

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

September 1, 2023

**Committee
Report No.** _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on August 1, 2023, and reconvened on August 2, 2023, makes reference to Resolution 23-182, entitled “APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMERCIAL USE OCEAN PERMITS.”

Resolution 23-182’s purpose is to approve for inclusion in the 2024 Maui County Council Legislative Package a proposed State bill, attached as Exhibit “A,” entitled “A BILL FOR AN ACT RELATING TO COMMERCIAL USE OCEAN PERMITS.”

The purpose of the proposed State bill is to give the State of Hawai‘i, Department of Land and Natural Resources, Division of Boating and Ocean Recreation (“DOBOR”) discretion with issuing commercial ocean use permits and permit renewals to lessen the impacts of commercial use ocean vessels and activities.

The Department of Parks and Recreation expressed support for the proposed bill because it will enable DOBOR to have authority over the commercial use ocean permits process, which may help to improve public safety in the ocean.

After receiving testimony and discussing the different needs of Maui, Kaua‘i, and Hawai‘i counties, and the City and County of Honolulu, your Committee agreed to include the proposed State bill in the Maui County Council Legislative Package instead of pursuing its inclusion in the Hawai‘i State Association of Counties Legislative Package.

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Your Committee voted 7-0 to recommend adoption of Resolution 23-182. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Kama, Lee, Rawlins-Fernandez, and Sinenci, voted “aye.” Committee members Johnson and Sugimura were excused.

Your Committee is in receipt of Resolution 23-182, CD1, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 23-182, CD1, as revised herein and attached hereto, entitled “APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMERCIAL USE OCEAN PERMITS,” be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



NOHELANI U‘U-HODGINS, Chair

Resolution

No. 23-182, CD1

APPROVING FOR INCLUSION IN THE 2024
MAUI COUNTY COUNCIL 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, according to Chapter 200-37, Hawaii Revised Statutes: “The department may immediately revoke a commercial use permit without a hearing for any activity that endangers or may endanger the health or safety of passengers or the public, and may suspend or revoke a commercial use permit for violation of any rules of the department if, after seventy-two hours notice by the department of the violation, the permit holder fails to cure the violation; provided that the permit holder shall have ten days from receipt of the notice of suspension or revocation to request in writing an administrative hearing. The administrative hearing is solely for the purpose of allowing the permit holder to contest the basis for suspension or revocation of the permit;” 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 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor.

INTRODUCED BY:

Tamara 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 often issues
5 all commercial use ocean permits and permit renewals to
6 individuals or businesses that meet the minimum requirements,
7 regardless of nearshore water capacity or potential harm to the
8 environment.

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

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

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

- 1 (1) The full use and enjoyment of the waters of the State;
- 2 (2) The safety of persons and the protection of property as
- 3 related to the use of the waters of the State;
- 4 (3) A reasonable uniformity of laws and rules regarding the
- 5 use of the waters of the State; [~~and~~]
- 6 (4) Conformity with, and implementation of, federal laws
- 7 and requirements[~~-~~]; and
- 8 (5) Every person's right to a clean and healthful
- 9 environment."

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

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

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

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

____.B. NO. _____

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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