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# A BILL FOR AN ACT

RELATING TO SMALL BOAT 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, and the vessels anchored  
14           or 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



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1 State from any source point, including but not limited  
2 to any vessel or from pipes or storage tanks upon  
3 land, including:

4 (A) Requirements for permits and fees for:

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

10 (ii) Other uses of these facilities;

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

14 (C) Requirements governing:

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



1                   any way related to the state small boat  
2                   harbors; and  
3                   (ii) The use of state small boat harbors,  
4                   launching ramps, or other boating facilities  
5                   belonging to or controlled by the State,  
6                   including but not limited to the  
7                   establishment of minimum amounts of annual  
8                   gross receipts required to renew a  
9                   commercial use permit, and conditions under  
10                  which a state commercial, mooring,  
11                  launching, or any other type of use or other  
12                  permit may be terminated, canceled, or  
13                  forfeited; and  
14                  (D) Any other rule necessary to implement this  
15                  chapter pertaining to small boat harbors,  
16                  launching ramps, and other boating facilities  
17                  belonging to or controlled by the State; provided  
18                  that the chairperson shall not adopt any rule  
19                  with respect to a small boat harbor where a  
20                  marine fueling station has been established that  
21                  requires the exclusive fueling of vessels only



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1                   from that station. Any person fueling a vessel  
2                   at a small boat harbor may purchase and use fuel  
3                   from any gasoline dealer qualified pursuant to  
4                   chapter 486H; provided that the person comply  
5                   with all other fueling safety rules adopted by  
6                   the department;

7           (7) To continue the ocean recreational and coastal areas  
8           programs and govern the ocean waters and navigable  
9           streams of the State, and beaches encumbered with  
10          easements in favor of the public to protect and foster  
11          public peace and tranquility and to promote public  
12          safety, health, and welfare in or on the ocean waters  
13          and navigable streams of the State, and on beaches  
14          encumbered with easements in favor of the public,  
15          including:

16               (A) Regulating the anchoring and mooring of vessels,  
17               houseboats, and other contrivances outside of any  
18               harbor or boating facility, including:

19                   (i) The designation of offshore mooring areas;

20                   (ii) The licensing and registration of vessels,

21                   houseboats, and other contrivances; and the



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1 issuance of permits for offshore anchoring  
2 and mooring of vessels, houseboats, and  
3 other contrivances; and

4 (iii) The living aboard on vessels, houseboats, or  
5 other contrivances while they are anchored  
6 or moored within ocean waters or navigable  
7 streams of the State.

8 The rules shall provide for consideration of  
9 environmental impacts on the State's aquatic  
10 resources in the issuance of any permits for  
11 offshore mooring;

12 (B) Safety measures, requirements, and practices in  
13 or on the ocean waters and navigable streams of  
14 the State;

15 (C) The licensing and registration of persons or  
16 organizations engaged in commercial activities in  
17 or on the ocean waters and navigable streams of  
18 the State;

19 (D) The licensing and registration of equipment  
20 utilized for commercial activities in or on the  
21 ocean waters and navigable streams of the State;



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- 1 (E) For beaches encumbered with easements in favor of  
2 the public, the prohibition or denial of the  
3 following uses and activities:
- 4 (i) Commercial activities;
  - 5 (ii) The storage, parking, and display of any  
6 personal property;
  - 7 (iii) The placement of structures or obstructions;
  - 8 (iv) The beaching, landing, mooring, or anchoring  
9 of any vessels; and
  - 10 (v) Other uses or activities that may interfere  
11 with the public use and enjoyment of these  
12 beaches; and
- 13 (F) Any other matter relating to the safety, health,  
14 and welfare of the general public;
- 15 (8) To regulate the examination, guidance, and control of  
16 harbor agents and their assistants; and
- 17 (9) To regulate commercial activities in state waters  
18 including operations originating from private marinas;  
19 provided that no new or additional permits shall be  
20 required for those commercial activities regulated by  
21 any other chapter.



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1 For the purposes of this paragraph:

2 "Commercial activity" means to engage in any  
3 action or attempt to engage in any action for  
4 compensation in any form. The action or actions may  
5 include providing or attempting to provide guide  
6 services, charters, tours, and transportation to and  
7 from the location or locations for which such services  
8 are provided.

9 "Compensation" means money, barter, trade,  
10 credit, and other instruments of value, goods, and  
11 other forms of payment."

12 SECTION 2. No later than January 31, 2018, the chairperson  
13 of the board of land and natural resources shall amend any  
14 existing rules adopted pursuant to chapter 91, Hawaii Revised  
15 Statutes, as necessary to effectuate the purpose of this Act.

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Nicole E. L...*

JAN 18 2017





# H.B. NO. 54

**Report Title:**

Board of Land and Natural Resources; Rulemaking Authority; Small Boat Harbors; Fueling

**Description:**

Prohibits the Chairperson of BLNR from adopting any rule with respect to a small boat harbor where a marine fueling station has been established that requires the exclusive fueling of vessels from that station only.

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

