

MAR 08 2024

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# SENATE CONCURRENT RESOLUTION

AUTHORIZING THE SALE OF ONE OR MORE LEASES OF SUBMERGED LANDS AT  
STATE SMALL BOAT HARBORS.

1           WHEREAS, pursuant to section 200-3, Hawaii Revised  
2 Statutes, the Division of Boating and Ocean Recreation of the  
3 Department of Land and Natural Resources (DOBOR) is tasked with  
4 thirteen statutory mandates, primarily including operation and  
5 management of state small boat harbors and administration of the  
6 ocean recreation management program; and

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8           WHEREAS, the jurisdiction of DOBOR in state ocean waters  
9 begins at the shoreline and extends to three nautical miles from  
10 the shore; and

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12           WHEREAS, due to statutory limitations, the Department of  
13 Land and Natural Resources has been unable to fulfill its  
14 statutory mandate of administering the Ocean Recreation  
15 Management Program, instead needing to devote the majority of  
16 its staff and resources to operation and management of the  
17 sixteen state small boat harbors and numerous boat launch ramp  
18 facilities around the State; and

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20           WHEREAS, the vast majority of the boating and oceangoing  
21 public falls under the Ocean Recreation Management Program of  
22 DOBOR, rather than the Small Boat Harbor Program; and

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24           WHEREAS, historically, DOBOR has never received adequate  
25 staff or funding in previous legislative budgets; and

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27           WHEREAS, the Small Boat Harbor Program is severely  
28 underfunded, with approximately \$300,000,000 in deferred  
29 maintenance and capital projects statewide, and an annual  
30 operational budget of only around \$30,000,000, with rampant  
31 inflation and material cost outpacing the rate that DOBOR is  
32 able to address outstanding projects; and



1           WHEREAS, the level of underfunding for the Ocean Recreation  
2 Management Program is almost impossible to quantify because  
3 ocean recreation activities are widespread throughout the vast  
4 expanse of state ocean waters and DOBOR has been unable to  
5 adequately administer the Ocean Recreation Management Program;  
6 and

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8           WHEREAS, the inability of DOBOR to adequately administer  
9 the Ocean Recreation Management Program has led to increased  
10 user conflicts, safety concerns, and illegal commercial  
11 activity; and

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13           WHEREAS, engaging in alternate management options for state  
14 small boat harbors would enable DOBOR to allocate more staff,  
15 time, and resources to the Ocean Recreation Management Program;  
16 and

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18           WHEREAS, section 171-53(c), Hawaii Revised Statutes,  
19 requires prior approval of the Governor and prior authorization  
20 of the Legislature by concurrent resolution to lease state  
21 submerged lands; and

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23           WHEREAS, the Department of Land and Natural Resources  
24 currently has the authority to lease all fast lands in small  
25 boat harbors and submerged lands in select small boat harbors  
26 for private management; and

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28           WHEREAS, the Department of Land and Natural Resources would  
29 greatly benefit from being able to expand leasing authority to  
30 submerged lands in all state small boat harbors and boating  
31 facilities; now, therefore,

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33           BE IT RESOLVED by the Senate of the Thirty-second  
34 Legislature of the State of Hawaii, Regular Session of 2024, the  
35 House of Representatives concurring, that the Board of Land and  
36 Natural Resources is hereby authorized to lease state submerged  
37 lands at one or more state small boat harbors or boating  
38 facilities, in part or in their entirety, for private  
39 development, management, maintenance, and operation pursuant to  
40 section 171-53(c), Hawaii Revised Statutes; and  
41



# S.C.R. NO. 160

1 BE IT FURTHER RESOLVED that the term of any lease entered  
2 into pursuant to this Concurrent Resolution may be up to sixty-  
3 five years; and

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5 BE IT FURTHER RESOLVED that certified copies of this  
6 Concurrent Resolution be transmitted to the Governor and the  
7 Chairperson of the Board of Land and Natural Resources.

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OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "J. M. ...", is written over a horizontal line that serves as a signature line.