

JAN 25 2017

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;



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- 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



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



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



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;



- 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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For the purposes of this paragraph:

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

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

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:

Merrilee R. Inoué
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S .B. NO. 1097

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.

