

DLNR DAR Frequently Asked Questions regarding Coral Species and Restoration

Am I allowed to collect coral for personal/home use?

No. In Hawai'i, it is unlawful to take, break or damage, any stony coral, including any reef or mushroom coral (HAR 13-95-70), except as otherwise authorized by law by a Special Activity Permit for scientific, educational, management, or propagation purposes (HRS 187A-6).

Am I allowed to collect coral to sell?

No. It is unlawful to sell or offer for sale any stony coral, except that stony coral rubble pieces or fragments *imported* for the manufacture and sale of coral jewelry, or dead stony coral obtained through legal dredging operations in Hawai'i, may be sold (HAR 13-95-70). Proper documentation is required.

Can I collect dead coral, coral rubble, or live rock?

No. Taking of sand, dead coral, and coral rubble is prohibited statewide by statute HRS 171-58.5 and 205A-44. Taking of live rock is prohibited by HAR 13-95-71, except as otherwise authorized by law by a Special Activity Permit for scientific, educational, management, or propagation purposes (HRS 187A-6). Live rock is defined as any natural hard substrate to which marine life is visibly attached or affixed. Virtually every hard substrate in nearshore waters has something living attached to it.

What if there is stony coral (that need to be removed) growing on an underwater structure that I am maintaining, such as a day use mooring or an underwater pipe?

Please contact DAR first to determine the appropriate action to take with the coral:

Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, HI 96813-3088

Phone: 808.587.0100
FAX: 808.587.0115

Email: DLNR.aquatics@hawaii.gov

Other islands contact info here: <https://dlnr.hawaii.gov/dar/contact-us/>

What can I do to help protect corals?

Here are some ideas for ways to protect corals:

- Leave corals in their place
- Observe corals from a safe distance
- Don't litter
- Use biodegradable fishing line
- Be a cautious boater, use mooring buoys and only anchor in sandy areas
- Use reef safe sunscreen, with non-nano zinc and/or titanium dioxide
- Reduce your carbon footprint

What can I do if I want to help restore coral reefs?

There are many options if you want to help restore coral reefs. You can donate to the DAR Coral Restoration Nursery, get involved with University of Hawai'i coral restoration initiatives, or a number of non-profits that are working to restore corals.

Coral Restoration with Research, Education, Management or Propagation Purposes. The department may issue Special Activity Permits, not longer than one year in duration, to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources, otherwise prohibited by law, in any part of the State, for scientific, educational, management, or propagation purposes, subject to chapter 195D and **subject to those restrictions the department deems desirable (HRS 187A-6)**

What if I want to start my own coral nursery?

Because stony coral and live rock are protected in the state of Hawai'i, any work with stony coral or live rock requires a special activity permit (SAP). Application materials can be found on the DAR website: <https://dlnr.hawaii.gov/dar/licenses-permits/> or [inquiries can be made at: dar.sap@hawaii.gov](mailto:dar.sap@hawaii.gov)

Are there any artificial reef programs in Hawai'i?

The State of Hawaii Division of Aquatic Resources (DAR) has an artificial reef program, information can be found here: <https://dlnr.hawaii.gov/dar/fishing/artificial-reefs-and-fads/>

Artificial reefs require rigorous federal and state permitting, including environmental assessments (EA), environmental impact statements (EIS) and USACE/NEPA/ESA consultation processes. At this time the State does not issue permits for artificial reefs other than research projects with small-scale structures that are necessary for data collection, **issued at the discretion of the Department and subject to those restrictions the department deems desirable.**

Work is underway to determine how these programs may be supplemented and what reef areas would benefit most from artificial reefs or similar structures.

Are there programs about corals for “citizen scientists”?

The Eyes of the Reef (EOR) program is a great resource for people looking to learn more about coral species in Hawai'i, bleaching, marine diseases, and invasive species. Volunteers can get involved and report reef conditions directly to the program website: <http://www.eorhawaii.org>

Where can I report violations regarding corals?

Violations for any natural resource can be reported to DOCARE (808)643-DLNR or on the DLNR tip app.

Are there any rules about anchoring in corals?

Yes, anchoring is prohibited within 100 yards of any day-use mooring buoy. Anchoring elsewhere in a day-use mooring zone is permitted in areas of sand, rock, or rubble bottom types where no live corals exist (HAR 13-257-1).

More information about coral protections can be found at:

<https://dlnr.hawaii.gov/dar/habitat/coral-reefs/coral-and-live-rock-laws-of-hawaii/>

DLNR DAR Frequently asked questions for Special Activity Permits pertaining to coral for in situ and land-based nurseries and placement of in water nursery structures

What do I need to start research on Coral?

The Division of Aquatic Resources (DAR) is generally supportive of innovative ideas or research that may work to help restore coral reef resources. Because stony corals and live rock are protected under Hawaii Administrative Rules, certain criteria must be met in order to be authorized for activities involving the collection and propagation of these aquatic resources. After submitting this information in the application process, the Division will work to review and evaluate whether a permit may be issued for this proposed activity.

Why is a Special Activity Permit needed for projects?

The taking, breaking or damaging of any stony corals or live rock is prohibited under sections 13-95-70 and 13-95-71, Hawaii Administrative Rules (HAR), unless authorized by a permit (Special Activity Permit or SAP) issued under section 187A-6, Hawaii Revised Statutes (HRS).

What activities does the Special Activity Permit Cover and how long does it last?

Under section 187A-6, HRS, the department may issue permits, not longer than one year in duration, to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources, otherwise prohibited by law, in any part of the State, for **scientific, educational, management, or propagation purposes**, subject to chapter 195D and subject to those restrictions the department deems desirable. The department may revoke any permit for any infraction of the terms and conditions of the permit.

How do I apply for a Special Activity Permit?

In order to issue a special activity permit for this activity the Division requires that information be submitted in the form of an application (fillable PDF that can be found here under “Special Activity Permits”: <https://dlnr.hawaii.gov/dar/fishing/licenses-and-permits/>).

Applications should include detailed information about any institutions or personnel that will be participating or coordinating with the project to lend scientific, educational or propagation expertise to the operation. Determination of the permit renewal occurs on an annual basis, pending review of the yearly progress and final reports.

When you are ready, please download, save-as and fill out the application PDF, and email Cathy Gewecke (catherine.a.gewecke@hawaii.gov or dar.sap@hawaii.gov) or Kendall Tucker (kendall.i.tucker@hawaii.gov) this PDF. Please include detailed information about the activity, research or educational objective and the methodology and attach any extra information you may have for your project, such as research proposals, project synopsis, photos or maps, etc., to the email.

Upon receipt of an SAP application DAR biologists will review it for questions or concerns and follow up with the applicant as needed. If you are unsure of whether your project will meet certain criteria a pre-consultation meeting may be arranged pending staff availability.

What other information do you collect when evaluating if a Special Activity Permit can be issued?

For SAP's involving coral nurseries either in situ or land based the following questions will be needed in addition to the standard application questions (as applicable to your project):

1. **What species of coral would be collected/propagated (species/amounts/estimated sizes)?**
2. **How many and what size fragments or colonies (per year) would be necessary to conduct transplantation or propagation/start an aquaculture operation?**
3. **What types of biosecurity measures would be implemented?**
4. **How is the genetic diversity maintained with the aquaculture corals?**
5. **How is genetic diversity taken into consideration before releasing/transplanting into the wild?**
6. **How are environmental variables controlled at the facility or compared/monitored between sites (e.g. water chemistry, temperature, collection/transport methods, depth changes, feeding regimes, light, etc.)**
7. **What source of water is being used at the facility?**
8. **Location of potential restoration/transplantation sites/scale of restoration effort**
9. **Facility location**
10. **Collection location**
11. **Method to transport coral**
12. **Method used with coral (e.g. micro-fragmentation: explain method and experience with method-if applicable)**
13. **Flow-through (open) or closed aquariums systems at facility?**
14. **Description of equipment at facility**
15. **Quarantine procedure for new corals**
16. **Type of epoxy or method to be used for adhering corals to substrate**
17. **Method used to deploy/lower-down platform**
18. **Materials to be used for table/platforms**
19. **Anchoring method for nursery platforms**
20. **Measures that will be implemented to minimize entanglement of marine organisms in structure (e.g. if there are ropes/lines present, holes or compartments in structure that animals can explore, etc.)**

- 21. Type of foundations (if any) to be used for mounting corals to a base for adherence/transplantation**
- 22. Monitoring efforts**
- 23. Results of activity (e.g. technical paper, final/annual report, journal article)**
- 24. Past experience with the husbandry/propagation/transplantation of coral or another organism or current coordination with a facility with husbandry/propagation/transplantation experience**
- 25. Educational curriculum (if applicable)**

Currently there are institutions that are working to propagate corals in similar facilities or transplant/translocate coral *in situ* but have faced various difficulties in certain phases of the operation, ranging from water chemistry, temperature, stress from transporting the coral, depth changes, feeding regimes, etc. In order to minimize mortality and achieve successful survival rates, DAR asks applicants to consider these environmental variables.

Is the Special Activity Permit the only permit I need for my project?

In some cases, only an SAP is needed, but for many bigger projects other permits from other agencies will need to be issued.

Depending on your project's use of submerged land (e.g. placement of in-water structures such as cinderblocks, transect pins, cameras, nursery structures, platforms, etc.), another office with DLNR may require an additional permit, the Office of Conservation and Coastal Lands (OCCL). After DAR reviews your application materials, we will provide you with contact information for OCCL if consultation is determined to be necessary. After pre-consultation with OCCL, an application will need to be submitted to them for evaluation; **you must consult with OCCL to see which type of application to fill out because they have a couple different types of permits.**

After submitting applications to these agencies (OCCL -for placement of smaller tables/small platforms and/or United States Army Corp of Engineering ((USACE) for larger platforms/modules) for your proposed project, evaluation of the proposed activity would be conducted. After evaluating the applications, each agency would decide whether the project can be issued a permit to move forward.

OCCL would evaluate the project as proposed and would consult with DAR on the potential biological impacts of the placement of the structures. One of the requirements of permitting (depending on the scope of the project) may be an Environmental Assessment (EA) – potentially for larger platforms, although you should consult with them to verify. A bond or insurance may also be required to ensure the removal of the larger type structures in the event of an emergency or in the event that the Department requests for the submerged land to return to its natural state (for larger platforms or small artificial reef type structures).

More information on OCCL's permitting can be found here (including the fillable application for Site Plan Approvals and applications for CDUP: <https://dlnr.hawaii.gov/occl/forms-2/> - small platforms typically will require a Site Plan Approval (SPA – more basic type of permit) whereas larger platforms may require a Conservation District Use Permit (CDUP – more complicated type of permit).