



BOATHAWAII

SUPPLEMENT

Your Guide to
RESPONSIBLE
Boating



Boat Hawaii Course Supplement

Developed by the Hawai'i Department of Land and Natural Resources, Division of Boating and Ocean Recreation

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This supplement contains additional information pertaining to recreational boating in the State waters of Hawai'i. This material is meant to be combined with and to complement a boating safety course approved by the National Association of Boating Law Administrators (NASBLA).

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Protecting the Resource

Hawai'i's Coral Reefs—The Marine Environment—Ocean Etiquette

The first Hawaiians saw the importance of corals and the coral reef as a major component to our islands. Coral reefs are the largest continuous living structures on earth and composed of individual coral animals called polyps. These polyps, smaller than the head of a pin, were the first creatures to emerge in the Kumulipo—the traditional Hawaiian account of creation.

Coral reefs present many benefits to our islands by providing protection from dangerous waves and storm surges, producing beautiful white sandy beaches since most of the sand comes from the reef. The reefs provide habitat and shelter for fish and other marine life. Hawaiians were intimately aware of the life cycles of marine resources. They understood sustainability of the resources because their existence depended on it.

Today, the coral reefs are just as vitally important, and we all should do our part to care for them by:

- Educating yourself on protecting coral reefs and sharing the knowledge with others;
- Inspecting your clothing and gear before entering the water for fragments of invasive marine organisms;
- Obeying all signs posted, especially those posted in marine protected areas. They're there to protect you and the resources;
- Picking up trash, even if it is not yours. Trash can damage and kill a wide variety of marine life;
- Leaving coral, shells, sand and rocks where they lay. They provide valuable resources for marine life including shelter, homes and even food;
- Keeping your swim fins, gear and hands away from coral. No standing on coral;
- Using existing moorings or anchoring in the sand. Dropping anchors on reefs damages and breaks apart coral;
- Picking up abandoned fishing gear (nets, lines, hooks, sinkers). They can injure marine life and humans.

All boaters should keep their vessels well maintained to prevent mechanical failures or sinkings that could impact live corals. Post a lookout to help you navigate through shallow areas. If you do experience engine failure and are about to go aground, deploy your anchor to stop your drifting.

The purpose of the Day Use Mooring rules and zones is to reduce damage to coral and other marine life as a result of continuous use of anchors by commercial and recreational vessels in zones of high dive and mooring activity. The rules describe the provisions for mooring at State Day Use Mooring buoys and the zones where the buoys are located (HAR §13-257).

In general:

- no permit is required;
- moorings are for day-time use only;
- there is a limit of 2.5 hours if another vessel is waiting (except Old Kona Airport MLCD where vessels are prohibited according to HAR 13-37-3);
- anchoring within 100 yards of a Day Use Mooring is prohibited except where no live corals exist;
- separate Day Use Moorings exist for recreational and commercial vessels at Molokini Atoll.

For more information about Day Use Moorings, visit: dlnr.hawaii.gov/dobor/day-use-moorings/

For the protection of our coral reefs, the shoreline and our waters, Hawai'i has very strict rules about abandoned, derelict and grounded vessels. All vessels grounded on State submerged lands, shorelines, or coral reefs shall be removed immediately by the owner or operator at the owner's or operator's expense. Vessels grounded on a sand beach, sandbar, or mudflat and not in imminent danger of breaking up shall be removed within seventy-two hours, unless otherwise agreed to by the department. Damage to State or private property caused by a grounded vessel shall be the sole responsibility of the vessel's owner or operator (HRS 200-47.5).

A vessel which has been left unattended for a continuous period of more than twenty-four hours may be deemed a derelict if the vessel has sunk or is in immediate danger of sinking, is obstructing a waterway or is endangering life or property, and for various other reasons (HRS 200-48).

Cost to remove a vessel from Hawai'i's waters may cost \$25,000+ depending on the distance from shore, availability of resources, the hull composition, etc. The department strongly advises all vessel owners to protect their vessels and themselves by insuring their boats and making sure their policies cover removal and disposal of the hull.

Hawai'i's nearshore waters and ocean resources have played an important role in the history of the islands and its economy. That is why Marine Managed Areas (MMAs), Fisheries Management Areas (FMAs), Marine Protected Areas (MPAs) and Marine Life Conservation Districts (MLCDs) were created in Hawai'i statutes and rules, to protect, conserve and replenish marine resources, provide fish and other aquatic life with an area to grow and reproduce, resolve user conflicts and protect cultural and historical resources. Within these areas, Hawai'i Administrative Rules may allow limited, sustainable fishing and other consumptive uses, or may prohibit such uses entirely. Motorized vessels and anchoring may be prohibited. It is a boater's responsibility to thoroughly research a waterway to understand what rules apply to his/her vessel and activities. For information about Marine Managed Areas in Hawai'i, visit: state.hi.us/dlnr/dar/admin_rules.html.

Protection of Marine Species

All marine mammals and sea turtles are protected by Federal and State law. An overview of this protection is provided below. For detailed information, check out the laws and policies pertaining to protected species:

www.nmfs.noaa.gov/pr/laws/ on the National Oceanic and Atmospheric Administration (NOAA) web site.

MMPA and ESA

Under Federal law, all marine mammals are protected under the Marine Mammal Protection Act (MMPA). Some marine mammals, including humpback whales, sperm whales, false killer whales and Hawaiian monk seals, are also protected as endangered species under the Federal Endangered Species Act (ESA). Sea turtles are also protected under the ESA. The National Marine Fisheries Service (NMFS), an agency within NOAA, is responsible for administering the MMPA and ESA.

National Marine Sanctuaries Act

Humpback whales are protected in the Hawaiian Islands Humpback Whale National Marine Sanctuary under the National Marine Sanctuaries Act (NMSA). The sanctuary is co-managed as a Federal-State partnership by the Hawai'i Department of Land and Natural Resources and NOAA, National Ocean Service, Office of National Marine Sanctuaries.

Hawai'i State Law

Marine mammals and sea turtles listed as endangered or threatened species, including humpback whales, sperm whales, false killer whales, Hawaiian monk seals, and all species of sea turtle, are protected under HRS 195D and HAR 13-124.

Monk Seals

Hawaiian monk seals are native to the Hawaiian Islands, and occur nowhere else in the world. Although most monk seals can be found in the Northwest Hawaiian Islands rare sightings were recorded in the Main Hawaiian Islands in the early 20th century (beginning in 1928) and have slowly increased. Today monk seal sightings are becoming more common in the Main Hawaiian Islands, however they are still considered "endangered" because their overall population across the Hawaiian archipelago continues to decline.

Seals usually feed on bottom-dwelling creatures, such as eels, flatfish, wrasses, octopus, and crustaceans. Seals have never been observed hunting pelagic fish, such as *mahi-mahi* (Dolphinfish, *Coryphaena hippurus*), ahi (Yellowfin Tuna, *Thunnus albacares*) aku (Skipjack Tuna, *Katsuwonus pelamis*), etc. Like sharks and other marine predators, seals play an essential role in our reef ecosystem, maintaining a balance that allows for the highest levels of productivity in our local fisheries.

Do not feed seals or discard old bait or scraps into the water when a seal is around. Doing so increases the likelihood that a seal will return for more, possibly coming into close contact with humans and increasing a seal's risk of accidental hooking or entanglement.

Humpback Whales

Federal law states that no one may approach a humpback whale within 100 yards in Hawaiian waters. This means that all ocean users (boaters, swimmers, surfers, etc.) must stay at least 100 yards from any humpback whale at all times. NOAA and DLNR issue a very limited number of special permits to researchers and rescue personnel to get closer than 100 yards. If, while on the water, you find a whale closer than 100 yards to you—if a whale approaches you, for instance—NOAA asks that you remain stationary and wait for the whale to move away. If you are in a motorized vessel, please put your engine in neutral (do not turn it off), and wait for the whale to move away. For more information about whale watching rules and guidelines in Hawai'i, please visit the HIHWNMS whale guidelines web page at: hawaiiwhale.noaa.gov/explore/whale_guidelines.html.

Disturbing Protected Species

Except for humpback whales (see above), there is no law specifying the minimum distance people can approach a marine mammal or sea turtle. However, getting close to these animals may constitute a Federal or State violation if the animal is disturbed or if your actions have the potential to disturb its natural behavioral patterns. Feeding or attempting to feed marine wildlife, is also prohibited under Federal law. NOAA and DLNR recommend, for your safety and the animals' protection, that everyone stay at least 150 feet from all marine mammals and sea turtles, and not swim with wild dolphins. If maintaining this distance isn't possible, keep safety in mind and move away from the animal as carefully as possible, avoiding sudden movements and other actions that might disturb the animal. For wildlife viewers, please enjoy from a distance—use binoculars and telephoto lenses to get the best views without disturbing the wildlife. For helpful hints visit: www.nmfs.noaa.gov/pr/education/hawaii/.

You Can Make a Difference and Save a Marine Animal In Distress

It is essential for boaters and ocean users to report any injured or distressed marine animals. It could mean the difference between life and death. The toll-free, 24/7 reporting hotline for all fishery interactions and other marine mammal incidents is **1-888-256-9840**. DLNR and NOAA Fisheries urge all fishermen and other ocean users to write down this hotline and/or save it in their mobile phones for timely use whenever you see a marine mammal that is hooked or entangled. If you see a violation of the MMPA or ESA, please call NOAA's Enforcement Hotline at **1-800-853-1964**. Federal rules and regulations pertaining to the protection of marine species can be found at:

www.nmfs.noaa.gov/pr/laws/

hawaii.humpbackwhale.noaa.gov/res/guidelines_laws.html

www.mpa.gov/helpful_resources/states/hawaii.html

Local Ocean Safety Principles and Practices

The waters surrounding the main Hawaiian islands are dynamic, alluring and dangerous. Our islands are situated in the middle of the Pacific Ocean separated by channels that often flow at six to eight knots and are subject to open ocean winds, ocean swells and sudden weather changes. Our nearshore waters are interspersed with coral reefs and shallow flats, and our waters are subject to rip tides. Hurricanes generate high surf and high winds radiating hundreds of miles from the center of the storm. The hazards Hawai'i mariners must avoid are many and varied. Even ocean users who have lived in Hawai'i all their lives fall prey to unseen obstacles or unpredictable conditions.

Watercraft, communication equipment and position finding devices have improved dramatically over the years and those changes have enabled boaters to better handle ocean conditions. But these changes cannot significantly increase the skill level of the operator nor provide an operator with the insight that could make the difference between life and death. It is crucial for you as a boater to understand your vessel, your skill level and your limitations, study the hazards involved in the activity and make an informed decision about the safety of your plans before launching.

The following suggestions are for the operator to consider and incorporate into their normal procedures and practices while operating a vessel in Hawai'i's waters. Regardless of the operator's ability, we encourage use of each of these suggestions to improve one's chances of survival in an emergency situation.

Talk Story to Gain Local Knowledge

It is a habit of mariners everywhere to spin tales of their ocean voyages. It is no different here. Many boaters pick up small details about Hawai'i's ocean waters from other boaters. When you are preparing to launch your vessel, it is always helpful to ask local boaters about hazards specific to a waterway and ocean conditions that you should be aware of. These types of details may be too fine, too timely or too transient to be included in an orientation like this. On site, local advice can make a significant difference in the safety of your voyage.

Study and Observe

It is to your advantage to study and scrutinize the waters and weather conditions and all information you have on-hand before deciding on whether or not to go to sea. It is important to realize that you are probably not an expert judge of ocean conditions and hazards. It takes many years of first-hand experience to gain any degree of insight into this subject, but you have to start somewhere. Every pre-voyage assessment can be critiqued after the fact and gaining insight is a process. Visitors with years of sailing and ocean-going experience have said that our waters are unique and different from almost anywhere else. Still, if you are new to our waters but insist on venturing out on the ocean, make an informed decision with the best data available. Study meteorological reports to see what weather conditions are forming beyond the horizon and know before you go. It is always advisable to get a timely, authoritative weather report before setting out. You should always file a float plan and leave it with someone who will watch for your return. Seasonal swells occur on the north and western shores in the wintertime. Southern swells occur in the summer and are not as intense. Severe storms may affect all waters at any time of the year. Observe cycles of wave action at the ramps until you can predict the lull between the swells before launching your vessel. Study and observe the harbor conditions before trailering your vessel when you return.

Be Aware

Although many engineering advances have been made in recent years, watercraft can still have a negative effect on wildlife and harm the environment. Thrill craft are louder than most motorboats and generate sound frequencies that negatively affect seabirds. They also introduce more pollutants into our marine environment than most people think. According to the California Air Resource Board, the emissions from two hours of operation of a typical 100 hp thrill craft is equivalent to operating a 1998 passenger car for 100,000 to 130,000 miles. The speed of any vessel can make it difficult to avoid sea life. Colliding with a green sea turtle often results in its fatality and the number of turtles in Hawai'i's waters is increasing. The number of humpback whales visiting our waters in the winter is also increasing. Hawai'i is subject to a periodic influx of Box Jellyfish and Portuguese Man-O-War approximately 9-12 days after a full moon. Their stings cause a range of reactions in humans from mild skin irritation to death. There is the common perception that ocean waters are naturally therapeutic. However, boaters should think twice before going into the waters following a heavy rain because streams and drains can introduce many pathogens into the water. Leptospirosis can cause flu-like symptoms and lead to meningitis and liver failure. Avoid waters that are oily, smelly, and frothy. Cuts from corals should be washed out immediately with clean water because of a risk of bacterial infection. Thrill craft operators may want to avoid being on the water at dawn or dusk and avoiding murky waters due to potential interactions with sharks. The sun can cause severe burns due to the fact that Hawai'i's UV index can be very high. Understand and heed high surf warnings.

Avoid Going to Sea Alone

The outer limit for thrill craft in the State of Hawai'i is two miles from nearest land. Still, two miles is a long distance to swim if you are alone and your vessel is taking on water, adrift in an offshore current in winds blowing out to the open ocean. There is no distance limit for other types of vessels. Keep in mind that with ocean swells of just a few feet, you become difficult to see by other boaters. Whitecaps on the crests of waves make you even more difficult to spot from the air. Even on a good day with clear skies, it makes good sense to have a partner on board your boat, a personal EPIRB attached to your person, and a PFD (with a signal mirror and whistle attached) on at all times.

Know Your Vessel and Your Equipment

While at sea, are you equipped for emergencies? Can you clear an obstruction that disables your vessel? Do you carry any tools for these emergency situations? Do you know how far and how long you can run or tow another vessel before you're out of fuel. Do you understand what to do in a capsizing and how your vessel will operate in nominal conditions? Thrill craft operate by drawing water into the impeller and ejecting that water from the jet. Remember that in a whitewash of a shore break a thrill craft may not generate thrust. Seconds count when you lose propulsion, and the inability to avoid this type of situation could put your vessel on the rocks. If you have not practiced rolling your thrill craft over after it capsizes, practice when it's not an emergency situation. If your boat is capsized by a rogue wave, stay with it if you can. You'll be easier to see. If adrift, deploy a parachute to slow down your drift. Claw-type anchors work very well in Hawai'i's waters. If diving off your vessel, use the proper equipment to make sure your vessel is still anchored where you left it when you resurface. Before you set out, check your safety equipment and shake up your fire extinguisher to loosen the dry chemicals so it performs as expected. The powder may have formed a hard mass. Keep on board your vessel a five-gallon bucket with 100' of sturdy line and attach it to your bow. By deploying it you can slow the rate of your drift and point your bow into the wind and current.

M'aidez-Mayday

If all conditions are favorable and you do go to sea, but encounter a problem, are you able to call for help? Vessels are required to carry aboard a VHF radio or an Emergency Position Indicating Radio Beacon (EPIRB), but thrill craft are exempt from this requirement in Hawai'i. The ability to call for assistance in an emergency and the ability to communicate clearly is crucial. Cellular phones are not reliable emergency communication devices in Hawai'i for a variety of reasons. VHF radios will enable you to hail the US Coast Guard (USCG) on Channel 16 and declare an emergency. The USCG will first determine if a vessel in the nearby area is able to assist you. If not, a USCG asset will be deployed. EPIRBs can communicate information about you and your vessel automatically once triggered. To be most effective, EPIRBs should be registered with the National Oceanic and Atmospheric Administration (NOAA). Models equipped with the Geographic Position System can locate you within 15 meters or less.

It is wise to make sure you are in full compliance with carriage requirements and have multiple methods for signaling for aid in an emergency situation.

Many boaters carry a dry bag (aka ditch bag) of essential items if they must leave their vessel in a hurry. If you lose power but can stay with your vessel, you should have visual distress signals aboard and a communication device. But what if you are ejected and find yourself in the water? If you become separated from your vessel you may not be able to swim to it if there is a steady breeze that makes it drift faster than you can swim. This is a common occurrence in Hawai'i. Can you call or signal for help if you are separated from your vessel? EPIRBs that you wear on your person can help rescuers find you in hundreds of square miles of ocean. A strobe light or reflective tape will improve your chances of being found at night or in poor lighting conditions. A signal mirror can summon a rescue vessel from the horizon. It uses the power of the sun and the reflection from a signal mirror grows larger and larger the greater the distance between you and a ship or plane. Learn how to use one and keep it in a pocket on your personal flotation device (PFD). A whistle attached to your life vest could alert the crew on your vessel if you fall overboard without anyone else knowing.

Maintain Your Vessel

If you have never used a thrill craft in salt water, be advised that you should give your vessel a thorough rinsing after every use to prevent mineral buildup, corrosion and mechanical failure. Make every effort to keep your thrill craft in good running order.

Even in Hawai'i Protect Yourself Against Hypothermia.

Although Hawai'i's waters hover around 79-82 degrees most of the time, exposure over a long period of time can reduce your core temperature and cause mild to moderate hypothermia. A drop of just a few degrees can cause shivering, mild confusion and loss of muscle coordination. It's always a good idea to give yourself multiple methods for signaling help to minimize your time adrift or in the water. It's also a good idea to understand hypothermia and strategies for dealing with it.

Being over-prepared is almost always better than being under-prepared.

The Historical, Cultural and Customary Practices of Hawai'i's Ocean Users

The seafaring people of Polynesia migrated across large expanses of ocean waters to populate the islands of Hawai'i. These skilled sailors knew how to survive on remote islands and on long sea voyages. Once settled here, the ocean remained an important source of food and recreation for the ancient Hawaiians. The numerous fishponds still in existence along our coastlines, historic mooring holes used by ancient fishermen, and the ocean sports that help define island life are just a few examples of things that support that belief. Surfing, which originated in the islands, has been elevated to a State symbol and is designated the State Individual Sport. Because local culture has grown up with the ocean as part of the landscape, there is a staggering variety and abundance of different uses for the ocean. Some have had historical and customary uses like Outrigger Canoe Paddling, which used to be a means for transportation along the coastline and between islands but has been elevated in status and is now the designated State Team Sport. In almost every case, there are unspoken rules of conduct that determines acceptable and unacceptable behavior while a person is out on the ocean.

Here are some factors to consider while recreating on Hawai'i's waters.

- It is legal to enter a surf break on a thrill craft if the break is in an area where the vessel is allowed, i.e. within a designated thrill craft riding zone, or in the undesignated waters of the State. However, if other types of vessels are present, manually powered craft (surfers, paddlers) should always have priority. It is best to leave that break to the surfers. Remember the speed restriction in HAR 13-244-9? By the same token, no laws prevent Hawaiian outrigger canoes and stand-up paddleboards in a surf break. Just remember that operators of any type of vessel may be held responsible for injuries to other ocean users if they do not take steps to avoid collisions. Any vessel, including a surfboard, stand-up paddle board or canoe used in a surf break should get in the lineup like everyone else and take their turn at catching a wave so as to avoid user conflicts.

- Many island residents are fishermen. Some make it their livelihood. Their fishing practices are finely tuned based on the patterned behavior of certain, schooling fish species. If you see a plane circling above one or more vessels, there may be an operation underway to circle a school of *akule* (big-eyed scad). These elaborate efforts are being conducted at great cost to the fishermen. The occupants of the plane are observing the school and directing the deployment of nets to encircle the school of fish. Vessels, especially thrill craft, generate noise and vibrations, changing the behavior of the fish and causing them to scatter, making it much more difficult or impossible to surround the school. The result is time and money lost. Steer clear of commercial and recreational fishing vessels that may be fishing in your area.
- The ocean is not a desert. A great many people are venturing farther and farther from shore, engaged in sports. Some are fishing to put food on their dinner tables. All vessel operators must be cognizant of the presence of others out on the water. Now with the explosion of free diving, many people are diving far from shore and it is very important to understand and comply with Hawai'i's dive flag rules. Modern ocean recreation equipment also makes it possible for paddlers to run up and down our coastlines and train/exercise far from shore. It is common courtesy to help other mariners in distress. It is also expected for motorized vessels to observe the slow-no-wake rule when encountering paddle craft and wind-powered craft. In all cases, a vessel operator is required to keep a constant watch. If a vessel has a crew, designate one or more people as lookout to assist the operator in spotting other ocean users and obstructions.
- It is a custom to give way to ocean users who are more experienced. It is wise to study and emulate them and unwise to claim the same or even superior status. Arrogant behavior can often trigger retaliation. With the constant introduction of new and varied ocean recreation equipment, the need for everyone to peacefully coexist keeps growing. The department cannot keep constant watch over the miles of ocean waters under its purview so voluntary compliance is essential. Each ocean user is responsible for obeying the rules of the road and all rules/regulations that apply to their activity. We all have responsibility to share the ocean waters and respect the rights of others
- Finally, the ancient Hawaiians considered the land, sea and sky, and all the plants and creatures of the earth as gifts bestowed upon them by their deities. These gifts are now our responsibility. The ancients conducted themselves as stewards being mindful not to abuse or overuse these resources and diminish their productivity or richness. Many island residents have adopted this mind set and may object to users who are not supportive of this philosophy and the wellbeing of our resources.

To earn the respect of others, respect their right to enjoy the ocean waters. Do nothing that would prevent others from enjoying the resource. Avoid acting in ways that put yourself and others at risk. Conduct yourself in ways that protect and preserve the land and sea because they are gifts to all living things.