

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

April 26, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

Requesting the Board of Land and Natural Resources Approve the Issuance of an Offshore Mooring Permit and Installation of a Mooring System in Kailua Bay, Hawaii to the Following Entities: Bill Busters Charters Inc., Kanoa Inc., Live/Dive Pacific, SDH Inc., Blue Sea Cruises Inc., RCL LLC, Anela O Ke Kai LLC, Eka LLC, Pueo Bay LLC, Kanoa Inc., Kalani Nakoa

BACKGROUND:

Act 272, Session Laws of 1991, transferred the state recreational small boat harbors and ocean recreation program from the Department of Transportation (DOT) to the Department of Land and Natural Resources. Included in the transfer was the Kailua-Kona small boat harbor as well as the offshore moorings in Kailua Bay. The Division of Boating and Ocean Recreation (DOBOR) assumed the management of these facilities and continued to issue mooring permits as they were done in the past by DOT.

It came to the attention of DOBOR that the Kailua Bay does not have a designated mooring area and the division has begun the process of drafting and adopting Hawaii Administrative Rules to designate an offshore mooring area in Kailua Bay. The division has found the rule making process to be slow and tedious and the designation of an offshore mooring area is not expected to happen in the near future.

There is another avenue available to the division that would allow the establishment of offshore moorings outside of a designated mooring area and can be found in Hawaii Administrative Rule, Section 13-235-9(d), which states, “(d) The owner of a vessel desiring to moor a vessel outside a designated mooring area may be issued a permit by the department, subject to compliance with all other provisions of this chapter, provided that:

- (1) There is no designated mooring area within a reasonable distance of the desired location specified in the permit application;
- (2) A permit for installation of a mooring at that location is approved by the board of land and natural resources; and
- (3) In the case of commercial vessels, a permit is also approved for installation of the mooring by the U. S. Army Corps of Engineers.”

There are currently eleven vessels permitted to moor offshore in Kailua Bay, Hawaii. Nine are for commercial vessels and two are for recreational vessels. The owners of these vessels have

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installed their own moorings and maintain them. We do not believe that any of the moorings have been permitted by the U.S. Army Corps of Engineers (ACOE). Also, according to the ACOE, a permit is required for both commercial and recreational vessels.

The division is in the process of standardizing all offshore moorings in the state and has recently completed a study and design for the Keauhou small boat harbor. The next location will be Lahaina, Maui. The division will work with the existing permittees to ensure that their moorings are sufficient, will not damage the natural resources, and will provide comments to the ACOE during the permitting process.

ENVIRONMENTAL ASSESSMENT:

We have researched whether an Environmental Assessment is required for the use of an existing mooring within Kailua Bay, Hawaii, ocean waters. While the exemption list that pertains to the Division of Boating and Ocean Recreation does not include an exemption for moorings, a general exemption can be found under the Office of Environmental and Quality Control rules. Hawaii Administrative Rule, §11-200-8(A)(4) states, "Minor alterations in the conditions of land, water, or vegetation." We note that vessels are currently permitted to drop anchor on a daily basis; however, we would prefer that a mooring is used in order to minimize damages to the natural resource.

RECOMMENDATION:

That the Board authorize the issuance of offshore mooring permits and installation of a mooring system to the persons listed above subject to customary terms and conditions.

Respectfully submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson and Member