

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment and Compilation of Chapter 13-257
Hawaii Administrative Rules

December 15, 2023

SUMMARY

1. §§13-257-1 to 13-257-5 are amended.
2. §§13-257-6 to 13-257-8 are adopted.
3. §§13-257-16 to 13-257-24 are repealed.
4. §§13-257-51 to 13-257-56 are amended.
5. Chapter 13-257 is compiled.

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

- §13-257-1 Purpose and scope
- §13-257-2 Day-use mooring permit
- §13-257-3 Day-use mooring buoy limitations
- §13-257-4 Anchoring restrictions
- §13-257-5 Day-use mooring installation
- §13-257-6 Day-use mooring locations
- §13-257-7 Liability
- §13-257-8 Safety and enforcement
- §§13-257-9 to 13-257-15 (Reserved)

Subchapter 2 Day-Use Moorings, Island of Hawai'i

- §§13-257-16 to 13-257-24 Repealed
- §§13-257-25 to 13-257-35 (Reserved)

Subchapter 3 Day-Use Moorings, Island of Maui

- §§13-257-36 to 13-257-50 (Reserved)

§13-257-1

Subchapter 4 Day-Use Mooring Area, Molokini Shoal
Marine Life Conservation District

- §13-257-51 Molokini day-use mooring area
- §13-257-52 Commercial-use restrictions
- §13-257-53 Commercial day-use mooring permit fee
- §13-257-54 Recreational vessel use of Molokini day-use moorings
- §13-257-55 Speed Restrictions
- §13-257-56 Anchoring restrictions
- §§13-257-57 to 13-257-60 (Reserved)

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

§§13-257-61 to 13-257-70 (Reserved)

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

§§13-257-81 to 13-257-90 (Reserved)

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

§13-257-3 State day-use mooring buoy limitations. (a) A vessel using a state day-use mooring buoy shall not exceed two and one half hours of use, except as provided by section 13-37-3 for the Old Kona Airport Marine Life Conservation District, Hawai'i.

(b) Overnight mooring is 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. 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 that anchoring is prohibited within one hundred yards of any 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 mooring buoy installation.

(a) Design guidelines for 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 and comp
] (Auth: HRS §§200-2, 200-3, 200-4,
200-10) (Imp: HRS §200-10)

§13-257-7 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 and comp
] (Auth: HRS §§200-2, 200-3, 200-4,
200-10) (Imp: HRS §200-10)

§13-257-8 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 United States Coast Guard. [Eff and comp
] (Auth: HRS §§200-2, 200-3,
200-4, 200-10) (Imp: HRS §§200-2, 200-3,
200-10)

§§13-257-9 to 13-257-15 (Reserved).

SUBCHAPTER 2

DAY-USE MOORINGS, ISLAND OF HAWAI'I

§13-257-51

§§13-257-16 to 13-257-24 Repealed. [R
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§§13-257-25 to 13-257-35 (Reserved).

SUBCHAPTER 3

DAY-USE MOORINGS, ISLAND OF MAUI

§§13-257-36 to 13-257-50 (Reserved).

SUBCHAPTER 4

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 A, entitled "Map of Molokini Shoal Marine Life Conservation District, Maui", dated June 24, 2019, located at the end of this subchapter and described as follows:

Beginning at a point at the high water mark 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 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) The use of any one particular mooring shall be on a first-come, first-served basis. [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 mooring fee. Beginning January 1, 2024, the fee for commercial use of a Molokini day-use mooring is \$200 per month; provided that this fee is waived for commercial operators who are presently paying the ocean stewardship user fee required by section 187A-52, HRS. 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. 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

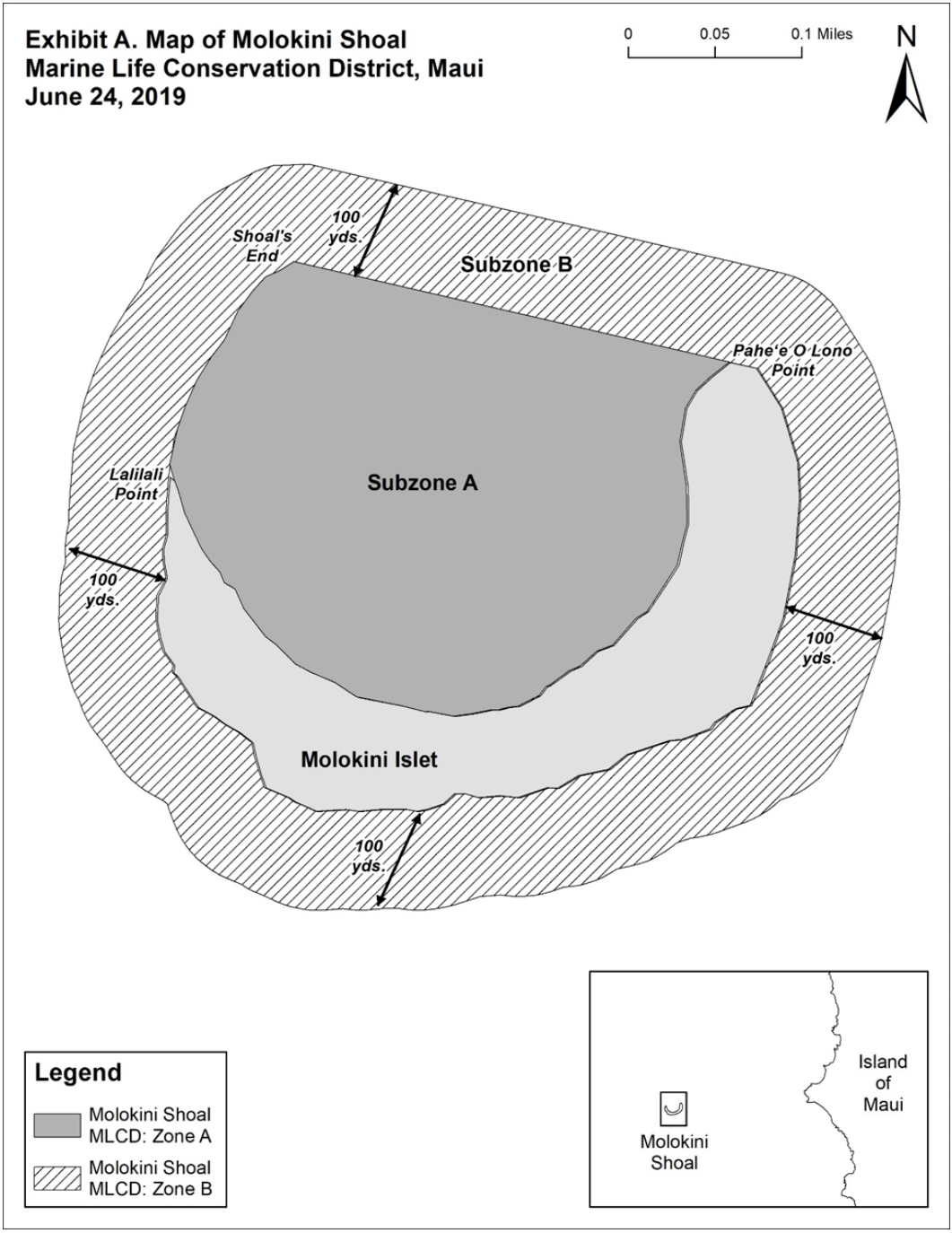
§13-257-55

state day-use moorings except from 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 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. Anchoring is prohibited within the 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)

§§13-257-57 to 13-257-60 (Reserved).



§13-257-61

SUBCHAPTER 5

DAY-USE MOORINGS, ISLAND OF LĀNA`I

§§13-257-61 to 13-257-70 (Reserved).

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

§§13-257-81 to 13-257-90 (Reserved).

SUBCHAPTER 8

DAY-USE MOORINGS, ISLAND OF KAUA`I

§§13-257-91 to 13-257-120 (Reserved).

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment and compilation of chapter 13-257, Hawaii Administrative Rules, on the Summary Page dated December 15, 2023, was adopted on December 15, 2023, following one public hearing held on September 28, 2023, after public notice was given in the Honolulu Star-Advertiser on August 13, 2023.

This amendment and compilation of chapter 13-257 shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Dawn N.S. Chang
DAWN N.S. CHANG
Chairperson,
Department of Land and
Natural Resources

APPROVED:

/s/ Josh Green
JOSH GREEN, M.D.
Governor,
State of Hawai'i

Dated: March 5, 2024

APPROVED AS TO FORM:

/s/ Danica L. Swenson
DANICA L. SWENSON
Deputy Attorney General

March 5, 2024

Filed