

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Chapters 13-230, 13-231, 13-233, and 13-
256
Hawaii Administrative Rules

March 24, 2011

SUMMARY

1. Sections 13-230-21, 13-231-5, 13-231-28, 13-231-29, 13-233-29, 13-256-18 and 13-256-33 are amended.
2. Section 13-256-36 is repealed.

§13-230-21 Definitions.

"Personal partner" is an individual considered to be a "personal partner" of the principal habitation permittee who is not a relative by biology or adoption to the principal habitation permittee. While living together on the vessel, the principal habitation permittee and personal partner shall not have a landlord-tenant relationship. [Eff 2/24/94; am
AUG 03 2011] (Auth: HRS §§200-2, 200-4,
200-10) (Imp: HRS §§200-2, 200-4, 200-10)

§13-231-5 Period of validity and renewal of use permit. (a) The department may issue or renew a use permit for any period up to, but not exceeding one year. Upon expiration of the period stated therein, the permit and all rights of the permittee thereunder shall automatically terminate. No use permit shall be renewed unless all the conditions or covenants of the original issuance, including the requirement of prompt monthly payment of charges in advance, have been met and the rules governing small boat harbors of the department of land and natural resources have been fully complied with.

(b) If a permittee fails to renew a regular mooring permit on or before the date on which it expires, that person may be granted a thirty (30) calendar day period to reinstate the regular mooring permit as long as all the conditions or covenants of the original issuance, including the requirement of prompt monthly payment of charges in advance, have been met and the rules governing small boat harbors of the department of land and natural resources have been fully complied with. The person shall pay a one-time penalty fee of \$250.00 as well as all other applicable fees. Impoundment of the vessel shall be stayed only until the grace period has expired. [Eff 2/24/94; am

AUG 08 2011

] (Auth: HRS §200-10)

(Imp: HRS §200-10)

§13-231-28 Staying aboard vessels moored at Ala Wai or Keehi small boat harbor. (a) Staying aboard a vessel moored at Ala Wai or Keehi small boat harbor is prohibited except that:

- (1) Owners holding a valid regular mooring permit, the spouse or personal partner of each, their legal dependents, and their nonpaying guests, when in the company of the owner, may stay aboard the vessel without a use permit upon written notification to the department on or before the date of stay; provided that the period does not exceed any three nights in a week and a total of any one hundred twenty nights in a calendar year, including vessels used as a vacation site;
 - (2) Staying aboard a vessel in excess of any three nights in a week may be permitted when done in accordance with a valid:
 - (A) Stay aboard permit issued pursuant to section 13-231-22 (staying aboard transient or visiting vessels);
 - (B) Stay aboard permit issued pursuant to section 13-231-29 (vessel used as a vacation site);
 - (C) Stay aboard permit issued to a vessel owner holding a valid principal habitation permit authorizing a nonpaying bona fide guest to stay aboard the vessel in the company of the owner for a period not to exceed any thirty days in a calendar year.
- (b) When staying aboard in accordance with subsection (a)(1), and the stay is extended past the third day, the entire period of stay will be counted against time used as a vacation site in accordance with section 13-231-29.
- (c) Each harbor resident or other person authorized by the department to stay aboard a vessel in a small boat harbor in accordance with this chapter, except for those under the age of six, may secure one shower facility key. Prior to receiving

the shower key, the person shall deposit with the
State the amount specified in section 13-234-32. No
person shall be permitted to replace a shower facility
key more than two times. [Eff 2/24/94; am
AUG 08 2011] (Auth: HRS §§200-2, 200-9, 200-
10) (Imp: HRS §§200-2, 200-9, 200-10)

§13-231-29 Vessel used as a vacation site. (a) Staying aboard a vessel moored in Ala Wai or Keehi small boat harbor during a vacation is authorized but limited to owners holding valid regular mooring permits authorizing them to moor their vessels in the small boat harbor, the spouse or personal partner of each, their legal dependents, and nonpaying guests when accompanied by the owner, provided that:

- (1) The aggregate period of the stay is not more than thirty days in a calendar year;
- (2) The vessel owner secures a vacation permit and a stay-aboard permit for each individual vacationer;
- (3) The vessel and its occupants comply with the sanitation, vessel equipment, and all other requirements set forth under this chapter; and
- (4) The vessel owner provides evidence that the owner maintains a bona fide shoreside residence.

(b) No vacation permit shall be issued for a vessel registered or documented as being owned by a corporation. [Eff 2/24/94; am AUG 08 2011]
(Auth: HRS §§200-2, 200-10) (Imp: HRS §§200-2, 200-9, 200-10)

§13-233-29 Eligibility for parking permits; fee per vehicle. (a) Persons eligible for the parking permits described in section 13-233-28 and the fees for the permits are as follows:

<u>Eligible persons</u>	<u>Fees Per Vehicle</u>
(1) An owner holding a valid Use permit (permittee) authorizing the mooring of the owner's vessel at the small boat harbor, and any co-owner of the vessel.	\$25 per month
(2) The spouse or personal partner of each owner, and their legal dependents 18 years of age or older.	\$25 per month
(3) An owner or co-owner holding a valid use permit authorizing the mooring of the owner's vessel at the small boat harbor may secure a temporary parking permit, for use by bona fide guests accompanying the owner on board the vessel on a voyage outside the confines of the small boat harbor.	\$10 for each 24-hour period or fraction thereof
(4) An owner or employee of a firm, business, or organization operating under a lease or other agreement authorizing the owner, employee, firm, business, or organization to engage in a business or commercial activity at the small boat harbor.	\$90 per month
(5) Other non-boating related person(s) parking in any paid parking stalls.	not less than \$100 per month

(b) Fees for permits issued after the first month of a calendar quarter shall be prorated on a monthly basis.

(c) Not more than one parking permit shall be issued to a person eligible for a parking permit. [Eff 2/24/94; am and comp APR 05, 2008; am

AUG 08 2011] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-256-18 Commercial thrill craft operations,
commercial high speed boating and water sledding
operations.

* * *

(b) Commercial thrill craft are limited to operating within a two hundred foot radius of the permitted designated location except as otherwise designated. The number of thrill craft permitted to operate within each commercial thrill craft operating area shall be as directed by the department, not to exceed a limit of six rental units and two safety units per area. Water sledding operations may be conducted in the designated thrill craft areas only if no other thrill craft activity is ongoing in said area.

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[Eff 2/24/94; am July 5, 2003; am AUG 08 2011]
(Auth: HRS §§200-2, 200-4, 200-22, 200-24, 200-37)
(Imp: HRS §§200-2, 200-4, 200-22, 200-24, 200-37)

§13-256-33 Priority and procedures in the issuance of commercial use permits. (a) All commercial use permits shall be valid for not more than one year and shall automatically terminate on the expiration date.

(b) An application for a commercial use permit shall be made in writing to the department on the form provided by the department. The applicant shall indicate in the application the type and characteristics of the vessel, including but not limited to the vessel's overall length, draft, beam, principal source of propulsion, and any secondary or auxiliary source of propulsion, the passenger carrying capacity, and any other pertinent information. No application shall be complete until the applicant pays the application fee prescribed in these rules. The department shall accept the completed application form for consideration by endorsing it and entering the time and date on the application form submitted. The time and date the application is endorsed by the department shall be the effective filing date and shall establish the applicant's priority date; provided, however, priority for applicants who held a commercial use permit for Hanalei Bay or river in November 2000 shall be based upon the date the department issued such permit. An applicant must file a new application form each year but the effective filing date shall remain the same.

(c) Only when the number of commercial use permits issued under subsection (a) falls below the number authorized in section 13-256-38 or section 13-256-39, will the department offer a permit to the applicant with the next highest priority date; provided that in no event shall the limit set in section 13-256-38 or section 13-256-39 be exceeded thereby. [Eff 2/24/94; am

AUG 08 2011] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24)

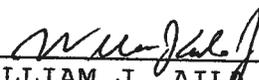
§13-256-36 REPEALED. [R

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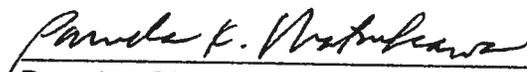
Amendments to Chapters 13-230, 13-231, 13-233, and 13-256, Hawai'i Administrative Rules, on the Summary Page dated March 24, 2011 were adopted on March 24, 2011, following public hearings held on O'ahu February 22, 2011, on Maui February 23, 2011, in Kailua-Kona on Hawai'i island and on Kaua'i on February 24, 2011, and in Hilo on Hawai'i island on February 25, 2011, after public notices were given in the Honolulu Star-Advertiser and the Maui News on January 21, 2011, the Hawaii Tribune Herald on January 22, 2011, the West Hawaii Today on January 23, 2011, and the Garden Isle on January 24, 2011.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

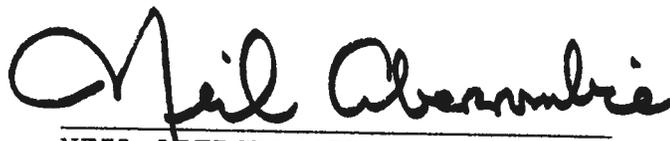


WILLIAM J. AILA, JR.
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Board of Land and Natural
Resources

APPROVED AS TO FORM:



Deputy Attorney General



NEIL ABERCROMBIE
Governor
State of Hawai'i

Date: 7.26.11

Filed

FILED
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11:03 AM
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES