

August 8, 2023

MEMO TO: GREAT-4(5) File

F R O M: Nohelani U‘u-Hodgins, Chair *Nuh*  
Government Relations, Ethics, and Transparency Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE (RESOLUTION 23-182, CD1, RELATING TO APPROVING FOR INCLUSION IN THE 2024 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO COMMERCIAL USE OCEAN PERMITS)** (GREAT-4(5))

The attached legislative proposal pertains to Item 4(5) on the Committee’s agenda.

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Attachment

# 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*

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TAMARA PALTIN

\_\_\_\_.B. NO. \_\_\_\_\_

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# 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.

