§13-234-3 Mooring rates. (a) The mooring rate schedule set forth in paragraph 1 shall become effective on the first day of the first full month occurring after the effective date of the 2006 amendments to this section and shall be increased as shown in paragraphs 2 and 3 but only upon the approval by the State Legislature of new bonding issues for harbor facilities, and the increased schedule will be effective at the beginning of the fiscal year in which the new bonds are to be funded. Until the first day of the first full month occurring after the effective date of the 2006 amendments to this section, the fees existing immediately prior to the effective date shall remain in full force and effect. The mooring rate schedule in this subsection is per foot of vessel length overall per month effective upon the applicant's acceptance of the offer of an available berth. Mooring rates shall apply to the harbor facilities in the following categories: Category "A," Ala Wai; Category "B," Keehi Lagoon, Honokohau, Maalaea, and Lahaina; Category "C," Haleiwa, Heeia Kea, Waianae, Nawiliwili, Port Allen, Kailua-Kona, Keauhou, and Manele; Category "D," Wailoa, Kikiaola, Kaunakakai, North Kawaihae, and Kukuiula; Category "E," South Kawaihae, Hana, and Halo O Lono.

TYPE OF MOORING AND STATE BOATING FACILITIES

A = Ala Wai
B = Keehi Lagoon, Honokohau, Maalaea, & Lahaina
C = Haleiwa, Heeia Kea, Waianae, Nawiliwili, Port Allen, Kailua-Kona, Keauhou, & Manele
D = Wailoa, Kikiaola, Kaunakakai, North Kawaihae, & Kukuiula
E = South Kawaihae, Hana, Hale O Lono

(1) Mooring rates as of the first day of the first full month occurring after the effective date of the 2006 amendments to this section:

Category	A	B	C	D	E
Along catwalk:	$5.25	$4.00	$3.75	$3.50	$1.50
Bow-stern mooring: On state buoy, anchor or cable	$4.25	$3.50	$3.25	$3.00	$1.50
Minimum fee per month:	$52.00	$43.00	$37.50	$32.50	$20.00
On owner's buoy or anchor:	$2.75	$2.30	$2.00	$1.75	$1.50
Minimum fee per month:	$36.00	$33.50	$31.00	$29.00	$20.00
In harbor basin: On state cable, buoy or anchor	$4.00	$3.40	$3.00	$2.80	$1.50
Minimum fee per month:	$48.00	$40.00	$36.00	$33.00	$20.00

On owner's buoy or anchor: Minimum fee per month:	$2.70 $33.00	$2.10 $25.00	$1.95 $23.50	$1.85 $22.00	$1.50 $20.00
Skiff and dinghy moorings fore and aft, all types: Minimum fee per month:	$1.80 $24.00	$1.70 $21.50	$1.55 $19.75	$1.45 $17.40	$0.50 $5.00
Work docks (per foot/vessel length/day): Minimum fee per month:	$0.55 $7.00	$0.50 $6.00	$0.40 $5.00	$0.35 $4.00	$0.30 $3.00

(2) Mooring rates that become effective on the first day of the first financial year in which a $10 million CIP reimbursable bond issue is funded for the small boat facilities:

Category	A	B	C	D	E
Along catwalk:	$5.67	$4.32	$4.05	$3.78	$1.62
Bow-stern mooring: On state buoy, anchor or cable Minimum fee per month:	$4.67 $56.00	$3.82 $47.00	$3.55 $41.00	$3.28 $39.00	$1.62 $21.00
On owner's buoy or anchor: Minimum fee per month:	$2.97 $39.00	$2.48 $36.20	$2.16 $33.50	$2.00 $31.30	$1.62 $21.00
In harbor basin: On state cable, buoy or anchor Minimum fee per month:	$4.32 $52.00	$3.68 $43.00	$3.24 $38.00	$3.00 $35.00	$1.62 $21.00
On owner's buoy or anchor: Minimum fee per month:	$2.92 $35.60	$2.27 $27.00	$2.10 $25.40	$2.05 $23.70	$1.62 $21.00
Skiff and dinghy moorings fore and aft, all types: Minimum fee per month:	$1.95 $26.00	$1.84 $23.20	$1.68 $21.35	$1.57 $18.80	$0.55 $5.25
Work docks (per foot/vessel length/day): Minimum fee per month:	$0.60 $7.50	$0.55 $6.50	$0.43 $5.40	$0.38 $4.30	$0.32 $3.25

(3) Mooring rates that become effective on the first day of the financial year in which a subsequent $10 million CIP reimbursable bond issue is funded for the small boat facilities:

Category	A	B	C	D	E
Along catwalk:	$6.12	$4.67	$4.37	$4.08	$1.75
Bow-stern mooring: On state buoy, anchor or cable	$5.12	$4.17	$3.87	$3.58	$1.75
Minimum fee per month:	$60.00	$50.00	$45.00	$42.00	$22.00
On owner's buoy or anchor:	$3.20	$2.68	$2.33	$2.16	$1.75
Minimum fee per month:	$42.00	$39.00	$36.00	$33.00	$22.00
In harbor basin: On state cable, buoy or anchor	$4.67	$4.00	$3.50	$3.25	$1.75
Minimum fee per month:	$56.00	$46.00	$42.00	$38.00	$22.00
On owner's buoy or anchor:	$3.15	$2.45	$2.27	$2.21	$1.75
Minimum fee per month:	$38.50	$29.00	$27.00	$25.00	$22.00
Skiff and dinghy moorings fore and aft, all types:	$2.10	$2.00	$1.81	$1.70	$0.60
Minimum fee per month:	$28.00	$25.00	$23.00	$20.00	$5.50
Work docks (per foot/vessel length/day):	$0.65	$0.60	$0.46	$0.41	$0.35
Minimum fee per month:	$8.00	$7.00	$6.00	$5.00	$3.50

(b) The mooring rate schedule in subsection (a) shall apply to single-hulled vessels, except as otherwise provided in this section, or in sections 13-234-5, 13-234-7 and 13-234-25.

(c) A multi-hulled vessel shall be charged mooring fees in proportion to berths used in increments of one, one and one-half, or two times the fee prescribed in subsection (a) for a single-hulled vessel of equal length.

(d) When more than one vessel occupies a single berth end to end, the charge shall be computed at the rate provided in subsection (a).

(e) Except for fees for work docks, which set out the minimum charges per day, the amounts set out in the mooring rate schedules in subsection (a) are the minimum charges per month. [Eff 2/24/94; am DEC 16 2006](Auth: HRS §§ 200-4, 200-6, 200-10, 200-22, 200-24) (Imp: HRS §§ 200-4, 200-6, 200-10, 200-12, 200-22, 200-24)

§13-234-4 Mooring rates for offshore mooring and anchoring.

(a) The mooring rate schedule set forth in paragraph (1) shall become effective on the first day of the first full month occurring after the effective date of the 2006 amendments to this section and shall be increased twice thereafter, as set forth in paragraphs (2) and (3) on the first day of the fiscal year(s) in which a CIP bond issue is to be funded for the small boat facilities. The mooring rate schedule is per foot of vessel length overall per month:

(1) Offshore mooring and anchoring rates as of the first day of the first full month occurring after the effective date of the 2006 amendments to this section:

Vessel Length Overall	On State Buoy, Anchor or Cable	On Owner's Own Buoy, or at Anchor
0'-30'	$1.31	$0.88
31'-40'	$1.44	$1.00
41'-50'	$1.56	$1.13
51'-60'	$1.69	$1.25
61'-70'	$1.81	$1.38
71'-80'	$1.94	$1.50
81'-90'	$2.06	$1.63
Over 90'	$2.19	$1.75
Minimum Monthly Fee	$31.25	$20.63

(2) Offshore mooring and anchoring rates that will become effective on the first day of the first financial year, after the rates in paragraph (1) become effective, in which a CIP bond issue is funded for the small boat facilities:

Vessel Length Overall	On State Buoy, Anchor or Cable	On Owner's Own Buoy, or at Anchor
0'-30'	$1.41	$0.95
31'-40'	$1.56	$1.08
41'-50'	$1.68	$1.22
51'-60'	$1.83	$1.35
61'-70'	$1.95	$1.49
71'-80'	$2.10	$1.62
81'-90'	$2.22	$1.76
Over 90'	$2.37	$1.89
Minimum Monthly Fee	$33.75	$22.28

(3) Offshore mooring and anchoring rates that will become effective on the first day of the second financial year, after the rates in paragraph (1) become effective, in which a CIP bond issue is funded for the small boat facilities:		
Vessel Length Overall	On State Buoy, Anchor or Cable	On Owner's Own Buoy, or at Anchor
0'-30'	$1.52	$1.03
31'-40'	$1.68	$1.17
41'-50'	$1.82	$1.32
51'-60'	$1.97	$1.46
61'-70'	$2.11	$1.61
71'-80'	$2.26	$1.75
81'-90'	$2.40	$1.90
Over 90'	$2.56	$2.04
Minimum Monthly Fee	$36.45	$24.06

(b) The fee for barges, platforms, and commercial vessels having no operating means of propulsion shall be two times the rate listed in subsection (a).

(c) The fee for vessels anchored or moored without a permit issued by the department shall be at the rate as provided in section 13-234-5.

(d) Persons issued a mooring permit under this section shall be entitled to the use of any designated dinghy mooring area at no charge. [Eff 2/24/94; am DEC 16 2006](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)

§13-234-5 Mooring fees for vessels assigned temporary moorings or occupying moorings without permission. (a) Persons assigned a mooring for a temporary period of more than thirty days shall make the security deposit and pay mooring fees as prescribed in this chapter.

(b) Those assigned a mooring for a period of thirty days or less shall not be required to make the security deposit as provided in section 13-234-2, but shall be required to pay fees in advance.

(c) The fees described in subsection (d) shall apply for the entire period the vessel is in the state boating facility.

(d) The mooring fees for a vessel assigned a mooring for thirty days or less shall be as provided in sections 13-234-3 or 13-234-4, plus ten per cent for each twenty-four hours or any fraction of that time period.

(e) The mooring fees for a vessel moored in a state boating facility without permission of the department or in violation of section 13-231-17 shall be:

Length of stay	Fee
(1) 30 days or less	1-1/2 times the fees stated in subsection (d);
(2) 31-60 days	2 times the fees stated in subsection (d) for the period over 30 days;
(3) More than 60 days	3 times the fees stated in subsection (d) for the period over 60 days.

(f) The fees for a vessel moored in a state boating facility work dock area in violation of this section or section 13-231-17 shall be:

Length of stay	Fee
(1) 30 days or less	1-1/2 times the fees stated in subsection (d);
(2) 31-60 days	2 times the fees stated in subsection (d) for the period over 30 days;
(3) More than 60 days	3 times the fees stated in subsection (d) for the period over 60 days.

(g) In addition to any civil remedy or criminal action available to the department, vessels moored without permission shall be liable for the payment of fees chargeable to the moorage. The acceptance of the payment shall not waive the nature of trespass or ratify or permit the unlawful or illegal mooring." [Eff 2/24/94; am DEC 16 2006] (Auth: HRS §§ 200-4, 200-6, 200-10, 200-12, 200-22, 200-24) (Imp: HRS §§ 200-4, 200-6, 200-10, 200-12, 200-22, 200-24)

§13-234-25 Fees for commercial vessels using state boating facilities, Kaneohe Bay ocean waters, and beaches of the State. (a) Notwithstanding the provisions of section 13-234-3, the following fees and charges shall be assessed for services provided by the department relating to mooring in or using state boating facilities, Kaneohe Bay ocean waters and beaches of the State:

(1) The fee per month per vessel for a permittee with a commercial activity permit and regular mooring permit who moors in and uses a small boat harbor or any of the facilities in the harbor shall be the greater of two times the mooring fees as provided in section 13-234-3 or three per cent of the monthly gross receipts. In addition to the mooring fees as provided in this section and section 13-234-3, the permittee shall also pay fees and charges in the amounts prescribed in these rules for any other facilities and services utilized at the small boat harbor.

(2) The fee per month for a permittee with a commercial activity permit for a boat ramp, wharf, or other state boating facility, except a state small boat harbor, shall be the greater of $200 per month or three per cent of the monthly gross receipts, as of the first day of the first full month occurring after the effective date of the 2006 amendments to this section. The single fee assessed for the use of a state boat ramp shall entitle the permittee to use any other state boat ramp on the same island without an additional charge, except for those boat ramps listed in section 13-231-67. The department shall provide, upon issuance of a commercial activity permit for a state boat ramp, a set of trailer decals that shall be displayed on each side of the forward end of the trailer tongue.

(3) For permittees with a commercial activity permit only, the fee per month, for the use of a state boating facility, Kaneohe Bay ocean waters or beaches of the State, shall be the greater of $200 or three per cent of the monthly gross receipts as of the first day of the first full month occurring after the effective date of the 2006 amendments to this section.

(4) The report of gross receipts shall be received by the department not later than the end of the month following the reported month and shall be submitted on a form acceptable to the department. Unless otherwise provided by statutes, failure to submit the report of gross receipts as required for a period in excess of sixty days shall be cause for automatic revocation of the commercial activity permit.

(5) For permittees who have been issued a valid commercial activity permit for the use of more than one small boat harbor, the permittee shall designate the small boat harbor of principal use, and the percentage of monthly gross receipts described in this section shall be paid to that account. The fees for commercial activity permits issued for the other small boat harbors shall be the minimum amount specified in paragraph (2) or paragraph (1) for those permittees with small boat harbor mooring permits.

(6) For permittees issued a temporary mooring permit and a commercial activity permit, the fee per month shall be the greater

of the temporary mooring fees required by section 13-234-5 or three per cent of the monthly gross receipts as of the first day of the first full month occurring after the effective date of the 2006 amendments to this section.

(7) For the purpose of this section, until the first day of the first full month occurring after the effective date of the 2006 amendments to this section, the fees existing prior to the effective date shall remain in full force and effect.

(b) When the commercial activity permit is issued, the department shall also provide a set of commercial trailer decals for commercial trailered vessels, at no charge, which shall be displayed on each side of the forward end of the trailer tongue.

(c) Vessels used by a commercial activity permittee for shuttle operations transporting passengers to and from the commercial activity permittee's primary operating vessel and vessels under contracts to perform shuttle operations for passenger cruises, which moor at a state boating facility, shall be required to have a designated state boating facility of principal use and the fee charged under this section shall be paid to the principal use account.

(d) The department may conduct a financial audit of the records of any commercial activity permit account to determine the accuracy of reported gross receipts or inspect any other financial information, to and including Gross Excise Tax records directly related to the enforcement of these rules after providing notice, as described in section 13-230-6, not less than thirty days prior to the audit.

(e) The department may, by lease, permit, or mooring permit, in accordance with state statutes grant the use or possession of state boating facilities. The leases and permits shall provide for payments of rentals, fees and charges, and other conditions in accordance with law, in lieu of and notwithstanding the provisions for fees specified in these rules. [Eff 2/24/94; am DEC 16 2006] (Auth: HRS §§200-2, 200-3, 200-4, 200-10, 200-22, 200-24, 200-39) (Imp: HRS §§200-2, 200-3, 200-4, 200-10, 200-22, 200-24, 200-39)

§13-234-34 User fee for recreational use of state boat ramps. (a) An annual boat ramp decal user fee of $40 shall be paid by owners of trailered vessels using state boating facilities for recreational and fishing purposes to gain access to the waters of the State for the purpose of defraying costs of maintenance of the state boating facilities and use of fresh water. The $40 boat ramp decal fee shall become effective on the first day of the first full month occurring after the effective date of the 2006 amendments to this section and shall increase to $45 effective on the first day of the twelfth calendar month following the effective date of the $40 fee, and shall again increase to $50 effective on the first day of the twelfth calendar month following the effective date of the $45 fee. Until the effective date of the $40 fee, the fee provided in this section prior to the effective date of the 2006 amendments to this section shall remain in full force and effect.

(b) In addition to the vessel registration fee, the annual boat ramp decal fee described in subsection (a) shall be paid in full at the time of registration or registration renewal.

(c) The recreational owner shall be furnished a set of decals for the trailer by the department upon payment of this fee. Current boat ramp decals shall be affixed to each side of the forward end of the trailer tongue whenever the vessel trailer is operated or stored at a state boating facility.

(d) Notwithstanding subsection (c), a boat dealer or manufacturer shall be allowed to place the ramp decal on the dashboard of the vehicle used to transport the demonstration vessel. [Eff 2/24/94; am DEC 16 2006] (Auth: HRS §§ 200-2, 200-3, 200-4, 200-22, 200-24) (Imp: HRS §§ 200-2, 200-3, 200-4, 200-22, 200-24)