HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART II

BOATING

CHAPTER 244 RULES OF THE ROAD; LOCAL AND SPECIAL RULES

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Historical note. This chapter is based on rules of the road; local and special rules of the state boating rules effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-244-1 Standard: due care. Vessels shall at all times be operated with due care for the rights and safety of persons and property. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: §§200-22, 200-24)

§13-244-2 Rules of the road. (a) Persons operating vessels on inland waters shall comply with the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter, which by reference are incorporated in this chapter.

(b) Persons operating vessels on the high seas shall comply with the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter, which by reference are incorporated in this chapter. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-3 General prudential rule. In obeying and construing the rules in this chapter, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the rules necessary in order to avoid immediate danger. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-4 Pamphlet - navigation rules. All vessels over sixty-five feet in length upon the inland waters of the State, where practicable, shall carry on board and maintain for ready reference copies of the current edition of the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-5 The rule of good seamanship. Nothing in these rules shall exonerate any vessel, or the

owner or master, or crew, thereof, from the consequences of any neglect to carry lights or signals or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-6 Distress signals. (a) When a vessel is in distress and requires assistance from other vessels or from the ocean, the following shall be the signals to be used or displayed by the vessel, either together or separately, namely:

(1) A gun or other explosive signal fired at intervals of about a minute.
(2) A continuous sounding with any fog-signaling device.
(3) Rockets or shells, throwing red stars one at a time at short intervals.
(4) A signal made by radio telegraphy, flashlight or any other signaling method consisting of group ...---... in the morse code.
(5) A signal made by radiotelephony consisting of the spoken word “MAYDAY”.
(6) The International Code Signal of distress indicated by November Charlie.
(7) A signal consisting of a square flag having below it a ball or anything resembling a ball.
(8) Flames on the vessel (as from a burning oil barrel, bucket, etc.).
(9) A rocket parachute flare or a hand-held flare showing a red light.
(10) A smoke signal giving off a volume of orange-colored smoke.
(11) Standing in a conspicuous place on a vessel and slowly and repeatedly raising and lowering arms outstretched to each side, preferably with a bright object such as a white towel in each hand.

(12) Display of a large flag, bright orange in color, with a black ball and square superimposed.
(13) Dye marker on the water (any color).
(14) An aerial flare (any color).
(15) Emergency-position-indicating radio beacon.

(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel is in distress, and the use of any signals which may be confused with any of the above signals, are prohibited. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-7 Careless operation. No person shall operate any vessel in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit that person in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-8 Reckless operation. No person shall operate any vessel in a willful or wanton disregard for the safety of persons or property. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-9 Speed restrictions. (a) The speed of all vessels on the waters of the State shall be limited to a slow-no-wake speed so as to create no wake of appreciable wave height, when within two hundred feet of any:
(1) Shoreline;
(2) Float;
(3) Dock;
(4) Launching ramp;
(5) Congested beach;
(6) Swimmer;
(7) Diver's flag; or

(8) Anchored, moored or drifting vessel.

(b) No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use, or as posted by buoy or sign. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-244-10 Persons under the influence of intoxicating liquor. (a) No person who is under the influence of intoxicating liquor shall operate or be in actual physical control of any vessel upon waters of the State.

(b) No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-11 Persons under the influence of drugs. No person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any drug to a degree which renders that person incapable of safely operating a vessel shall operate a vessel on the waters of the State. The fact that any person charged with a violation of this section is or has been entitled to use the drug under the laws of the State shall not constitute a defense against any charge of violating this section. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: §§200-22, 200-24)

§13-244-12 Incapacity of operator. No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating the vessel

under the prevailing circumstances. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-13 Interference with navigation. (a) No person shall operate any vessel in a manner which shall unreasonably or unnecessarily interfere with other vessels or with the free and proper navigation of the waterways of the State.

(b) Anchoring under bridges or in restricted channels shall constitute such interference if unreasonable under the existing circumstances.

(c) A motorboat underway shall keep out of the way of a vessel engaged in fishing. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-14 Overloading. No vessel shall be loaded with persons or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions. Capacity and loading of vessels shall be in conformance with 33 CFR Part 183. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-244-15 Overpowering. No vessel shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of the vessel and other existing operating conditions. Capacity and horsepower limitations shall be in conformance with 33 CFR Part 183. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-16 Restricted areas. No person shall operate a vessel within a water area which has been clearly marked, in accordance with, and as authorized by, these rules by buoys or some other distinguishing device as a bathing, swimming or otherwise restricted area; provided that this section shall not apply in

the case of an emergency, or to patrol or rescue craft. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-17 Riding on bow or gunwales prohibited. No person operating a motorboat of twenty-six feet or less in length shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of the vessel while underway unless the motorboat is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over a bow of the boat to moor the vessel or to cast off from a mooring, or for any other necessary purpose. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-18 Waterskiing; dangerous practices prohibited; hand signals. (a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two competent persons, one of whom shall observe at all times the progress of the person or persons being towed; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor, or to any motorboat equipped with an adequate rear view mirror. A rear view mirror shall be considered adequate if it permits the operator to see the person being towed when that person is within the towboat wakes on a seventy-five foot line and to identify common hand signals used by the person being towed. An observer shall be considered competent if, in fact, the observer is at all times observing the progress of the person or persons being towed and is accurately relaying signals or other pertinent

information to the vessel operator concerning the progress of the person being towed.
This subsection shall not apply to vessels less than sixteen feet in length actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the vessel.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance during the period from sunset to sunrise; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor.

(c) All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons or property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, towrope or other devices by which the direction or location of water skis, an aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar devices, or any person thereon to collide with or strike against any person or object.

This subsection does not apply to collisions with towlines nor to collisions of two or more persons, aquaplanes or similar devices being towed behind the same vessel, nor to collisions with ski jumps, buoys or similar objects normally used in competitive or recreational waterskiing.

(e) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor.

(f) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless the person being towed is equipped with a lifesaving device; provided that this subsection shall not apply to persons participating in authorized water-ski tournaments, competitions, expositions, or trials therefor.

(g) No person who is under the influence of intoxicating liquor or who is a habitual user of or under the influence of any drug to a degree which renders the person incapable of safely manipulating water skis or aquaplane or similar contrivance shall manipulate waterskis, an aquaplane or similar contrivance on the waters of the State.

(h) The following uniform system of hand signals shall be used by water-skiers while engaged in water-skiing activity:

(1) Faster. Palm of the hand pointing upward.
(2) Slower. Palm of the hand pointing downward.
(3) Speed correct. Arm upraised with the thumb and forefinger forming a circle.
(4) Right turn. Arm outstretched pointing to the right.
(5) Left turn. Arm outstretched pointing to the left.
(6) Back to the drop-off area. Arm at forty-five degrees angle from body pointing down to water and swinging.
(7) Cut motor. Finger drawn across throat.
(8) Stop. Hand up, palm forward, police traffic style.
(9) Skier unhurt (O.K.) after fall. Hands clenched overhead.
(10) Pick me up--fallen skier--watch out. One ski held vertical (pointing skyward) as far out of the water as practicable.

(i) No person shall manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger any person or property. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-19 Authorization required to hold regatta, marine parade, boat race or exhibition. (a) Definition of terms used in this chapter. "Regatta" or "marine parade" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) Authorization required; submission of application.

(1) Any person or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of persons or property on the waters of the State shall submit an application to the chairperson of the board of land and natural resources. No person shall hold such a regatta or marine parade, unless the authorization of the chairperson, has been secured, except that the chairperson's authorization is not required if prior authorization has been secured from the United States Coast Guard. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to: an inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channels which may reasonably be expected to result, and the expected accumulation of spectator craft.

(2) Where the events are to be held regularly or repeatedly in a single area by an individual or organization, the chairperson may, subject to conditions set from time to time by the department, grant a permit for the series of events for a fixed period of time, not to exceed one year.

(3) The application shall be submitted no less than thirty days prior to the start of the proposed event.

(4) The application shall include the following details:

(A) Name and address of sponsoring organization.

(B) Name, address and telephone number of person or persons in charge of the event.

(C) Nature and purpose of the event.

(D) Information as to general public interest.

(E) Estimated number and type of watercraft participating in the event.

(F) Estimated number and type of spectator watercraft.

(G) Number of boats being furnished by sponsoring organization to patrol event.

(H) Time schedule and description of events.

(I) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

(c) An authorization by the chairperson does not exempt a person holding an event from compliance with applicable federal law. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-20 Stolen or lost vessels. (a) Police reports pursuant to section 200-27, Hawaii Revised Statutes. The police chief of each political subdivision of the State shall transmit to the department a copy of every investigation report hereafter submitted by subordinate officers which relate to theft, loss or recovery of vessels required to be registered and numbered pursuant to section 200-31, Hawaii Revised Statutes.

(b) Owner reports to department. The owner of a vessel numbered in accordance with the laws of the State which has been stolen, lost or embezzled may notify the department of the theft or embezzlement, but in the event of an embezzlement the owner may make the report to the department only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement. Every owner who has given such notice shall notify the department of a recovery of the vessel. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-21 Reporting vessels found. Any person who finds a vessel which is adrift or has been lost shall report the whereabouts of such vessel to the owner, to any police officer or to the department at the earliest possible time. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24, 200-30)

§13-244-22 Interstate boat compacts; reciprocal agreement and courtesy. (a) Declaration of policy.

(1) As provided in section 200-30, Hawaii Revised Statutes, it is the policy of the department to promote, encourage and facilitate the fullest possible use of its waters and improve boating safety by making and executing boat numbering, equipment or accident-reporting reciprocal or proportional agreements, arrangements and declarations with other jurisdictions, with respect to vessels principally used in this and the other jurisdictions, thus contributing to the economic and social development and growth of the State.

(2) A nonresident owner of any foreign vessel may operate or permit the operation within the State of any such vessel meeting the requirements of any reciprocity arrangements, agreements or declarations made to carry out this section. This

subsection shall not apply to a vessel carrying freight or passengers for hire or to a vessel leased by an owner engaged in the business of leasing vessels.

(b) Declaration of extent of reciprocity. In the absence of any agreement or arrangement with another jurisdiction, the chairperson, board of land and natural resources, may examine the laws and requirements of the jurisdiction and declare the extent or recovery of vessels required to be registered and numbered pursuant to section 200-31, Hawaii Revised Statutes, and nature of exemptions, benefits and privileges to be extended to vessels properly numbered or equipped in the other jurisdictions, as to the owners of the vessels, which shall in the judgment of the chairperson be in the best interest of the State and the citizens thereof, and which shall be fair and equitable to the State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of the State from the uninterrupted flow of commerce; provided that all the vessels shall comply with the minimum equipment requirements of the Coast Guard.

(c) Suspension of reciprocity agreements. Agreements, arrangements or declarations made under the authority of this section may include provisions authorizing the chairperson to suspend or cancel the exemption, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of the agreements, arrangements or declarations or who violates the laws of the State relating to vessels or rules lawfully adopted thereunder. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24, 200-30)

§13-244-23 <u>Manufacturer's or builder's hull identification number required</u>. (a) If a vessel contains a permanent identification number placed thereon by the manufacturer thereof, the manufacturer's hull identification number shall be

used as the builder's hull identification number. If there is no manufacturer's hull identification number, or if the manufacturer's hull identification number has been removed or obliterated or if the vessel is homemade, the department shall, upon a prescribed application, assign a permanent hull identification number which shall be used as the builder's hull identification number for the vessel, and this assigned number shall be permanently affixed to or imprinted by the applicant, at the place and in the manner designated by the department upon the vessel for which the builder's hull identification number is assigned.

(b) No vessel manufactured after January 1, 1967 may be sold or offered for sale by any person in the State unless such vessel has a hull identification number regardless of whether assigned by the manufacturer or by the department.

(c) Manufacturer's hull identification numbers for vessels shall be clearly imprinted in the stern transom, hull or other essential hull member near the stern by carving, stamping, impressing or marking with pressure. In lieu of imprinting, the manufacturer's hull identification number may be displayed on a plate in a permanent manner. In addition to being permanent, the number shall be accessible. If the hull identification number is displayed in a location other than on or near the stern transom, the department must be notified by the manufacturer as to such location.

(d) No person, firm, association or corporation shall destroy, remove, alter, cover or deface the boat manufacturer's hull identification number, or plate bearing the hull identification number, or any hull identification number assigned by the department on any vessel.

(e) No person shall have possession of, buy, receive, sell or offer for sale, or otherwise dispose of in the State a vessel, on which the manufacturer's or assigned hull identification number has been destroyed, removed, covered, altered, or defaced, knowing of the destruction, removal, covering,

alteration, or defacement of such manufacturer's or assigned hull identification number. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-24 Report required by boat builders and boat manufacturers. All boat builders and boat manufacturers in the State shall record with the department the name and address of their business or firm and the name and address of the owner. They shall notify the department upon termination of their business. The department shall maintain a record of boat builders and boat manufacturers. No recording fee shall be charged. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-25 Report required by boat dealers. All boat dealers in the State shall record with the department the name and address of their place of business and the name and address of the owner. They shall notify the department upon termination of their business. The department shall maintain a record of boat dealers. No recording fee shall be charged. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-26 Boat liveries. (a) Reports required. All boat liveries shall record with the department the name and address of their livery, the name and address of the owner and the number and lengths of boats in use. The boat livery shall notify the department upon termination of service. The department shall maintain a record of all boat liveries. No recording fee shall be charged.

(b) Livery record. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number thereof, and the departure date and time and the expected time of return. The record shall be preserved for at least six months.

(c) Responsibility for required equipment. Neither the owner of a boat livery nor the owner's agent or employees shall permit any hired vessel to depart from the owner's premises unless it shall have been provided, either by the owner or renter, with the the equipment required pursuant to chapter 13-243. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-27 Department not to approve products of manufacturers. The department will not endorse or approve the products of any individual firm. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-28 Waikiki ocean waters restricted areas. (a) Definition. "Waikiki ocean waters restricted areas" means the area described as follows:

(1) Zone A, Waikiki ocean waters means the area described as follows:

Beginning at the makai-Ewa corner of the natatorium; then seaward on a prolongation of the Ewa wall of the natatorium to the outer edge of the reef; then along the reef in the mauka direction to the seaward end of the Kapahulu drainage groin; then seaward along a straight line connecting the seaward end of Kapahulu drainage groin and the Ala Wai boat harbor entrance lighted buoy (Red "2"); then mauka on a prolongation of the Diamond Head boundary line of Fort DeRussy to the mean high water mark of the beach adjacent to the boundary line; then along the mean high water mark in the Diamond Head direction to the mauka-Ewa side of the natatorium; then along the Ewa side of the natatorium in a seaward direction to, and ending at, the point of beginning.

(2) Restrictions:

(i) No person shall navigate or moor a vessel in or on the waters, except outrigger canoes operated by a duly organized canoe club, or a sailing catamaran or manually propelled outrigger canoe may be navigated, moored, or anchored in these waters if the vessel has been registered pursuant to this subchapter and is under the immediate control of an operator who has been issued a permit by the department to navigate in the waters. Notwithstanding the provisions of this subsection, a sailing catamaran registered by the department to operate in Waikiki ocean waters and under the immediate control of an operator who has been issued a valid permit by the department may temporarily operate the catamaran in Zone A, Waikiki ocean waters, as a power-driven catamaran when necessary to protect life or property.

(ii) No person shall navigate or moor a catamaran in or on the waters or on the shore below the mean high watermark if four catamarans are navigating or moored in such zone.

(iii) The minimum distance separating any two catamarans moored in Zone A shall be eighty feet.

(iv) There shall be no surfing in the zone between the water's edge and a point fifty yards seaward therefrom, except for learners while receiving initial instructions under the direct supervision of a primary or senior surfboard instructor who has a permit issued by the department as provided in these rules.

(3) Zone B, Waikiki ocean waters.

(A) Zone B, Waikiki ocean waters means the area described as follows:

Beginning at a point where the Diamond Head side of the boundary of Fort DeRussy intersects the mean high water mark; then seaward on a prolongation of that boundary line to a straight line connecting the Ala Wai boat harbor entrance lighted buoy (Red "2") and the Ewa end of the Kapahulu drainage groin; then to the Ewa direction to the makai-Ewa corner of the breakwater makai of the Hawaiian Village rainbow tower; then Ewa along the breakwater to the mean high water mark; then along the mean high water mark; in a mauka-Diamond Head direction to, and ending at, the point of beginning.

(B) Restrictions:

No person shall navigate, moor, or anchor a vessel in or on the waters, except a manually propelled outrigger canoe or a catamaran propelled by sail only may be operated in these waters if the vessel has been registered pursuant to this subchapter. Notwithstanding the provisions of this subsection, vessels operating from the Hilton Hawaiian Village pier are exempt from the above instructions.

(4) Zone C, Waikiki ocean waters.

(A) Zone C, Waikiki ocean waters means the area described as follows:

Beginning at the makai-Ewa corner of the concrete drainage groin located seaward of the junction of Kapahulu and Kalakaua Avenue; then to a point 160 yards in the Diamond Head direction on a straight line at right angles to the long axis of the groin; then to a point 100 yards seaward on a straight line

parallel to the long axis of the groin; then to a point 310 yards in the Ewa direction on a straight line at right angles to the long axis of the groin; then to the shoreward direction on a straight line parallel to the long axis of the groin to the point where this line meets the concrete seawall; then in the Diamond Head direction to, and ending at, the point of beginning.

(B) Restrictions:

No person shall navigate or moor a vessel or navigate or otherwise use a surfboard in or on the waters, except paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards are permitted to be used on the waters.

(5) Zone D, Waikiki ocean waters.

(A) Zone D, Waikiki ocean waters means the area described as follows:

Beginning at a point where the Diamond Head wall of the natatorium intersects the mean high water mark; then along the wall in a seaward direction to the makai-Diamond Head corner; then in a Diamond Head direction on a straight line to the seaward end of the first groin Diamond Head of the Sans Souci pier; then in a mauka direction along the groin to the mean high water mark; then in an Ewa direction along the mean high water mark to, and ending at, the point of beginning.

(B) Restrictions:

No person shall navigate or moor a vessel in or on the waters, except a manually propelled outrigger canoe operated by a duly organized canoe club, or a commercially operated,

manually propelled outrigger canoe may be navigated in these waters if the vessel has been registered pursuant to this chapter and is under immediate control of an operator who has a valid permit issued by the department in accordance with these rules. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-29 Makapuu ocean waters. (a) Makapuu ocean waters means the area described as follows:

(1) Beginning at a point being the mean high water mark which is directly opposite from the northeast corner of the Makapuu Beach Park building;
(2) In the Makapuu Point direction along the mean high water mark to the tip of Makapuu Point; and
(3) Along a straight line connecting such point described in paragraph (2) above to, and ending at, the point of beginning.

(b) Restrictions. No person shall operate a vessel in the Makapuu ocean waters as the same are defined in this section. This subsection shall not apply in the case of emergency or to patrol or rescue craft. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-30 Kealakekua Bay ocean waters. (a) Definition. "Kealakekua Bay ocean waters" means the subzones A and B as shown on State of Hawaii map C.S.F. No. 15832 on file with the office of the state surveyor, department of accounting and general services, State of Hawaii. A copy of which is designated Exhibit "A" attached hereto and made a part hereof.

(b) Restrictions. No person shall operate, anchor or moor any vessel in such manner as will injure or damage any marine life or geological features and specimens within the Kealakekua Bay ocean waters. Without limiting the generality of the foregoing, no person shall anchor or moor any vessel within subzone A, except at locations or mooring buoys designated by the department; provided, that this paragraph shall not apply to persons engaged in rescue operations or in case of emergency requiring such action as may be necessary to prevent loss of life or destruction of property. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-31 Kailua Beach Park ocean waters. (a) Definition. "Kailua Beach Park ocean waters" means the area confined by boundaries as shown on Exhibit "B" dated June 7, 1989, attached hereto and made a part hereof and also described as follows:

Beginning at the low water mark two hundred and seventy-five feet from the Kailua Beach Park boat ramp, then by azimuths measured from True South; 180 degrees for a distance of one hundred fifty feet; 129 degrees for a distance of one thousand twenty feet; 115 degrees for a distance of six hundred thirty feet; 075 degrees to the low water mark on the shoreline; then in a direction following the low water mark to the point of beginning.

(b) Restrictions. No person shall operate or moor a vessel or sailboard in the Kailua Beach Park ocean waters, the area of which is defined in section 13-244-31(a). This subsection shall not apply in the case of emergency or to patrol or rescue craft. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-32 Ahihi-Kinau ocean waters. (a) Definition. "Ahihi-Kinau ocean waters" means the waters of the State located within Part 2 of the

Ahihi-Kinau Natural Area Reserve as shown on State of Hawaii map C.S.F. No. 16807 on file with the office of the state surveyor, department of accounting and general services, State of Hawaii, a copy of which map is designated Exhibit "C", attached hereto and made a part hereof.

(b) Restrictions. The Ahihi-Kinau ocean waters, located within the Ahihi-Kinau Natural Area Reserve possess unique natural resources that should be protected and preserved. No person shall operate, anchor or moor any vessel equipped with mechanical means of propulsion on or in the Ahihi-Kinau ocean waters unless (1) the person is engaged in rescue or law enforcement operations; (2) an emergency arises which requires that such action be taken to prevent loss of life, injury to persons or damage to property; or (3) the person is operating, anchoring or mooring a vessel equipped with mechanical means of propulsion in or on the waters in accordance with the provisions of a permit issued by the chairperson of the board of land and natural resources, pursuant to the department of land and natural resources, Natural Area Reserve System Rule No. 209. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-33 Pokai Bay ocean waters. (a) Definition. "Pokai Bay ocean waters" consists of Zone A and Zone B shown on Exhibit "D", attached hereto and made a part hereof. Zone A and Zone B are more particularly described as follows:

(1) Zone A.

(A) Beginning at a point sixty feet in a northerly direction measured along the mean high water mark from the northern edge of the launching ramp;

(B) Along the mean high water mark in a northerly direction to a point where the groin intersects the shore;

(C) In a seaward direction along a straight line connecting such point described in paragraph (2) to Pile "A";

(D) Along a straight line connecting Pile "A" to Pile "D"; and
(E) Along a straight line to, and ending at, the point of beginning.

(2) Zone B.
(A) Beginning at the northern tip of the breakwater;
(B) Along a straight line connecting to Pile "B";
(C) Along the seaward Boundary of Zone A to a point where this line intersects the mean high water mark at the beginning point of Zone A;
(D) In a southerly direction along the mean high water mark to the breakwater; and
(E) Along the breakwater to and ending at the point of beginning.

(b) Restrictions.

(1) Zone A of the Pokai Bay ocean waters is reserved for bathing and swimming. No person shall operate, anchor or moor any vessel within the boundaries of Zone A, described in this section. This subsection shall not apply in the case of an emergency or to patrol or rescue craft.

(2) Zone B is reserved primarily for outrigger canoe activity. No person shall operate, anchor or moor any other vessel within the boundaries of Zone B, described in this section provided that a vessel may temporarily anchor within Zone B for a period not to exceed seventy-two hours on a not to interfere basis with scheduled outrigger canoe activities. No person shall swim within the boundaries of Zone B when outrigger canoes are operating within Zone B. This subsection shall not apply in the case of an emergency or to patrol or rescue craft. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-34 Ala Moana Beach Park ocean waters. (a) Definition. "Ala Moana Beach Park ocean waters" means the area confined by boundaries as shown on Exhibit "E", attached hereto and made a part hereof and also described as follows:

(1) Beginning at a point on the Ewa side of Magic Island Park where the rock revetment joins the beach;
(2) Along the mean high water mark of Ala Moana Beach to the Diamond Head boundary of Kewalo Basin;
(3) Along the edge of the reef line shown to a point opposite the point of beginning; and
(4) In a Diamond Head direction to and ending at the point of beginning.

(b) Restrictions. No person shall operate or moor a vessel in the Ala Moana Beach Park ocean waters, the area of which is defined in this section except manually-propelled outrigger canoes may be operated in the canoe practice area which is confined by boundaries as shown on Exhibit E attached hereto and made a part hereof and also described as follows:

(1) Beginning at a point where a line drawn in a true south direction from the Ewa end of the concrete wall that runs along Ala Moana Beach, intersects the mean high water mark;
(2) Along the mean high water mark in a westerly direction to the Diamond Head boundary of Kewalo Basin;
(3) Along the reef line shown in a Diamond Head direction to a point where a prolongation of the Ewa boundary fence of the Ala Moana tennis courts intersects the reef line;
(4) In a shoreward direction for a distance of one hundred feet;
(5) In an Ewa direction on a line parallel to the reef line shown to a point where a prolongation of the line described in paragraph (1) intersects said line; and
(6) In a shoreward direction to and ending at the point of beginning.

This subsection shall not apply in the case of emergency or to patrol or rescue craft. For the purpose of this section a surfboard is not to be considered a vessel. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-35 Manele-Hulopoe marine life conservation district. (a) Definition. "Manele-Hulopoe marine life conservation district" means the waters of the State located within Subzone A and Subzone B of the Manele-Hulopoe marine life conservation district as shown on State of Hawaii map C.S.F. No. 17565 (Revised April 1976) on file with the office of the state surveyor, department of accounting and general services, State of Hawaii. A copy of which is designated Exhibit "F", attached hereto and made a part hereof.

(b) Prohibited activities. It shall be unlawful for any person to operate, anchor or moor a vessel in such manner as will injure, damage or destroy any marine life or geological feature or specimen within the Manele-Hulopoe marine life conservation district. Without limiting the generality of the foregoing, no person shall operate, anchor or moor any vessel within the boundaries of Subzone A of the Manele-Hulopoe marine life conservation district except a person (1) engaged in law enforcement, rescue or other operations essential to preserve life or property; (2) a person engaged in research or other activities pursuant to a permit issued by the department of land and natural resources. Notwithstanding the foregoing restrictions on the operation of a vessel within Subzone A, a manually-propelled Hawaiian outrigger canoe may be operated (but not anchored or moored) within the subzone. [Eff 2/24/94] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-36 Kaanapali ocean waters, general restrictions. (a) The Kaanapali ocean waters are subject to the following restrictions:

(1) No person shall navigate any vessel at a speed in excess of five miles per hour within five hundred feet of the shoreline;
(2) No person shall navigate a motorboat in or on Kaanapali ocean waters within two hundred feet of the shoreline, or designated swimming area, or within one hundred feet of a diver's flag, nor shall any person navigate a commercial motorized vessel within five hundred feet of the shoreline except within a designated ingress/egress corridor. Notwithstanding this paragraph, vessels engaged in fishing outside the designated ingress/egress corridors are exempt from the two hundred foot shoreline restriction, provided that designated swimming areas are approached with caution and due care;
(3) No person shall navigate a motorized vessel within three hundred feet of a vessel engaged in fishing;
(4) A vessel engaged in fishing shall not impede the passage of any vessel passing through a designated ingress/egress corridor;
(5) No person shall embark or disembark passengers on the beach to or from a catamaran registered to carry passengers for hire when the vessel exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons unless prior permission to navigate the Kaanapali ocean waters is obtained from the department for each trip through these waters. Notwithstanding this paragraph, any company currently operating a catamaran which exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons, which is in business and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit as long as the company remains in

business, remains properly registered with the department of commerce and consumer affairs, and complies with the rules of that department;

(6) No person shall anchor or moor a vessel, barge, platform, or raft within two hundred feet of the shoreline or a designated ingress/egress corridor; and

(7) No person shall moor a vessel engaged in commercial use in or on Kaanapali ocean waters unless the vessel has been registered and the owner has a valid permit issued by the department in accordance with this chapter; however, commercial vessels solely transiting through the Kaanapali ocean waters shall not be required to be registered or have a commercial permit. This subsection shall not apply to Hawaiian design canoes engaged in crew training. This subsection shall not apply to Hawaiian design canoes engaged in crew training.

(b) This section shall not apply in the event of an emergency, to law enforcement or rescue craft, or to vessels participating under a valid ocean waters permit issued by the department. [Eff 2/24/94; am 6/16/03] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-37 <u>Zone A, Zone B, Ingress/Egress Zones, and Ingress/Egress Corridors</u>. The Kaanapali ocean waters shall be divided into the following zones:

(a) Zone A, Kaanapali ocean waters

(1) This zone is designated primarily for swimming, bathing, snorkeling, and diving, and means the area confined by the boundaries shown and described in Exhibit G, July 1, 1984, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point on the vegetation line six hundred fifty feet north along the

vegetation line from the intersection of the extended centerline of Kaniau Road and the vegetation line; thence running by azimuths measured clockwise from True South: 080 degrees for a distance of two hundred feet; 146 degrees 30 minutes for a distance of three thousand seven hundred fifty feet; 206 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.

(2) No person shall navigate or moor a vessel, surfboard, sailboard, or any other water recreational device in or on the waters of Zone A, provided that this restriction shall not apply to:

(A) Paipo boards not in excess of four feet in length and without skegs or any other fin-line projections protruding from the bottom of the boards;

(B) Hawaiian design club canoes engaged in crew training;

(C) Vessels engaged in fishing during periods of low use of the beach.

(b) Zone B, Kaanapali ocean waters

(1) This zone is an area designed primarily for swimming, bathing, snorkeling, and diving, and means the area confined by the boundaries shown on Exhibit G, July 1, 1984, located at the end of this chapter and defined as:

Beginning at a point on the vegetation line seven hundred fifty feet south along the vegetation line from the southernmost tip of Keka'a Point shoreline, thence running by azimuths measured clockwise from True South: 068 degrees for a distance of two hundred feet; 156 degrees for a distance of two hundred fifty feet; 078 degrees 30 minutes for a distance of three hundred fifty feet; 156 degrees for a distance of six hundred feet; 221 degrees for a distance of five hundred feet; 287 degrees to a point

on the vegetation line; thence southward along the vegetation line to the point of beginning.

(2) Restrictions: The same restrictions and exceptions thereto applicable to Zone A are applicable to Zone B.

(c) Ingress/Egress zones.

(1) These zones shall be established at intervals along the shoreline to provide beach access, through corridors, for all vessels governed by this chapter. Each zone shall be five hundred feet wide at the shoreline and shall extend seaward for a distance of five hundred feet.

Zone number one begins at the point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

Zone number two begins at a point on the vegetation line which is two thousand three hundred feet north along the vegetation line from a point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

Zone number three begins at a point on the vegetation line which is two thousand four hundred feet south along the vegetation line from the mean high water mark of the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number four begins at a point on the vegetation line which is seven hundred fifty feet south along the vegetation line from the mean high water mark from the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number five begins at a point on the vegetation line which is eight hundred twenty-five feet north along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline, then northward along the vegetation line for a distance of five hundred feet.

(2) No person shall navigate a vessel within an ingress/egress zone unless operating within an ingress/egress corridor, provided that this restriction shall not apply to Hawaiian design club canoes engaged in crew training.

(d) Ingress/Egress corridors.

(1) These corridors shall be contained within each ingress/egress zone. Each corridor shall be one hundred feet wide and shall be established daily by markers placed by the users of the corridor to determine the best direction for approach to or departure from the shoreline under existing wind and sea conditions.

(2) No person shall:

(A) Navigate a commercial vessel or non-commercial motor powered vessel to or from the beach area unless using a designated ingress/egress corridor;

(B) Navigate a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor, or approach the shoreline within a distance of five hundred feet, if another catamaran is beached within the boundaries of the intended corridor of use;

(C) Beach a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor in excess of thirty minutes; and

(D) Navigate a vessel within an ingress/egress corridor at a speed exceeding slow-no-wake.

(3) Exceptions to the restrictions for Ingress/Egress Zones are applicable to Ingress/Egress Corridors.

(e) This section shall not apply in the event of an emergency, to law enforcement or rescue craft, or to vessels operating under a valid ocean waters permit issued by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-38 Pipelines in Keehi Lagoon. (a) The pipeline area in Keehi Lagoon consists of an area shown on Exhibit "H", attached hereto and made a part hereof. The pipeline area is more particularly described as follows:

An area twenty yards southwest and eighty-five yards northeast of 21° 19' 49.876N, 157° 54' 07.759W to 21° 19' 28.610N, 157° 53' 46.024W.

(b) No person shall anchor or moor a vessel within the pipeline area described in this section. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-39 Maunalua Bay ocean waters. (a) As used in this section, "Maunalua Bay ocean waters" means the area confined by the boundaries as shown on Exhibit "I", dated March 1, 1986, which is made a part of this section and also described as follows:

(1) Beginning at a point on the vegetation line of the beach located on the eastern side of the channel entering Koko Marina, south of the Kalanianaole Highway bridge;

(2) Along the vegetation line of the beach fronting Portlock to a point on the vegetation line which is two hundred feet south of the pier located at Koke'e Beach Park, thence running by azimuths measured clockwise from true south;

(3) 117 degrees 54 minutes for a distance of six hundred feet;

(4) 184 degrees 21 minutes for a distance of two thousand one hundred fifty feet;
(5) 173 degrees 47 minutes for a distance of one thousand nine hundred feet;
(6) 207 degrees 23 minutes for a distance of four hundred sixty feet;
(7) Then along a straight line to the point of beginning.

(b) Maunalua Bay ocean waters shall be used primarily for bathing and swimming. Commercial motorboat operations are prohibited. Non-commercial vessels may be operated in the Maunalua Bay ocean waters only when in transit to and from the beach or a mooring area, and while in transit, shall not exceed a speed of "slow-no-wake." This subsection shall not apply in the case of emergency or to patrol or rescue craft. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: §§200-2, 200-3, 200-4)

§13-244-40 Vessel operation in proximity of humpback whales. (a) No person shall approach by any means, or operate a vessel or other type of watercraft, or cause a vessel or other type of watercraft to approach within one hundred yards of any humpback whale within the waters of the State.

(b) No person shall approach by any means, or operate a vessel or other type of watercraft, or cause a vessel or other type of watercraft to approach within three hundred yards of any humpback whale within designated cow/calf areas.

(c) Federal regulations governing the approach of humpback whales in Hawaiian waters as contained in 50 CFR, PART 222, Subpart D, Section 222.31 "Special Provisions" are incorporated herein by reference. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

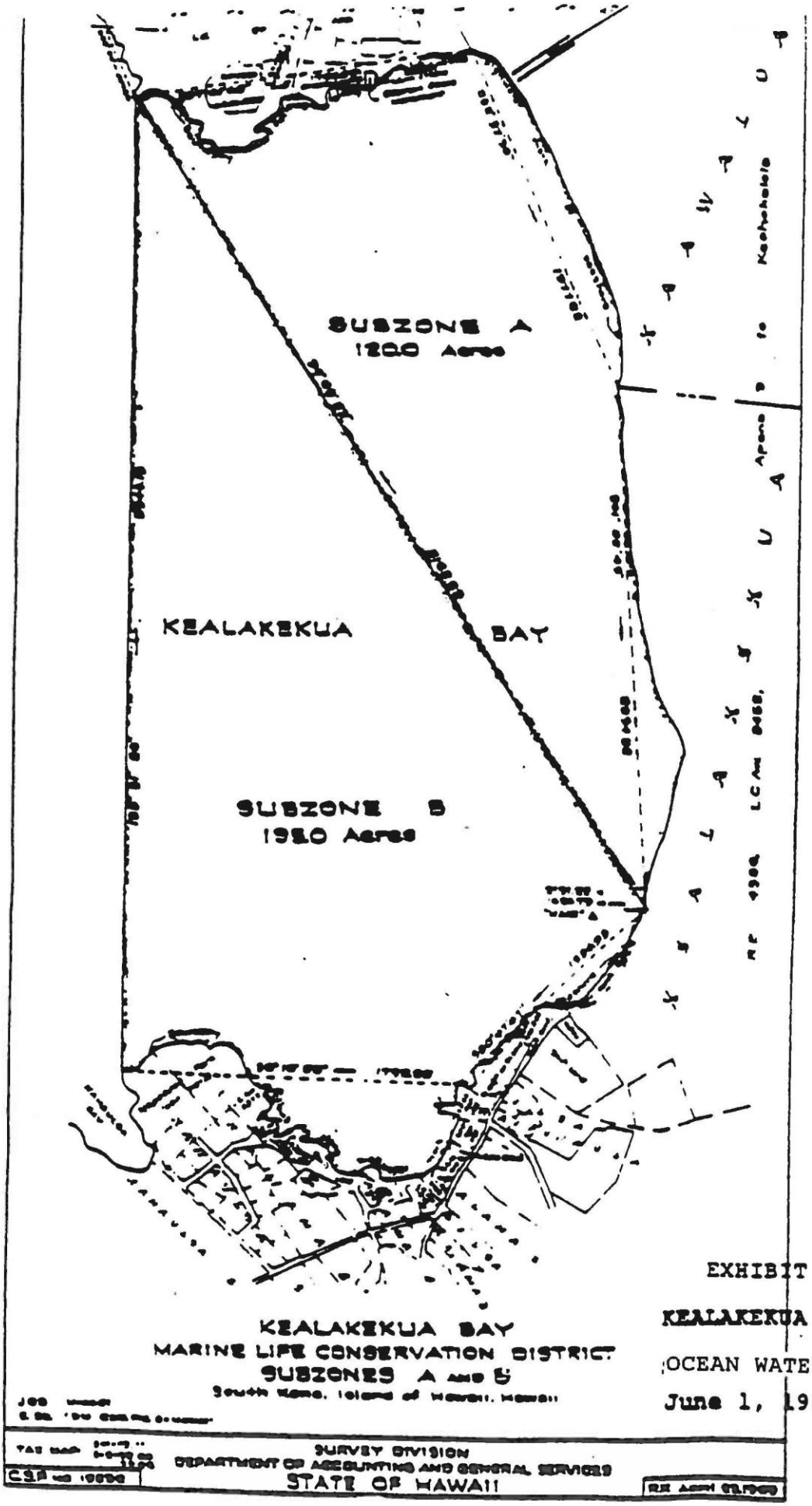


EXHIBIT A

KEALAKEKUA BAY

OCEAN WATERS

June 1, 1981

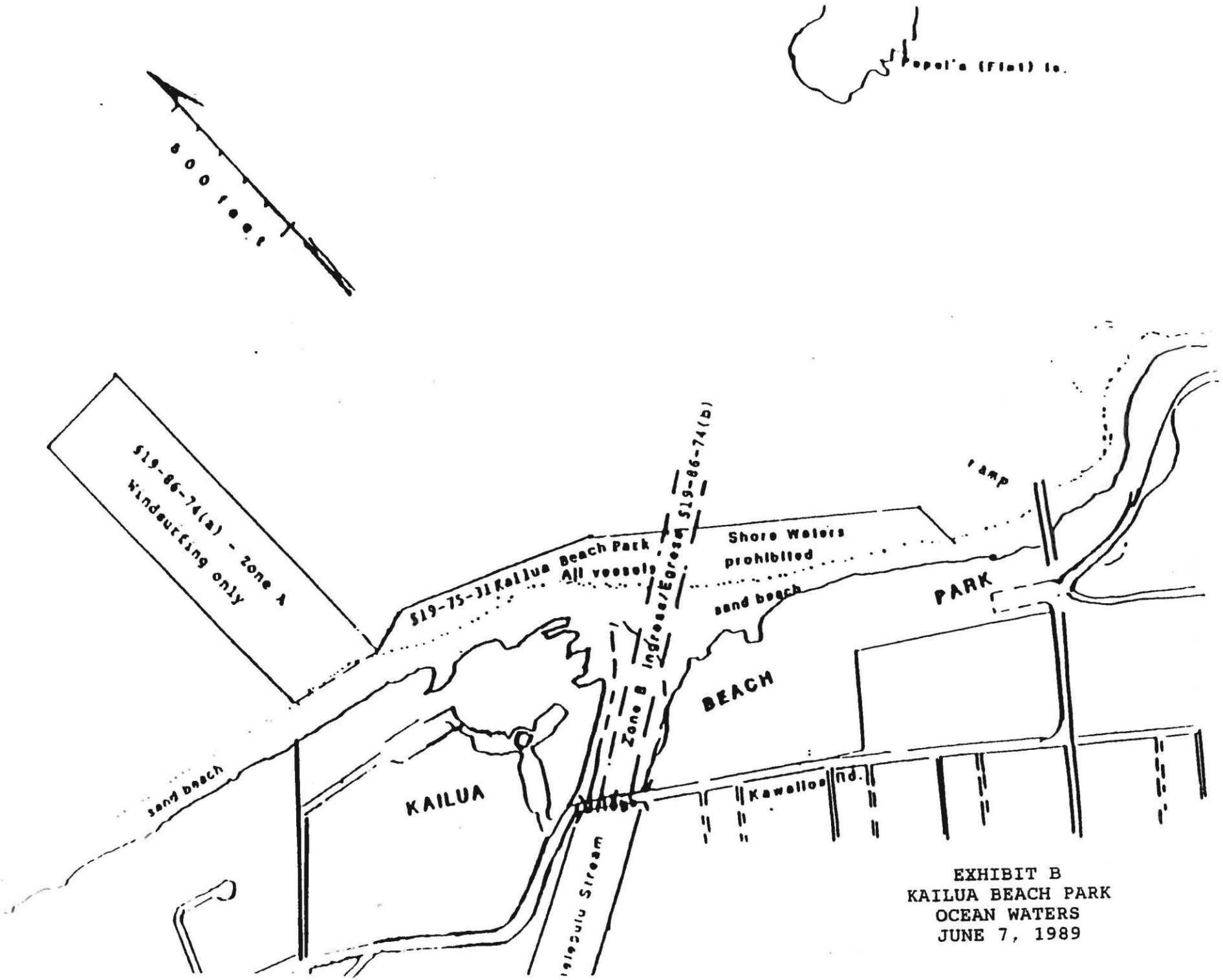


EXHIBIT B
KAILUA BEACH PARK
OCEAN WATERS
JUNE 7, 1989

11729

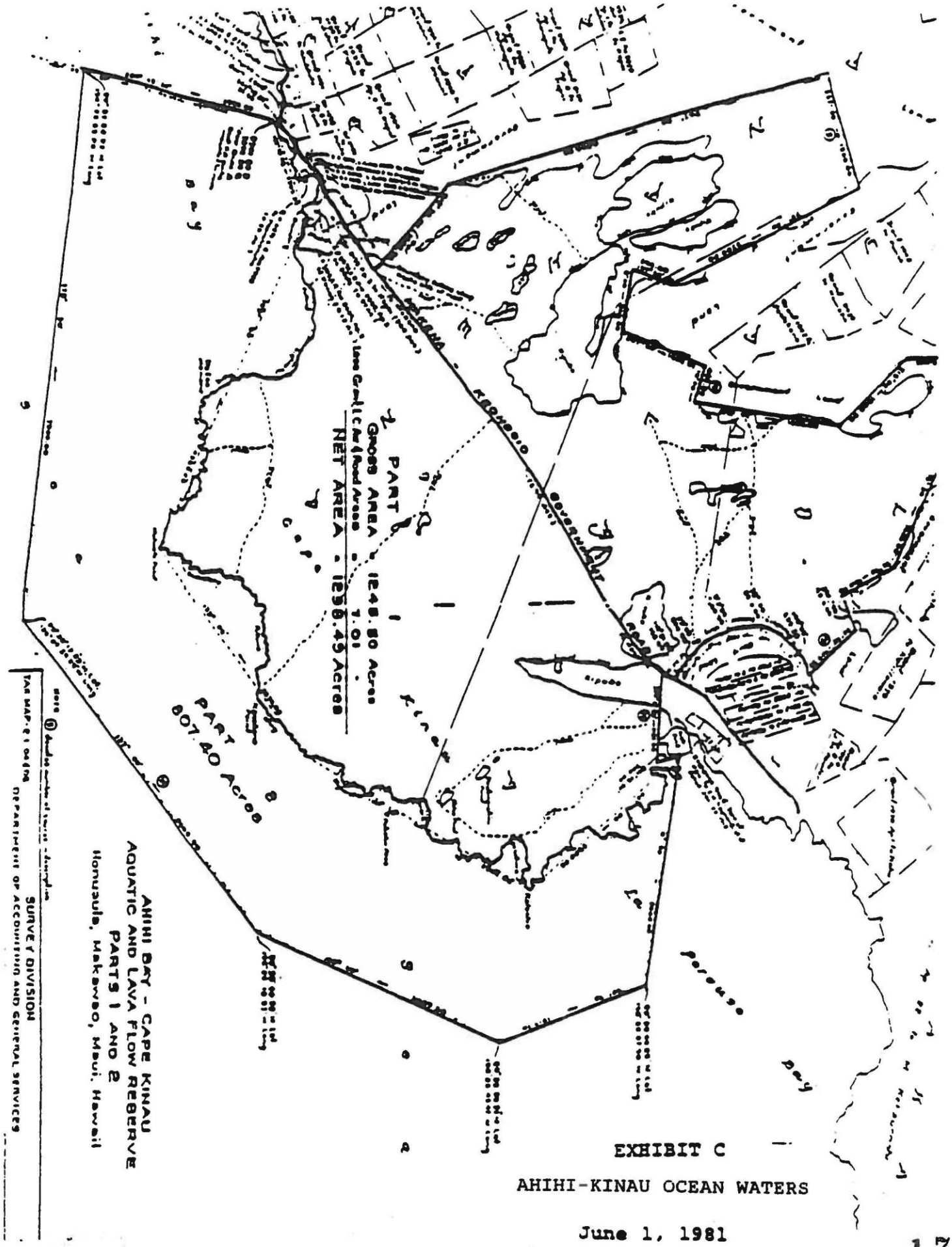


EXHIBIT C

AHIHI-KINAU OCEAN WATERS

June 1, 1981

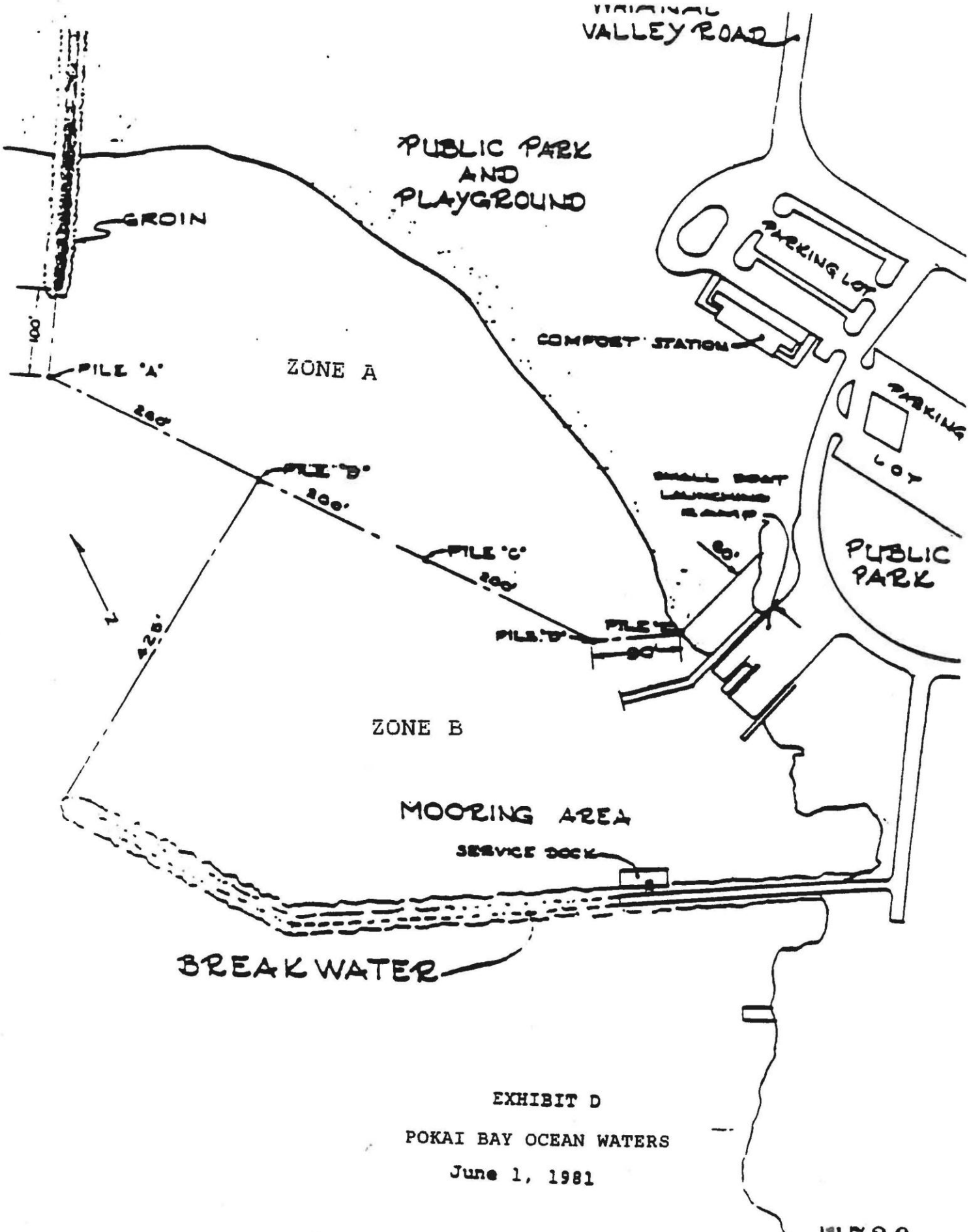


EXHIBIT D

POKAI BAY OCEAN WATERS

June 1, 1981

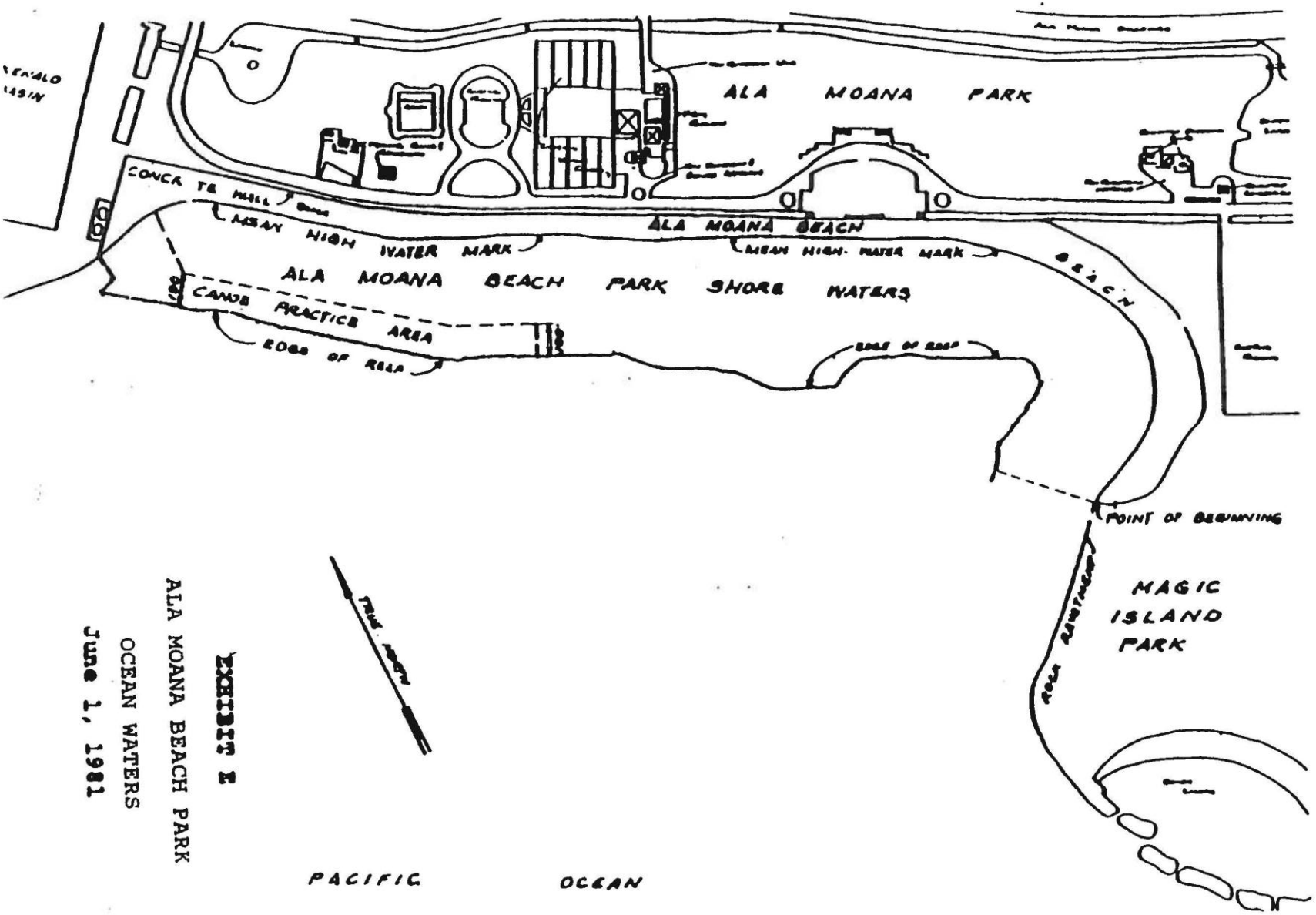
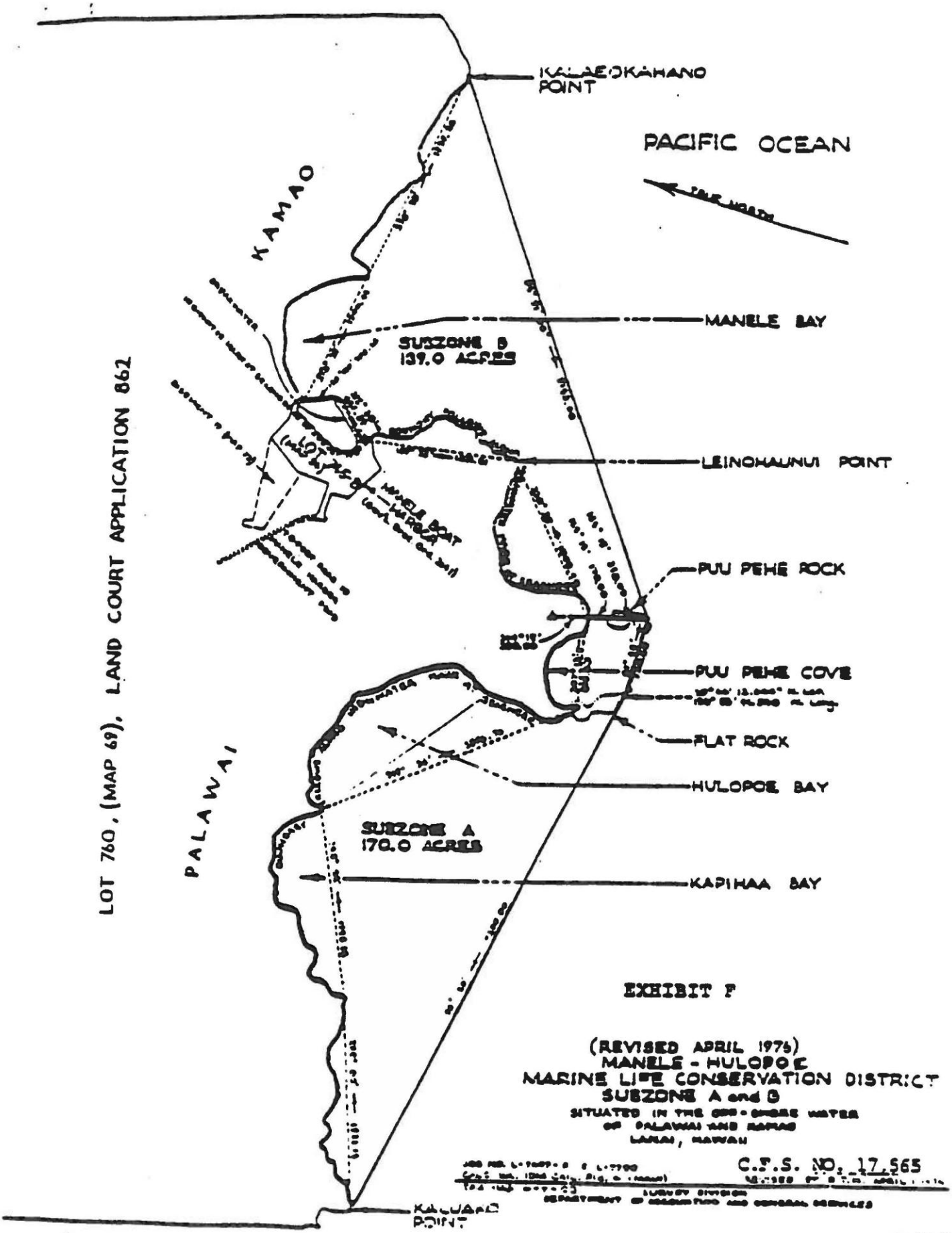


EXHIBIT I

ALA MOANA BEACH PARK

OCEAN WATERS

June 1, 1981


KALAEOKAHANO POINT
PACIFIC OCEAN
KAMAO
MANELE BAY
SUBZONE B
139.0 ACRES
LEINOHAUNUI POINT
PUU PEHE ROCK
PUU PEHE COVE
FLAT ROCK
HULOPOE BAY
SUBZONE A
170.0 ACRES
PALAWAI
KAPIHAA BAY
LOT 760, (MAP 69), LAND COURT APPLICATION 862
KALUAAPO POINT
EXHIBIT F
(REVISED APRIL 1975)
MANELE - HULOPOE
MARINE LIFE CONSERVATION DISTRICT
SUBZONE A and B
SITUATED IN THE SUB-SURFACE WATER
OF PALAWAI AND KAPAA
LANAI, HAWAII
C.T.S. NO. 17,565

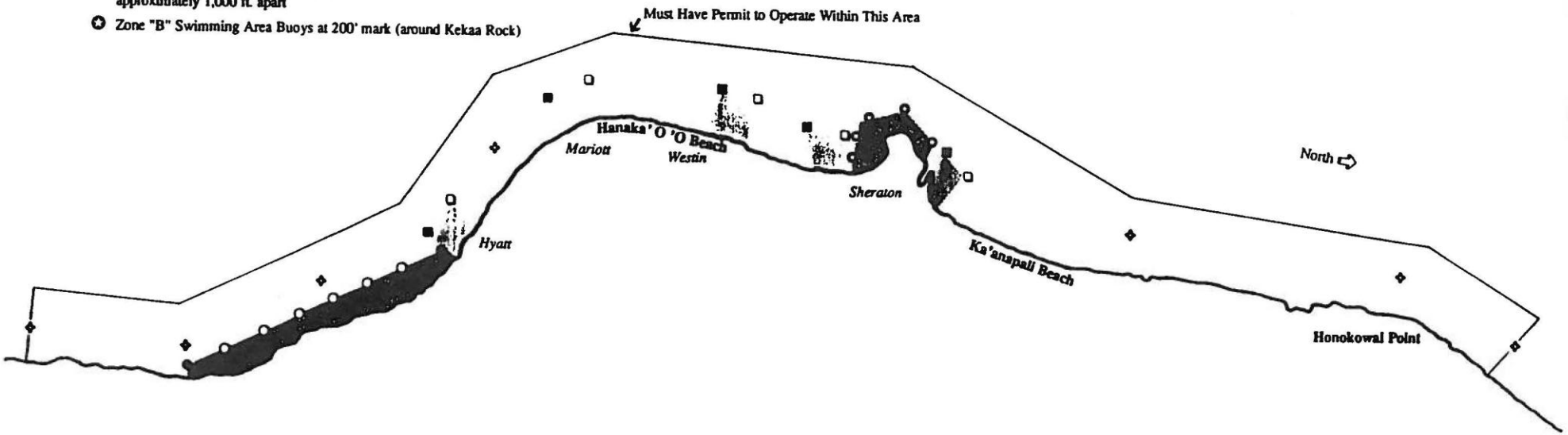
Kaanapali Ocean Waters

- ❖ Controlled Area Buoys at 500 ft. mark
- ■ Ingress / Egress Channel
  Red buoys at 500 ft. mark
- ❑ Ingress / Egress Channel
  Green buoys at 500 ft. mark
- ● Zone "A" Swimming Area
  Buoys at 200 ft. mark off Hanaka'o'o Beach and Wahikuli Park
- ○ Zone "A" Swimming Area
  Buoys in line with end of area buoys, approximately 1,000 ft. apart
- ✪ Zone "B" Swimming Area Buoys at 200' mark (around Kekaa Rock)

❖ 500' Buoys

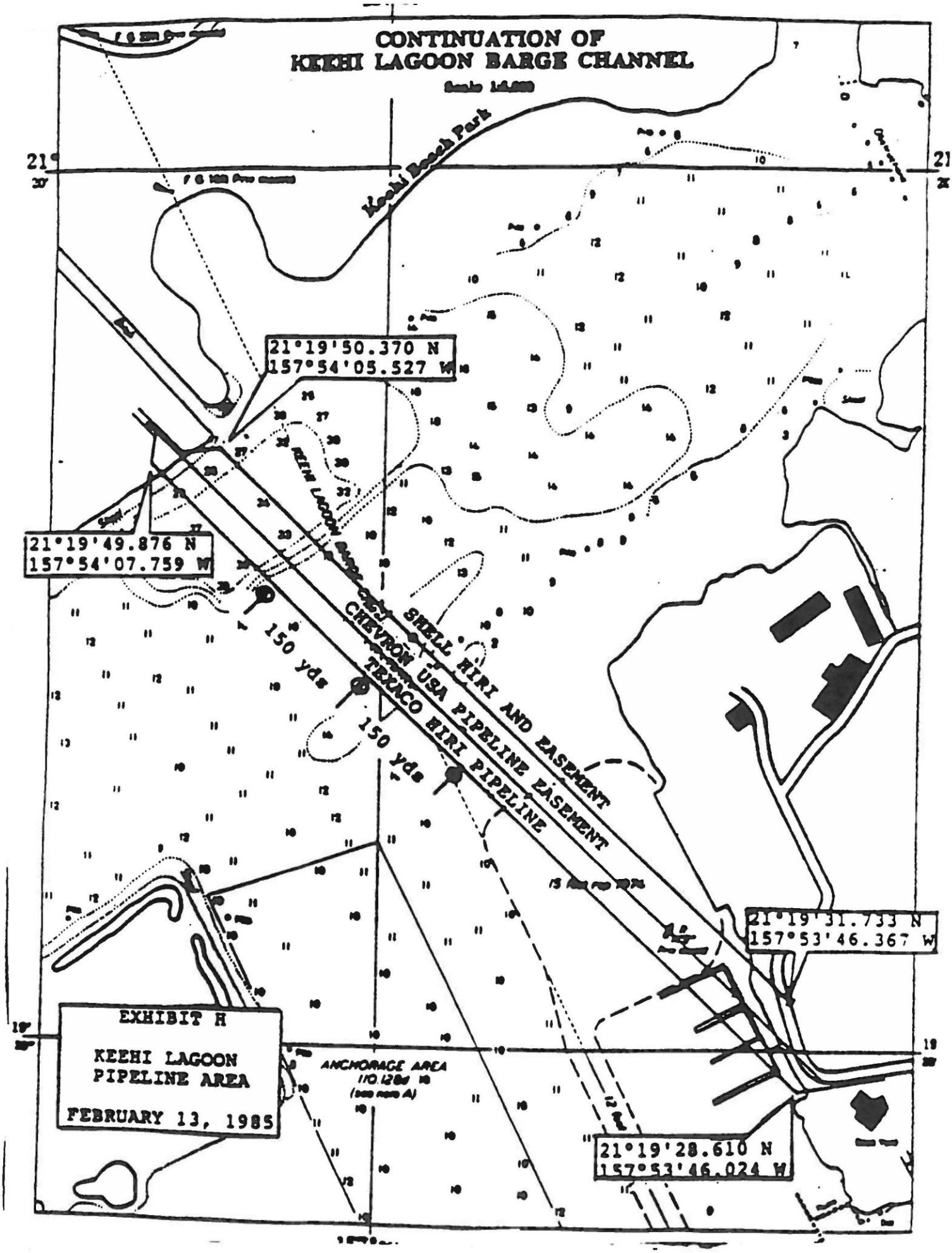
All vessels must not exceed 5 knots within the 500' buoys nor may any commercial motorboat navigate within that area with two exceptions:

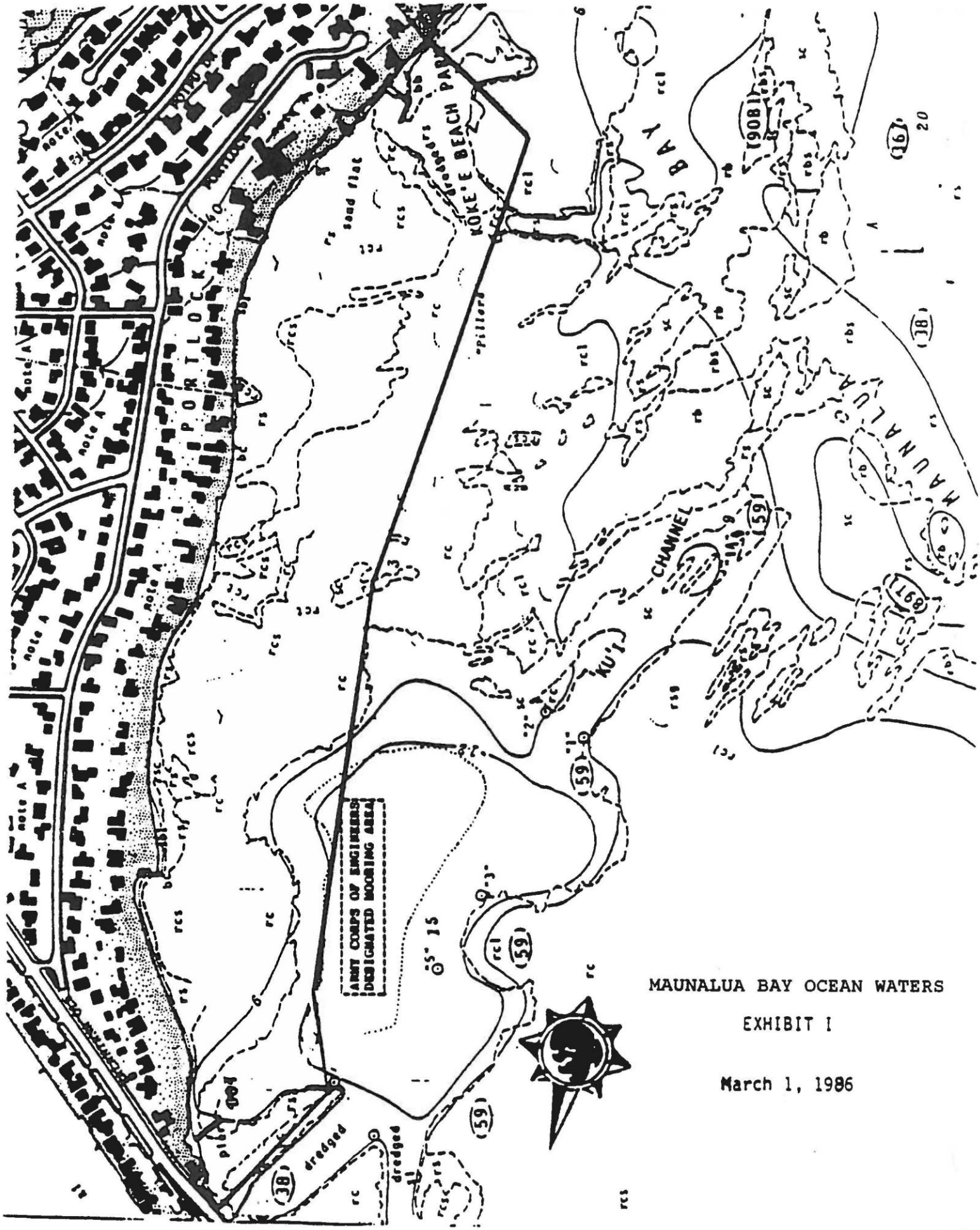
1. Ingress / Egress area
2. Commercial Fishing boats may enter if no swimmers.



MAUI

EXHIBIT G
KAANAPALI OCEAN WATERS
JULY 9, 1984


CONTINUATION OF
KEEHI LAGOON BARGE CHANNEL
Keehi Beach Park
21°19'50.370 N
157°54'05.527 W
21°19'49.876 N
157°54'07.759 W
KEEHI LAGOON BARGE CHANNEL
SHELL HIRI AND EASEMENT
CHEVRON USA PIPELINE EASEMENT
TEXACO HIRI PIPELINE
150 yds
150 yds
21°19'31.733 N
157°53'46.367 W
EXHIBIT H
KEEHI LAGOON
PIPELINE AREA
FEBRUARY 13, 1985
ANCHORAGE AREA
21°19'28.610 N
157°53'46.024 W



MAUNALUA BAY OCEAN WATERS

EXHIBIT I

March 1, 1986