal
10 holidays on Oahu in Maunalua Bay from Kawaihoa (Portlock) Point
11 to Wailupe Peninsula and commercial zones a, b, and c.

12 (b) Notwithstanding any other law to the contrary, all
13 commercial ocean recreation activities shall be prohibited on
14 all Sundays on Oahu in Maunalua Bay.

15 (c) Notwithstanding any other law to the contrary, no
16 person shall operate a thrill craft, engage in parasailing,
17 operate a motorized vessel towing a person engaged in

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1 parasailing, engage in commercial water sledding or commercial
2 high speed boating, or operate a commercial motor vessel towing
3 a person engaged in water sledding between December 15 and
4 May 15 of each year in the waters of west and south Maui from
5 Pu`u Ola`i to Hawea Point.

6 (d) The department may limit commercial use of state ocean
7 waters where it is reasonable for environmental or user safety
8 considerations to do so.

9 (e) When commercial use is limited under subsection (d),
10 the department may issue commercial use permits by public
11 auction.

12 (f) Each commercial use permit issued by the department
13 shall be valid for one year from the date of issuance and may
14 be renewed by the department for additional one-year periods;
15 provided that the permit holder shall be in compliance with the
16 applicable rules of the department.

17 [~~(d)~~] (g) The department may adopt rules pursuant to
18 chapter 91 to further implement this section."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

Report Title:

State Ocean Waters; Commercial Use

Description:

Authorizes the Department of Land and Natural Resources to limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO COMMERCIAL USE OF STATE OCEAN WATERS.

PURPOSE: To authorize the Department to limit commercial use of state ocean waters where it is reasonable for environmental or user safety considerations to do so.

MEANS: Amend section 200-38, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Under chapter 200, HRS, the Department is mandated to manage ocean recreation in the State and to promote user safety and maintain the integrity of natural resources. Commercial ocean recreation activities in certain areas are reaching a level that could pose a threat to either the public or the resources. In response, the Department will have to limit the number of permittees allowed to operate or conduct ocean recreation activities in certain areas.

This bill seeks to limit commercial activities in state ocean waters by authorizing the Department to issue commercial use permits for such areas where it is reasonable for environmental or user safety considerations.

Impact on the public: The public will benefit because limitation of commercial activity should reduce crowding and safety issues between user groups.

Impact on the department and other agencies: The proposed amendment provides another tool for the Department by which to manage commercial activities on state ocean waters to the benefit of the resource and the public.

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GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 801.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.