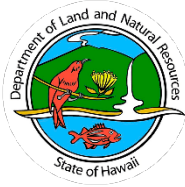


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 968139

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DEAN UYENO
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 25, 2023

PUBLIC HEARING NOTICE

FOR THE PROPOSED AMENDMENT AND COMPILATION OF HAWAII
ADMINISTRATIVE RULES CHAPTERS 13-31, "MOLOKINI SHOAL MARINE LIFE
CONSERVATION DISTRICT, MAUI," 13-230, "GENERAL PROVISIONS," AND 13-257,
"DAY-USE MOORING RULES"

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) and Division of Boating and Ocean Recreation (DOBOR) will hold a statewide hybrid Zoom public hearing with an in-person host site on Maui to collect testimony on proposed amendments to:

- 1) **Hawaii Administrative Rules (HAR) chapter 13-31, "Molokini Shoal Marine Life Conservation District, Maui," (Molokini MLCD)** to prohibit any commercial activity involving swimming, snorkeling, diving, kayaking, or paddling without a valid Molokini MLCD Use Permit, to prohibit anchoring within the Molokini MLCD, to update the Molokini MLCD Use Permit fee schedule, and to grant discretion to DLNR to waive permit fees in certain circumstances;
- 2) **HAR chapter 13-230, "General Provisions,"** to add necessary definitions;
- 3) **HAR chapter 13-257, "Day-Use Mooring Rules," Subchapter 1, "General Provisions,"** to set a maximum time limit of two and one half hours for use of any day-use mooring, to prohibit overnight use of day-use moorings, to clarify where anchoring is allowed, to add provisions guiding the installation of day-use moorings, to add a day-use mooring buoy site proposal requirement for DLNR, to require DLNR to maintain a public listing of sanctioned day-use mooring buoys, to prohibit rafting of vessels from any day-use mooring buoy, to clarify that any vessel owner or operator assumes the sole risk of using any day-use mooring, and to provide specific exemptions to the day-use mooring rules;
- 4) **HAR chapter 13-257, "Day-Use Mooring Rules," Subchapter 2, "Day-Use Moorings, Island of Hawai'i,"** to repeal the day-use mooring zones for the island of Hawai'i;
- 5) **HAR chapter 13-257, "Day-Use Mooring Rules," Subchapter 4, "Day-Use Mooring Area, Molokini Shoal Marine Life Conservation District,"** to clarify the boundaries and remove the mooring zones of the Molokini Island Day-Use Mooring Area, to update the fee schedule for commercial use of a day-use mooring within the Molokini Day-Use Mooring Area, to clarify that the commercial day-use mooring fees are in addition to fees

required under HAR §13-31-5, to update rules for recreational day-use moorings within the Molokini Day-Use Mooring Area and recreational use of commercial day-use moorings, to prohibit all anchoring within the Molokini Day-Use Mooring Area, and to update the map for the Molokini Island Day-Use Mooring Area; and

- 6) **All three chapters listed above** to add other, non-substantive, stylistic housekeeping amendments for clarity and consistency.

Interested persons are urged to participate in the public hearing to present relevant information and individual opinions for DLNR to consider. There are three ways to participate: online via internet or telephone; in-person at the designated host site; or by written testimony.

If you do not wish to testify but want to watch the public hearing online, you can view the online public hearing here: <https://bit.ly/DARYouTubeChannel>

PUBLIC HEARING DATE, TIME, AND LOCATION(S)

Thursday, September 28, 2023, 5:30 p.m. – 8:30 p.m.

- Online via Zoom (register at: <https://bit.ly/Molokini09-28>)
- Maui DAR Office, 130 Mahalani Street, Wailuku Hawai‘i 96793

TESTIMONY INSTRUCTIONS

1) Online Testimony

To provide online testimony, you will need a computer with internet access, video camera, and microphone, or a telephone. If you wish to testify online, you must register using the registration link included above.

Please note that all fields are required to register to testify. Once you submit the online registration form, a confirmation will be emailed to you with instructions and the meeting link and call-in number. If you do not receive an email with a Zoom link, please email DAR.Rulemaking@hawaii.gov for assistance. We request that you register to testify at least one hour prior to the hearing to ensure that you receive the Zoom link on time. If you are unable to access the Zoom hearing, you may still provide oral testimony at the in-person host site or you may also submit written testimony.

2) In-person Testimony

DLNR will set up an in-person host site at the address listed above where persons can attend in person to present live video/oral testimony via computer on Thursday, September 28, 2023, 5:30 p.m. – 8:30 p.m.

3) Written testimony

Persons can mail or email written testimony by Friday, October 13, 2023 to: Division of Aquatic Resources, 1151 Punchbowl Street, Room 330, Honolulu, Hawai‘i, 96813, DAR.Testimony@hawaii.gov

Anyone with a hearing impairment who desires to testify, may request assistance of a sign language interpreter. The request will need to be received at least seven days before the hearing is scheduled to start. Additional information or a copy of the proposed rules will be mailed at no charge upon receipt of verbal or written request. The requests may be made in writing (to the DAR address in the preceding paragraph), or by calling 587-0100 (voice or TDD) in Honolulu. The proposed rules can be reviewed in person, by appointment only, at the O'ahu DAR office at 1151 Punchbowl Street, Room 330, Honolulu, Hawai'i 96813 from 8:00 a.m. – 3:30 p.m., Monday through Friday, except holidays. To schedule an appointment to review the proposed rules in person, e-mail DAR.Rulemaking@hawaii.gov. The proposed rules can also be reviewed online at <http://ltgov.hawaii.gov/the-office/administrative-rules> or at <http://dlnr.hawaii.gov/dar/rules-and-public-notice>

A handwritten signature in black ink, appearing to read 'Dawn N. S. Chang', with a long horizontal stroke extending to the right.

Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources