

DAVID Y. IGE
GOVERNOR OF
HAWAII



DEPT. COMM. NO. 80

SUZANNE D. CASE
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COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 7, 2018

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Status Of Compliance With Act 156, Session Laws Of Hawai'i 2018: Accepting Marine Event Permit Applications Up To One Year In Advance And Adopting Rules To Mitigate Hazards Posed By Marine Event Spectators report, as required by Act 156, Session Laws Of Hawai'i 2018. In accordance with Section 93-16, HRS, a copy of this report has been transmitted to the Legislative Reference Bureau and the report may be viewed electronically at <http://dlnr.hawaii.gov/reports/>.

Sincerely,

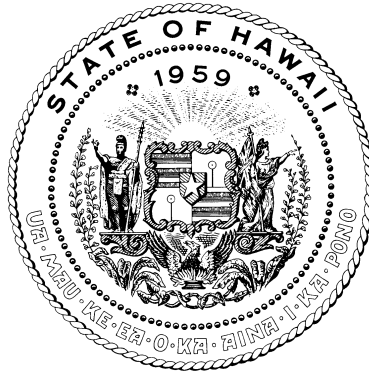
A handwritten signature in blue ink, appearing to read "Suzanne D. Case".

SUZANNE D. CASE
Chairperson

Enclosure

**REPORT TO THE THIRTIETH LEGISLATURE
STATE OF HAWAI‘I
2019 REGULAR SESSION**

**STATUS OF COMPLIANCE WITH
ACT 156, SESSION LAWS OF HAWAI‘I 2018:
ACCEPTING MARINE EVENT PERMIT APPLICATIONS UP TO
ONE YEAR IN ADVANCE AND ADOPTING RULES TO
MITIGATE HAZARDS POSED BY MARINE EVENT SPECTATORS**



Prepared by

STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION

Honolulu, Hawai‘i
December 2018

**STATUS OF COMPLIANCE WITH ACT 156, SESSION LAWS OF HAWAI‘I 2018:
ACCEPTING MARINE EVENT PERMIT APPLICATIONS UP TO ONE YEAR IN
ADVANCE AND ADOPTING RULES TO MITIGATE HAZARDS POSED BY MARINE
EVENT SPECTATORS**

Act 156, Session Laws of Hawai‘i 2018, requires the Department of Land and Natural Resources (Department) to allow applicants for marine event permits to submit an application up to one year before a proposed event; requires the Department to use its best efforts to grant or deny a permit within thirty days of receiving an application; requires the permit applicant to show proof of insurance and proof of approval from the land owner; allows the Department to issue an exclusive marine use permit; allows the Department to adopt rules to effectuate the Act; defines "marine event"; allows the Department to adopt rules to mitigate the hazards posed by marine event spectators; and requires the Department to report to the Legislature in the regular session of 2019 its progress in implementing the permitting process and adopting rules pursuant to the Act.

The Department's Division of Boating and Ocean Recreation (DOBOR) administers the marine event permitting program on behalf of the U.S. Coast Guard. DOBOR does not need to revise its permit application forms to meet the requirements of this Act and is focusing its efforts on drafting and implementing administrative rules necessary to effectuate the Act, in accordance with Hawai‘i Revised Statutes (HRS) Chapter 91. DOBOR is currently consulting with stakeholders, including the Hawai‘i Department of Transportation, Federal Aviation Administration, and members of the public, to determine how best to draft and implement administrative rules.

DOBOR is in the process of completing a rule draft, which will be reviewed by the Department of the Attorney General, the Small Business Regulatory Review Board, the Board of Land and Natural Resources, and the Governor for approval to hold public hearings on the draft. After public hearings are completed, DOBOR will return to the aforementioned entities for approval to adopt and implement the rules with any changes deemed necessary based on public hearing testimony.

Due to the requirements of HRS Chapter 91, DOBOR estimates that the rulemaking process will take about ten to twelve months for implementation of rules, or approximately September 2019 to November 2019.