

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART III

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 250 GENERAL PROVISIONS

Historical note

§13-250-1	Purpose and scope
§13-250-2	Interpretation
§13-250-3	Severability
§13-250-4	Reserved
§13-250-5	Definitions

Historical note. This chapter is based on general provisions and definitions of the Hawaii Shore Waters Rules effective November 6, 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]

§13-250-1 Purpose and scope. The purpose of these rules is to further the public interest and welfare and to promote safety within the geographical

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limits of certain portions of Hawaii's ocean waters, navigable streams and beaches, as the same may from time to time be designated and described in these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-250-2 Interpretation. If any section of these rules is inconsistent with any act of the Congress of the United States or any rule, or standard established pursuant thereto, the section shall be construed to be superseded or governed thereby. Nothing contained in these rules shall be construed to limit the powers of any state department or agency. These rules shall be construed liberally and consistent with the purpose stated in section §13-250-1. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-250-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-250-4 Reserved

§13-250-5 Definitions. As used in this part, unless the context clearly indicates otherwise:

"Barge" means a non-self-propelled, generally large, flat-bottomed vessel.

"Boat" means a small vessel propelled by oars or paddles or by sail or power.

"Business" includes all activities engaged in or caused to be engaged in by any person or legal entity

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with the object of making a profit or obtaining an economic benefit either directly or indirectly.

"Canoe" means outrigger canoe.

"Carrying passengers for hire" means the carriage of any person or persons by a vessel for compensation flowing, whether directly or indirectly, to the owner, charterer, operator, agent, or any other person interested in the vessel.

"Catamaran" means a vessel with two or more hulls side by side.

"Chairperson" means the chairperson of the board of land and natural resources of the State of Hawaii or the chairperson's duly authorized representative or subordinate.

"Coast Guard" means the United States Coast Guard.

"Compensation" means any valuable consideration.

"Commercial high speed boating" means the use of an open ocean racing boat to provide high speed rides to passengers who pay compensation for the rides.

"Commercial high speed boating" does not include:

- (1) The use of an open ocean racing boat during an official racing competition; or
- (2) The use of an open ocean racing boat while practicing for racing competition; provided that no passenger pays compensation for riding the boat during the practice.

"Commercial motorboat" means any motorboat used for hire, profit or gain.

"Commercial ocean recreation activities" means any ocean recreation activity offered for a fee.

"Contrivance" means any man-made object or artificial arrangement not used or intended to be used for transportation which may be floated upon or suspended within the water.

"Department" means the department of land and natural resources of the State.

"Global Positioning System (GPS)" means the method of terrestrial navigation using a GPS electronic instrument, receiving data from a network of orbiting satellites to locate one's position by latitude and longitude.

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"Handboard" means any type of surf riding board that is (a) with or without skegs, (b) worn on one or both of the operator's hands, (c) is generally 15 inches in overall length, and (d) is used for the sport of wave riding.

"Humpback whale cow/calf area" are shown on Exhibit "B" dated November 23, 1988, located at the end of this chapter and described as follows:

- (1) Adjoining the island of Lanai. All waters within two miles of the shoreline along the north and east coast between lines extending perpendicular to the shoreline from Kaena Point to Kamaiki Point.
- (2) Adjoining the island of Maui. All waters inshore of a straight line drawn between Hekili Point and Puu Olai.

"Kaanapali ocean waters" means the area confined by the boundaries shown on Exhibit E (1), July 9, 1984, located at the end of chapter 13-251 and defined as:

Beginning at the intersection of the extended centerline of Wahikuli Road at the vegetation line, thence running by azimuths measured clockwise from True South; 088 degrees for a distance of one thousand feet; 177 degrees for a distance of two thousand fifty feet; 145 degrees for a distance of two thousand six hundred twenty-five feet; 117 degrees 30 minutes for a distance of two thousand fifty feet; 150 degrees for a distance of one thousand seven hundred seventy feet; 175 degrees 45 minutes for a distance of four thousand one hundred feet; 197 degrees 15 minutes for a distance of two thousand three hundred twenty-five feet; 177 degrees 30 minutes for a distance of four thousand fifty feet; 201 degrees 30 minutes for a distance of one thousand six hundred twenty-five feet; thence on a straight line to a point on the vegetation line of the south bank of Honokowai Stream; then southward along the vegetation line to the point of beginning.

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"Kayak" means a portable boat styled like an Eskimo canoe and propelled by use of a double-bladed paddle.

"Motorboat" means any vessel sixty-five feet in length or less which is equipped with propulsion machinery including steam and includes wet bikes, motorized surfboards and any other vessel propelled by a motor engaged in towing discs, boards, parasails or any other devices which may be towed. This term includes a vessel temporarily or permanently equipped with a motor.

"Navigable streams" means the waters of estuaries and tributaries of the streams of each island of the state, where boating and water related activities, recreational or commercial, may be carried on, whether the mouths of said streams are physically opened or not to ocean waters for intra or interstate commerce or navigation.

"Ocean recreation management area" means ocean waters of the State that have been designated for specific activities as described in Chapter 13-256, Hawaii Administrative Rules, Ocean Recreation Management Rules and Areas.

"Ocean Waters" means the waters seaward of the shoreline within the jurisdiction of the State.

"Open ocean racing boat" means a motorized vessel which:

- (1) Is designed, modified, or restored for the primary purpose of high speed boat racing; and
- (2) Has the capacity to carry not more than the operator and five passengers.

"Operate" means to navigate or otherwise use a vessel, surfboard, or paddle board (paipo board).

"Operator permit" means the permit issued by the department which authorizes either the direct operation or the offering for a fee, surfboards and sailboards or any vessel, watercraft or water sports equipment on the ocean waters and navigable streams of the state.

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"Outrigger canoe" means a boat equipped with a framework terminating in a float, extended outward from the side of the boat to prevent upsetting.

"Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use and possession of a vessel subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"Paipo boards" means any type of board that is (a) without skegs, (b) does not exceed four feet in length, and (c) is used for the sport of surfriding.

"Parasailing" means the activity in which an individual is transported or carried aloft by a parachute, sail, or other material attached to a towline which is towed by a vessel.

"Person" includes every individual, partnership, firm, society, incorporated association, joint venture, group, hui, joint stock company, corporation, trustee, or any other legal entity, including the servant, employee, agent, or representative of any of the foregoing.

"Power driven catamaran" means a catamaran propelled by machinery whether under sail or not.

"Recreation" means to create anew, restore, refresh, a diversion such as a hobby or other leisure time activities.

"Rules" means the rules governing Hawaii Ocean Waters, Navigable Streams and Beaches of the department of land and natural resources, State of Hawaii.

"Sailboard" means any type of board that exceeds four feet in length and is propelled by a detachable sail apparatus.

"Sailing catamaran" means a catamaran propelled by sail only, including a catamaran temporarily or permanently equipped with a motor being propelled by sail only.

"SCUBA" means self-contained underwater breathing apparatus."

"Shore waters and shores" means any shores or waters between the three nautical mile limit and the

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mean high tide mark on the shores of the islands of the State of Hawaii.

"Skeg" means any fin-like projection.

"Slow-no-wake" means as slow as possible without losing steerage way and so as to make the least possible wake. This would almost always mean speeds of less than five miles an hour.

"State" means the State of Hawaii.

"Surfboard" means any type of board that exceeds four feet in length and is used for the sport of surf riding.

"Territorial sea baseline" means the line from which the territorial sea is measured, which is generally the low water line along the coasts including the coasts of islands and special closing lines drawn tangent to the headlands across the mouths of rivers, bays, inlets and other similar indentations.

"Thrill craft" means any motorized vessel which is generally less than thirteen feet in length as manufactured, is capable of exceeding a speed of twenty miles per hour, and has the capacity to carry not more than the operator and two other persons while in operation. The term includes but is not limited to a jet ski, wet bike, surf jet, miniature speed boat, and hovercraft.

"Tow-in surfing" means utilizing a surfboard equipped with foot straps to surf waves with the assistance of a thrill craft that is equipped with a rescue sled, bow tow-line and a tow-in-rope.

"Ultralight float equipped aircraft" means an aircraft of light weight construction and limited range carrying not more than two individuals able to land on water surfaces using floats.

"Vessel" means any watercraft, used or capable of being used as a means of transportation on or in the water.

"Vessel length" means the end-to-end measurement of a vessel, taken over the deck, parallel to the waterline from the foremost part at the bow to the aftermost part at the stern; provided, that hull platings, plankings, and extensions aside from the

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hull proper, such as a bowsprit, are not to be included in such measurement; provided further, that an open-type vessel or one with a cockpit shall be measured as if a complete deck existed at the upper level of the hull.

"Waikiki ocean waters" means the area confined by the boundaries shown on Exhibit A, June 1, 1981, located at the end of this chapter which boundaries are described as follows:

- (1) Beginning at the point where the mean high water mark intersects a line perpendicular to the shoreline and extending seaward from the Diamond Head Lighthouse;
- (2) In the Ewa direction along the mean high water mark to the point where the mean high water mark meets the revetment on the Waikiki side of the Kewalo Basin entrance channel;
- (3) Along a straight line connecting the point described in (2) above to the Kewalo Basin entrance channel buoy ("1" Black);
- (4) Along a straight line connecting the buoy described in (3) above to the Ala Wai boat harbor entrance lighted buoy (Red "2");
- (5) Along a straight line connecting the buoy described in (4) above to the Diamond Head buoy (Red "2"); and
- (6) Along a straight line connecting the buoy described in (5) above to, and ending at, the point of beginning.

"Water sledding" means the activity in which an individual is transported or carried over the surface of the water on an apparatus that is more than twelve inches wide and is attached to a towline which is towed by a vessel. If the apparatus is round with a hollow center, the width shall be measured as a straight line:

- (1) Starting from a point on the outer edge of the apparatus;
- (2) Bisecting the hollow center; and
- (3) Ending at the farthest point on the opposite outer edge.



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“Water sports equipment” means any equipment, contrivance, frame or other device that one or more persons may lie, sit, or stand upon or in, and which is primarily for use in or on the water for pleasure, recreation or sports, and not necessarily for transportation. [Eff 2/24/94; am 9/10/01; am 4/27/02; am 10/19/02; 10/2/03] (Auth: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37) (Imp: HRS §§200-2, 200-3, 200-4, 200-22, 200-24, 200-37)

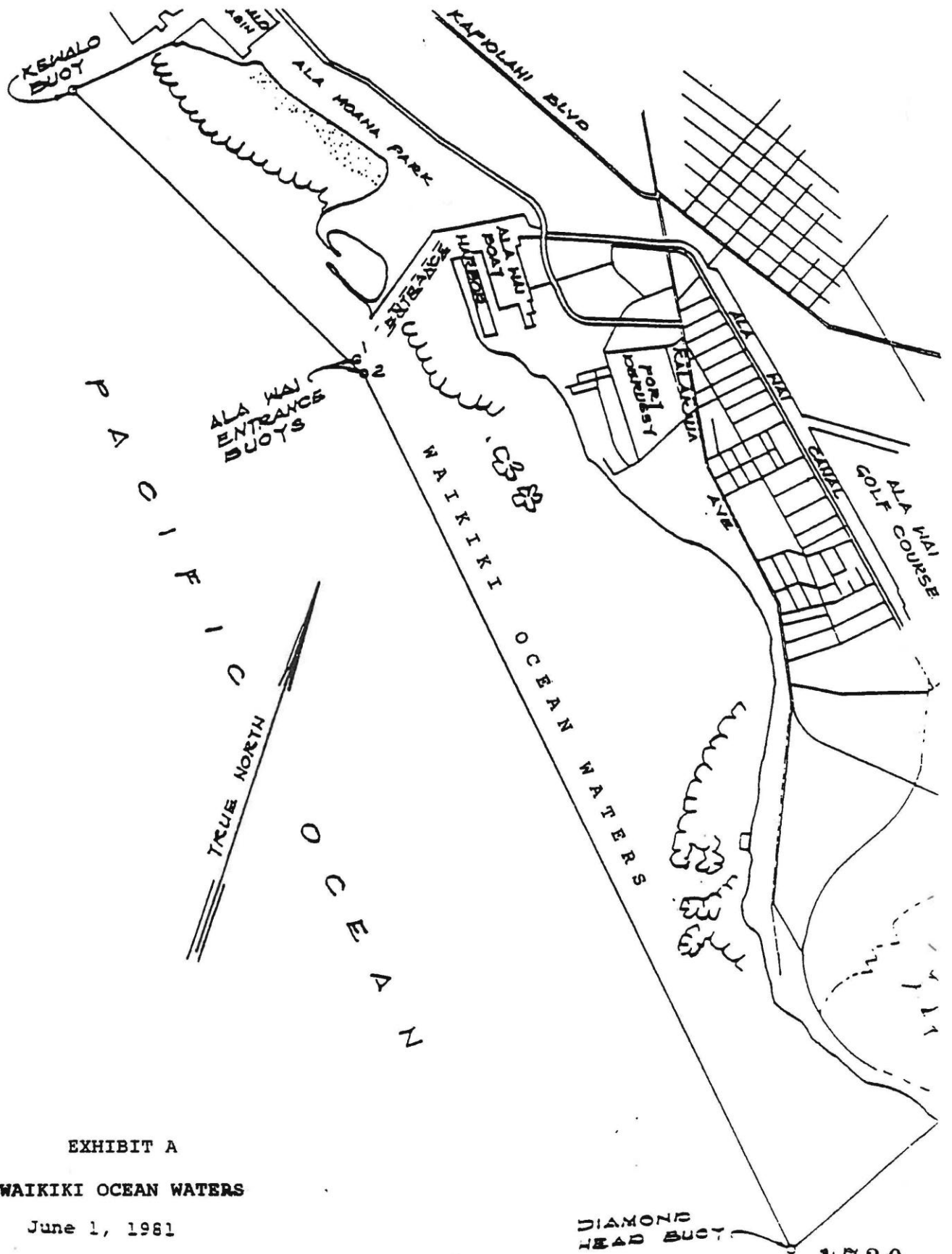


EXHIBIT A  
WAIKIKI OCEAN WATERS  
June 1, 1981

DIAMOND HEAD BUOY  
1730

