

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART 1

SMALL BOAT FACILITIES AND PROVISIONS GENERALLY
APPLICABLE TO ALL STATE NAVIGABLE WATERS

CHAPTER 235

OFFSHORE MOORING RULES AND AREAS

Historical note

Subchapter 1 General Provisions

- §13-235-1 Purpose and scope
- §13-235-2 Interpretation
- §13-235-3 Mooring permit required
- §13-235-4 Fees
- §13-235-5 Owners required to report change in ownership, address and other changes
- §13-235-6 Mooring application denied on basis of adverse environmental impact on State's marine life
- §13-235-7 Revocation
- §13-235-8 Mooring hardware; maintenance and inspection
- §13-235-9 Restrictions on anchoring or mooring outside of a designated offshore mooring area
- §13-235-10 Removal of a vessel or contrivance
- §13-235-11 Multiple mooring or rafting
- §13-235-12 Exchange of moorings

§13-235-13 Fresh water
§13-235-14 Sanitation
§13-235-15 Mooring of rafts and platforms
§13-235-16 Tenders and dinghies
§13-235-17 Inspections
§13-235-18 Safety and enforcement
§13-235-19 Standards
§§13-235-20 to 13-235-30 (Reserved)

Subchapter 2 Offshore Mooring Areas

§13-235-31 Ke'ehi Lagoon mooring area
§13-235-32 Ke'ehi Lagoon anchorage area
§13-235-33 Kapua Channel mooring area
§13-235-34 Maunalua Bay mooring area
§13-235-35 Kaneohe Bay designated mooring areas "A",
"B", "C" and "D"
§§13-235-36 to 13-235-50 (Reserved)

Subchapter 3 Offshore Mooring Areas for Maui

§13-235-63 Kaunakakai Harbor mooring zone
§13-235-64 Kaumalapau Harbor mooring zone
§13-235-65 Kaanapali mooring zones "A", "B", "C" &
"D"
§13-235-66 Mala Wharf mooring zone
§13-235-67 Lahaina mooring zones "A" & "B"
§13-235-68 Kihei mooring zone
§13-235-69 Lilioholo mooring zone
§13-235-70 Makena Bay mooring zone
§13-235-71 Hana Bay mooring zone

Historical note. These rules are based on Offshore Mooring Rules and Areas, effective February 2, 1992, under the jurisdiction of the Department of Transportation, Harbors Division. These rules were transferred from the jurisdiction of the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-235-1 Purpose and scope. (a) The purposes of this chapter are:

- (1) To designate offshore mooring areas;
- (2) To establish procedures for the licensing and registration of vessels, houseboats, and other contrivances, and the issuance of permits for offshore anchoring and mooring of vessels, houseboats and other contrivances;
- (3) To establish guidelines for living or staying aboard vessels, houseboats or other contrivances while they are anchored or moored within the ocean waters or navigable streams of the State; and
- (4) Any other matter relating to the health, safety and welfare of the general public.
[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-2 Interpretation. (a) If any section of these rules is inconsistent with any federal or state law or any rule or standard established pursuant thereto, the federal or state law, rule or standard shall govern. Nothing contained in these rules shall be construed to limit the powers of any department or agency of the State.

(b) These rules shall be construed liberally and consistent with the purposes stated in section 13-235-1. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-3 Mooring permit required. (a) No person shall anchor or moor a vessel on the ocean waters or navigable streams of the State surrounding the island of Oahu without a permit issued by the

department. This section shall not apply to recreational or fishing vessels temporarily anchored for a period of less than seventy-two hours, or as otherwise provided in this chapter.

(b) No person shall anchor or moor a houseboat, or live aboard any vessel or use any vessel as a principal place of habitation except as provided in section 13-235-31 for Ke'ehi Lagoon, provided that staying aboard or use of a vessel as a vacation site may be permitted in accordance with the provisions set forth in sections 13-231-22, 13-231-28, and 13-231-29. This section shall not apply to a caretaker or watchman retained on board commercial vessels.

(c) An owner of a vessel desiring to moor or anchor on the ocean waters or navigable streams of the State shall apply for an offshore mooring permit from the department. Assignment of a location to moor or anchor shall be in accordance with procedures set forth in chapter 13-231.

(d) No permit issued for mooring or anchoring shall be valid for a period exceeding one year from the date of issuance.

(e) No new permit shall be issued unless the conditions of the original permit have been met, all federal and state laws have been complied with, and all fees and charges due the State have been paid.
[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6)
(Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-4 Fees. The fees for anchoring or mooring on the ocean waters and navigable streams of the State shall be as prescribed in section 13-234-4.
[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6)
(Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-5 Owners required to report change in ownership, address and other changes. (a) It shall be the responsibility of an offshore mooring permittee to notify the department in writing within seven days if:

- (1) The owner no longer has possession of the vessel, houseboat or contrivance;
 - (2) All or any interest in the vessel, houseboat, or contrivance is transferred to or assigned to another person or business entity; or
 - (3) The owner's address or telephone number changes.
- (b) Failure to comply this section will result in automatic termination of the offshore mooring permit. [Eff 2/24/94; am 12/31/18] (Auth: HRS §§200-1, 200-2, 200-3, 200-4, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-6 Mooring application denied on basis of adverse environmental impact on State's marine life.

An application for mooring or anchoring at a location which is found to be detrimental to the habitat or spawning ground of marine life by the National Marine Fisheries Service or the department of land and natural resources shall be denied. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-7 Revocation. (a) The department may immediately revoke an offshore mooring permit without the necessity for a hearing for any activity which does or may endanger health or safety of the public.

(b) The department may revoke any offshore mooring permit issued pursuant to this chapter for violation of any state or federal law or rules of the department if, after seventy-two hours written notice of the violation by the department, the permittee fails to cure the violation or provide satisfactory evidence of compliance to the department. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-8 Mooring hardware, maintenance and inspection. (a) A vessel owner shall be responsible for maintaining the vessel's mooring hardware except where mooring buoys are installed and maintained by the State.

(b) A vessel owner shall inspect the mooring hardware for safety and security no less than semi-annually and provide notice to the department of the date of the inspection.

(c) The department may conduct inspections of the mooring hardware for compliance with the rules.

(d) No person shall remove, alter or replace any mooring hardware installed by the State without prior written permission of the department.

(e) The vessel owner is responsible for installing and maintaining chafing gear on all mooring lines. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-9 Restrictions on anchoring or mooring outside of a designated offshore mooring area. (a) No person shall anchor a vessel in an Ocean Recreation Management Area (ORMA) or a non-designated area for a cumulative period of time exceeding seventy-two hours within any fourteen day period subject to the following restrictions:

- (1) Calculation of the seventy-two hour time limit shall not restart if a vessel is relocated or temporarily moved and then later returned to the same site or location or in close proximity thereto.
- (2) The department or the department's authorized representative may authorize an extension of the seventy-two hour time limit if, under the particular circumstances, an extension of time is reasonable and warranted.

(b) No person shall anchor or moor a houseboat on the ocean waters or navigable streams of the State outside of a designated mooring area.

(c) No person shall live aboard any vessel or use any vessel as a principal place of habitation on the ocean waters or navigable streams of the State outside of a designated mooring area, provided that staying aboard or use of a vessel as a vacation site may be permitted in accordance with provisions set forth in sections 13-231-22, 13-231-28, and 13-231-29.

(d) The owner of a vessel desiring to moor a vessel outside a designated mooring area may be issued a permit by the department, subject to compliance with all other provisions of this chapter, provided that:

- (1) There is no designated mooring area within a reasonable distance of the desired location specified in the permit application;
- (2) A permit for installation of a mooring at that location is approved by the board of land and natural resources; and
- (3) In the case of commercial vessels, a permit is also approved for installation of the mooring by the U. S. Army Corps of Engineers.

(e) Transient or visiting vessels may be issued a temporary permit to anchor outside of a designated mooring area for a period not to exceed ninety days. [Eff 2/24/94; am 12/31/18] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-10 Removal of a vessel or contrivance.

(a) The department may remove a vessel or contrivance from its moored or anchored location in accordance with section 13-231-10, Hawaii Administrative Rules and chapter 200, Hawaii Revised Statutes respectively.

(b) Any administrative hearing shall follow the procedures as set forth in sections 13-231-31 and 13-231-32. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-11 Multiple mooring or rafting. No more than one vessel shall be moored to a single mooring buoy or anchor within a designated offshore mooring

area, except for tenders, dinghies and work rafts.
[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6)
(Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-12 Exchange of moorings. The exchange of moorings may be permitted in accordance with section 13-231-25, upon prior approval by the department. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-13 Fresh water. Use of fresh water by a vessel moored or anchored on the ocean waters or navigable streams of the State is included in the mooring fee required by section 13-235-4. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-14 Sanitation. No person shall anchor, moor or stay aboard a vessel except those equipped with an approved marine sanitation device in proper working condition, or those vessels exempt from marine sanitation device requirements in accordance with U. S. Coast Guard regulations. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-15 Mooring of rafts and platforms. No raft or platform shall be located in a designated offshore mooring, anchorage, navigable stream or small boat harbor without a valid permit issued by the department. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-16 Tenders and dinghies. (a) Tenders and dinghies, if not issued a certificate of number, shall be identified with the name of the host vessel.

(b) A tender or dinghy shall be either tied alongside or tethered not more than one and one-half times its length from any part of the host vessel. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-17 Inspections. Any vessel anchored or moored in or on the ocean waters and navigable streams of the State shall be subject to inspection by the department or any law enforcement officer of the State or its political subdivisions at any time when necessary and proper for the purpose of ensuring compliance with federal or state laws or these rules. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-18 Safety and enforcement. The restrictions cited in this chapter shall not apply in the event of an emergency to law enforcement or rescue craft, or to vessels participating under a valid ocean waters event permit issued by the department or the U.S. Coast Guard. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-19 Standards. All vessels anchored or moored on the ocean waters and navigable streams of the State shall be maintained in a reasonable condition of cleanliness and repair so as not to constitute a hazard to navigation, a common nuisance, or a danger to public health. Any articles or materials stacked or placed on deck of any unattended vessel shall be secured to avoid the possibility of their loss overboard. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§§13-235-20 to 13-235-30 (Reserved)

SUBCHAPTER 2

OFFSHORE MOORING AREAS

§13-235-31 Ke'ehi Lagoon mooring area. (a) The Ke'ehi Lagoon mooring area means the area confined by the boundaries shown for that mooring area on Exhibit "C", dated, July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 185 degrees for a distance of one hundred five feet from the Kalihi Channel Entrance rear range Light; then 154 degrees for a distance of three thousand three hundred ninety-four feet; 250 degrees for a distance of eight hundred three feet; 334 degrees for a distance of three thousand five hundred four feet; 021 degrees for a distance of six hundred feet; 080 degrees for a distance of five hundred thirty feet; then on a straight line to the point of beginning.

(b) The mooring permit shall contain a statement, signed by the owner, certifying that the owner has been informed that the Ke'ehi Lagoon mooring area lies within the airport traffic area of the Honolulu International Airport, and shall include a covenant to hold harmless the U. S. Government and the State of Hawaii from any liability or inconvenience that may arise from overflight by aircraft.

(c) No person shall anchor or moor a vessel or houseboat within Ke'ehi Lagoon except at a location and in accordance with a mooring permit issued by the department under the provisions of sections 13-231-2 and 13-231-17.

(d) No person shall operate, anchor, or moor a vessel, contrivance, or other object in Ke'ehi Lagoon where any part of the vessel, contrivance or other object exceeds or projects beyond a height above the elevations in the height restrictions of structures and improvements as shown on Exhibit "B" dated August 31, 1990, located at the end of this chapter.

(e) No person shall install, maintain or permit the installation or maintenance of any lights or electromagnetic devices on a vessel, contrivance or other object which may interfere with aircraft operating to or from Honolulu International Airport or which may adversely affect the safe and efficient use of Honolulu International Airport.

(f) No person shall sink, or allow to be sunk, any vessel, contrivance or other other object in Ke'ehi Lagoon. If a vessel, contrivance or other object is operated or moored so as to be in danger of wreckage, damaging other property, or sinking, it shall be declared derelict in accordance with chapter 200, HRS, and section 13-231-19 shall apply.

(g) No person shall abandon any vessel, contrivance or other object in Ke'ehi Lagoon. Abandoned vessels shall be disposed of pursuant to provisions of chapter 200, HRS. Abandoned contrivances or other objects shall be disposed of in accordance with applicable laws and rules.

(h) No person shall anchor or moor a houseboat within Ke'ehi Lagoon, except that a person who owns and is residing aboard a houseboat located within Ke'ehi Lagoon mooring area on February 3, 1992 and who first obtained a permit by May 1, 1992, may apply for and be issued a permit to moor the houseboat at a location designated by the department, subject to the following conditions:

- (1) Any structure extending above the main deck shall conform to minimum safety standards used in the marine construction industry; and
- (2) The houseboat must be equipped with a U. S. Coast Guard approved type III marine sanitation device, which has the overboard discharge closed and sealed. Compliance with condition (1) shall be accomplished within one hundred twenty days from February 3, 1992, provided that the department may extend the time period for compliance upon acceptance of a plan presented by the owner to accomplish any necessary modifications

within a reasonable period of time. Compliance with condition (2) shall be accomplished within thirty days of the date that a sewage pump-out facility is installed and available for use at Ke'ehi small boat harbor. No new applications to anchor or moor a houseboat within Ke'ehi Lagoon shall be accepted after February 3, 1992.

(i) No person shall live aboard or use any vessel or houseboat as a place of principal habitation within Ke'ehi Lagoon, except that a person who owns and is residing aboard a vessel or houseboat located within Ke'ehi Lagoon on February 3, 1992 and who first obtained a permit by May 1, 1992, may apply for and be issued a principal habitation permit, subject to the following conditions:

(1) The vessel is equipped with a U. S. Coast Guard approved marine sanitation device, (MSD) or in the case of a houseboat, the requirements of subsection (h) are met. No overboard discharge of untreated sewage from the MSD is permitted. The overboard discharge valve shall be closed and sealed while anchored or moored within the Ke'ehi Lagoon designated mooring area, subject to the availability of an operational sewage pump-out facility.

(2) No person shall reside aboard a vessel for which a principal habitation permit is issued except for the owner, co-owner, immediate family members and legal dependents or other person residing on the vessel (except those paying rent) on February 3, 1992.

(k) No persons shall stay aboard a transient or visiting vessel anchored or moored in Ke'ehi Lagoon without first obtaining a stay aboard permit. A stay aboard permit may be issued to the owner, master, crew or passengers of a transient or visiting vessel for a period or periods not to exceed a total of one hundred twenty days in a calendar year.

(1) All vessels moored within the Ke'ehi Lagoon mooring area shall be equipped with fire extinguishing equipment in accordance with section 13-232-23.

(m) Mooring categories within the Ke'ehi Lagoon mooring area are single point moorings for vessel lengths as follows:

- (1) Category A Vessels less than 30 feet in length overall;
- (2) Category B Vessels 31 to 40 feet in length overall, single point mooring;
- (3) Category C Vessels 41 to 50 feet in length overall, single point mooring;
- (4) Category D Vessels 51 to 60 feet in length overall, single point mooring;
- (5) Category E Vessels 61 to 65 feet in length overall, single point mooring.

[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-32 Ke'ehi Lagoon anchorage area. (a)

The Ke'ehi Lagoon anchorage area means the area confined by the boundaries shown for said mooring area on revised Exhibit "D", dated January 14, 1994, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water located by azimuths measured clockwise from True South, 059 degrees for a distance of three hundred yards from the Kalihi Channel rear range light (USCGLL#29250), then 155 degrees for a distance of nine hundred yards to a point intersecting the minus five bathymetric line; then counterclockwise on a line following the minus five foot bathymetric line to the point of beginning.

(b) The Ke'ehi Lagoon anchorage area is designated for the anchoring of vessels not in excess of sixty-five feet in length and not exceeding seven

feet in draft. The vessel owner shall assume the responsibility of anchoring at a location within this area which is suitable for the draft of the vessel. Vessels eligible to anchor in this area shall be limited to transient vessels temporarily visiting the State while enroute to another destination, a vessel assigned a berth elsewhere in the State and temporarily visiting the area, or a vessel on the waiting list for a regular mooring permit for a mooring within the Ke'ehi Lagoon offshore mooring area, houseboats authorized by section 13-235-31(h), and those vessels that the department determines cannot safely be assigned a Ke'ehi Lagoon offshore mooring. A regular mooring permit for this area shall automatically terminate upon the offer of a Ke'ehi Lagoon offshore mooring or upon the offer of a slip in the Ke'ehi Small Boat Harbor. A permit for anchoring within this area is required in accordance with section 13-235-31. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-33 Kapua Channel mooring area. (a) The Kapua Channel mooring area means the area designated and shown on Exhibit "E", dated July 15, 1990, which is located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark of the tip of the rock groin fronting the Northwest boundary of the Colony Surf Hotel by azimuths measured clockwise from true South 040 degrees for a distance of one hundred twenty feet; 328 degrees for a distance of four hundred fifty feet; 48 degrees 21 minutes for a distance of one hundred fifty-one feet; 146 degrees 49 minutes for a distance of five hundred eighteen feet; 252 degrees 34 minutes for a distance of one hundred sixty-eight feet to the point of beginning.

(b) Kapua Channel mooring area is limited to recreational sail and manually-propelled watercraft

less than twenty-two feet in length, to include Hawaiian canoes not to exceed forty-eight feet in length. Motorized vessels are prohibited except for one rescue and safety vessel owned and operated by the Outrigger Canoe Club. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-34 Maunalua Bay mooring area. (a) The Maunalua Bay Mooring Area means the area confined by the boundaries shown for said mooring area on Exhibit "F", dated, July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 188 degrees for a distance of four hundred thirty-five feet from a point located at the Southwest tip of the West bridge pilings of the Hawaii Kai Bridge at the entrance to Kuapa Pond; then 353 degrees for a distance of six hundred seventy-seven feet; 083 degrees for a distance of two hundred ninety-four feet; 172 degrees for a distance of seven hundred twelve feet; then on a straight line to the point of beginning.

(b) No permanent moorings shall be permitted in the Maunalua Bay designated mooring area.

(c) No more than ten temporary mooring permits shall be in effect at any time.

(d) No mooring permit shall be issued for a period in excess of thirty days.

(e) Access to the mooring area is permitted only from Hawaii Kai Marina or the Maunalua Bay launching ramp except for an owner of private beachfront property whose vessel may be moored in the area. [Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6) (Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§13-235-35 Kaneohe Bay designated mooring areas "A", "B", "C" and "D". (a) The Kaneohe Bay designated mooring areas "A", "B", "C" and "D" means the areas confined by the boundaries shown for said mooring

areas on Exhibits "G" and "H", dated, October 28, 1991, located at the end of this subchapter. The boundaries are as follows:

- (1) Kaneohe Bay designated mooring area "A".

Beginning at a point on the water measured by azimuth clockwise from True South, 206 degrees for a distance of one thousand seven hundred fifty-five feet from the northern tip of the Heeia Kea Small Boat Harbor Pier; then 180 degrees for a distance of eight hundred twenty-five feet; 090 degrees to the coral head, then along the thirty-foot depth line in a south westerly direction around the coral head; then a direct line to the reef following along the thirty-foot depth line along the reef to a point on the reef 150 degrees for a distance of two hundred ten feet from daybeacon R"2" of the Heeia Kea Small Boat Harbor channel; then on a straight line to the point of beginning.

- (2) Kaneohe Bay designated mooring area "B".

Beginning at a point on the water measured by azimuth clockwise from True South, 267 degrees for a distance of one thousand five hundred feet from the northern tip of the Heeia Kea Small Boat Harbor Pier; then 270 degrees for a distance of nine hundred feet; 360 degrees for a distance of one thousand five hundred seventy-five feet; 090 degrees for a distance of nine hundred feet; then on a straight line to the point of beginning.

- (3) Kaneohe Bay designated mooring area "C"

Beginning at a point at the "marker" measured by azimuth clockwise from True South, 078 degrees for a distance of one thousand four hundred seventy feet from the northwestern end of the Kaneohe Yacht Club Pier; then 040 degrees to a "marker" at the five-foot depth line on the reef; then following the five-foot depth line in a

southeasterly direction around to the point of beginning.

- (4) Kaneohe Bay designated mooring area "D"

Beginning at a point on the water measured by azimuth clockwise from True South, 145 degrees for a distance of three hundred seventy feet from the northwestern end of the Kaneohe Yacht Club Pier; then 174 degrees to a "marker" at the five-foot depth line on the reef; then following the five-foot depth line in a southwesterly direction around to the point of beginning.

(b) All vessels within Kaneohe Bay ocean waters shall be moored or anchored within a designated mooring area, except:

- (1) Vessels moored in accordance with a permit approved by the board of land and natural resources and a U. S. Army Corps of Engineers permit as provided in section 13-235-9;
- (2) Vessels moored in privately-dredged channels fronting private residences on February 3, 1992;
- (3) Skiff and other small craft moored on fringing reefs or mud flats; and
- (4) Vessels temporarily anchored for less than seventy-two hours in the immediate vicinity of Ahu o Laka Island (the "sand bar").

(c) Compliance is required within sixty days of receipt of written notice to the owner of a vessel to relocate to a designated mooring area.

(d) No person shall navigate, moor or anchor a commercial vessel providing service on a fee basis in a designated mooring area unless the vessel has been registered and the owner has a valid commercial use permit issued by the department to operate from Heeia Kea Small Boat Harbor, or is operating from a private boating facility or location for which an ingress or egress corridor has been established by the department.

(e) No permanent mooring shall be installed within the designated mooring area except by permit issued by the department.

(f) No application for mooring for areas "C" and "D" shall be accepted unless the applicant can demonstrate acceptable public or private access to the shoreline, including adequate parking provisions.

[Eff 2/24/94] (Auth: HRS §§200-1, 200-2, 200-3, 200-6)

(Imp: HRS §§200-1, 200-2, 200-3, 200-6)

§§13-235-36 to 13-235-50 (Reserved)

SUBCHAPTER 3

OFFSHORE MOORING AREAS FOR MAUI

§13-235-63 Kaunakakai Harbor mooring zone. The Kaunakakai Harbor mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "G", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water measured by azimuth clockwise from True South 162 degrees for a distance of two hundred seventy feet from the northwest corner of Kaunakakai Pier; then 108 degrees for a distance of four hundred fifty feet; 227 degrees for a distance of four hundred fifty feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-64 Kaumalapau Harbor mooring zone. The Kaumalapau Harbor mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "H", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South 346 degrees for a distance of six hundred forty-five feet from Kaumalapau Harbor Light; then 215 degrees for a distance of six hundred feet; 305 degrees for a distance of two hundred fifty-five feet; 035 degrees for a distance of three hundred ninety-five feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-65 Kaanapali mooring zones "A", "B", "C" & "D". (a) The Kaanapali mooring zones "A", "B", "C" and "D" means the areas confined by the boundaries shown for said mooring zones on Exhibit "I", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

- (1) Kaanapali mooring zone "A".

Beginning at a point on the water measured by azimuth clockwise from True South 210 degrees for a distance of one thousand five hundred feet from Kekaa Pt.; then 113 degrees for distance of three hundred feet; 203 degrees for a distance of six hundred feet; 293 degrees for a distance of three hundred feet; then on a straight line to the point of beginning.

- (2) Kaanapali mooring zone "B".

Beginning at a point on the water measured by azimuth clockwise from True South 001 degrees for a distance of one thousand eight hundred feet from Kekaa Pt.; then 090 degrees for a distance of three hundred feet; 360 degrees for a distance of six hundred feet; 270 degrees for a distance of three hundred feet; then on a straight to the point of beginning.

- (3) Kaanapali mooring zone "C".

Beginning at a point on the water measured by azimuth clockwise from True South, 010 degrees for a distance of two thousand six hundred seventy feet from Kekaa Pt.; then 090 degrees for s distance of three hundred feet; 360 degrees for a distance of six hundred feet; 270 degrees for a distance of three hundred feet; then on a straight line to the point of beginning.

- (4) Kaanapali mooring zone "D".

Beginning at a point on the water measured by azimuth clockwise from True South, 336 degrees for a distance of two thousand six hundred forty feet from

Hanakao Pt.; then 043 degrees for a distance of three hundred feet; 133 degrees for a distance of one thousand five hundred feet; 223 degrees for a distance of three hundred feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-66 Mala Wharf mooring zone. The Mala Wharf mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "J", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 290 degrees for a distance of six hundred seventy-five feet from the northwest end of Mala Wharf; then 185 degrees for a distance of one thousand ninety-five feet; 169 degrees for a distance of nine hundred seventy-five feet; 192 degrees for a distance of five hundred twenty-five feet; 088 degrees for a distance of one thousand thirty-five feet; 353 degrees for a distance of one thousand two hundred forty-five feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-67 Lahaina mooring zones "A" & "B". (a) The Lahaina mooring zones "A" and "B" means the areas confined by the boundaries shown for said mooring zones on Exhibit "K", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

(1) Lahaina mooring zone "A".

Beginning at a point on the water measured by azimuth clockwise from True

South, 065 degrees for a distance of seven hundred twenty feet from the western tip of Lahaina Breakwater; then 141 degrees for a distance of two thousand four hundred thirty feet; 122 degrees for a distance of one thousand two hundred seventy-five feet; 030 degrees for a distance of one thousand five hundred thirty feet; 304 degrees for a distance of seven hundred eighty feet; 321 degrees for a distance of two thousand five hundred ninety-five feet; then on a straight line to the point of beginning.

(2) Lahaina mooring zone "B".

Beginning at a point on the water mark measured by azimuth clockwise from True South, 034 degrees for a distance of nine hundred thirty feet from the western tip of Lahaina Harbor Breakwater; then 328 degrees for a distance of five thousand sixty feet; 048 degrees for a distance of one thousand three hundred fifty feet; 148 degrees for a distance of five thousand seven hundred feet; then on a straight line to the point of beginning. [Eff 6/16/03 (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)]

§13-235-68 Kihei mooring zone. The Kihei mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "L", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 103 degrees for a distance of six hundred feet from the southwestern tip of the Kihei Pier ruins; then 125 degrees for a distance of nine hundred feet; 038 degrees for a distance of four hundred fifty feet; 305 degrees for a distance of nine hundred feet; then on a straight line to the point of

beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-69 Liilioholo mooring zone. The Liilioholo mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "M", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 065 degrees for a distance of two thousand five hundred fifty feet from the low water mark at Liilioholo Point; then 090 degrees for a distance of one thousand eight hundred feet; 180 degrees for a distance of three thousand feet; 270 degrees for a distance of one thousand eight hundred feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-70 Makena Bay mooring zone. The Makena Bay mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "N", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South, 016 degrees for a distance of one thousand eight hundred feet from the low water mark on the southwest tip of Nahuna Point, then 115 degrees for a distance of six hundred seventy-five feet; 025 degrees for a distance of one thousand five hundred feet; 295 degrees for a distance of six hundred seventy-five feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)

§13-235-71 Hana Bay mooring zone. The Hana Bay mooring zone means the area confined by the boundaries shown for said mooring zone on Exhibit "O", dated July 15, 1990, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the water measured by azimuth clockwise from True South 088 degrees for a distance of one hundred sixty-five feet from the southwest corner of Hana Pier; then 143 degrees for a distance of one hundred sixty-five feet; 233 degrees for a distance of three hundred feet; 323 degrees for a distance of one hundred sixty-five feet; then on a straight line to the point of beginning. [Eff 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-6, 200-22, 200-24)