

A Bill for an Act Relating to Small Boat Harbors.

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

SECTION 1. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§200- Designated slip for coast guard auxiliary.** (a) The department may designate one boat slip, that is not contiguous to the United States Coast Guard, in each harbor to be dedicated to a Coast Guard auxiliary vessel and designated as an auxiliary operational facility. The slip shall be occupied by a Coast Guard auxiliary vessel that shall be equipped and operated to answer emergency search and rescue calls. The Coast Guard shall pay the regular slip rate.

(b) The department may adopt rules pursuant to chapter 91 in consultation with the United States Coast Guard to implement this section.”

SECTION 2. Section 200-9, Hawaii Revised Statutes, is amended to read as follows:

**“[[§200-9]] Purpose and use of state small boat harbors.** (a) State small boat harbors are constructed, maintained, and operated for the purposes of:

- (1) Recreational boating activities;
- (2) Landing of fish; and
- (3) Commercial vessel activities.

For the purpose of this section, “recreational boating activities” means the utilization of watercraft for sports, hobbies, or pleasure, and “commercial vessel activities” means the utilization of vessels for activities or services provided on a fee basis. To implement these purposes, only vessels in good material and operating condition that are regularly navigated beyond the confines of the small boat harbor, and which are used for recreational activities, the landing of fish, or commercial vessel activities shall be permitted to moor, anchor, or berth at such harbor or use any of its facilities.

(b) Vessels used for purposes of recreational boating activities which are also the principal habitation of the owners shall occupy no more than one hundred twenty-nine berths at Ala Wai boat harbor and thirty-five berths at Keehi boat harbor, which is equal to fifteen per cent of the respective total moorage space that was available as of July 1, 1976, at the Ala Wai and Keehi boat harbors. Notwithstanding the purposes of small boat harbors, moorage for commercial vessels and commercial vessel activities is not permitted in the Ala Wai and Keehi boat harbors; provided that commercial catamarans, for which valid permits or registration certificates have been issued by the department which allow the catamarans to operate upon Waikiki shore waters for hire, may be permitted to moor in Ala Wai boat harbor at facilities leased for commercial purposes.

(c) Vessels engaging in inter-island ferry service between the islands of Maui and Molokai shall be afforded preferential consideration for ferry landings at Lahaina small boat harbor; provided that:

- (1) The vessel operator has been issued a certificate of public conveyance and necessity for this purpose;
- (2) The design and performance characteristics of the vessel will permit safe navigation within the Lahaina harbor entrance channel and safe docking along the north face of the Lahaina pier; and

(3) The vessel operations will not result in unreasonable interference with the use of Lahaina small boat harbor by other vessels.

(d) The chairperson may adopt rules pursuant to chapter 91 to further implement this section.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

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

(Approved June 7, 1995.)

**Note**

1. Edited pursuant to HRS §23G-16.5.