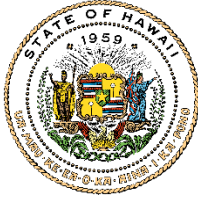


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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

DAWN N.S. CHANG
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 25, 2023

TO: Dawn N. S. Chang, Chairperson
Department of Land and Natural Resources

FROM: David Sakoda, Fisheries Program Manager
Division of Aquatic Resources

SUBJECT: Request to appoint hearings officers to conduct hybrid virtual/in-person statewide public hearings on the adoption 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 Division of Aquatic Resources (DAR) requests the appointment of hearing officers to conduct a public rulemaking hearing pursuant to chapter 91, Hawaii Revised Statutes, for the proposed amendment and compilation of:

- 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

Additionally, DAR has taken this opportunity to add other, non-substantive, stylistic housekeeping amendments for clarity and consistency throughout each of the chapters listed above.

The proposed format of the public hearing is a hybrid virtual/in-person format with an in-person host site for those wishing to provide in-person testimony on Maui (Kahului) as well as a virtual option via Zoom. DAR will have a Zoom public hearing officer that will facilitate the meeting as well as a public hearing officer for the in-person location. The in-person site will have a TV/projector, speakers, microphone, and camera setup and will be logged into the Zoom meeting that will be shown on the TV/projector for all in attendance to watch. The Zoom public hearing officer will show a pre-recorded public hearing presentation on the proposed rules and then the in-person public hearing officer will facilitate in-person testimony. The in-person testimony will be given via a pre-setup camera and microphone at the in-person location which will be connected to the Zoom meeting and broadcast onto DAR’s YouTube channel. Once all in-person testimony is collected, the Zoom public hearing officer will collect the virtual testimony. DAR requests the following individuals be appointed for the public hearing scheduled as follows:

Date and Time	Location	Officer Name	Officer Title
Thursday, September 28, 2023, 5:30 p.m. – 8:30 p.m.	Zoom	David Sakoda	DAR Fisheries Program Manager
	DAR – Maui Office, 130 Mahalani Street, Wailuku, Hawai‘i 96793	Russell Sparks	DAR-Maui Aquatic Biologist

Additionally, DAR requests the appointment of Kristy Stone, DAR-Maui Aquatic Biologist, and Adam Wong, DAR-Maui Education Specialist as back-up public hearing officers in case any of the officers listed above are, for any reason, unable to serve on the date of the public hearing.

If you have any questions or concerns, please contact me at (808) 265-0629 or via e-mail at David.Sakoda@hawaii.gov.

- APPROVED
- DENIED



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

Aug 25, 2023

DATE