

Amendment and Compilation of Chapter 13-257
Hawaii Administrative Rules

INSERT DATE OF ADOPTION

1. Chapter 13-257, Hawaii Administrative Rules,
entitled "Day-Use Mooring Rules", is amended and
compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART 3

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 257

DAY-USE MOORING RULES

Subchapter 1 General Provisions

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§13-257-56 Anchoring restrictions

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Subchapter 5 Day-Use Moorings, Island of Lāna'i

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Subchapter 6 Day-Use Moorings, Island of Moloka'i

§§13-257-71 to 13-257-80 (Reserved)

Subchapter 7 Day-Use Moorings, Island of O'ahu

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Subchapter 8 Day-Use Moorings, Island of Kaua'i
§§13-257-91 to 13-257-120 (Reserved)

SUBCHAPTER 1

GENERAL PROVISIONS

§13-257-1 Purpose and scope. (a) The purpose of ~~[the day-use]~~ day-use mooring rules and zones is to reduce damage to coral and other marine life as a result of continuous use of anchors by commercial and recreational vessels in zones of high dive and mooring activity statewide.

(b) ~~[The rules describe the]~~ This chapter contains provisions for mooring at state [day-use] day-use mooring [buoys and the zones where the buoys are located.] buoys. [Eff 9/16/95; am and comp
] (Auth: HRS §§200-2, 200-3, 200-4, 200-10)
(Imp: HRS §200-10)

§13-257-2 [Day-use] Day-use mooring permit. An owner or operator of a vessel using a ~~[day-use]~~ state day-use mooring [established under] buoy installed pursuant to this chapter shall not be required to apply for a ~~[day-use]~~ day-use mooring permit from the department, except as otherwise provided in this chapter. ~~[Any use of a state day use mooring shall be at the sole risk of the owner or operator of the vessel using the mooring.]~~ [Eff 9/16/95; am and comp
] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-3 [Time limit.] State day-use mooring buoy limitations. (a) ~~[The time limit for use of a~~

~~day use mooring buoy by any one vessel]~~ A vessel using a state day-use mooring buoy shall not exceed two and one half hours [when another vessel is waiting for the use of that mooring buoy,] of use, except as provided by section 13-37-3 for the [old Kona airport marine life conservation district.] Old Kona Airport Marine Life Conservation District, Hawai'i.

(b) ~~Overnight mooring is [prohibited except in ease of emergency or by enforcement or rescue craft.] prohibited.~~ [Eff 9/16/95; am and comp] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-4 Anchoring restrictions. ~~[Anchoring] Unless otherwise provided in this chapter, anchoring is allowed only in areas of sand, rock, or rubble bottom types where no live corals exist; provided further that anchoring is prohibited within one hundred yards of any [day use mooring buoy, except as otherwise provided in these rules. Anchoring elsewhere in a day use mooring zone is permitted in areas of sand, rock, or rubble bottom types where no live corals exist.] state day-use mooring buoy.~~ [Eff 9/16/95; am and comp] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-5 [Day use] Day-use mooring buoy installation. (a) ~~Design guidelines for [a typical day use] state day-use mooring buoy installation is as shown on Exhibits "DM-00", "DM-00-A" and "DM-00-B", dated December 16, 1994, located at the end of this subchapter. The department shall adhere to the design guidelines specified in this subsection, and the Board shall have the discretion to approve mooring buoy designs that differ from the guidelines in this section if the Board finds that:~~ Design guidelines for [a typical day use] state day-use mooring buoy installation is as shown on Exhibits "DM-00", "DM-00-A" and "DM-00-B", dated December 16, 1994, located at the end of this subchapter. The department shall adhere to the design guidelines specified in this subsection, and the Board shall have the discretion to approve mooring buoy designs that differ from the guidelines in this section if the Board finds that:

- (1) A specific design offers environmental or structural advantages over those specified in the day-use mooring buoy guidelines; and
- (2) Such environmental or structural advantages outweigh any negative impacts to aquatic resources.

(b) For each state day-use mooring buoy site, the department shall develop a day-use mooring buoy site proposal, subject to approval and modification by the Board, which shall consider:

- (1) Public input;
- (2) Impact upon aquatic resources;
- (3) Use patterns with respect to the proposed site; and
- (4) Any other information relevant to site selection and mooring buoy installation.

[Eff 9/16/95; am and comp]
(Auth: HRS §§200-2, 200-3, 200-4, 200-10)
(Imp: HRS §200-10)

§13-257-6 Day-use mooring buoy locations. The department shall maintain a listing of sanctioned day-use mooring buoys installed in waters of the State. The listing shall be available on the division's website, may be maintained in print form, and shall provide GPS coordinates for the location of each mooring buoy. The department shall make a reasonable effort to ensure that the GPS coordinates on the listing provide an accurate location for each state-owned day-use mooring buoy. [Eff]
(Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-7 Rafting prohibited. Rafting of vessels from any day-use mooring buoys is prohibited. [Eff] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-8 Liability. By using a state day-use mooring buoy, a vessel owner or operator assumes the sole risk of using the mooring. The State assumes no liability or responsibility associated with the use of any day-use mooring buoys, except as otherwise provided in this chapter. [Eff] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-9 Safety and enforcement. The restrictions cited in this chapter do not apply to the following:

- (1) Emergency situations;
- (2) Law enforcement, patrol, or rescue craft;
- (3) Department vessels and personnel performing official duties;
- (4) Vessels and personnel performing authorized homeland security training operations; and
- (5) The U.S. Coast Guard. [Eff]
(Auth: HRS §§200-2, 200-3, 200-4, 200-10)
(Imp: HRS §§200-2, 200-3, 200-10)

§§13-257-10 to 13-257-15 (Reserved)

SUBCHAPTER 2

[~~DAY-USE MOORING,~~] DAY-USE MOORINGS, ISLAND OF
[~~HAWAII~~] HAWAI`I

~~§13-257-16 Kaiholena to Malae Point day use mooring zone.~~ (a) ~~Kaiholena to Malae Point day use mooring zone is encompassed by the boundaries as shown~~

~~on Exhibit "DM-01" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Malae Point and measured by azimuth clockwise from True South; 050 degrees for a distance of four hundred seventy-five feet; 161 degrees for a distance of four thousand eight hundred fifty feet; 150 degrees for a distance of two thousand feet; 167.5 degrees for a distance of seven thousand three hundred thirty feet; 246.5 degrees to the high water mark at the shoreline; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

~~(1) Buoy "DM-01" located at a point on the water measured by azimuth clockwise from True South, 152.5 degrees for a distance of four thousand four hundred fifty feet from the southwest tip of Keaweula Bay.~~

~~(2) Buoy "DM-02" located at a point on the water measured by azimuth clockwise from True South, 143 degrees for a distance of two thousand eight hundred ten feet from the southwest tip of Keaweula Bay.~~

~~(3) Buoy "DM-03" located at a point on the water measured by azimuth clockwise from True South, 154 degrees for a distance of five hundred ninety feet from the southwest tip of Keaweula Bay.] [Eff 9/16/95; R~~

~~] (Auth: HRS §§200- 2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~[§13-257-17 Malae Point to Kaiopae Point day use mooring zone. (a) Malae Point to Kaiopae Point day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-02" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Kaiopae Point and measured by azimuth clockwise from True South; 056 degrees for a distance of six hundred ten feet; 137 degrees for a distance of six thousand five hundred eighty feet; 151 degrees for a distance of forty thousand six hundred feet; 148 degrees for a distance of six thousand nine hundred ninety-five feet; then in a straight line to the high water mark at the Malae Point shoreline; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

- ~~(1) Buoy "DM-04" located at a point on the water measured by azimuth clockwise from True South, 354 degrees for a distance of one thousand feet from the northwest tip of Kalala Gulch Cove.~~
- ~~(2) Buoy "DM-05" located at a point on the water measured by azimuth clockwise from True South, 333 degrees for a distance of two thousand six hundred feet from the northwest tip of Kalala Gulch Cove.~~
- ~~(3) Buoy "DM-06" located at a point on the water measured by azimuth clockwise from True South, 113.5 degrees for a distance of one thousand one hundred feet from the southeast tip of Kamilo Gulch Cove.~~
- ~~(4) Buoy "DM-07" located at a point on the water measured by azimuth clockwise from True South, 001 degrees for a distance of one thousand one hundred feet from the southeast tip of Kamilo Gulch Cove.~~
- ~~(5) Buoy "DM-08" located at a point on the water measured by azimuth clockwise from True South, 314 degrees for a distance of two thousand six hundred fifty feet from the southeast tip of Kamilo Gulch Cove.~~
- ~~(6) Buoy "DM-09" located at a point on the water measured by azimuth clockwise from True South, 095 degrees for a distance of one~~

~~thousand one hundred ten feet from the northwest tip of Keawewai Gulch Cove.] [Eff 9/16/95; R] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~[§13-257-18 Paoua Bay to Honokaope Bay day use mooring zone. (a) Paoua Bay to Honokaope Bay day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-03" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Lae o Panipou Point and measured by azimuth clockwise from True South; 124 degrees for a distance of one thousand two hundred feet; 060 degrees for a distance of two thousand nine hundred twenty feet; 044 degrees for a distance of seven thousand two hundred fifty feet; then in a straight line to the high water mark at the Anaohoomalu "trig" shoreline; then along the shoreline to the point of the beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

~~(1) Buoy "DM-10" located at a point on the water measured by azimuth clockwise from True South, 081.5 degrees for a distance of one thousand one hundred fifty feet from Keanapukalua Point.~~

~~(2) Buoy "DM-11" located at a point on the water measured by azimuth clockwise from True South, 057 degrees for a distance of two thousand feet from Keanapukalua Point.] [Eff 9/16/95; R] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~[§13-257-19 Kaauau Point to Kapalaoa Point day use mooring zone. (a) Kaauau Point to Kapalaoa Point~~

~~day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-04" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Kaauau Point and measured by azimuth clockwise from True South; 053 degrees for a distance of four thousand one hundred eighty feet; then in a straight line to the high water mark at Kapalaoa Point shoreline; then along the shoreline to the point of beginning.~~

~~(b) The following buoy is within the mooring zone described in this section.~~

~~(1) Buoy "DM-12" located at a point on the water measured by azimuth clockwise from True South, 219 degrees for a distance of three thousand fifty feet from Kapalaoa Point.]~~

~~[Eff 9/16/95; R] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~**[§13-257-20 Makako Bay to Kalihi Point day use mooring zone.** (a) Makako Bay to Kalihi Point day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-05" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Kalihi Point and measured by azimuth clockwise from True South; 062 degrees for a distance of five hundred fifty feet; 150 degrees for a distance of two thousand nine hundred seventy five feet; 012.5 degrees for a distance of one thousand three hundred twenty five feet; 040 degrees for a distance of three thousand four hundred feet; 270 degrees to the high water mark of the shoreline; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

- ~~(1) Buoy "DM-13" located at a point on the water measured by azimuth clockwise from True South, 214 degrees for a distance of three thousand two hundred fifty feet from Keahole Lighthouse.~~
- ~~(2) Buoy "DM-14" located at a point on the water measured by azimuth clockwise from True South, 178 degrees for a distance of one thousand three hundred forty feet from Keahole Lighthouse.] [Eff 9/16/95; R] (Auth HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~[§13-257-21 Wawaloli Beach to Maliu Point day use mooring zone. (a) Wawaloli Beach to Maliu Point day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-06" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Maliu Point and measured by azimuth clockwise from True South; 140 degrees for a distance of ten thousand five hundred feet; 158.5 degrees for a distance of four thousand five hundred forty feet; 180 degrees for a distance of two thousand two hundred fifty feet; 151 degrees for a distance of three thousand ninety feet; 242 degrees to the high water mark of the shoreline; then along the shoreline to the point of beginning.~~

- ~~(b) The following buoys are within the mooring zone described in this section.~~
- ~~(1) Buoy "DM-15" located at a point on the water measured by azimuth clockwise from True South, 172 degrees for a distance of four thousand three hundred seventy five feet from Puhili Point.~~
- ~~(2) Buoy "DM-16" located at a point on the water measured by azimuth clockwise from True South, 170 degrees for a distance of two~~

~~thousand six hundred twenty-five feet from Puhili Point.~~

- ~~(3) Buoy "DM-17" located at a point on the water measured by azimuth clockwise from True South, 152 degrees for a distance of one thousand one hundred fifty feet from Puhili Point.~~
- ~~(4) Buoy "DM-18" located at a point on the water measured by azimuth clockwise from True South, 002 degrees for a distance of nine hundred eighty feet from Puhili Point.~~
- ~~(5) Buoy "DM-19" located at a point on the water measured by azimuth clockwise from True South, 121 degrees for a distance of one thousand six hundred feet from Wawahiwaa Point (Heiau).~~
- ~~(6) Buoy "DM-20" located at a point on the water measured by azimuth clockwise from True South, 073 degrees for a distance of seven hundred fifty feet from Wawahiwaa Point (Heiau).~~
- ~~(7) Buoy "DM-21" located at a point on the water measured by azimuth clockwise from True South, 005 degrees for a distance of seven hundred fifty feet from Wawahiwaa Point (Heiau).~~
- ~~(8) Buoy "DM-22" located at a point on the water measured by azimuth clockwise from True South, 312 degrees for a distance of one thousand four hundred fifty feet from Wawahiwaa Point (Heiau).~~
- ~~(9) Buoy "DM-23" located at a point on the water measured by azimuth clockwise from True South, 143 degrees for a distance of one thousand seven hundred feet from Kaloko Point.~~
- ~~(10) Buoy "DM-24" located at a point on the water measured by azimuth clockwise from True South, 069 degrees for a distance of one thousand one hundred twenty-five feet from Kaloko Point.] [Eff 9/16/95; R~~

] (Auth: HRS §§200-2, 200-3, 200-4,
200-10) (Imp: HRS §200-10)

~~§13-257-22 Kaiwi Point to Kukailimoku Point day use mooring zone.~~ (a) ~~Kaiwi Point to Kukailimoku Point day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-07" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the tip of Kukailimoku Point and measured by azimuth clockwise from True South; 000 degrees for a distance of nine hundred fifty feet; 117.5 degrees for a distance of seven thousand three hundred eighty feet; 099 degrees for a distance of two thousand five hundred feet; 140 degrees for a distance of three thousand eighty feet; 159 degrees for a distance of one thousand nine hundred feet; 270 degrees to the high water mark of the shoreline; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

- ~~(1) Buoy "DM-25" located at a point on the water measured by azimuth clockwise from True South, 001 degrees for a distance of seven hundred feet from Kaiwi Point.~~
- ~~(2) Buoy "DM-26" located at a point on the water measured by azimuth clockwise from True South, 351 degrees for a distance of one thousand six hundred ninety feet from Kaiwi Point.~~
- ~~(3) Buoy "DM-27" located at a point on the water measured by azimuth clockwise from True South, 115 degrees for a distance of one thousand five hundred fifty feet from Keahuolu Point.~~
- ~~(4) Buoy "DM-28" located at a point on the water measured by azimuth clockwise from True~~

- ~~South, 010 degrees for a distance of five hundred feet from Keahuolu Point.~~
- ~~(5) Buoy "DM-29" located at a point on the water measured by azimuth clockwise from True south, 288 degrees for a distance of one thousand three hundred feet from Keahuolu Point.~~
 - ~~(6) Buoy "DM-30" located at a point on the water measured by azimuth clockwise from True South, 293 degrees for a distance of three thousand three hundred eighty feet from Keahuolu Point.~~
 - ~~(7) Buoy "DM-31" located at a point on the water measured by azimuth clockwise from True south, 113 degrees for a distance of four thousand three hundred ninety feet from Kukailimoku Point.~~
 - ~~(8) Buoy "DM-32" located at a point on the water measured by azimuth clockwise from True South, 107 degrees for a distance of two thousand three hundred fifty feet from Kukailimoku Point.~~
 - ~~(9) Buoy "DM-33" located at a point on the water measured by azimuth clockwise from True South, 039 degrees for a distance of six hundred feet from Kukailimoku Point.] [Eff 9/16/95; R] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

~~[§13-257-23 **Kuamoo Bay to Paaao Bay day use mooring zone.** (a) Kuamoo Bay to Paaao Bay day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-08" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the Keauhou Coast "trig station" and measured by azimuth clockwise from True South; 090 degrees for a distance of eight hundred thirty feet; 335 degrees for a distance of eight thousand four~~

~~hundred feet; 270 degrees to the shoreline of the northwest tip of Paaaoa Bay; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

~~(1) Buoy "DM-34" located at a point on the water measured by azimuth clockwise from True South, 025 degrees for a distance of eight hundred fifteen feet from the Keauhou Coast "trig station"~~

~~(2) Buoy "DM-35" located at a point on the water measured by azimuth clockwise from True South, 087 degrees for a distance of one thousand one hundred feet from Kalanui Point.~~

~~(3) Buoy "DM-36" located at a point on the water measured by azimuth clockwise from True South, 073 degrees for a distance of seven hundred feet from Kuamoo Point.~~

~~(4) Buoy "DM-37" located at a point on the water measured by azimuth clockwise from True South, 115 degrees for a distance of one thousand seventy-five feet from Leinokano Point.] [Eff 9/16/95; R]~~

~~(Auth: HRS §§200-2, 200-3, 200-4, 200-10)~~

~~(Imp: HRS §200-10)~~

~~[§13-257-24 Paaaoa Bay to Cook Point day use mooring zone. (a) Paaaoa Bay to Cook Point day use mooring zone is encompassed by the boundaries as shown on Exhibit "DM-09" dated November 15, 1990, located at the end of this subchapter and described as follows:~~

~~Beginning at a point at the high water mark at the northwest tip of Paaaoa bay and measured by azimuth clockwise from True South; 090 degrees for a distance of one thousand seventy-five feet; 015.5 degrees for a distance of five thousand nine hundred fifty-five feet; 329 degrees for a distance of eight thousand five hundred fifty feet; 009 degrees for a distance of three~~

~~thousand three hundred feet; 335 degrees for a distance of one thousand nine hundred feet; 295 degrees for a distance of four thousand six hundred ninety feet; 213 degrees to the high water mark at Cook Point; then along the shoreline to the point of beginning.~~

~~(b) The following buoys are within the mooring zone described in this section.~~

- ~~(1) Buoy "DM-38" located at a point on the water measured by azimuth clockwise from True South, 156 degrees for a distance of nine hundred eighty feet from Paaaoa Point.~~
- ~~(2) Buoy "DM-39" located at a point on the water measured by azimuth clockwise from True South, 090 degrees for a distance of eight hundred feet from Paaaoa Point.~~
- ~~(3) Buoy "DM-40" located at a point on the water measured by azimuth clockwise from True South, 155 degrees for a distance of eight hundred feet from Kekeiwaha Point.~~
- ~~(4) Buoy "DM-41" located at a point on the water measured by azimuth clockwise from True South, 069 degrees for a distance of seven hundred fifty feet from Keikiwaha Point.~~
- ~~(5) Buoy "DM-42" located at a point on the water measured by azimuth clockwise from True South, 130 degrees for a distance of two thousand seven hundred ten feet from the Puu Ohau "trig station".~~
- ~~(6) Buoy "DM-43" located at a point on the water measured by azimuth clockwise from True South, 075 degrees for a distance of one thousand six hundred seventy five feet from the Puu Ohau "trig station".~~
- ~~(7) Buoy "DM-44" located at a point on the water measured by azimuth clockwise from True South, 000 degrees for a distance of two thousand one hundred feet from the Keauhou Coast "trig station".~~
- ~~(8) Buoy "DM-45" located at a point on the water measured by azimuth clockwise from True South, 181 degrees for a distance of two~~

~~thousand nine hundred ninety feet from
Keawekaheha Point.~~

- (9) ~~Buoy "DM-46" located at a point on the water
measured by azimuth clockwise from True
South, 168 degrees for a distance of one
thousand three hundred fifty feet from
Keawekaheha Point.] [Eff 9/16/95; R
] (Auth: HRS §§200-2, 200-3, 200-
4, 200-10) (Imp: HRS §200-10)~~

§§13-257-25 to 13-257-35 (Reserved)

SUBCHAPTER 3

~~[DAY-USE]~~ DAY-USE MOORINGS, ISLAND OF MAUI

§§13-257-36 to 13-257-50 (Reserved)

SUBCHAPTER 4

~~[DAY-USE]~~ DAY-USE MOORING AREA, MOLOKINI SHOAL MARINE
LIFE CONSERVATION DISTRICT

§13-257-51 Molokini Island Day-Use Mooring Area. The boundary of the Molokini Island Day-Use Mooring Area is contiguous with the boundary of Subzone A of the Molokini Shoal Marine Life Conservation District, as described in section 13-31-2, and as shown on ~~[Exhibit "DM-10",]~~ Exhibit A, entitled "Map of Molokini Shoal Marine Life Conservation District, Maui", dated [March 3, 1994,] June 24, 2019, located at the end of this subchapter and described as follows:

Beginning at a point at the high water mark ~~[at Pahe'e o Lono Point; then in a straight line to the end of the shoal at the northwest point of Molokini island; then in a counter-clockwise direction along the shoreline of Molokini island]~~ of Lalilali Point, then along the high water mark of the northern shoreline eastward until Pahe'e o Lono Point, then west along a straight line to the end of the submerged ridge (shoal) extending from Lalilali Point, then along the top of the shoal back to the point of beginning. [Eff 9/16/95; am and comp]
(Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-52 Commercial use restrictions. (a) No vessel shall use a ~~[day use]~~ state day-use mooring for commercial purposes unless the owner has been issued a marine life conservation district use permit by the department pursuant to section 13-31-5, as evidenced by its inclusion as an addendum to a commercial vessel use permit for the use of state boating facilities issued in accordance with section 13-231-57, or a commercial vessel registration issued in accordance with section 13-256-4 for that vessel.

(b) ~~[Mooring zone "A" is designated for use by commercial vessels carrying twelve or more passengers. Mooring zone "B" is designated for use by commercial vessels carrying less than twelve passengers.]~~ The use of any one particular mooring shall be on a first-come, first-served basis. ~~[Mooring zones "A" and "B" as shown on exhibit "DM-10" located at the end of this subchapter are generalized locations intended to reflect current mooring practices and are subject to revision, pending development of a final mooring plan prior to installation of permanent moorings.]~~

(c) ~~The department may authorize the owner of a commercial vessel not having a marine life conservation district use permit occasional or infrequent use of the day use moorings, not to exceed eight times a year, when application is made and~~

~~approved not less than seven days in advance of the date of intended use.] [Eff 9/16/95; am and comp~~
] (Auth: HRS §§200-2, 200-3, 200-4,
200-10) (Imp: HRS §200-10)

§13-257-53 Commercial ~~[day use]~~ day-use mooring [permit] fee. ~~[The commercial day use mooring permit]~~
Beginning January 1, 2024, the fee for [a] commercial use of a Molokini ~~[day use]~~ day-use mooring [shall be the greater of \$100] is \$200 per month [or two per cent of gross receipts], provided that this fee [shall be] is waived for commercial operators who are presently paying [commercial vessel user fees for the use of state boating facilities in accordance with section 13-234-5.] the ocean stewardship user fee required by section 187A-52, Hawaii Revised Statutes. [This fee shall be in addition to the commercial use permit fee required under section 13-31-5.] This fee is in addition to the commercial use permit fee required under section 13-31-5. and any commercial fees charged pursuant to chapter 13-234. [Eff 9/16/95; am and comp
] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§13-257-54 Recreational vessel use of Molokini day use moorings. ~~[Mooring zone "C" is designated for primary use by recreational vessels, and is shown on exhibit "DM-10" located at the end of this subchapter.] Recreational vessels shall have exclusive use of designated recreational state day-use moorings. All designated recreational state day-use moorings shall be indicated with a surface float. Recreational vessels may also use vacant commercial state day-use moorings [located in zones "A" and "B"] except [during the period] from [8:30 a.m. to 11:30 a.m.] 7:30 a.m. to 9:30 a.m. [Eff 9/16/95; am and comp
] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)~~

§13-257-55 Speed Restrictions. No vessel shall operate at a speed in excess of "slow-no wake" within the ~~[Subzone A, as defined in section 13-257-51 and shown on exhibit "DM-10".]~~ Molokini Island Day-Use Mooring Area. [Eff 9/16/95; am and comp] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

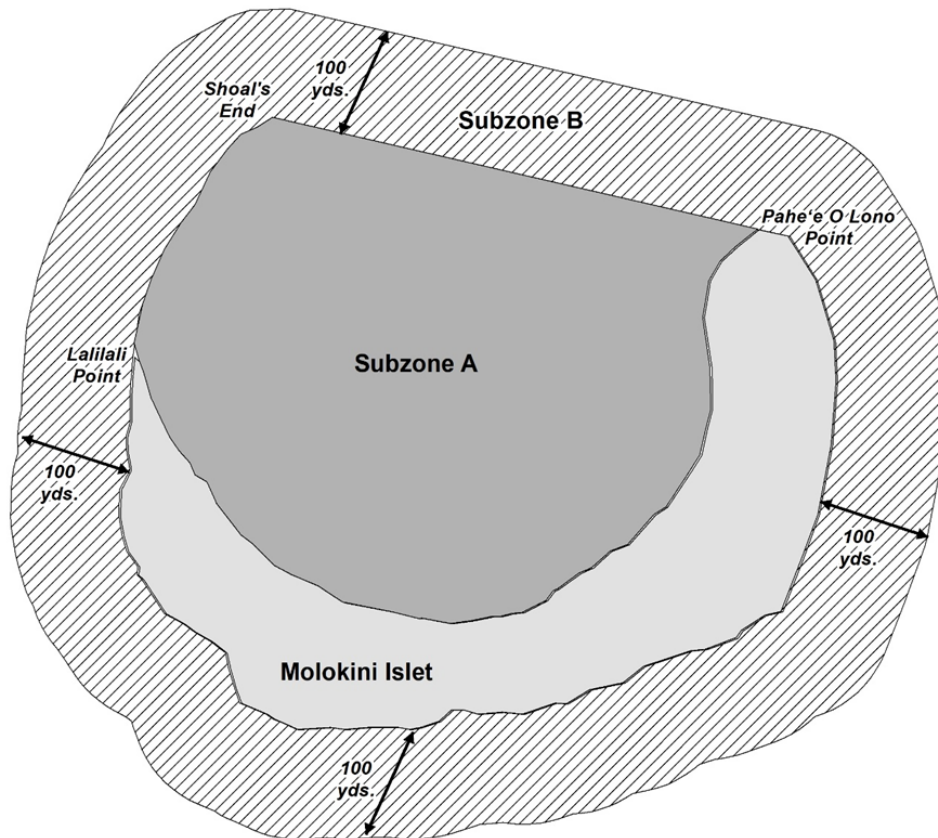
§13-257-56 Anchoring restrictions. ~~[(a)]~~ Anchoring is prohibited within the Molokini ~~[island day use mooring area, provided that anchoring is permitted within the designated area at locations of sand, rock, or rubble bottom types where no live corals exist until such time as new day use moorings are installed.~~

~~(b) Anchoring is prohibited within Subzone B of the Molokini shoal marine life conservation district.]~~ Island Day-Use Mooring Area. [Eff 9/16/95; am and comp] (Auth: HRS §§200-2, 200-3, 200-4, 200-10) (Imp: HRS §200-10)

§§13-257-57 to 13-257-60 (Reserved)

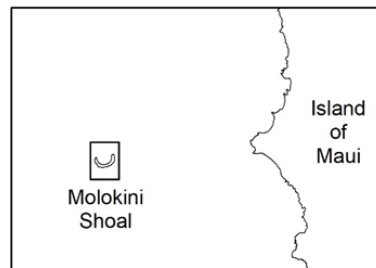
**Exhibit A. Map of Molokini Shoal
Marine Life Conservation District, Maui
June 24, 2019**

0 0.05 0.1 Miles



Legend

- Molokini Shoal
MLCD: Zone A
- Molokini Shoal
MLCD: Zone B



SUBCHAPTER 5

~~[DAY-USE]~~ DAY-USE MOORINGS, ISLAND OF ~~[LANAI]~~ LĀNA`I

§§13-257-61 to 13-257-70 (Reserved)

SUBCHAPTER 6

~~[DAY-USE]~~ DAY-USE MOORINGS, ISLAND OF ~~[MOLOKAI]~~
MOLOKA`I

§§13-257-71 to 13-257-80 (Reserved)

SUBCHAPTER 7

~~[DAY-USE]~~ DAY-USE MOORINGS, ISLAND OF ~~[OAHU]~~ O`AHU

§§13-257-81 to 13-257-90 (Reserved)

SUBCHAPTER 8

~~[DAY-USE]~~ DAY-USE MOORINGS, ISLAND OF ~~[KAUAI]~~ KAUA`I

§§13-257-91 to 13-257-120 (Reserved)"

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. The amendments to and compilation of chapter 13-257, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

DAWN N. S. CHANG
Chairperson,
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:



Deputy Attorney General