



5/25/2023

**RE: Agenda Item F4 – Revisions to Day Use Mooring Program and Molokini Rules.**

Dear Members of the Land Board:

We hope this letter finds you well. We are writing to express our organization's strong support for the implementation of the Day Use Mooring Program and our eagerness to collaborate with each agency involved in its development. We firmly believe that this program is a significant step towards sustainable management of our precious marine resources, and we commend the efforts taken thus far to establish it.

Furthermore, we take pride in our involvement in the passage of the Ocean Stewardship Special Fund, which was instrumental in securing funding for the Day Use Mooring Program. This fund represents a crucial investment in preserving the natural beauty and ecological integrity of our conservation districts. It is a testament to the commitment of our community and its dedication to safeguarding our marine habitats for future generations.

Our organization has consistently attended all stakeholder meetings and is fully committed to collaborating with the Department of Land and Natural Resources (DLNR).

**Day Use Mooring Program Installation Process**

While we appreciate the effort to regulate and manage mooring buoys in Hawaii's ocean waters, we have concerns regarding the absence of guidelines regarding the installation process and the lack of recommendations on responsible parties for carrying out these installations.

Upon reviewing the proposed amendments, we note that there are guidelines provided regarding the materials and types of moorings that should be installed. However, there is a noticeable absence of specific guidance on who should be responsible for the actual installation process. It is crucial to establish clear guidelines and recommendations on the responsible parties involved in the installation of day-use mooring buoys.

To ensure efficiency and avoid bureaucratic delays in the installation process, we recommend exploring a streamlined approach that maintains high standards while minimizing unnecessary red tape. Here are a few recommendations for a more efficient installation process:

- **Prequalification of Qualified Installers:** The Department of Land and Natural Resources should establish a prequalification process to identify qualified installers with relevant experience, expertise, and knowledge of local marine environments. This would help ensure that only competent and capable professionals are entrusted with the installation of day-use mooring buoys.
- **Expedited Permitting Process:** Implementing a streamlined permitting process specifically for day-use mooring installations would help avoid unnecessary bureaucracy. This process should

involve clear timelines, efficient communication, and coordinated efforts between the relevant government agencies to ensure a timely and efficient installation.

- **Public-Private Partnerships:** Exploring partnerships with private entities, such as non-profit organizations or local businesses with experience in marine conservation and ocean recreation, could help expedite the installation process. By leveraging their resources and expertise, the installation of day-use mooring buoys could be accelerated, benefiting both the public and the environment.

It is essential to strike a balance between regulatory compliance and expediency to ensure that the proposed amendments to Chapter 13-257 are effectively implemented. By incorporating clear guidelines on responsible parties and exploring streamlined processes, we can avoid unnecessary bureaucratic hurdles and facilitate the timely installation of day-use mooring buoys while maintaining the necessary standards for environmental protection.<sup>1</sup>

### **Anchoring Restrictions**

While we appreciate the intent behind implementing regulations to protect coral and marine life, we believe that the proposed anchoring restriction of 100 yards is excessive and effectively prohibits recreational boaters from anchoring in areas where they traditionally enjoy ocean activities.

While we acknowledge the importance of safeguarding coral and marine habitats, we urge the Land Board to consider a more balanced approach that allows for responsible boating activities while minimizing potential damage. Restricting anchoring to a distance of 100 yards from day-use mooring buoys effectively eliminates anchoring opportunities in areas where recreational boaters typically seek to anchor and enjoy Hawaii's coastal waters. This restriction would have a significant negative impact on the ability of boaters to access and enjoy popular destinations while also impeding their ability to engage in various water-based activities.

To find a more reasonable balance between conservation and recreation, we propose reconsidering the distance of the anchoring restriction. We recommend reducing the distance from 100 yards to a more practical and environmentally responsible limit, such as 25 yards. This modification would allow for safe anchoring while still maintaining an adequate buffer zone to protect coral and marine life from potential damage caused by anchors.

It is important to recognize that responsible boaters are stewards of the environment and have a vested interest in preserving Hawaii's natural beauty for future generations. By implementing a more reasonable anchoring restriction, we can ensure that recreational boaters can continue to enjoy our coastal waters while promoting sustainable practices and conservation efforts.

We respectfully request the Land Board to reconsider the proposed 100-yard anchoring restriction near day-use mooring buoys and consider adjusting it to a more reasonable distance, such as 25 yards. This adjustment would strike a better balance between protecting marine resources and preserving the ability of recreational boaters to enjoy our state's coastal areas responsibly.

### **Recreational Day Use Moorings**

We strongly believe that a recreational component is essential to the success of the day use mooring program, rather than solely focusing on commercial buoys. Recreation plays a significant role in promoting public engagement, enjoyment, and appreciation of our natural resources. By including recreational moorings, we can ensure that individuals and families have the opportunity to explore and experience the beauty of our marine environment. This not only benefits local residents but also attracts visitors,

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<sup>1</sup> These comments do not apply to the Molokini Rules. We do not support anchoring in Molokini.

supporting our tourism industry and the overall economy. A balanced approach that considers both commercial and recreational aspects will create a sustainable and inclusive day use mooring program that serves the interests of all stakeholders.

### **Testimony Specific to Molokini Amendments**

We support all amendments to the Molokini rules except the following:

The Department may establish additional permit terms and conditions deemed necessary to minimize any adverse effect within the conservation district; provided that the department shall provide written notice of any change in permit conditions at least ninety calendar days prior to the effective date of the change, except, as determined by the department, when an immediate change in permit conditions is necessary to protect or preserve the conservation district or to protect the health and safety of the public;

While we understand the Department's intention to protect the conservation district and public health and safety, this provision raises concerns regarding transparency, stakeholder engagement, and procedural fairness. The provision allowing immediate changes in permit conditions without clear guidelines or oversight can lead to arbitrary decision-making and potential abuses of power. While protecting the conservation district and public health and safety are crucial, it is equally important to ensure that permit holders are provided with adequate notice and an opportunity to voice their concerns or propose alternative solutions.


We believe the provision should include specific criteria that must be met for the Department to invoke immediate changes, ensuring they are limited to situations where there is an imminent threat to the conservation district or the health and safety of the public. For example, unexploded ordinance. These criteria should be based on objective and verifiable evidence, subject to review and accountability.

By incorporating these amendments, the proposed clause can maintain the necessary flexibility for the Department to address urgent concerns while upholding the principles of transparency, stakeholder involvement, and procedural fairness. This approach will ensure that permit holders have a reasonable opportunity to adapt their operations, propose alternatives, or engage in meaningful dialogue with the Department.

### **Conclusion**

In conclusion, we fully support the implementation of a healthy day use mooring program and express our eagerness to collaborate with the Department of Land and Natural Resources (DLNR) and other agencies involved. We are proud to have played a pivotal role in the establishment of the Ocean Stewardship Special Fund, which provides crucial funding for the program. Additionally, we urge the DLNR to reconsider the provision allowing the agency to close Molokini, as it restricts access to a cherished recreational area without sufficient justification

Sincerely,

  
Zachary LaPrade  
Director