

JOHN WAIHEE
GOVERNOR OF HAWAII



WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AHUE
MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

RECEIVED
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 521

'90 OCT -2 10 34 HAWAII 96809

REF: OCEA: JN

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FILE: MA-9/10/90-2377
DOC.: 9279E

OCT 1 1990

*Molokini Shoal - Multiple Point Boat
Mooring System*

MEMORANDUM

TO: Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources

SUBJECT: Conservation District Use Application for a Multiple-point
Boat Mooring System at Molokin Shoal, Maui

The above-mentioned Chapter 343 Document was reviewed and a negative declaration was declared based upon the environmental assessment provided with the CDUA.

Please feel free to call me or Jay Lembeck of our Office of Conservation and Environmental Affairs, at 8-7837, if you have any questions.

Attachment

Mr. Henry Sakuda

-2-

Doc. No.:9274E

Negative action as required by law, on your application by the Board of Land and Natural Resources can be expected should you fail to obtain from the County thirty (30) days prior to the 180-day expiration date, as noted on the first page of this notice, one of the following:

1. A determination that the proposed development is outside the Special Management Area (SMA);
2. A determination that the proposed development is exempt from the provisions of the county ordinance and/or regulation specific to Section 205A-29(b), HRS; or
3. A Special Management Area (SMA) permit for the proposed development.

Pending action on your application by the Land Board in the near future, your cooperation and early response to the matters presented herein will be appreciated. Should you have any questions, feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

Very truly yours,


WILLIAM W. PATY

Attachment (receipt)

cc: Maui Board Member
Maui Land Agent
Maui Dept. of Planning
Maui Dept. of Public Works
Maui Dept. of Parks and Recreation
Maui Dept. of Water Supply
OHA/OSP/DOH/DOT

225

1990-10-08-MO-FAA

Molokini Shoal - Multiple Point Boat Mooring System

State of Hawaii
Department of Land and Natural Resources
DIVISION OF AQUATIC RESOURCES

FILE COPY

April 6, 1990

MEMORANDUM

TO: Roger C. Evans, Administrator
Conservation and Environmental Affairs

FROM: Henry M. Sakuda, Administrator
Division of Aquatic Resources

SUBJECT: CDUP Application for a Multiple Point Boat Mooring System for
Molokini Marine Life Conservation District, Maui

17
4/22/90

Enclosed is an application for a Conservation District Use Permit (CDUP), including an environmental assessment, to establish a multiple point boat mooring system in the Molokini Shoal Marine Life Conservation District, Maui.

This application follows an Emergency Authorization granted to the Division of Aquatic Resources (dated December 1, 1987, file #88-263, copy attached) which allowed the installation of an experimental mooring system. If you have any questions, please call me.


HENRY M. SAKUDA

Attachments

DLNR
OCEA

90 APR 11 AM 8:11

RECEIVED

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

DEC 1 1987

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

LIBERT K. LANDGRAF
DEPUTY

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO.: 88-263
DOCUMENT NUMBER: 2034E

Mr. Henry Sakuda, Director
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Dear Mr. Sakuda:

EMERGENCY AUTHORIZATION

You are hereby authorized to perform the following emergency work:

1. Install 60-75 temporary concrete blocks or other suitable materials on submerged lands for temporary vessel moorings in the Molokini Shoal Marine Life Conservation District.

All work undertaken in conjunction with this written authorization is subject to the following conditions:

1. This work is temporary in nature, to the extent that the emergency is alleviated, and that this authorization does not imply any other commitment in the future relating to permanent actions taken on behalf of this authorization;
2. The proposed temporary mooring system will be used to alleviate the hazardous condition at Molokini and will be removed upon the completion of a permanent mooring system established by the Department of Transportation-Harbors Division;
3. The proposed temporary mooring system is a State facility and will be made available to the public on a "first-come" basis. There will be no allocation of moorings to commercial or private boats at Molokini during the temporary term of this proposal; and

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DEC 1 1987

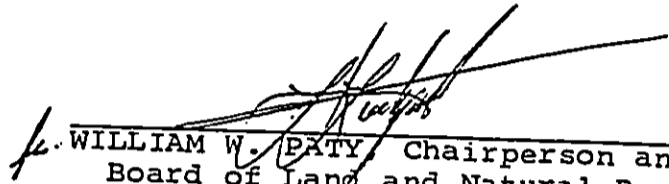
Div. of Aquatic Resources

Mr. Henry Sakuda

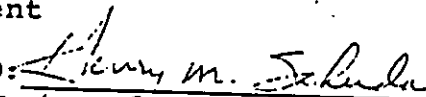
- 2 -

FILE NO.: 88-263

4. Prior to the installation of a permanent mooring system, the installer obtain appropriate authorization from the Board of Land and Natural Resources through the Conservation District Use Application process.


WILLIAM W. PATY, Chairperson and Member
Board of Land and Natural Resources

Attachment

RECEIVED: 
Dated 12/1/77

cc: DOCARE
Board Members
DOT-Harbors Division

February 1983

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

DEPARTMENT MASTER APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled
in by Government Agency in
control of property)

Name State of Hawaii, Dept.
of Land & Natural Resources

Address P.O. Box 621
Honolulu, HI 96809

Telephone No. _____

SIGNATURE _____

Date _____

II. APPLICANT (Water Use, omit if applicant
is landowner)

Name _____

Address _____

Telephone No. _____

Interest in Property _____

(Indicate interest in property; submit
written evidence of this interest)

*SIGNATURE _____

Date _____

*If for a Corporation, Partnership,
Agency or Organization, must be signed
by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

() A. State Lands

(X) B. Conservation District Use

() C. Withdraw Water From A Ground
Water Control Area

() D. Supply Water From A Ground
Water Control Area

() E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Sixth Representative

Island Maui

County Maui

Tax Map Key offshore of 2-1-01:03

Area of Parcel 35 acres
(Indicate in acres or
sq. ft.)

Term (if lease) _____

V. Environmental Requirements

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. the Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

- A. Existing structures/Use. (Attach description or map).
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).
- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.).
- H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

III. Commencement Date: February 1988

Completion Date: March 1989

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

1. Permitted Use (exception occasional use);
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
2. Accessory Use (accessory to a permitted use):
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
3. Occasional Use: Subzone _____.
4. Temporary Variance: Subzone _____.
5. Conditional Use: Subzone P.

Area of Proposed Use 35 acres
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark
Molokini Islet, approximately 3 miles offshore of Puu Olai, Maui

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone none designated
County General Plan Designation none designated

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans: (All plans should include north arrow and graphic scale).

- A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
- B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
- C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
- D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
- E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
- F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

- II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

LIBERT K. LANDGRAF
DEPUTY

AQUACULTURE DEVELOPMENT
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FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

DOC.: 3046E

APPLICANT'S CHECKLIST
CONSERVATION DISTRICT USE APPLICATION
(CDUA)

- // // Eighteen (18) Copies of the CDUA
- // // \$50 Filing Fee
- // // \$50 Public Hearing Fee
- // // Shoreline Management Act Permit (From County Planning Agency)
- // // Tax Map Key(s) Determined
- // // Conservation District Sub-Zone Determined
- // // Landownership Determined
- // // Agent Established
- // // Applicant Has Signed the CDUA
- // // Applicant Has Provided a Division Map
- // // Applicant Has Provided a Zone Map
- // // Applicant Has Provided a Section Map
- // // Applicant Has Provided a Plat Map
- // // Applicant Has Provided a Parcel Map
- // // Applicant Has Provided Project Plans
- // // Applicant Has Provided Project Photographs
- // // Applicant Has Provided Eighteen (18) Copies of the
Environmental Assessment
- // // Applicant Has Provided Eighteen (18) Copies of the
Environmental Impact Statement
- // // Applicant has Filed a Previous CDUA: _____
- // // Other

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: ___/___/___

Prepared by: Division of Aquatic Resources

The document is a (check all that apply)

Chapter 205A Document	()	Negative Declaration	(X)
Chapter 343 Document	()	EIS Preparation Notice	()
NEPA Document	()	Draft EIS	()
		Final EIS	()
		Acceptance Notice	()

Is the document a supplemental EIS? Yes () No (X)

Title of Proposed Action or Project: Multiple point boat mooring system for Molokini Shoal Marine Life Conservation District, Maui

Location: Island Maui District _____

Type of Action (check one): Applicant () Agency (X)

Name of Proposing Applicant or Agency: Dept. of Land and Natural Resources

Name of Contact: Henry M. Sakuda

Address: 1151 Punchbowl St. Rm 330,

City: Honolulu State: Hawaii Zip Code: 96813

Phone: (808) 548-4001

Name of Preparer or Consultant: State Division of Aquatic Resources

Name of Contact: same as above

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: () _____

Accepting Authority: State Department of Land and Natural Resources

Estimated Project Cost:

Federal Funds	\$ _____
State Funds	\$ <u>20,000.00</u>
County Funds	\$ _____
Private Funds	\$ _____
TOTAL	\$ _____

Document Preparation Cost:

Neg Dec/EA	\$ <u>1,000.00</u>
Draft EIS	\$ _____
Sup Draft EIS	\$ _____
Sup Final EIS	\$ _____
TOTAL	\$ _____

EA Trigger (check all that apply)

- (X) Use of State or County Lands or Funds
- (X) Use of Conservation District Lands
- () Use of Shoreline Setback Area
- () Use of Historic Site or District
- () Use of Lands in the Waikiki Special District
- () Use Requiring an Amendment to a County General Plan

NOTE: For answers to any question on Page 10 or 11, please contact the Office of Environmental Quality Control at (808) 548-6915.

[OEQC Form 89-01 (1/89)
Page 1 of 2]

- () Use Requiring the Reclassification of Conservation Lands
- () Construction or Modification of Helicopter Facilities
- () Other _____

Brief Description of the Proposed Action or Project which will be
Published in the OEQC Bulletin (limit of 500 words or less): _____
please see attached

(Continue on another sheet if necessary)

Tax Map Key(s): _____

FOR OEQC USE ONLY

Date of Submission: _____ OEQC # _____
Date of Publication: _____ Planner: _____
Last Day for Consulted _____
Party Request:
Comment Period Ends:
Acceptance Date:
Publication Date of
Acceptance:

Multiple Point Boat Mooring System for
Molokini Shoal Marine Life Conservation District, Maui

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) has initiated a project at the Molokini Shoal Maui Marine Life Conservation District (MLCD) to establish a multiple point boat mooring system for use by boaters. The project is to reduce damage to live corals from anchoring in the MLCD, and to provide increased safety to snorkelers, SCUBA divers, and swimmers of Molokini.

The DAR undertook an experimental project in 1988 to develop the mooring system. Emergency authorizations from the Army Corps of Engineers and from DLNR were secured to deploy the experimental moorings.

Specifically, 28 concrete blocks (27"x27"x24", 1,200 pounds each) were deployed in pairs and subsurface mooring lines installed to provide 14 bow moorings. Additionally 22, 3/4"x18" stainless steel eyebolts pins were glued into the bottom inside and along the submerged crater rim to serve as stern anchors. Three additional pins were installed (originally two near Pahe'e O Lono Point but one was "lost", and one near Lalilali Point) to provide single point bow moorings. The arrangement provided a three-point mooring (one bow and two stern lines) with the stern of each ship backed into the crater rim.

The DAR has been monitoring the marine resources of Molokini since its designation as a MLCD. The DAR has also watched the use of the experimental mooring system and find that they have been well-received by boaters who visit and use the system daily.

To improve upon the experimental mooring system initially installed, the proposed multiple point boat mooring system will consider alternatives such as relocation, fortification (by adding the more weight) or removal of the concrete blocks which now serve as anchors for bow moorings. Also to be considered are the steel eyebolts used to position the stern of a boat, which may be replaced (if loosened) or increased in number to accommodate for changes in wind and sea current patterns.

NOTICE OF DETERMINATION
NEGATIVE DECLARATION

MULTIPLE POINT BOAT MOORING SYSTEM FOR
MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT, MAUI

The Division of Aquatic Resources of the Department of Land and Natural Resources, State of Hawaii, has completed an assessment of a proposed project at the Molokini Shoal Marine Life Conservation District, Maui. The attached Environmental Impact Assessment describes the project and potential impacts of the proposed action. Since the assessment anticipates that potential effects will be minimal, an impact statement will not be prepared. ✓

December 1989

ENVIRONMENTAL IMPACT ASSESSMENT

MULTIPLE POINT BOAT MOORING SYSTEM FOR
MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT, MAUI

Prepared by and for:

Division of Aquatic Resources

Department of Land and Natural Resources

State of Hawaii

ENVIRONMENTAL IMPACT ASSESSMENT

MULTIPLE POINT BOAT MOORING SYSTEM FOR MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT, MAUI

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) has proposed a project at the Molokini Shoal Maui Marine Life Conservation District (MLCD) that would lead to the establishment of a multiple point boat mooring system for use by boaters. The project is needed to reduce damage to live corals from boaters who anchor within the MLCD and to afford the users (snorkelers, SCUBA divers, swimmers) of Molokini, increased safety through stable multiple point boat moorings.

I. PROPOSING AGENCY:

Division of Aquatic Resources (DAR), Department of Land and Natural Resources (DLNR), State of Hawaii

II. RESPONDENTS TO SOLICITATION FOR COMMENTS:

- A. DLNR (Conservation District Use Permit), State of Hawaii
- B. State Department of Transportation, Harbors Division, State of Hawaii
- C. State Office of State Planning, Coastal Zone Management Program
- D. U.S. Army Engineer District

III. ENVIRONMENTAL SETTING:

A. Location and Description

Molokini Islet is located in the Alalakeiki Channel between the islands of Maui and Kahoolawe, about 3 miles off Puu Olai, in the southeastern corner of Maui (see Figure 1).

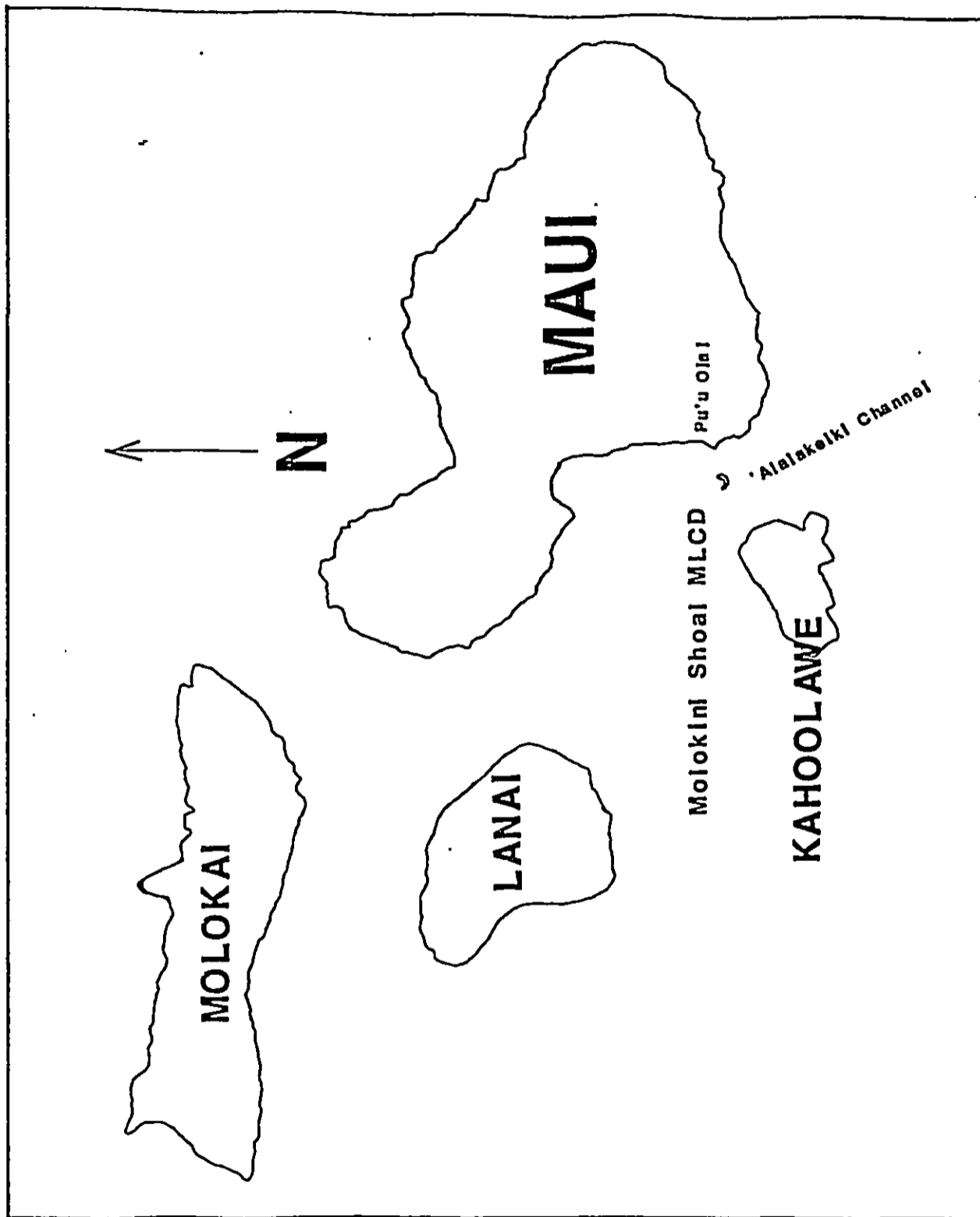


Figure 1: Location of Molokini Shoal Marine Life Conservation District (MLCD).

The uninhabited crescent shaped islet is the remaining South rim of an extinct volcanic crater. The approximately 19 acres of fast land is managed by the State Division of Forestry and Wildlife as a State Seabird Sanctuary (Hawaii Administrative Rules, Chapter 125). The islet is about 160 feet above the sea at its highest point. The United States Coast Guard maintains a navigational light at this highest point.

The concave portion of Molokini Islet forms a shallow submerged crater floor of about 35 acres. The south face of the islet drops off sharply into the deep waters of the Alenuihaha Channel.

The open, shoal section of Molokini which faces North, together with the land mass of the islet, provide protection from wind and sea conditions generated by the Alenuihaha Channel to the south. This creates the calm and clear waters within the shoal section enjoyed by many boaters and visitors from Maui.

B. MLCD Designation and Protection

In July 1976, the DAR, then the Division of Fish and Game (DF&G) of the DLNR, conducted a marine survey to assess the potential of including Molokini into the State's Marine Life Conservation District system (Appendix A). This eventually led to the establishment of the Molokini Shoal MLCD, Maui through DF&G Regulation 42, effective July 8, 1977, which was later (1981) amended to Chapter 31, Hawaii Administrative Rules of DLNR (Appendix B).

The MLCD includes the submerged lands and overlying waters of Molokini, beginning at the high water mark on shore to a depth of 30 fathoms (54.8 meters or 180 feet).

Activities prohibited in the MLCD include all taking of aquatic resources except as noted below, and damage to corals and other geologic features. Trolling for finfish with artificial lures is, however, allowed thru the MLCD.

C. Increased Use of MLCD

The protection provided to aquatic life in the MLCD boundaries have enhanced the aquatic life such that viewer visitations by recreational divers and commercial dive tour boats have increased in recent years. Whereas in 1981, only five commercial tour boats regularly conducted tours to Molokini, observations from July 1985 to November 1986 showed an average of 15-25 boats per day with a range from 5 to 31 boats. The boats ranged in size from 21 to 92 feet long and carried from 6 to 165 persons each.

However, without provisions to prohibit anchoring by the boats, damage to live corals continues within the MLCD. Moreover, crowding by snorkel and SCUBA divers in the water creates a potentially hazardous condition especially where the dive tour boats continue to drop off and pick up their customers.

D. Installation of Experimental Temporary Mooring System

To mitigate damage to corals and enhance public safety, the DAR undertook an experimental temporary mooring project in 1988 to develop the system. Emergency authorizations from the Army Corps of Engineers and from the DLNR were secured in order to deploy an experimental temporary mooring system. Specifically, in January 1988, the DAR deployed 28 concrete blocks (27"x27"x24", 1,200 pounds each block) in pairs to provide 14 bow mooring anchors (see Figure 2). In April 1988 with assistance from various agencies and interest groups, 22 stern anchor pins (3/4"x18" stainless steel eyebolts) were glued into the sea bottom inside and along the submerged crater rim to serve in conjunction with the bow anchors (see Figures 2 and 4). Three additional pins were installed (originally two near Pahe'e O Lono Point but one was "lost", and one near Lalilali Point) to provide single point bow moorings. Finally in February 1989, the DAR installed subsurface mooring lines which made all 14 concrete bow

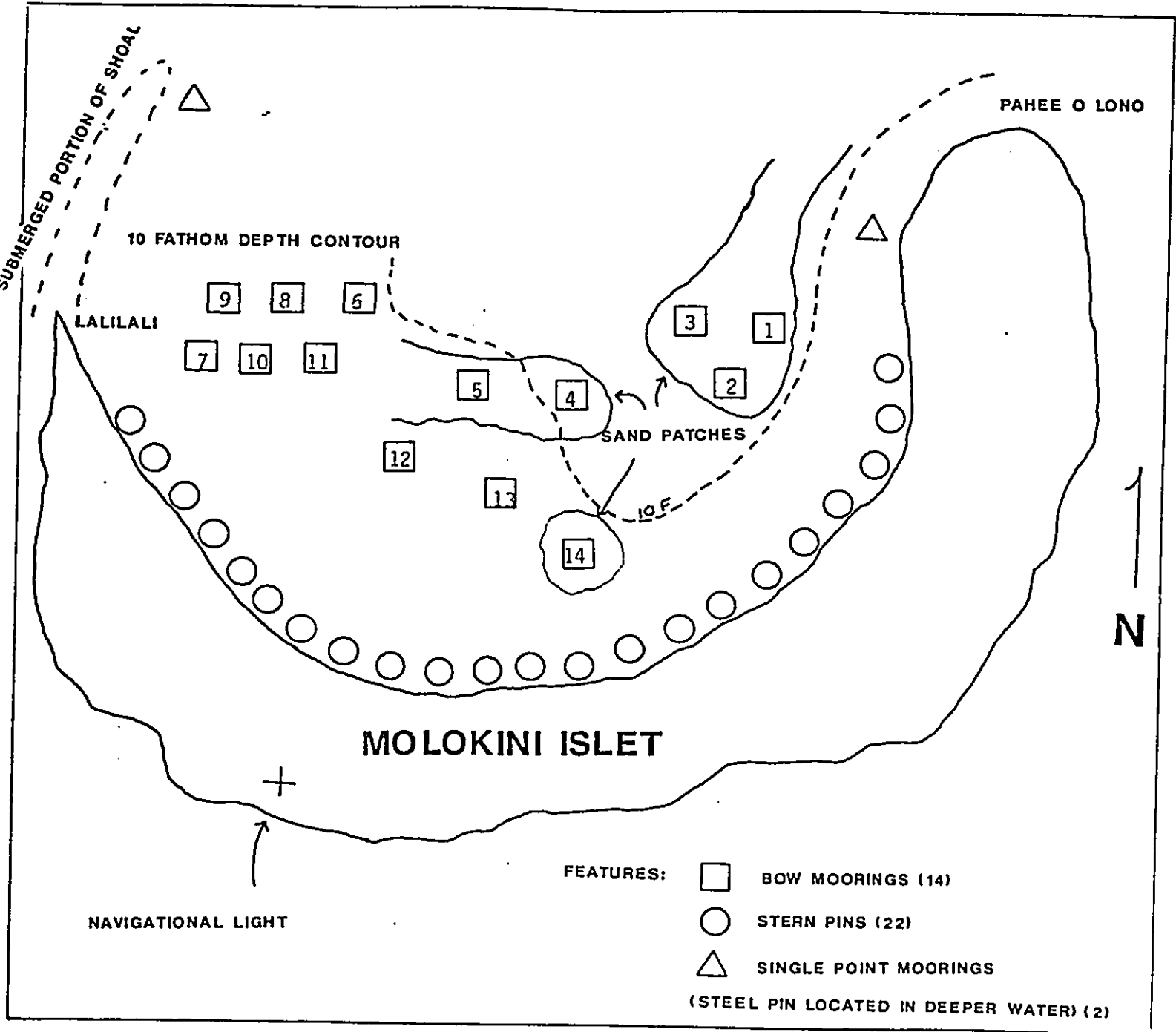


Figure 2: Approximate Location of the Moorings within the Molokini Shoal Marine Life Conservation District, Maui.

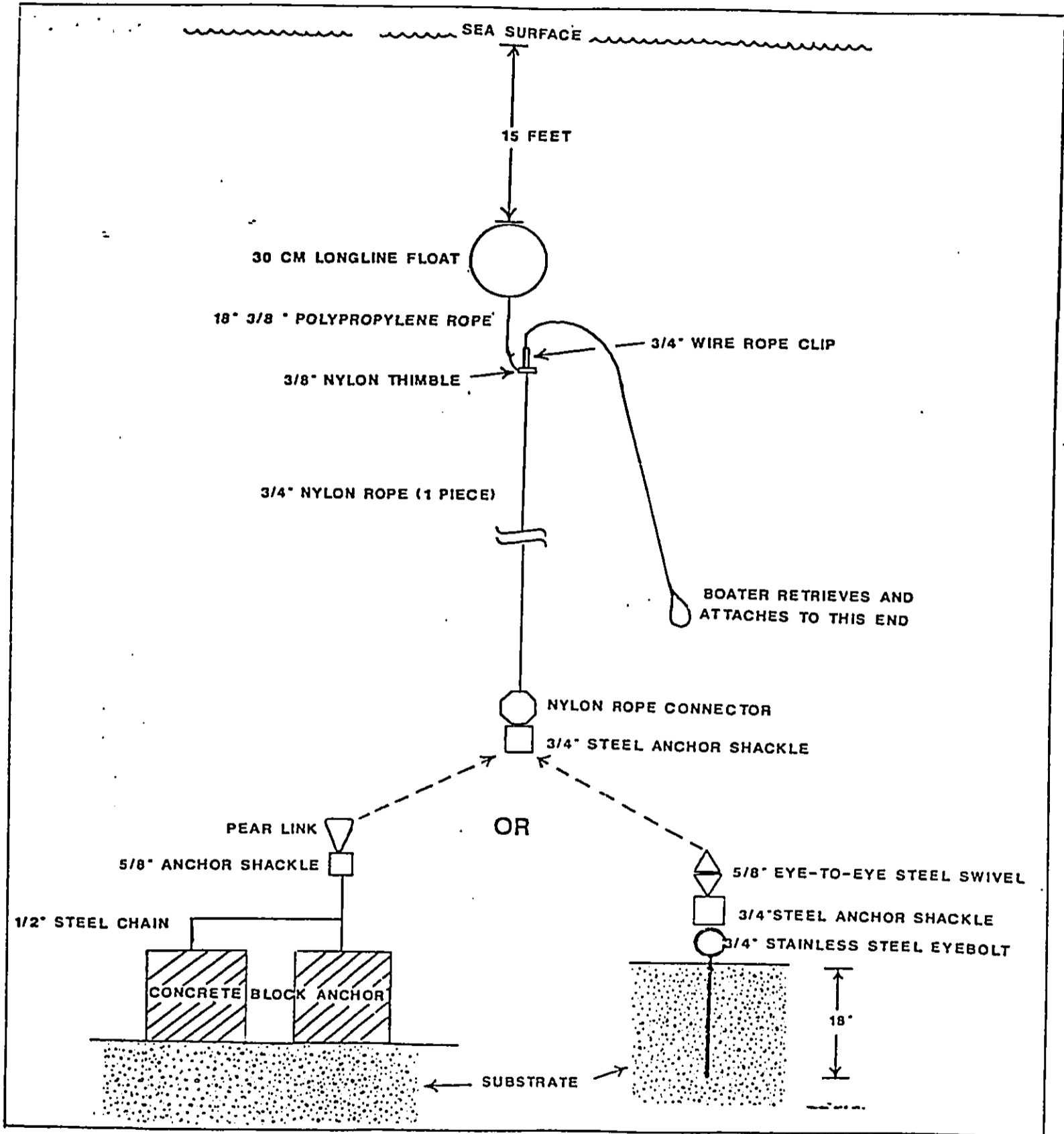


Figure 3: Specifications of the Mooring Tackle on the Molokini MLCD Bow and Single Point Anchors.

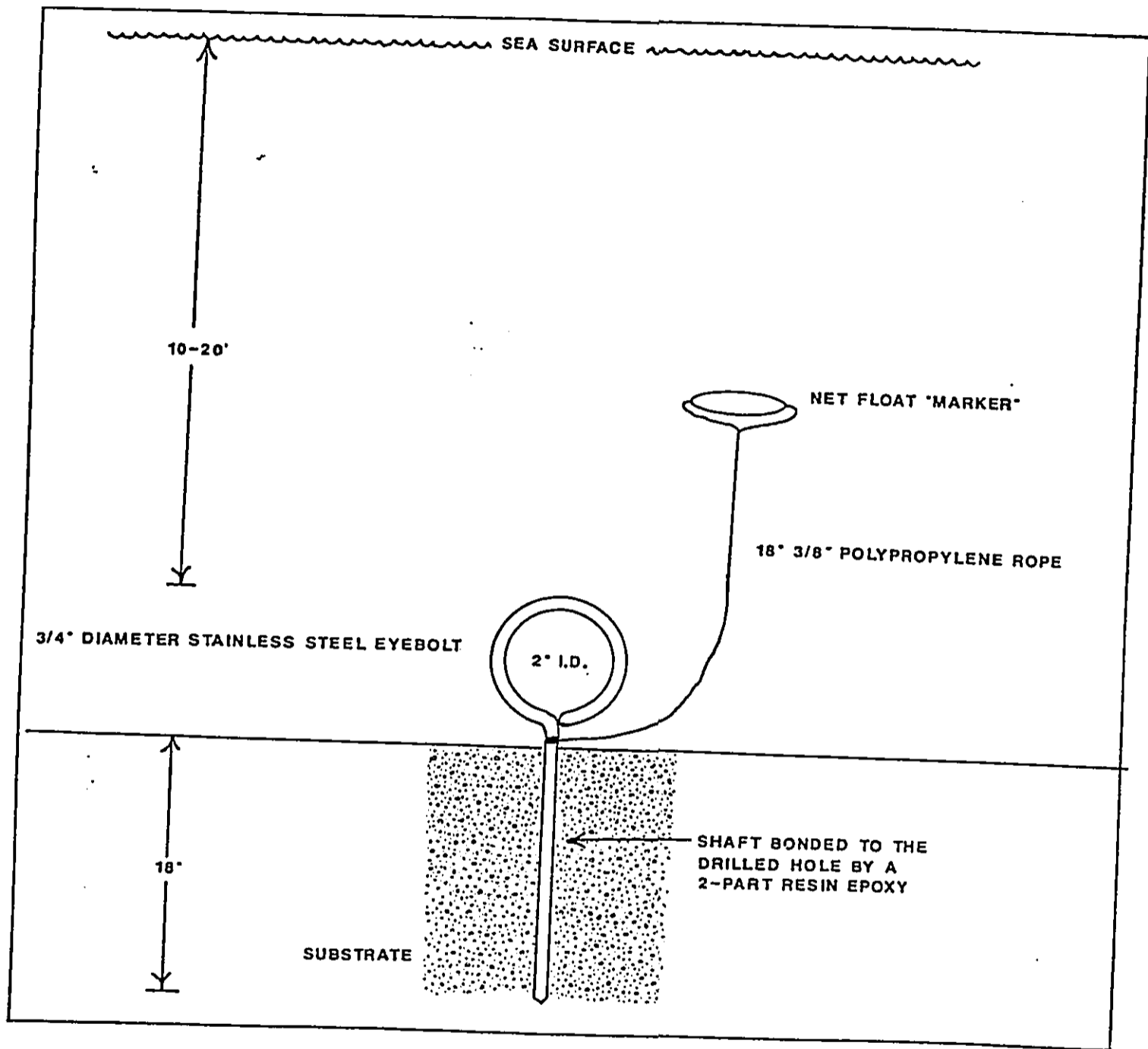


Figure 4: Boat Stern Mooring Pins
in the Molokini MLCD, Maui.

moorings operational (see Figure 3). The moorings have been well-received by boaters who visit and use the system daily at Molokini.

IV. PROJECT CHARACTERISTICS:

To improve upon the experimental mooring system initially installed, the proposed multiple point boat mooring system will consider relocation, fortification (by adding the more weight), or removal of the concrete blocks which now serve as anchors for bow moorings. Also to be considered are the steel eyebolts used to position the stern of a boat, which may be replaced (if loosened) or increased in number to accommodate for changes in wind and sea current patterns.

V. THE ASSESSMENT PROCESS:

The DAR has been monitoring the marine resources of Molokini since its designation as a MLCD. The DAR has also coordinated deployment of the experimental mooring system at Molokini. Some information has been collected in regards to its use. The information available has been used in this assessment process.

VI. APPROVALS REQUIRED:

Conservation District Use Permit - DLNR

VII. PROBABLE IMPACTS AND MITIGATIVE MEASURES:

Short-term impacts would be limited to any change in or addition to the existing mooring system. Care would be taken to ensure the use of similar materials in the construction of the mooring components (stainless steel, concrete, etc.). For deployment, consideration would be given to proper placement for safety reasons, and to minimize disturbance to the marine biota.

Long-term (operational) impacts should be minimal. Boaters who would use the Molokini mooring system would not have to use anchors thereby resulting in safer operation and less damage to live coral.

Act 381, in 1988 authorizes the DLNR to regulate moorings in all MLCDs (Appendix C).

VIII. DETERMINATION:

An environmental impact statement will not be prepared for this project. Any modification would be limited to the rearrangement or addition of mooring anchors and the replacement or addition of steel eyebolt pins. Such efforts would involve minimal changes in water quality (from sediment fines generated through drilling) and minimal disturbance of the marine habitat. The establishment of a mooring system would reduce the need for anchoring within the MLCD, thereby minimizing damage to live coral. It will also serve to secure the boats in a manner that would enhance the safety of public's health and property.

APPENDIX A

MARINE SURVEY OF MOLOKINI ISLET, COUNTY OF MAUI

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FISH AND GAME
Honolulu, Hawaii

March, 1977

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FISH AND GAME

INTRODUCTION

Molokini Islet is situated within the Alalakeiki Channel between the islands of Maui and Kahoolawe and approximately three miles offshore from Puu Olai, near the southeastern corner of Maui (Figure 1). The uninhabited islet is actually the south rim of an extinct volcanic crater better described as a crescent-shaped land mass of nearly nineteen acres with a shallow inner cove created by a submerged crater floor (Figure 2).

The inner cove affords a haven for visitors against the buffeting winds and seasonal storms that pass through Alalakeiki Channel. The combination of shelter and abounding marine life in crystal clear waters makes Molokini an attractive place for recreational as well for commercial purposes.

The accessibility of the islet to boats, including dive "tour" vessels from Maui and occasionally from Oahu and Hawaii, has contributed to the increasing numbers of visitors to the islet each year.

Cognizant of these increases, the Eighth Legislature of the State of Hawaii, during its Regular Session of 1976, adopted Senate Resolution No. 446, Senate Concurrent Resolution No. 110 and House Resolution No. 625. These resolutions, in essence, mandated the Department of Land and Natural Resources to expeditiously formulate and implement a management program in order to preserve and protect the near-pristine marine environment of Molokini Islet.

As a prelude to the development of a management program, the Division of Fish and Game of the Department of Land and Natural Resources conducted a marine life and habitat survey of Molokini Islet during July 15 to July 17, 1976. The results and recommendations of the survey are contained herein.

METHODS

Personnel and Equipment

Fisheries Branch personnel who participated in the survey were Messrs. Kenji Ego, Henry Sakuda, Eric Onizuka and Allan Rietow. The survey was conducted through the support of the fishing sampan, OLA.

Survey Procedures

Five pre-selected transect stations were established within the cove area of the islet (Figure 3). At each station, two divers equipped with self-contained underwater breathing apparatus (SCUBA) counted fish as they swam along a previously laid two-hundred-fifty yard cotton line transect. Each diver occupied a counting path that was ten feet wide and as long as the transect. Thus, each diver covered a total area of approximately 15,000 square feet or 0.34 acre.

Data penciled onto white plastic slates included: names, numbers, and estimated lengths of fishes observed. Notes were also taken on water depths, bottom topography and other marine life.

Analysis of the count data involved a transformation of fish lengths into weights by the equation: $W = a(L^3)$. W represents the weight of the fish, L the length and, "a" a species constant based on known length/weight relationship for each species. The estimates of the weights thus determined were multiplied by the number of such fishes counted to obtain the biomass of each species. An estimated fish standing crop density in pounds per acre was then calculated.

Inspection dives only were made in the northwestern cove area and along the outer perimeter of the islet since these areas did not appear amenable to transecting procedures (Figure 3).

RESULTS

General Description of the Shoreline

No sand beaches are present on the islet. The rugged volcanic shoreline skirting the cove begins with a narrow subtidal bench that abruptly emerges as an intertidal-spray zone and thence slopes gradually towards the islet's rim which rises to one-hundred-sixty feet.

The exposed slopes of the islet are limited to stunted brush and dry grasses. The inhospitable shoreline, in contrast to its offshore marine wonderland, appears devoid of conspicuous marine life.

The southern portion of the islet or exterior face of the crater, that acts as a shield for the islet's northern half, plunges precipitously into blue waters (Figure 4).

Water Conditions

Calm sea conditions prevailed during most of the survey period, however, on July 16 a shift in the wind pattern produced gusty northerly winds thereby effecting choppy sea conditions within the cove area. Slight to moderate surge was experienced throughout the areas surveyed and a strong current was encountered off the northeastern point of the islet known as Pahe'e O Lono.

General Description of the Bottom Topography

Northern portion of the islet (cove area): The cove area, encompassing approximately thirty-five acres, has a crater floor that gently slopes from the shoreline to a depth of one-hundred feet before dropping-off into the deep blue. In certain areas, lush coral growths are found among the sand patches, basaltic boulders and rubble and rivaled if not surpassed those found at the Kealakekua Bay Marine Life Conservation District in Kona and the Koaie Cove-Lapakahi area of Kohala on the island of Hawaii (Figure 5).

A shallow, tapered reef in less than thirty feet of water extends from the shoreline northward from the islet's northwestern end known as Lalilali Point.

Southern portion of the islet: As previously noted, the exposed southern portion of the islet is characterized by a steep face that immediately drops-off to depths beyond one-hundred feet (Figure 6). Patches of coral (including an immature black coral colony) dot the descending wall along with numerous crevices and basaltic outcroppings that harbor large populations of fishes.

Results of the Fish Surveys

A total of 75 fish species belonging to 44 genera and 23 families was observed at the stations. The genera most heavily represented were Chaetodon, butterflyfishes, with ten species and Acanthurus, surgeonfishes, with nine species. Thirty-three genera were represented by single species. An average of 37 species per station was determined; Station 4 displayed a low of twenty-six species and Station 1, a high of forty-seven species. Eleven species were ubiquitous to all five stations whereas 29 species occurred at only one station (Table 1).

The divers counted 3,008 fishes and the most abundant species were the butterflyfishes, Chaetodon kleini and Chaetodon miliaris, followed by hinalea lau-wili, kole, false kihikihi, white-tailed damselfish and 'opelu as described in Table 2. These six species accounted for fifty-one percent of the numbers of fishes observed within the five transect stations.

The estimated standing crop densities of the five stations ranged from 77 to 428 pounds per acre with an average of 217 pounds per acre (Table 1). Fishes that accounted for fifty-two percent of the total estimated standing crop density, in a descending order of importance, included two species of kala (Naso lituratus and Naso hexacanthus), uhu (Scarus sordidus), moano, hinalea lau-wili, pualu (Acanthurus xanthopterus), 'opelu and the butterflyfish, Chaetodon miliaris (Table 3).

Five white-tip sharks (Pterolamiops longimanus) were sighted during the survey. One was encountered at Station 1 and four were observed "resting" under a rock ledge outside the transect area.

Other marine life sighted at the stations were various species of wana (sea urchins), sea cucumbers and three 10 to 18-inch diameter crown-of-thorns starfish (Acanthaster planci). At certain sites within the cove, luxuriant coral colonies of Porites sp. made up more than seventy percent of the bottom coverage.

The following fishes were observed while conducting inspection dives around the islet: hihimanu (Aetobatus narinari), 'u'u (Myripristis murdjan = M. berndti), 'ala'ihi (Adioryx scythrops = Holocentrus scythrops), 'aweoweo (Priacanthus cruentatus), kahala (Seriola dumerilii), butterflyfishes (Chaetodon lineolatus and Hemitaurichtys polylepis = H. zoster), weke-'a'a (Mulloidichthys samoensis), nenu (Kyphosus cinerascens), hilu (Coris flavovittata), wrasse (Hemipteronotus bifer = Novaculichthys bifer) and ophichthid (snake) eels.

COMMENTS AND RECOMMENDATIONS

Boats with fishermen and SCUBA-equipped divers frequented the islet throughout the three-day survey period. Thus, Molokini's evident popularity and as-yet unspoiled marine life and habitat point to a need for designating it as a marine life conservation district.

Based on the survey, it is suggested that a 50-fathom depth (300 feet or 91.4 meter) contour be established as a seaward boundary to incorporate all potential vulnerable areas within the conservation district. Furthermore, total restriction on fishing activities does not appear to be necessary or desirable at this time. Rather, limited restrictions (gear, bag limit, etc.) may be instituted so that recreational fishing may continue to take place around the islet.

Prior to the finalization of decisions governing the proposed marine life conservation district, every effort should be made to solicit and include pertinent input from the general public in order to better effectuate a judicious management plan for Molokini Islet.

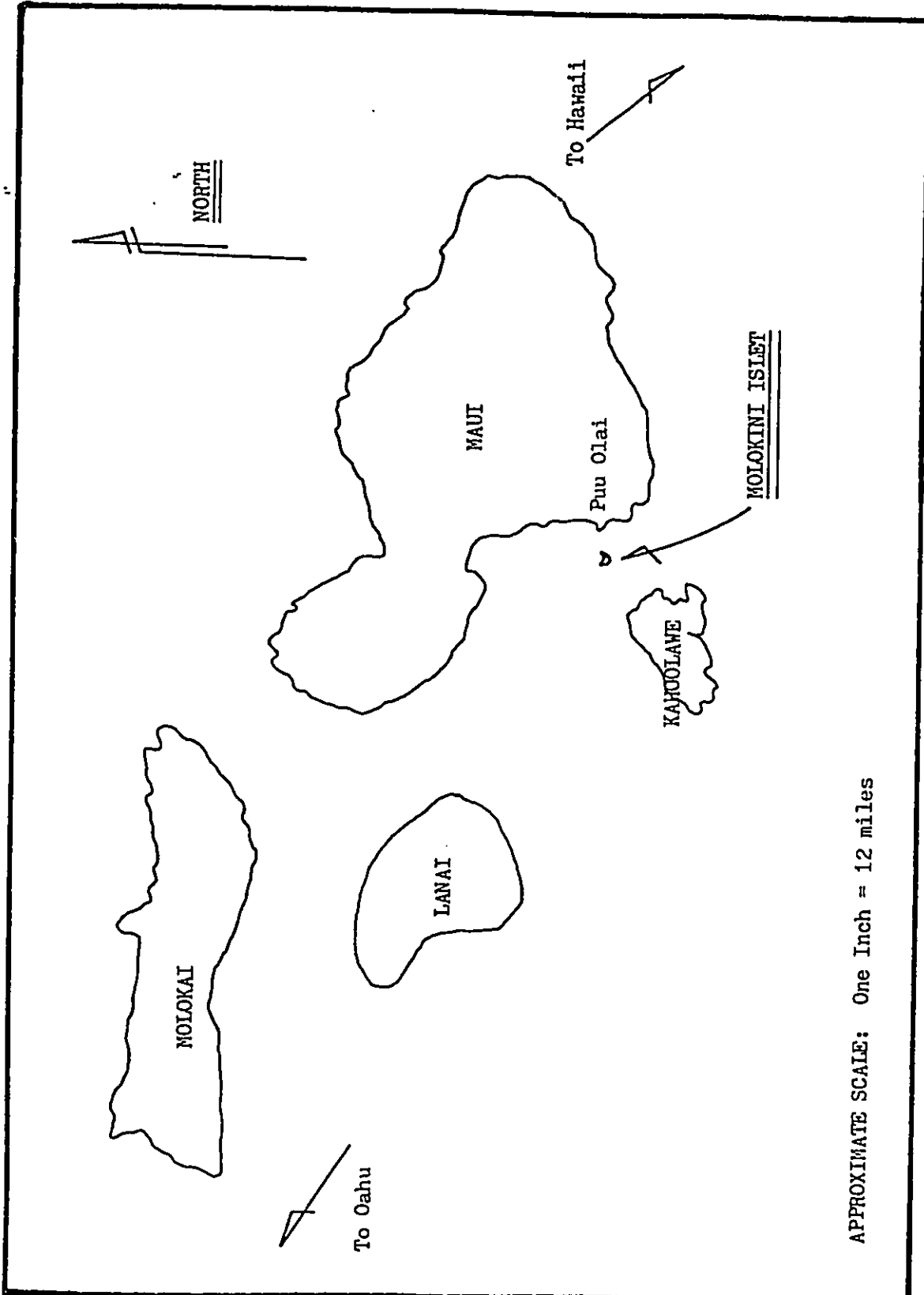


FIGURE 1. Location of Molokini Islet off Puu Olai, Maui.

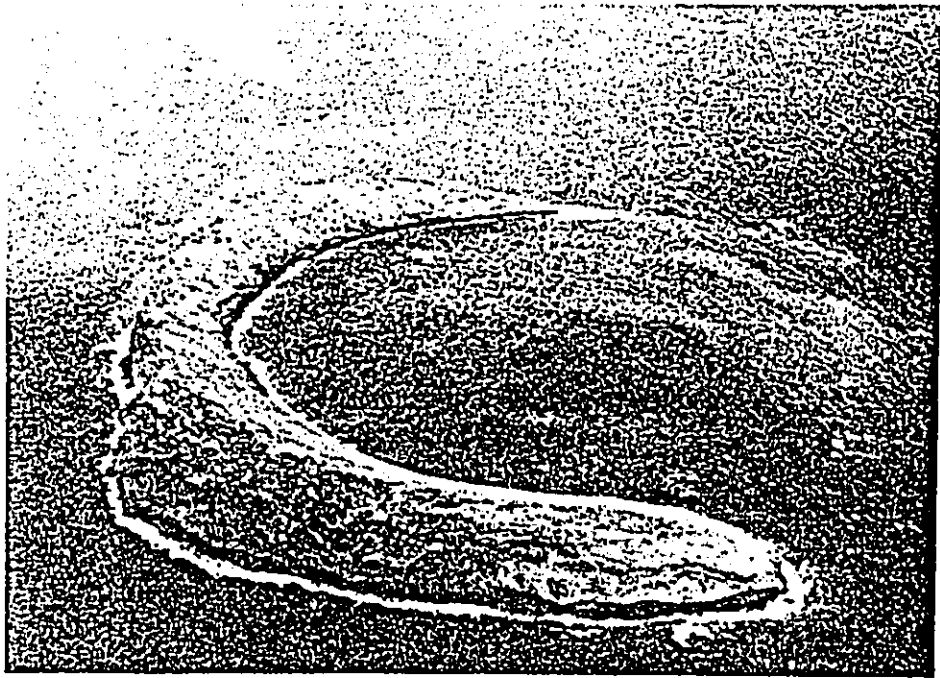


FIGURE 2. The crescent-shaped Molokini Islet is the south rim of an extinct volcanic crater.

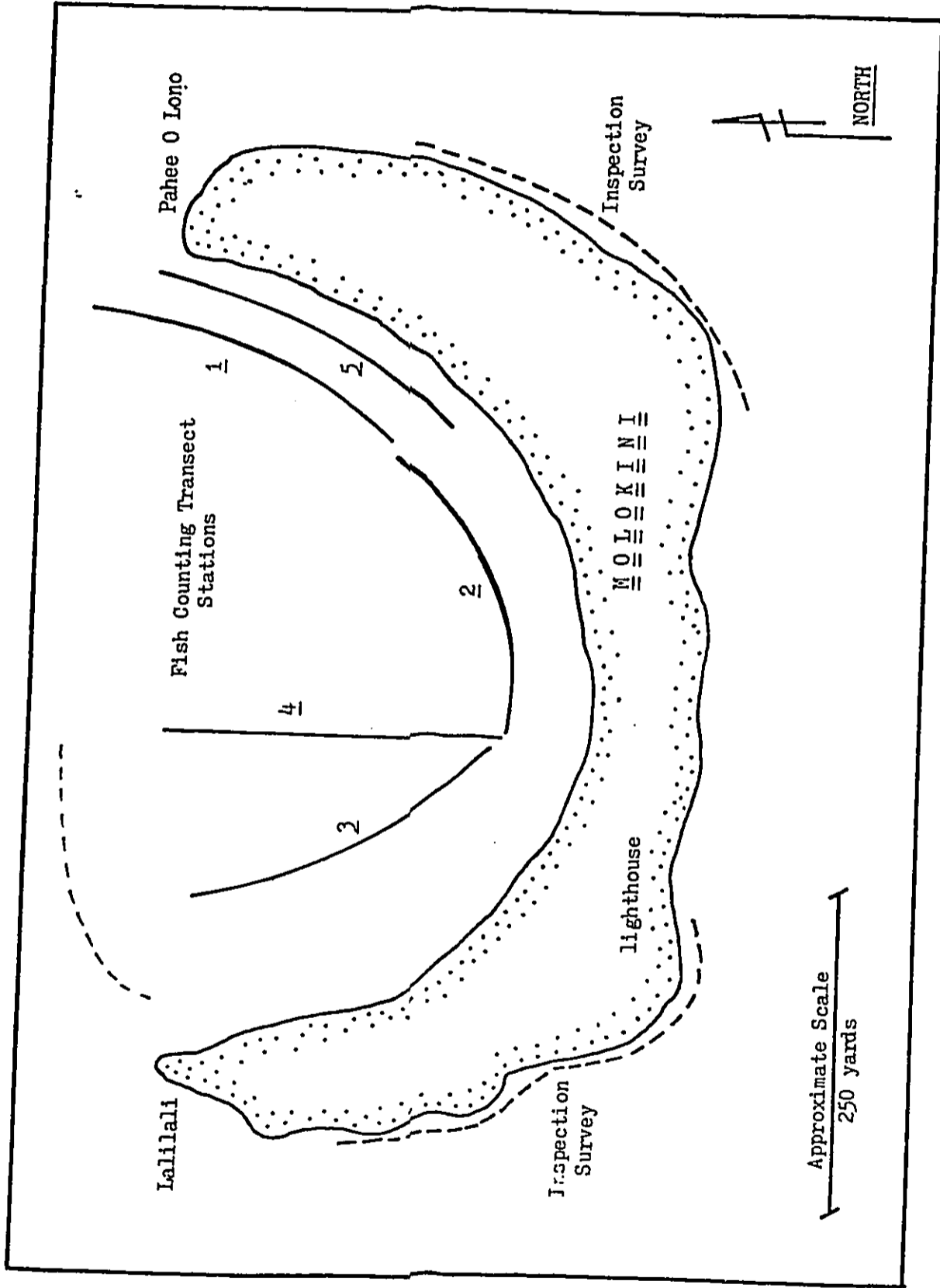


FIGURE 3. Approximate locations of the five established fish transect stations (numbered solid lines) in the Cove area and inspection survey dives (broken lines) made along the southern coastline and outer edge of the Cove of Molokini islet during July, 1976.

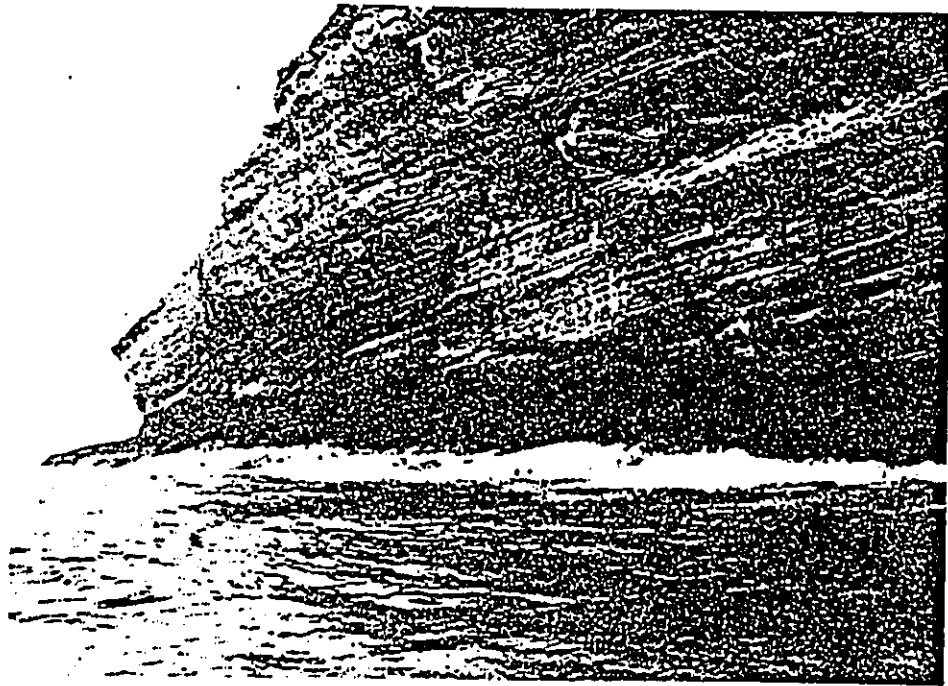


FIGURE 4. Typical steep slope and narrow ledge along the southern portion of the Islet.

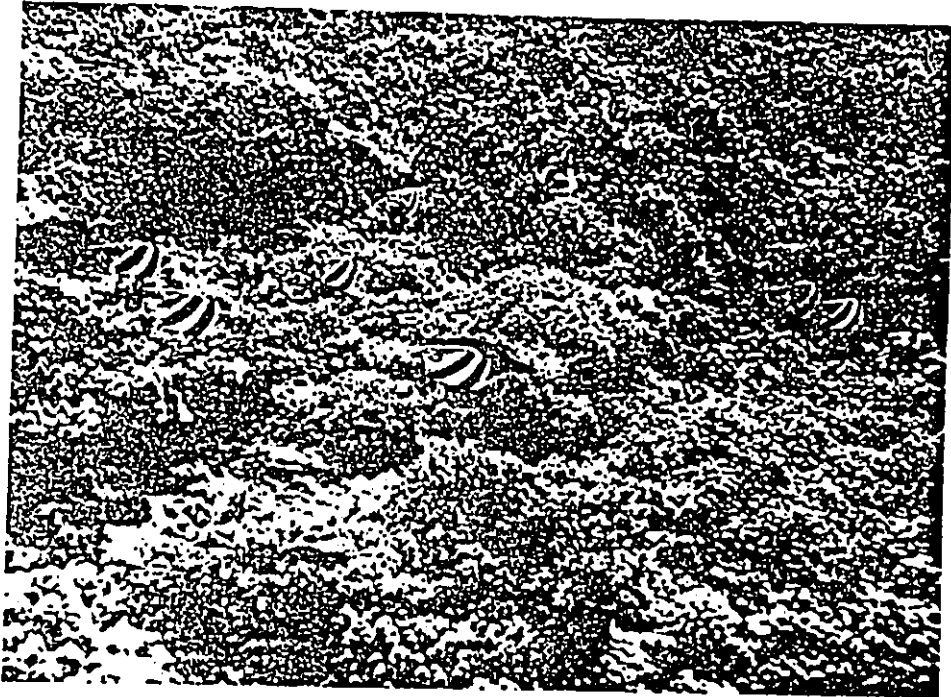


FIGURE 5. Lush coral growths observed within the Cove of Molokini Islet (top and bottom). The school of fish in the lower photograph is the false kihikihi (Heniochus acuminatus).

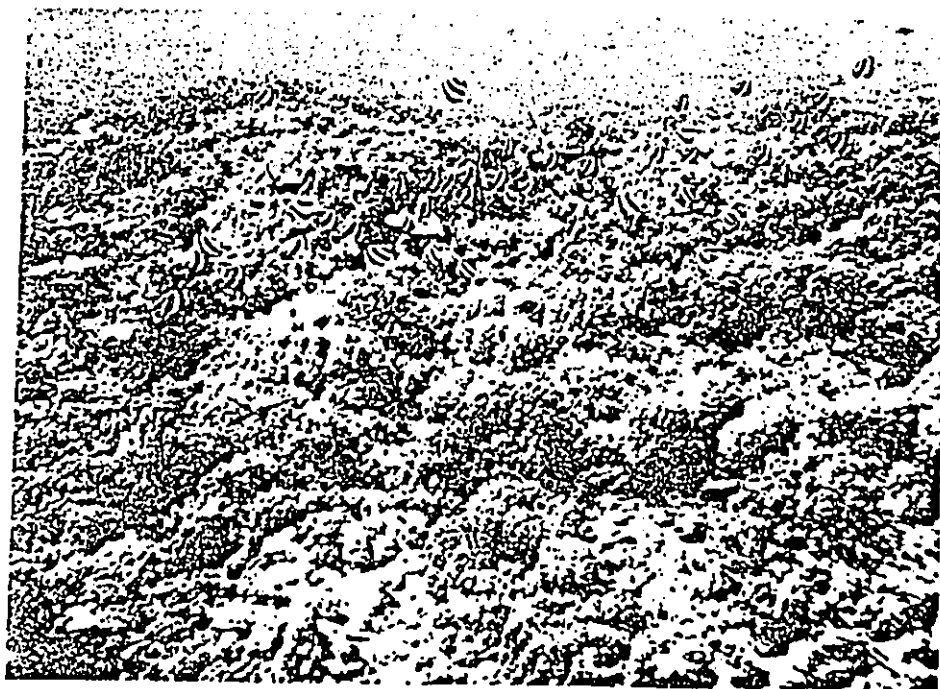




FIGURE 6. Divers descending the sharp drop-offs observed along the southern coast of Molokini Islet.

TABLE 1. Estimated fish standing crop densities for the five transect stations within the cove area of Molokini Islet, County of Maui - July, 1976.

Common Name	Scientific Name	Stations: Estimated Densities (pounds per acre)				
		1	2	3	4	5
Hinalea lau-wili	<u>Thalassoma duperreyi</u>	20.35	18.13	7.71	12.21	2.63
Hinalea lolo	<u>Coris gaimardi</u>	2.56	1.66	2.56	1.96	0.88
Kihikihi	<u>Zanclus canescens</u>	2.22	1.14	2.22	0.57	1.90
Maiko	<u>Acanthurus nigroris</u>	2.53	3.79	0.76	1.01	1.52
Na'ena'e	<u>A. olivaceus</u>	2.03	14.66	0.05	8.09	6.07
Kole	<u>Ctenochaetus strigosus</u>	12.23	13.28	4.54	2.45	2.10
Lau'i-pala	<u>Zebрасoma flavescens</u>	8.56	6.66	1.43	1.43	4.
Kala	<u>Naso lituratus</u>	32.06	34.73	42.75	3.90	26.74
Moano	<u>Parupeneus multifasciatus</u>	27.95	18.56	11.18	5.08	4.07
Butterflyfish	<u>Chaetodon kleinii</u> (=C. corallicola)	21.13	2.38	3.46	0.85	1.82
Butterflyfish	<u>C. multinctus</u>	1.16	1.55	0.58	0.24	0.39
Malu	<u>Parupeneus pleurostigma</u>	1.69	1.13	2.61	0.49	-
Russet (Potter's) angelfish	<u>Centropyge potteri</u>	0.62	2.70	0.62	1.13	-
'Alo'ilo'i	<u>Dascyllus albisella</u>	1.03	0.64	6.87	4.04	-
Pili-ko'a	<u>Paracirrhites arcuatus</u>	0.11	0.86	0.27	0.69	-
Cleaner wrasse	<u>Labroides phthirophagus</u>	0.01	0.02	0.01	0.03	-
Uhu	<u>Scarus sordidus</u>	37.53	12.64	20.56	5.26	-
Butterflyfish	<u>Chaetodon lunula</u>	5.40	3.60	0.78	-	0.45
Butterflyfish	<u>C. quadrimaculatus</u>	0.18	0.71	0.18	-	0.35
Butterflyfish	<u>C. miliaris</u>	20.99	3.54	1.73	-	13.27
Uhu	<u>Scarus dubius</u>	13.85	4.01	6.06	-	12.98
Maiko	<u>Acanthurus nigrofuscus</u>	5.30	4.77	1.77	-	3.53
Lau-wiliwili-nukunuku-'oi'oi	<u>Forcipiger longirostris</u>	0.09	0.52	0.26	-	1.0
White tailed damselfish	<u>Chromis leucurus</u>	2.06	1.15	0.44	-	-
Po'ou	<u>Cheilinus rhodochrous</u>	0.36	2.91	2.46	-	-
Hinalea i'wi	<u>Gomphosus varius</u>	1.81	0.87	0.18	-	-
Pili-ko'a	<u>Paracirrhites arcuatus</u>	0.70	0.39	0.13	-	-
Humuhumu-mimi	<u>Sufflamen frenatus</u>	4.97	17.39	-	4.35	-
Spotted puffer	(=Ballistes capistratus)	0.17	0.19	-	0.03	-
False kihikihi	<u>Canthigaster jactator</u>	19.14	8.81	-	-	4.79
Kala	<u>Heniochus acuminatus</u>	62.73	11.18	-	-	9.64
Damselfish	<u>Naso hexacanthus</u>	0.95	-	0.79	-	0.38
Paku'iku'i	<u>Pomacentrus jenkinsi</u>	0.54	-	1.08	-	15.34
Hinalea luahine	<u>Acanthurus achilles</u>	-	-	0.37	-	0.21
Nunu	<u>Thalassoma ballieui</u>	5.08	3.51	-	-	-
	<u>Aulostomus chinensis</u>	-	2.03	-	-	-

TABLE 1. (continued)

Common Name	Scientific Name	Stations: 1 2 3 4 5				
		Estimated Densities (pounds per acre)				
Orange-striped butterflyfish	<u>Chaetodon ornatus</u>	0.74	0.85	-	-	-
Damselfish	<u>Plectroglyphidodon johnstonianus</u>	0.16	-	0.31	-	-
Humuhumu-umauma-lei	<u>Sufflamen bursa</u> (=Balistes bursa)	3.35	-	3.35	-	-
'Opelu	<u>Decapterus pinnulatus</u>	37.64	-	-	11.29	-
Pualu	<u>Acanthurus xanthopterus</u>	30.11	-	-	-	20.07
'Omaka	<u>Stethojulis balteata</u>	-	0.80	-	-	-
Palani	(=S. axillaris & S. albovittata)	-	-	-	1.41	-
Blue striped butterflyfish	<u>A. dussumieri</u>	-	-	7.16	-	21.00
Tear drop butterflyfish	<u>Chaetodon fremblii</u>	-	-	0.08	-	0.18
Cross striped butterflyfish	<u>C. unimaculatus</u>	-	-	0.77	0.33	-
Lae	<u>C. auriga</u>	-	-	-	0.36	0.37
Manu	<u>Scomberoides sancti-petri</u>	2.10	-	-	-	-
Mu	<u>Parupeneus bifasciatus</u>	2.51	-	-	-	-
Humuhumu-'ele'ele	<u>Monotaxis grandoculis</u>	2.81	-	-	-	-
Humuhumu-uli	<u>Melichthys niger</u> (=M. buniva)	4.33	-	-	-	-
Filefish	<u>M. vida</u> (=M. nycteris)	5.52	-	-	-	-
White-tip shark	<u>Amanses dumerili</u> (=A. carolae)	13.53	-	-	-	-
Puhi-oni'o	<u>Pterolamiops longimanus</u>	*	-	-	-	-
Nunu peke	<u>Gymnothorax meleagris</u>	7.43	-	-	-	-
Wrasse	<u>Fistularia petimba</u>	-	0.10	-	-	-
Uhu	<u>Coris venusta</u>	-	0.08	-	-	-
Kala	<u>Calotomus spinidens</u> (=C. sandvicensis)	-	12.19	-	-	-
Moa	<u>Naso brevirostris</u>	-	10.98	-	-	-
Pualu	<u>Ostracion meleagris</u> (=O. lentiginosus)	-	0.74	-	-	-
'U'u	<u>Acanthurus mata</u>	-	-	5.37	-	-
Black damselfish	<u>Myripristis amaenus</u> (=M. argyromus)	-	-	0.50	-	-
'O'ili uwivi	<u>Chromis verater</u>	-	-	2.11	-	-
Manta ray	<u>Pervagor spilosoma</u>	-	-	0.06	-	-
Butterflyfish	MOBULIDAE (unident. species)	-	-	-	*	-
Lae-nihi	<u>Chaetodon trifasciatus</u>	-	-	-	1.13	-
Damselfish	<u>Hemipteronotus pavoninus</u>	-	-	-	8.94	-
Po'o-pa'a	(=Iniistius pavoninus)	-	-	-	-	0.13
'A'awa	<u>Abudefduf abdominalis</u>	-	-	-	-	0.50
Wrasse	<u>Cirrhitus pinnulatus</u> (=C. alternatus)	-	-	-	-	0.92
	<u>Bodianus bilunulatus</u>	-	-	-	-	8.28
	<u>Thalassoma lutescens</u>	-	-	-	-	-

TABLE 1. (continued)

Common Name	Scientific Name	Stations: 1 2 3 4 5				
		Estimated Densities (pounds per acre)				
Uhu uliuli	<u>Scarus perspicillatus</u>	-	-	-	-	8.14
Manini	<u>Acanthurus triostegus</u> (= <u>A. sandvicensis</u>)	-	-	-	-	0.49
Surgeonfish	<u>A. glaucopareius</u>	-	-	-	-	1.08
Humuhumu-nukunuku-a-pua'a	<u>Rhinecanthus rectangulus</u>	-	-	-	-	1.50
'O'opu-hue	<u>Arothron meleagris</u>	-	-	-	-	2.63
NUMBER OF FISH SPECIES		47	40	39	26	35
STANDING CROP DENSITY (lb/Ac)		428.32	255.85	144.12	77.27	181.12
AVERAGE STANDING CROP DENSITY (lb/Ac) = 217.34 ± 134.43 std. dev.						

*Estimated weight not calculated

TABLE 2. Dominant fish species in terms of abundance at the five transect stations at Molokini Islet, County of Maui during July, 1976.

Scientific Name (Common Name)	No. Individuals	% of Total (N)	Occurrence (No. stations)
<u>Chaetodon kleini</u> = <u>C. corallicola</u> (butterflyfish)	372	12.4	5
<u>C. miliaris</u> (butterflyfish)	305	10.1	4
<u>Thalassoma duperreyi</u> (hinalea lau-wili)	237	7.9	5
<u>Ctenochaetus strigosus</u> (kole)	198	6.6	5
<u>Heniochus acuminatus</u> (false kihikihi)	171	5.7	3
<u>Chromis leucurus</u> (white-tailed damselfish)	133	4.4	3
<u>Decapterus pinnulatus</u> ('opelu)	130	4.3	2
N = 3,008			

TABLE 3. Dominant fish species in terms of estimated standing crop densities (pounds per acre) at the five transect stations at Molokini Islet, County of Maui during July, 1976.

Scientific Name (Common Name)	Estimated Standing Crop Density	% of Total	Occurrence (No. stations)
<u>Naso lituratus</u> (kala)	140.16	12.9	5
<u>N. hexacanthus</u> (kala)	83.55	7.7	3
<u>Scarus sordidus</u> (uhu)	75.99	7.0	4
<u>Parupeneus multifasciatus</u> (moano)	66.84	6.2	5
<u>Thalassoma duperreyi</u> (hinalea lau-wili)	61.03	5.6	5
<u>Acanthurus xanthopterus</u> (pualu)	50.18	4.6	2
<u>Decapterus pinnulatus</u> ('opelu)	48.93	4.5	2
<u>Chaetodon miliaris</u> (butterflyfish)	39.53	3.6	4
Total = 1086.68 (lb/Ac)			

APPENDIX B

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART I MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 31

MOLOKINI SHOAL MARINE LIFE CONSERVATION DISTRICT, MAUI

§13-31-1 Boundaries

§13-31-2 Prohibited activities

§13-31-3 Permitted activities

§13-31-4 Exceptions; permits

§13-31-5 Penalty

Historical Note: Chapter 31 of Title 13 is based substantially upon Regulation 42 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 7/8/77; R MAY 2 6 1981]

§13-31-1 Boundaries. The Molokini Shoal Marine Life Conservation District shall include that portion of the submerged lands and overlying waters surrounding Molokini islet, county of Maui, beginning at the high water mark at the shoreline to a depth of thirty fathoms (54.84 meters). [Eff. MAY 2 6 1981] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-31-2 Prohibited activities. No person shall engage in the following activities in the Molokini Shoal Marine Life Conservation District:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including sea shell and opihī, live coral, algae or limu, or other marine life, or eggs thereof;
- (2) Have or possess in the water, any spear, trap, net, crochbar, or any other device that may be used for the taking or altering of marine life, geological feature, or specimen; or
- (3) Take, alter, deface, destroy, possess, or remove any sand, coral, rock, or other geological feature, or specimen. [Eff. MAY 2 6 1981] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

§13-31-3 Permitted Activities. A person may:

- (1) Fish for, catch, take, possess, or remove any finfish by trolling with artificial lures, only;

§13-31-3

- (2) Possess in the water, any knife and any shark billy, bang stick, powerhead, or carbon dioxide (CO2) injector for the sole purpose of personal safety. [Eff. MAY 2 6 1981] (Auth: HRS §190-3 (Imp: HRS §§190-1, 190-3))

AMENDED (SEE ATTACHED)

§13-31-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and §13-31-2, for scientific, propagation, or other purposes not inconsistent with chapter 190 and §187-4, Hawaii Revised Statutes, provided that:

- (1) The board may impose terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes;
- (2) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (3) A person whose permit was revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation. [Eff. MAY 2 6 1981] (Auth: HRS §190-3) (Imp: HRS §§187-4, 190-4)

§13-31-5 Penalty. A person violating the provisions of this chapter or the terms and conditions of any permit issued as provided by this chapter, shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as provided by law. [Eff. MAY 2 6 1981] (Auth: HRS §190-3) (Imp: HRS §190-3)

UNOFFICIAL SIZE

§13-31-4

§13-31-4 Exceptions: permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-31-2, for scientific, propagation, or other purposes not inconsistent with chapter 190 and section 187A-6, Hawaii Revised Statutes, provided that:

- (1) The board may impose terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes;
- (2) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (3) A person whose permit was revoked shall not be eligible to apply for another permit until one year after the date of revocation. [Eff: 5/26/81; am HRS 2 HRS 1 (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)]

NOTICE OF CHANGE
9/18/86

The list of sections implemented by §13-31-4, Administrative Rules, is changed to read as follows:
(Imp: HRS §§187A-6, 190-4)

ACT 381

APPENDIX G: In: Session Laws of Hawaii 1988.

assistance from them. Neither the appeals board nor any of its members or staff shall consult with any member of the board of education or department of education except on notice and opportunity for the appealing employee or the employee's representative to participate. The appeals board shall adopt policies and standards relative to classification/compensation. The appeals board may adopt rules pursuant to chapter 91 for the conduct of appeal hearings.

(d) The appeals board shall make whatever adjustments that are necessary to the affected classes where the appeals have been filed in the classification/compensation plan.

The appeals board shall hear appeals and complete the final adjustment to the classification/compensation plan by December 7, 1988 and by the first Wednesday of December on subsequent even-numbered years. Following the final adjustment to the classification/compensation plan, the superintendent of education shall submit to the state legislature, through the office of the governor, a report setting forth the classification/compensation plan and the cost thereof for its information and approval. The approved classification/compensation plan shall be effective as of July 1 of each odd-numbered year.

(e) Notwithstanding any other laws to the contrary, each member of the appeals board shall receive \$50 per day for each day on which work is done by them in connection with authorized activities of the board. The cost thereof shall be met by state legislative appropriations for the appeals board."

SECTION 3. Chapter 297, Hawaii Revised Statutes, is amended by adding a new section to be designated as 297-39.1 and to read as follows:

"§297-39.1 Educational officer with special assignments. Educational officers at the state, district, and school levels with special assignments, where their responsibilities are greater than those falling within the scope of their ordinary duties and responsibilities, shall be provided additional benefits by the department."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000, or so much thereof as may be necessary for fiscal year 1988-1989, for the funding of the classification/compensation appeals board. The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 1988.
(Approved June 15, 1988.)

Note
1. Edited pursuant to HRS §23G-16.5.

ACT 381

S.B. NO. 2649

A Bill for an Act Relating to Marine Life Conservation Areas.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 190,¹ Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

ACT 382

"§190- Mooring in marine conservation districts. The department of land and natural resources shall, pursuant to chapter 91, adopt rules for the regulation of mooring in each marine conservation district established under this chapter."

SECTION 2. New statutory material is underscored.²

SECTION 3. This Act shall take effect January 1, 1989.
(Approved June 15, 1988.)

Notes

- 1. So in original.
- 2. Edited pursuant to HRS §23G-16.5.

ACT 382

H.B. NO. 21

A Bill for an Act Relating to Criminal Law.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Title 38, Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER
COURT ADVISEMENT OF ALIENS ENTERING GUILTY PLEA

§ -1 Legislative findings and intent. The legislature finds that in many instances involving an individual who is not a citizen of the United States charged with an offense punishable as a crime under state law, a plea of guilty or nolo contendere is entered without the defendant knowing that a conviction of such offense is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. Therefore, it is the intent of the legislature in enacting this section to promote fairness to such accused individuals by requiring in such cases that acceptance of a guilty plea of nolo contendere be preceded by an appropriate warning of the special consequences for such a defendant which may result from the plea. It is also the intent of the legislature that the court in such cases shall grant the defendant a reasonable amount of time to negotiate with the prosecuting agency in the event the defendant or the defendant's counsel was unaware of the possibility of deportation, exclusion from admission to the United States, or denial of naturalization as a result of conviction. It is further the intent of the legislature that at the time of the plea no defendant shall be required to disclose the defendant's legal status to the court.

§ -2 Court advisement concerning alien status required. Prior to acceptance of a plea of guilty or nolo contendere to any offense punishable as a crime under state law, except offenses designated as infractions under state law, the court shall administer the following advisement on the record to the defendant:
If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.