

# DAY MOORING BUOY PROGRAM PROPOSED RULE CHANGES

The Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR) oversees commercial and non-commercial ocean recreation statewide to promote safe ocean use, preserve the marine environment, and minimize user conflicts. DOBOR is responsible for the operation of day mooring buoys (DMBs) for the State of Hawaii. Hawaii Administrative Rule §13-257 establishes a DMB program in order to reduce anchor damage to the nearshore substrate and provide recreational opportunity to users. To effectively manage DMBs, DOBOR needs to collect program fees as it is prevented by statute from using any fees collected in relation to small boat harbors for DMB maintenance. The DMB program updates would include the following:

- Require a permit to use DMBs statewide
- Associate permits with a specific HA number
- Prohibit anchoring within 100 yards of DMBs
- Provide DMB locations online
- Issue maintenance and installation contracts
- Address unsanctioned moorings

## MOORING INSTALLATION + MAINTENANCE

There are approximately 200 DMBs installed throughout the State. New buoy installations would be prioritized based on public input, impact on aquatic resources, use patterns, and other relevant information. Maintenance and installations would be contracted separately.

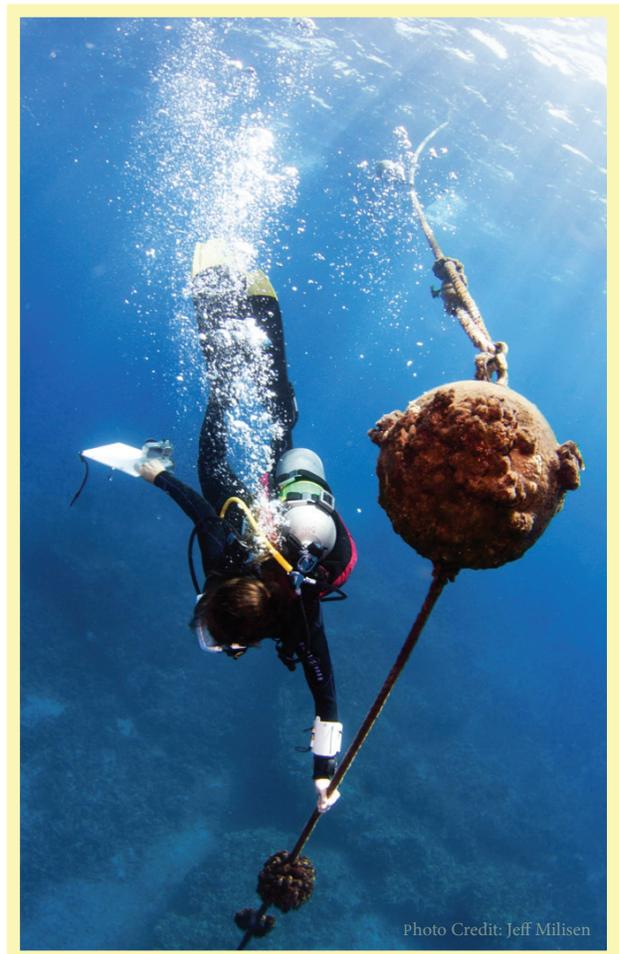
## UNSANCTIONED MOORINGS

Unsanctioned buoys would be considered marine debris and removed. Operators installing unsanctioned moorings would force enforcement action. During the initial transition period, a process would be developed to incorporate existing unsanctioned moorings into the program.

## DAY MOORING BUOY FEE

Commercial operators would be charged approximately \$150 per month per boat to use DMBs. Fees would be reevaluated after the first four years and would be used only for the DMB program costs. These fees would be paid in addition to commercial fees that are used to maintain state harbors, as the DMBs are located outside of harbors. Recreational users would pay \$25 annually to use day mooring buoys. The permit fee structure would support the following.

- Enforcement
- Installation & maintenance
- Coordinator
- Education & outreach
- Administration



**NEXT STEPS:** DOBOR is requesting comments for consideration to integrate into this rule update. Once the formal process begins, there will be public hearings (est. Fall 2018). Please email comments to [DLNR.BD.DMB@hawaii.gov](mailto:DLNR.BD.DMB@hawaii.gov)

# WEST HAWAII OCEAN RECREATION MANAGEMENT AREA

## Manta Viewing Sites Proposed Rule Changes

Since 2014, the Division of Boating and Ocean Recreation (DOBOR) has held numerous community meetings to address concerns relating to rising popularity of manta ray night viewing on the Kona coast. DOBOR is considering new ocean recreation management area (ORMA) regulations (HAR §13-256) specific to Makako Bay (Garden Eel Cove) and the nearshore waters fronting Kaukalaelae Point (commonly known as Keauhou Bay). DOBOR proposes the following changes:

- Limit live boating to ingress, egress, and emergencies
- Prohibit subsurface vessel lighting
- Require lighting on all vessels specific to whether in transit or moored
- Prohibit anchoring inside and within 100 yards of both site boundaries
- Limit manta viewing activities to designated “campfire” areas
- Prohibit commercial SCUBA tours within Kaukalaelae Point boundaries

### MOORING DESIGNATION

West Hawaii ORMA commercial and recreational permit holders would have use of DMBs during manta viewing hours every night, with one buoy reserved for recreational use. Outside of this time frame, all State DMB permit holders would have access to these DMBs.



Photo Credit: Jeff Milisen

### MOORING INSTALLATION + MAINTENANCE

A total of 13 day mooring buoys (DMBs) would be installed at each of the two sites in the first year, pending amendment of HAR §13-257 chapter updates for a statewide DMB program. The statewide DMB program would be responsible for contracting these initial installations and future maintenance and repair.

### MANTA PERMITS

Only one commercial permit would be issued per company associated with one HA number. The permit applicant must produce records that show continuous manta tours ( $\geq$  one tour weekly) since June 2015 to be eligible. These permits would be specific to one of the two sites. Recreational users would obtain a 24-hour permit through the statewide DMB program.

### WEST HAWAII ORMA FEE

Commercial operators would pay \$100 per month in addition to DMB permit fees. Recreational users would pay \$25 to obtain their annual DMB permit, which would include permission to use manta site moorings. 51 companies have expressed interest in applying for an initial permit at one of the two sites. Fees would support:

- Additional enforcement
- Additional education + outreach

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