

State of Hawaii Department of Land & Natural Resources Division of Boating & Ocean Recreation	APPLICATION TO RETAIN REGULAR MOORING PERMIT AND OTHER USE PERMITS DURING TEMPORARY ABSENCE
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I (name) \_\_\_\_\_ moor my vessel at Berth No. \_\_\_\_\_

At (name of harbor) \_\_\_\_\_. My Vessel (name) \_\_\_\_\_

With registration/document number \_\_\_\_\_, will be temporarily removed from the berth

During the period from \_\_\_\_\_ to \_\_\_\_\_.

During this period, the vessel will be    on a cruise    undergoing repairs    other (explain)

\_\_\_\_\_. I wish to return the vessel to the aforementioned

berth after this temporary absence, and reserve the following listed use permits:

\_\_\_\_\_.

I understand that in order to retain this privilege of returning to the berth I must:

- (1) (a) Continue to pay the prescribed fees and charges for the berth and any other Use Permits during the vessel's absence of 30 days or less; and
  - (b) Continue to pay the prescribed fees and charges for the berth, and for any facilities or services actually utilized during the vessel's absence in excess of 30 days; and
- (2) Return the vessel to the berth not later than thirty (30) days after the return date indicated in this application; and
- (3) Comply with the Small Boat Harbor Rules, Department of Land and Natural Resources State of Hawaii.

I also understand that the approval of this application shall not be construed as a waiver of the right of the Department of Land and Natural Resources State of Hawaii.

- (1) Revoke this or any Use Permit for failure to comply with the Small Boat Harbors Rules, Department of Land and Natural Resources, State of Hawaii; or
- (2) Reassign my vessel upon return to another berth if the aforementioned berth is unusable, eliminated or in need of repairs; or
- (3) Permit another vessel to temporarily occupy the aforementioned berth.

I have been informed that if I do not return my vessel to the berth on or before the expiration date shown below the privilege of returning my vessel to the berth, and all related Use Permits will automatically expire unless I have applied to the Department prior to the expiration date for an extension and the extension is approved by the Department.

**PERMITTEE**

**STATE OF HAWAII  
APPROVED:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Effective date

Expiration date  
(30 days after estimated date of return)

Note: Pertinent information is included on the reverse side of this form.

***The following pertinent portion of the Small Boat Harbor Rules, Department of Land and Natural Resources, State of Hawaii, is included for information:***

§13-231-11 Absence of vessel for more than fourteen days; effect on permits. (a) A regular mooring permit and related use permits issued to a vessel shall automatically expire if the vessel is absent from its assigned berth or mooring for more than fourteen days, unless the holder of the permit or permits submits an application prior to departure on a form furnished by the department enumerating the permits the holder wishes to reserve during the holder's absence. If this is done, the application may be approved, by the department, subject to subsection (b) and the regular permittee reserves for the estimated period of absence noted in the permittee's application which shall not exceed one year, the privilege of returning the vessel to its assigned berth or mooring and also retains, for the estimated period of absence noted in the holder's application which shall not exceed one year, any other related use permit designated in the holder's application; provided that the regular permittee §13-231-11

continues, during the absence from the assigned berth or mooring, to pay the fees and charges payable to the department in the amounts prescribed in section 13-234-6. The application shall contain information as to the duration of the absence of the regular permittee's vessel from the berth or mooring. If the assigned vessel does not return within thirty days after the time of return indicated in the approved application for the retention of the regular mooring permit and related use permits, or within one year, whichever is less, all use permits shall automatically expire unless the regular permittee applies to the department prior to the expiration date indicated on the approved application for an extension and the extension is approved by the department. No application to extend the period of retention of a permit to use the assigned berth or mooring and any other related use permits upon return shall be approved by the department if the absence of the permittee's vessel from the assigned berth or mooring would exceed one year unless the regular permittee presents conclusive evidence to the department that due to requirements of the United States Coast Guard, a boating accident, casualty, hull or equipment failure, weather, sea or related environmental conditions involving the permittee's vessel or similar unforeseen occurrences, the granting of additional time is reasonable and essential to prevent undue hardship. No extension in any case shall authorize the permittee to retain a permit to use the assigned berth or mooring or any other related use permits upon return if the period of absence of the permittee's vessel from its assigned berth or mooring would exceed fifteen months.

(b) Nothing contained in this section shall be construed as a waiver of the right of the department to:

(1) Deny the application to retain the berth or mooring;

(2) Deny the reissuance of or to revoke any use permit for failure to comply with any section of these rules; or §13-231-12

(3) Reassign a vessel to another berth or mooring in order to provide for more efficient use of facilities in the reasonable discretion of the department or when a berth or mooring is unusable, eliminated, or in need of repairs.

(c) A temporary mooring permit and related use permits issued for a vessel shall automatically expire if the vessel is absent from its assigned berth or mooring for more than fourteen days.

(d) The department recognizes that a vessel operator may depart on a voyage with the intent of returning to the small boat harbor or assigned mooring within fourteen days or less but may be unable to return as planned due to wind, sea, or related environmental conditions, delays in completing repairs or refurbishing, or other unforeseen occurrences. Therefore, under these circumstances, the holder of the regular mooring permit may initially apply to the department by letter, telephone, or any other means of communication and be permitted to retain the mooring permit and any other related use permits upon return of the vessel to the assigned berth or mooring, provided that the initial application is received not later than the fourteenth day following departure from the assigned berth or mooring and confirmed in writing by the permittee within ten days of the date of initial application. [Eff 2/24/94; am and comp 9/25/14] (Auth: HRS §§200-2, 200-3, 200-4, 200-9, 200-10) (Imp: HRS §§200-2, 200-3, 200-4, 200-9, 200-10)

§13-231-12 Discontinuance of services. When necessary and proper to do so, the department may, after reasonable notice, discontinue any service or withdraw the use of any utility, property, or facility at a small boat harbor as may be reasonable under the circumstances. [Eff 2/24/94; comp 9/25/14] (Auth: HRS §§200-2, 200-4, 200-10) (Imp: HRS §§200-2, 200-4, 200-10)