

ACT 104

S.B. NO. 128

A Bill for an Act Relating to the Shores and Shoreline.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 266-1, Hawaii Revised Statutes, is amended to read as follows:

“§266-1 Department of transportation; harbors; jurisdiction. All ocean shores [below mean highwater mark,] seaward of the shoreline, shore waters and navigable streams, and all harbors and roadsteads, and all harbor and waterfront improvements, belonging to or controlled by the State, and all shipping within the harbors, roadsteads, waters, and streams shall be under the care and control of the department of transportation.”

SECTION 2. Section 266-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) In addition to the powers vested in the director by sections 266-1 and 266-2, the director, to promote public safety, health, and welfare in or on the shore waters and shores [and], on beaches encumbered with easements in favor of the public, and on public beaches constructed seaward of an existing shoreline, may [promulgate, alter, amend, and repeal] adopt rules [and regulations] governing the shore waters, shores, [and] beaches encumbered with easements in favor of the public[], and public beaches constructed seaward of an existing shoreline. The rules [and regulations] to be [promulgated] adopted under this subsection may include:

- (1) Safety measures, requirements, and practices in or on the shore waters and shores of the State;
- (2) The licensing and registration of persons or organizations engaged in commercial activities in or on the shore waters or shores of the State;
- (3) The licensing and registration of equipment utilized for commercial activities in or on the shore waters or shores of the State;
- (4) The prohibition of the following uses and activities on beaches encumbered with easements in favor of the public[:] and on public beaches constructed seaward of an existing shoreline:
 - (A) Commercial activities[];
 - (B) The storage, parking, and display of any personal property[];
 - (C) The placement of [any] structures or obstructions[]; and
 - (D) [Any other] Other uses or activities that may interfere with the public use and enjoyment of the beaches[]; and
- (5) Any other [matters] matter relating to the safety, health, and welfare of the general public.

For the purpose of this chapter, if not inconsistent with the context: [“Shore waters and shores” means all ocean waters below mean highwater mark and within the jurisdiction of the State.]

“Beaches encumbered with easements in favor of the public” means any lands which lie along the shores of the State above [mean highwater mark] the shoreline and which are now, or may hereafter be, encumbered by easements in favor of the public for bathing purposes and for foot passage.

“Shore waters and shores” means all ocean shores and waters seaward of the shoreline and within the jurisdiction of the State.

“Shoreline” means the upper reaches of the wash of the waves, usually evidenced by the edge of vegetation growth or by the upper limit of debris left by the wash of the waves.”

SECTION 4.¹ Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5.¹ This Act shall take effect upon its approval.

(Approved May 20, 1985.)

Note

1. So in original.