

Resolution

No. 23-185

APPROVING FOR INCLUSION IN THE 2024
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL
RELATING TO COMMERCIAL USE OCEAN
PERMITS

WHEREAS, requirements to renew a commercial use ocean permit and permit renewal under the State Boating Law are minimal; and

WHEREAS, there has been an increase in applications and issuance of commercial use ocean permits and renewals; and

WHEREAS, allowing the Department of Land and Natural Resources to deny permit renewals to protect the right to a clean and healthful environment will help to lessen the impacts of commercial use ocean vessels and activities; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill attached as Exhibit "A," relating to commercial use ocean permits, is approved for inclusion in the 2024 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

INTRODUCED BY:

Tamara A. M. Paltin

TAMARA PALTIN

____.B. NO.____

A BILL FOR AN ACT

RELATING TO COMMERCIAL USE OCEAN PERMITS.

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

1 SECTION 1. The legislature finds that there has been an
2 increase in increase in applications and issuance of commercial
3 use ocean permits and renewals. The legislature further finds
4 that the Department of Land and Natural Resources must issue all
5 commercial use ocean permits and permit renewals to individuals
6 or businesses that meet the minimum requirements, regardless of
7 nearshore water capacity or potential harm to the environment.

8 The purpose of this Act is to give the Department of Land
9 and Natural Resources discretion in issuing commercial ocean use
10 permits and permit renewals to lessen the impacts of commercial
11 use ocean vessels and activities.

12 SECTION 2. Chapter 200-21, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§ 200-21. Declaration of policy.** The legislature hereby
15 finds, determines, and declares that this part is necessary to
16 promote and attain:

17 (1) The full use and enjoyment of the waters of the State;

1 (2) The safety of persons and the protection of property as
2 related to the use of the waters of the State;

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

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

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

9 SECTION 4. Chapter 200, Hawaii Revised Statutes, is amended
10 by adding a new section to be appropriately inserted and to read
11 as follows:

12 "§ 200- . Permit renewals. (1) Notwithstanding any other
13 provision in this part, the department must not renew a permit
14 if it finds a permit renewal would not further the policy in
15 section 200-21 because either:the

16 (a) nearshore water overcrowding at or near the
17 permitted activity's location has caused harm or poses a
18 threat to the environment; or

19 (b) the applicant's permitted activity has caused harm
20 or poses a threat to the the environment, such as by
21 harassing wildlife or disrupting the natural ecology.

1 (2) The board of land and natural resources may adopt
2 administrative rules to implement this section."

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect upon its approval.

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6 INTRODUCED BY: _____

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