
A BILL FOR AN ACT

RELATING TO COMMERCIAL USE PERMITS.

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

1 SECTION 1. The legislature finds that the numbers of
2 applications for and issuances of commercial use permits and
3 renewals have increased. The legislature further finds that the
4 department of land and natural resources often issues and renews
5 commercial use ocean permits to individuals or businesses that
6 meet minimum requirements, regardless of nearshore water
7 capacity or potential harm to the environment.

8 The purpose of this Act is to encourage the department of
9 land and natural resources to exercise its discretion in issuing
10 commercial ocean use permits and permit renewals in order to
11 lessen the impacts of commercial use ocean vessels and
12 activities.

13 SECTION 2. Chapter 200, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§200- Commercial use permit renewals. (a)

17 Notwithstanding any other provision of this part, the department



1 shall not renew a commercial use permit if the department finds
2 that a permit renewal would not further the policy established
3 in section 200-21 because:

4 (1) Nearshore water overcrowding at or near the permitted
5 activity's location has caused harm or poses a threat
6 to the environment; or

7 (2) The applicant's permitted activity has harassed
8 wildlife, disrupted the natural ecology, or has
9 otherwise caused harm or poses a threat to the
10 environment.

11 (b) The board may adopt rules pursuant to chapter 91
12 necessary for the purposes of this section."

13 SECTION 3. Section 200-21, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§200-21[+] **Declaration of policy.** The legislature
16 hereby finds, determines, and declares that this part is
17 necessary to promote and attain:

- 18 (1) The full use and enjoyment of the waters of the State;
- 19 (2) The safety of persons and the protection of property
- 20 as related to the use of the waters of the State;

1 (3) A reasonable uniformity of laws and rules regarding
2 the use of the waters of the State; [and]

3 (4) Conformity with, and implementation of, federal laws
4 and requirements[-]; and

5 (5) Every person's right to a clean and healthful
6 environment."

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 
By Request
JAN 18 2024



H.B. NO. 1874

Report Title:

Maui County Council Package; DLNR; Ocean Vessels; Commercial Use Permits; Environment

Description:

Amends state boating law policy to include a provision to promote and attain every person's right to a clean and healthful environment. Prohibits the Department of Land and Natural Resources from renewing a commercial use permit if renewal would cause nearshore water overcrowding or harm, or potential threats to, the environment.

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

