

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

May 12, 2017

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

Hawai'i

**Installation and Modification of Four (4) Existing Offshore Moorings and
Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11,
Chapter 200, Hawaii Administrative Rules for
Fair Wind, Inc. (Vessel: Fair Wind II)
Kona Sunrise Charters, Inc. (Vessel: Hula Kai)
Keauhou Boating Ltd. (Vessel: Captain Jack)
Charisma Hawaii, Inc. (Vessel: Kona Gold)
Keauhou Bay, Island of Hawaii, Hawaii**

The Division of Boating and Ocean Recreation (DOBOR) is requesting that the Board of Land and Natural Resources (Board) approve the installation and modification of four (4) existing permanent offshore moorings for the subject companies/vessels and declare installation and modification of the moorings exempt from the requirements of Hawaii Revised Statutes, Chapter 343 to prepare an Environmental Assessment (EA), due to the use of submerged State land and the existing offshore moorings being located within the basin of Keauhou Bay Small Boat Harbor.

The applicant, Mendy Dant, is the owner of the four (4) subject companies and vessels and is requesting approval for the installation and modification of their four (4) existing offshore moorings within the basin of Keauhou Bay Small Boat Harbor. The modification of the existing moorings involves the installation of Manta Ray type mooring anchors to strengthen the existing mooring anchor systems for each vessel. See Exhibit B attached for details on the mooring installation and modification for each vessel.

In accordance with Hawaii Administrative Rule (HAR) Section 11-200-8(A) and the Exemption List for the Department of Land and Natural Resources (DLNR), approved by the Environmental Council, on June 5, 2015, it has been determined that the installation of the four (4) existing moorings is exempt from the preparation of an EA pursuant to the following exemptions:

Item No. 13 of Exemption Class 6: "Placement or construction of accessory structures such as...mooring buoys, blocks, and piles, and other similar structures accessory to existing facilities on state land and waters."

Pursuant to Chapter 343, HRS, and Chapter 11-200, HAR, the attached Exemption Notification labeled Exhibit A was prepared for the four (4) moorings. Also attached is the applicant's request for installation and modification of the moorings and EA Exemption approval, approved Mooring Installation Plans, and the U.S. Army Corps of Engineers Nationwide Permit No. 3 (Maintenance) Verification Letter authorizing installation of the mooring in navigable waters of the U.S. for the four (4) moorings, labeled Exhibit B.

Item J-3

RECOMMENDATION:

Approve the installation and modification of four (4) existing offshore moorings within Keauhou Bay and declare that, after considering the potential effects of the installed moorings as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted,



EDWARD R. UNDERWOOD
Administrator

Approved for Submittal:



SUZANNE D. CASE
Chairperson

Attachments: Exhibit A – Exemption Notification
Exhibit B – Applicant’s request for approval of mooring
installation and modification, EA Exemption, approved Mooring
Installation Plans, and Nationwide Permit Verification Letter from
Army Corps of Engineers



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 12, 2017

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKO KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200, Hawaii Administrative Rules (HAR).

Project Title:	Installation and modification of four (4) existing offshore moorings for Fair Wind, Inc. (Vessel: Fair Wind II), Kona Sunrise Charter, Inc. (Vessel: Hula Kai), Keauhou Boating Ltd. (Vessel: Captain Jack), and Charisma Hawaii, Inc. (Vessel: Kona Gold), Keauhou Bay, Island of Hawaii, Hawaii
Project Number:	None
Project Description:	Installation and modification of four (4) existing offshore moorings.
Chapter 343 Trigger(s)	Use of State Lands (submerged)
Exemption Class & Description:	Exemption Authority: Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015. Scope of Work: Installation of offshore mooring. Exemption Class 6: Construction or placement of minor structures accessory to existing facilities.
Exemption Item Number and Description:	Item No. 13 of Class 6: Placement or construction of accessory structures such as utility sheds, storage or maintenance sheds, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic shelters, parking and fee collection facilities, checking stations, interpretive kiosks and displays, dock boxes, mooring cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state lands or waters.
Consultation:	The following agencies/entities were consulted, see attached records of consultation. <ul style="list-style-type: none"> • U.S. Army Corps of Engineers, Honolulu District • Keauhou Canoe Club • State of Hawaii, Office of Planning, Coastal Zone Management Program Office
Recommendation:	It is anticipated this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment

Suzanne D. Case, Chairperson

4/28/17
Date



KEAUHOU CANOE CLUB

P.O. BOX 390755.....Keauhou Kona, Hawaii 96739

April 7, 2017

To: BLNR Representatives

From: Carolyn Carter, Keauhou Canoe Club President

Re: Support of Fair Wind application for Mooring System Renovation in Keauhou Bay

Keauhou Canoe Club is pleased to write a letter of support for Mendy Dant and FairWinds Corporation for their installation of new mooring systems for their vessels in Keauhou Bay. Keauhou Canoe Club, as a member of the Keauhou Bay Stakeholders, has consistently supported the use of mooring systems such as they propose for the past 4 1/2 years. The proposed mooring system is more technologically advanced, environmentally friendly, and less conducive to the propagation of invasive species than the system recommended by the DLNR in the 2016 Environmental Assessment for DLNR moorings in Keauhou Bay.

Again, Keauhou Canoe Club supports the Fair Wind application for four mooring sites in Keauhou Bay. Thank you for your time and consideration.

Mahalo nui.

EXHIBIT B

Request for Exemption from Requirement for Preparation of Environmental Assessment for Installation of an Offshore Mooring within Keauhou Bay, Kona Hawaii

Submitted in compliance with
Hawaii Revised Statutes Chapter 343 and HAR §§11-200-8, 11-200-8(b)

Submitted to
Board of Land & Natural Resources
State of Hawaii, Department of Land & Natural Resources (DLNR)
Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
Email: linn.d.mccall@hawaii.gov
Phone: (808) 587-7478

Vessel Name: Fair Wind II
Submitted by:

Mendy Dant - Fair Wind Inc
78-6775 Makenawai St
Kailua Kona, Hawaii 96740
Email: mendy@fair-wind.com
Phone (808) 345-6211

Request

Mendy Dant, (hereinafter referred to as "Petitioner") requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed mooring will have little to no environmental impact, as discussed herein below:

Reasoning and Justification for Request

Environmental Assessment Exemption

- 1) The reason for the Environmental Assessment is due to the use of State submerged lands
- 2) Petitioner requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed installation will have little or no impact on the environment in the proposed location.
- 3) The current exemption list for the Department of Land and Natural Resources dated June 5, 2015 provides as follows under Exemption Class 6:

"13. Placement or construction of accessory structures such as...mooring, cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state land and waters."

Project Description

Installation of a replacement mooring system, using a Manta Spade anchor system in Keauhou Bay Kona, Hawaii

Technical Description of Proposed Installation – MANTA Spade anchor, a patented labor and time saving device, will be driven into the ground with no holes, no digging, and no concrete. Unlike other anchoring systems, the MANTA Spade actually compacts the soil around itself providing a safe and environmentally sensitive installation. MANTA Spade anchors are driven with conventional hydraulic/pneumatic equipment that is readily available worldwide. Once driven to the proper depth, an upward pull on the anchor tendon rotates the MANTA Spade into a perpendicular "anchor lock" position in undisturbed soil. The mooring anchor will be installed by Jack's Diving Locker, approved by NOAA and the Army Corps of Engineers

Location of Proposed Installation –

The proposed mooring buoy would be located at center coordinates Latitude: 19.560803 and Longitude: 155.964259 The location is approximately 600 feet from the Keauhou Bay pier

Purpose of Proposed Installation – The proposed mooring will be used by the Petitioner solely for the purpose of mooring a catamaran used for commercial use.

Impact on Coastal Ecosystems – NEGLIGIBLE

The mooring site is 600ft from the Keauhou Bay pier, and 150' from nearest shore and is not within the Special Management Area or Shoreline Setback Area, nor is the site within a State Conservation District. This site does not provide habitat for any known endangered species of plants, birds, or mammals. The site is not within, and does not border any National Area Reserve, Marine Conservation District, or estuary. The site is not on or close to any reef or coral colonies. No material will be displaced or discharged in the project area. An earth anchor, Manta Spade anchor will be utilized in order to protect the natural resources in the area. The Manta Spade anchor is an environmentally friendly anchor system that installs easily under water with conventional equipment. No dredge or fill activities will be involved in the installation of the earth anchor mooring system. The mooring will be placed within an existing designated DLNR mooring zone.

Impact on Marine Resources – NONE

The proposed mooring does not involve or affect the use or development of any marine or coastal resources.

Impact on Historic Resources – NONE

The project site is not within a designated historic or cultural district and has not been listed or nominated for the Hawaii or National Register of Historic Places. The proposed project site contains no known historic or archeological resources and is not within or adjacent to any Hawaiian fishpond or historic settlement area.

Impact on Scenic and Open Space Resources – NEGLIGIBLE

A catamaran will be located at the proposed mooring location and will be visible. The mooring ball will be visible floating on the surface of the water.

Enclosure: As Stated.



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

February 22, 2017

SUBJECT: Nationwide Permit Verification for Fair Wind II Mooring, Keauhou Bay, Kailua Kona, Hawaii; DA File No. POH-2017-00016

Ms. Melynda Dant
Fair Wind Inc.
78-6775 Makenawai Street
Kailua Kona, HI 96740

Dear Ms. Dant:

The U.S. Army Corps of Engineers, Honolulu District, has completed its review of your request for authorization dated January 3, 2017 for the proposed maintenance/replacement of the Fair Wind II Mooring located in Keauhou Bay, Kailua Kona, Hawaii (Center Coordinates: Latitude: 19.560803; Longitude: 155.964259). This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit 3 (NWP-3), *Maintenance*, and the overall NWP Program issued on March 17, 2012. Please reference Department of the Army (DA) file number POH-2017-00016 in any future correspondence relating to this permit.

This NWP verification is being issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and authorizes the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

This project will involve the maintenance/replacement of the existing Fair Wind II commercial mooring with new "spade" type anchors with a 7-foot by 1-foot shank that will be driven into the sand by an underwater hydraulic hammer. The new anchor will be installed immediately adjacent to the existing boulders and within sandy areas only. New chains and hardware will be installed with the new mooring system. The existing chains around boulders will be cut and removed carefully to avoid damaging corals. If the chains will disturb corals, they will be abandoned in place. All existing anchor blocks/boulders will be abandoned and no longer used for the mooring. No discharge of dredged or fill material will be required.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific special conditions:

- a. Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Humpback Whale, (*Megaptera novaeangliae*), Loggerhead Sea Turtle (*Caretta caretta*), Hawaiian Monk Seal, (*Monachus schauinslandi*) listed by NOAA Fisheries under the Endangered Species

Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Honolulu District of the U.S. Army Corps of Engineers at (808) 835-4303. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measurements to ensure that evidence intrinsic to the specimen is preserved.

b. For compliance with Section 7 of the Endangered Species Act: You must comply with the attached Pacific Standard Local Operating Procedure for Endangered Species (Pac-SLOPES) general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened or endangered marine species (Enclosure 3).

c. For compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to ensure adverse effects to essential fish habitat (EFH) are minimal, you must implement the following conservation measures:

(1) You should anchor all support vessels and install the manta anchors only in sandy areas devoid of corals, seagrass and Halimeda algae, with enough buffer to avoid indirect impacts from installation activities (i.e. increased turbidity), and to ensure sufficient mooring chain travel.

(2) You should remove existing chains without adverse effects to sensitive and hard-to-replace EFH resources, especially corals that have attached to the chains.

(3) You should have a long term maintenance plan for each mooring and buoy to ensure its integrity. Once it is no longer needed, you are responsible for removing all components of the mooring buoy to ensure that it does not become marine debris. This will avoid impacts to nearby resources from broken and derelict buoys and vessels.

(4) You should avoid discharge of pollutants from moored vessels into the marine environment. This will avoid a contribution to reduced water quality of the water column EFH in the area.

d. You may conduct maintenance, repair and/or replacement of the existing mooring gear (i.e. chains, ropes, floats, shackles, etc.), as deemed necessary, without obtaining any additional written authorization from this office. Although written authorization is not required from this office for maintenance activities associated with this existing mooring, we recommend use of best management practices (BMPs) to avoid and minimize adverse impacts to aquatic resources.

The State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning issued a Coastal Zone Management consistency general concurrence for the 2012 NWP's on March 16, 2012, so no additional authorization is required.

This verification is valid until the NWP's are modified, reissued, or revoked. All of the existing NWP's are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permits are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP's to complete the activity under the present terms and conditions of these nationwide permits. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 10 and subsequent enforcement action. This authorization does not relieve you of the responsibility to obtain any other Federal, State, and/or local authorizations required by law.

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed *Compliance Certification* form (Enclosure 4) within seven (7) days of completion of work to CEPOH-RO@usace.army.mil or to Katy.R.Damico@usace.army.mil.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me via telephone at (808) 835-4160 or via e-mail at Katy.R.Damico@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Katy R. Damico
Project Manager
Guam Regulatory Field Office

Enclosure(s)

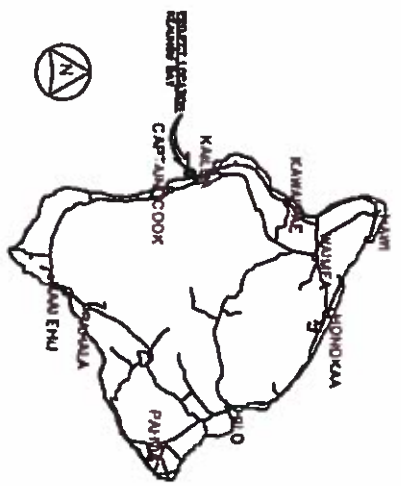
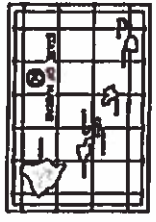
cc:

Mr. Finn McCall, State of Hawaii, DLNR-DOBOR
Mr. John Nakagawa, State of Hawaii DBEDT Office of Planning
Mr. Randy McIntosh, NOAA-NMFS Protect Resources Division
Ms. Ian Lundgren, NOAA-NMFS Habitat Conservation Division

US Army Corps of Engineers
 Honolulu District Regulatory Office
 Received by POH (District Office)
 Date: January 3, 2017
 DA File No.: POH-2017-00016
 ENCLOSURE 1

OFFSHORE MOORING - KEAUHOU BAY FOR MENDY DANT - FAIR WIND II

GPS COORDINATES OF MOORING: 148.88237N, 155.146237W
 APPROXIMATE WATER DEPTH: 20'



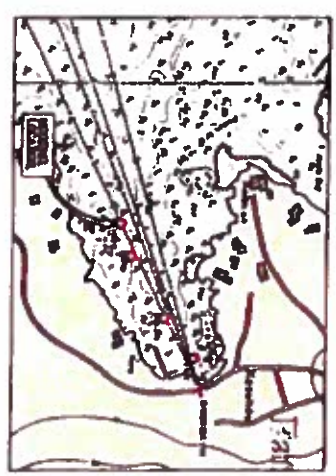
VICINITY MAP

Department of Land and Natural Resources
 Division of Boating and Ocean Recreation
PLAN REVIEW:

- Approved
- Rejected
- Approved, as noted
- Revise & Resubmit

By: f.h.p. Date: 1/2/2016

Corrections, comments or approval of plans shall not relieve the contractor from other local, state, federal or other agency regulations or permit conditions. This review is for general conformance with engineering design guidelines. The contractor is responsible for confirming all dimensions, quantities, fabrication requirements, and coordination with all other trades.



LOCATION MAP

NO.	DATE	DESCRIPTION
1	1-1	TITLE SHEET TO PROPOSED OFFSHORE MOORING
2	1-1	CONSTRUCTION AND ERECTION
3	1-1	OPERATION PLAN

INDEX TO DRAWINGS



PHREE
CREATIONS, LLC.
 11-000 WASHINGTON AVENUE, SUITE 100-400
 HONOLULU, HAWAII 96813-1000

THIS DRAWING IS THE PROPERTY OF PHREE CREATIONS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHREE CREATIONS, LLC.

PROPOSED
 OFFSHORE MOORING
 KEAUHOU BAY
 FOR:
MENDY DANT
 PHREE CREATIONS
 11-000 WASHINGTON AVENUE, SUITE 100-400
 HONOLULU, HAWAII 96813-1000

TITLE SHEET

DATE: 1-1-16
 DRAWN BY: PHREE
 CHECKED BY: PHREE
 SCALE: AS SHOWN
 SHEET NO.: T-1
 TOTAL SHEETS: 1-1, 2-1

Request for Exemption from Requirement for Preparation of Environmental Assessment for Installation of an Offshore Mooring within Keauhou Bay, Kona Hawaii

Submitted in compliance with
Hawaii Revised Statutes Chapter 343 and HAR §§11-200-8, 11-200-8(b)

Submitted to
Board of Land & Natural Resources
State of Hawaii, Department of Land & Natural Resources (DLNR)
Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
Email: finn.d.mccall@hawaii.gov
Phone: (808) 587-7478

Vessel Name: Hula Kai
Submitted by:
Mendy Dant – Kona Sunrise Charters Inc
78-6775 Makenawai St
Kailua Kona, Hawaii 96740
Email: mendy@fair-wind.com
Phone (808) 221 3787

Request

Mendy Dant (hereinafter referred to as "Petitioner") requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed mooring will have little to no environmental impact, as discussed herein below

Reasoning and Justification for Request

Environmental Assessment Exemption

- 1) The reason for the Environmental Assessment is due to the use of State submerged lands
- 2) Petitioner requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed installation will have little or no impact on the environment in the proposed location
- 3) The current exemption list for the Department of Land and Natural Resources data June 5, 2015 provides as follows under Exemption Class 6:

"13. Placement or construction of accessory structures such as... mooring, cleats, bumpers, and mooring buoys, blocks and piles and other similar structures accessory to existing facilities on state land and waters."

Project Description

Installation of a replacement mooring system, using an earth anchor system in Keauhou Bay, Kona Hawaii

Technical Description of Proposed Installation – Manta Spade anchors, a patented labor and time saving device, will be driven into the ground with no holes, no digging, and no concrete. Unlike other anchoring systems, the Manta Spade anchor actually compacts the soil around itself providing a safe and environmentally sensitive installation. Manta Spade anchors are driven with conventional hydraulic/pneumatic equipment that is readily available worldwide. Once driven to the proper depth, an upward pull on the anchor tendon rotates the anchor into a perpendicular "anchor lock" position in undisturbed soil. The mooring anchor will be installed by Jack's Diving Locker, approved by NOAA and the Army Corps of Engineers.

Location of Proposed Installation –

The proposed mooring buoy would be located at center coordinates: Latitude 19 560951 and Longitude: 155.964042. The location is approximately 300 feet from the Keauhou Bay pier and 100' from nearest shoreline.

Purpose of Proposed Installation – The proposed mooring will be used by the Petitioner solely for the purpose of mooring a catamaran for commercial purposes.

Impact on Coastal Ecosystems – NEGLIGIBLE

The proposed mooring site is 300ft from the Keauhou Bay pier and 100' from the nearest shoreline and is not within the Special Management Area or Shoreline Setback Area, nor is the site within a State Conservation District. This site does not provide habitat for any known endangered species of plants, birds, or mammals. The site is not within, and does not border any National Area Reserve, Marine Conservation District, or estuary. The site is not on or close to any reef or coral colonies. No material will be displaced or discharged in the project area. A MANTA Spade anchor will be utilized in order to protect the natural resources in the area. The MANTA Spade anchor is an environmentally friendly anchor system that installs easily under water with conventional equipment. No dredge or fill activities will be involved in the installation of the MANTA Spade mooring anchor. The mooring will be placed within an existing designated DLNR mooring zone.

Impact on Marine Resources – NONE

The proposed mooring does not involve or affect the use or development of any marine or coastal resources.

Impact on Historic Resources – NONE

The project site is not within a designated historic or cultural district and has not been listed or nominated for the Hawaii or National Register of Historic Places. The proposed project site contains no known historic or archeological resources and is not within or adjacent to any Hawaiian fishpond or historic settlement area.

Impact on Scenic and Open Space Resources – NEGLIGIBLE

A catamaran will be located at the proposed mooring location and will be visible. The mooring ball will be visible floating on the surface of the water.

Enclosure: As Stated.



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

February 22, 2017

SUBJECT: Nationwide Permit Verification for Hula Kai Mooring, Keauhou Bay, Kailua Kona, Hawaii; DA File No. POH-2017-00017

Ms. Melynda Dant
Kona Sunrise Charters, Inc.
78-6775 Makenawai Street
Kailua Kona, HI 96740

Dear Ms. Dant:

The U.S. Army Corps of Engineers, Honolulu District, has completed its review of your request for authorization dated January 3, 2017 for the proposed maintenance/replacement of the Hula Kai Mooring located in Keauhou Bay, Kailua Kona, Hawaii (Center Coordinates: Latitude: 19.560951; Longitude: 155.964042). This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit 3 (NWP-3), *Maintenance*, and the overall NWP Program issued on March 17, 2012. Please reference Department of the Army (DA) file number POH-2017-00017 in any future correspondence relating to this permit.

This NWP verification is being issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and authorizes the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

This project would involve the maintenance/replacement of the existing Hula Kai commercial mooring with new "spade" type anchors with a 7-foot by 1-foot shank that would be driven into the sand by an underwater hydraulic hammer. The new anchor would be installed immediately adjacent to the existing anchor blocks/boulders and within sandy areas only. New chains and hardware would be installed with the new mooring system. The existing chains around anchor blocks/boulders would be cut and removed carefully to avoid damaging corals. If the chains will disturb corals, they would be abandoned in place. All existing anchor blocks/boulders would be abandoned and no longer used for the mooring. No discharge of dredged or fill material would be required.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific special conditions:

a. Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Humpback Whale, (*Megaptera novaeangliae*), Loggerhead Sea Turtle (*Caretta caretta*), Hawaiian Monk Seal,

(Monachus schauinslandi) listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Honolulu District of the U.S. Army Corps of Engineers at (808) 835-4303. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measurements to ensure that evidence intrinsic to the specimen is preserved.

b. For compliance with Section 7 of the Endangered Species Act: You must comply with the attached Pacific Standard Local Operating Procedure for Endangered Species (Pac-SLOPES) general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened or endangered marine species (Enclosure 3).

c. For compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to ensure adverse effects to essential fish habitat (EFH) are minimal, you must implement the following conservation measures:

(1) You should anchor all support vessels and install the manta anchors only in sandy areas devoid of corals, seagrass and Halimeda algae, with enough buffer to avoid indirect impacts from installation activities (i.e. increased turbidity), and to ensure sufficient mooring chain travel.

(2) You should remove existing chains without adverse effects to sensitive and hard-to-replace EFH resources, especially corals that have attached to the chains.

(3) You should have a long term maintenance plan for each mooring and buoy to ensure its integrity. Once it is no longer needed, you are responsible for removing all components of the mooring buoy to ensure that it does not become marine debris. This will avoid impacts to nearby resources from broken and derelict buoys and vessels.

(4) You should avoid discharge of pollutants from moored vessels into the marine environment. This will avoid a contribution to reduced water quality of the water column EFH in the area.

d. You may conduct maintenance, repair and/or replacement of the existing mooring gear (i.e. chains, ropes, floats, shackles, etc.), as deemed necessary, without obtaining any additional written authorization from this office. Although written authorization is not required from this office for maintenance activities associated with this existing mooring, we recommend use of best management practices (BMPs) to avoid and minimize adverse impacts to aquatic resources.

The State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning issued a Coastal Zone Management consistency general concurrence for the 2012 NWP's on March 16, 2012, so no additional authorization is required.

This verification is valid until the NWP's are modified, reissued, or revoked. All of the existing NWP's are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permits are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP's to complete the activity under the present terms and conditions of these nationwide permits. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 10 and subsequent enforcement action. This authorization does not relieve you of the responsibility to obtain any other Federal, State, and/or local authorizations required by law.

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed *Compliance Certification* form (Enclosure 4) within seven (7) days of completion of work to CEPOH-RO@usace.army.mil or to Katy.R.Damico@usace.army.mil.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me via telephone at (808) 835-4160 or via e-mail at Katy.R.Damico@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Katy R. Damico
Project Manager
Guam Regulatory Field Office

Enclosure(s)

cc:

Mr. Finn McCall, State of Hawaii, DLNR-DOBOR
Mr. John Nakagawa, State of Hawaii DBEDT Office of Planning
Mr. Randy McIntosh, NOAA-NMFS Protect Resources Division
Ms. Ian Lundgren, NOAA-NMFS Habitat Conservation Division

Request for Exemption from Requirement for Preparation of Environmental Assessment for Installation of an Offshore Mooring within Keauhou Bay, Kona Hawaii

Submitted in compliance with
Hawaii Revised Status Chapter 343 and HAR §§11-200-8, 11-200-8(b)

Submitted to:

**Board of Land & Natural Resources
State of Hawaii, Department of Land & Natural Resources (DLNR)
Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
Email: finn.d.mccal@hawaii.gov
Phone: (808) 587-7478**

Vessel Name: Captain Jack
Submitted by:

**Mendy Dant- Keauhou Boating Ltd.
78-5775 Makenawai St
Kailua Kona, Hawaii 96740
Email: mendy@fair-wind.com
Phone: (808) 345-6211**

Request

Mendy Dant, (hereinafter referred to as "Petitioner") requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed mooring will have little to no environmental impact, as discussed herein below:

Reasoning and Justification for Request

Environmental Assessment Exemption

- 1) The reason for the Environmental Assessment is due to the use of State submerged lands**
- 2) Petitioner requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed installation will have little or no impact on the environment in the proposed location.**
- 3) The current exemption list for the Department of Land and Natural Resources data June 5, 2015 provides as follows under Exemption Class 6:**

"13. Placement or construction of accessory structures such as . . . mooring, cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state land and waters."

Project Description

Installation of a replacement mooring system, using a Manta Spade anchor system in Keauhou Bay Kona, Hawaii

Technical Description of Proposed Installation – MANTA Spade anchor, a patented labor and time saving device, will be driven into the ground with no holes, no digging, and no concrete. Unlike other anchoring systems, the MANTA Spade actually compacts the soil around itself providing a safe and environmentally sensitive installation. MANTA Spade anchors are driven with conventional hydraulic/pneumatic equipment that is readily available worldwide. Once driven to the proper depth, an upward pull on the anchor tendon rotates the MANTA Spade into a perpendicular "anchor lock" position in undisturbed soil. The mooring anchor will be installed by Jack's Diving Locker, approved by NOAA and the Army Corps of Engineers.

Location of Proposed Installation –

The proposed mooring buoy would be located at center coordinates. Latitude 19.561437 and Longitude 155.963091. The location is approximately 100 feet from the Keauhou Bay pier.

Purpose of Proposed Installation – The proposed mooring will be used by the Petitioner solely for the purpose of mooring a catamaran used for commercial use.

Impact on Coastal Ecosystems – NEGLIGIBLE

The mooring site is 100ft from the Keauhou Bay pier, and is not within the Special Management Area or Shoreline Setback Area, nor is the site within a State Conservation District. This site does not provide habitat for any known endangered species of plants, birds, or mammals. The site is not within, and does not border any National Area Reserve, Marine Conservation District, or estuary. The site is not on or close to any reef or coral colonies. No material will be displaced or discharged in the project area. An earth anchor, Manta Spade anchor will be utilized in order to protect the natural resources in the area. The Manta Spade anchor is an environmentally friendly anchor system that installs easily under water with conventional equipment. No dredge or fill activities will be involved in the installation of the earth anchor mooring system. The mooring will be placed within an existing designated DLNR mooring zone.

Impact on Marine Resources – NONE

The proposed mooring does not involve or affect the use or development of any marine or coastal resources.

Impact on Historic Resources – NONE

The project site is not within a designated historic or cultural district and has not been listed or nominated for the Hawaii or National Register of Historic Places. The proposed project site contains no known historic or archeological resources and is not within or adjacent to any Hawaiian fishpond or historic settlement area.

Impact on Scenic and Open Space Resources – NEGLIGIBLE

A motor vessel will be located at the proposed mooring location and will be visible. The mooring ball will be visible floating on the surface of the water.

Enclosure As Stated.



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

February 22, 2017

SUBJECT: Nationwide Permit Verification for Capt Jack Mooring, Keauhou Bay, Kailua Kona, Hawaii; DA File No. POH-2017-00019

Ms. Melynda Dant
Keauhou Boating LTD.
78-6775 Makenawai Street
Kailua Kona, HI 96740

Dear Ms. Dant:

The U.S. Army Corps of Engineers, Honolulu District, has completed its review of your request for authorization dated January 3, 2017 for the proposed maintenance/replacement of the Capt Jack Mooring located in Keauhou Bay, Kailua Kona, Hawaii (Center Coordinates: Latitude: 19.561437; Longitude: 155.963091). This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit 3 (NWP-3), *Maintenance*, and the overall NWP Program issued on March 17, 2012. Please reference Department of the Army (DA) file number POH-2017-00019 in any future correspondence relating to this permit.

This NWP verification is being issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and authorizes the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

This project will involve the maintenance/replacement of the existing Capt Jack commercial mooring with new "spade" type anchors with a 7-foot by 1-foot shank that will be driven into the sand by an underwater hydraulic hammer. The new anchor will be installed immediately adjacent to the existing anchor blocks/boulders and within sandy areas only. New chains and hardware will be installed with the new mooring system. The existing chains around anchor blocks/boulders will be cut and removed carefully to avoid damaging corals. If the chains will disturb corals, they will be abandoned in place. All existing anchor blocks/boulders will be abandoned and no longer used for the mooring. No discharge of dredged or fill material will be required.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific special conditions:

a. Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Humpback Whale, (*Megaptera novaeangliae*), Loggerhead Sea Turtle (*Caretta caretta*), Hawaiian Monk Seal,

(Monachus schauinslandi) listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Honolulu District of the U.S. Army Corps of Engineers at (808) 835-4303. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measurements to ensure that evidence intrinsic to the specimen is preserved.

b. For compliance with Section 7 of the Endangered Species Act: You must comply with the attached Pacific Standard Local Operating Procedure for Endangered Species (Pac-SLOPES) general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened or endangered marine species (Enclosure 3).

c. For compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to ensure adverse effects to essential fish habitat (EFH) are minimal, you must implement the following conservation measures:

(1) You should anchor all support vessels and install the manta anchors only in sandy areas devoid of corals, seagrass and Halimeda algae, with enough buffer to avoid indirect impacts from installation activities (i.e. increased turbidity), and to ensure sufficient mooring chain travel.

(2) You should remove existing chains without adverse effects to sensitive and hard-to-replace EFH resources, especially corals that have attached to the chains.

(3) You should have a long term maintenance plan for each mooring and buoy to ensure its integrity. Once it is no longer needed, you are responsible for removing all components of the mooring buoy to ensure that it does not become marine debris. This will avoid impacts to nearby resources from broken and derelict buoys and vessels.

(4) You should avoid discharge of pollutants from moored vessels into the marine environment. This will avoid a contribution to reduced water quality of the water column EFH in the area.

d. You may conduct maintenance, repair and/or replacement of the existing mooring gear (i.e. chains, ropes, floats, shackles, etc.), as deemed necessary, without obtaining any additional written authorization from this office. Although written authorization is not required from this office for maintenance activities associated with this existing mooring, we recommend use of best management practices (BMPs) to avoid and minimize adverse impacts to aquatic resources.

The State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning issued a Coastal Zone Management consistency general concurrence for the 2012 NWP's on March 16, 2012, so no additional authorization is required.

This verification is valid until the NWP's are modified, reissued, or revoked. All of the existing NWP's are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permits are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP's to complete the activity under the present terms and conditions of these nationwide permits. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 10 and subsequent enforcement action. This authorization does not relieve you of the responsibility to obtain any other Federal, State, and/or local authorizations required by law.

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed *Compliance Certification* form (Enclosure 4) within seven (7) days of completion of work to CEPOH-RO@usace.army.mil or to Katy.R.Damico@usace.army.mil.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me via telephone at (808) 835-4160 or via e-mail at Katy.R.Damico@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Katy R. Damico
Project Manager
Guam Regulatory Field Office

Enclosure(s)

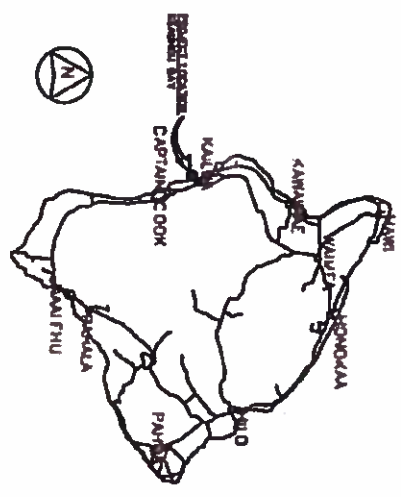
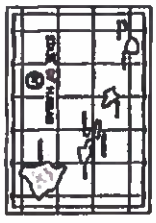
cc:

Mr. Finn McCall, State of Hawaii, DLNR-DOBOR
Mr. John Nakagawa, State of Hawaii DBEDT Office of Planning
Mr. Randy McIntosh, NOAA-NMFS Protect Resources Division
Ms. Ian Lundgren, NOAA-NMFS Habitat Conservation Division

US Army Corps of Engineers
 Honolulu District Regulatory Office
 Received by POH (District Office)
 Date: January 3, 2017
 DA File No.: POH-2017-00019
 ENCLOSURE 1

OFFSHORE MOORING - KEAUHOU BAY FOR MENDY DANT - CAPTAIN JACK

GPS COORDINATES OF MOORING: 1581487N, 15832017W
 APPROXIMATE WATER DEPTH: 30'-50M DEEPEST
 15'-25M SHALLOW



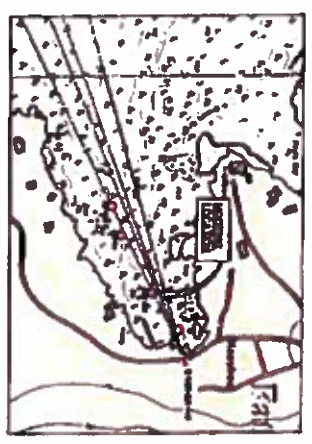
VICINITY MAP

Department of Land and Natural Resources
 Division of Boating and Ocean Recreation
PLAN REVIEW:

- Approved
- Rejected
- Approved, as noted
- Revise & Resubmit

By: MLP Date: 1/03/17

Corrections, comments or approval of plans shall not relieve the contractor from other local, state, federal or other agency regulations or permit conditions. This review is for general conformance with engineering design guidelines. The contractor is responsible for confirming all dimensions, quantities, fabrication requirements, and coordination with all other trades.



LOCATION MAP

INDEX TO DRAWINGS	
Sheet Number	Description
1	TITLE SHEET TO MOORING AND MOORING MAP
2	MOORING LAYOUT AND ELEVATION
3	MOORING STRUCTURE AND PLAN

PHASEE
CREATIONS, LLC.
 2000 KAILUA-KONA BOULEVARD, SUITE 200
 KAILUA-KONA, HAWAII 96741-2000

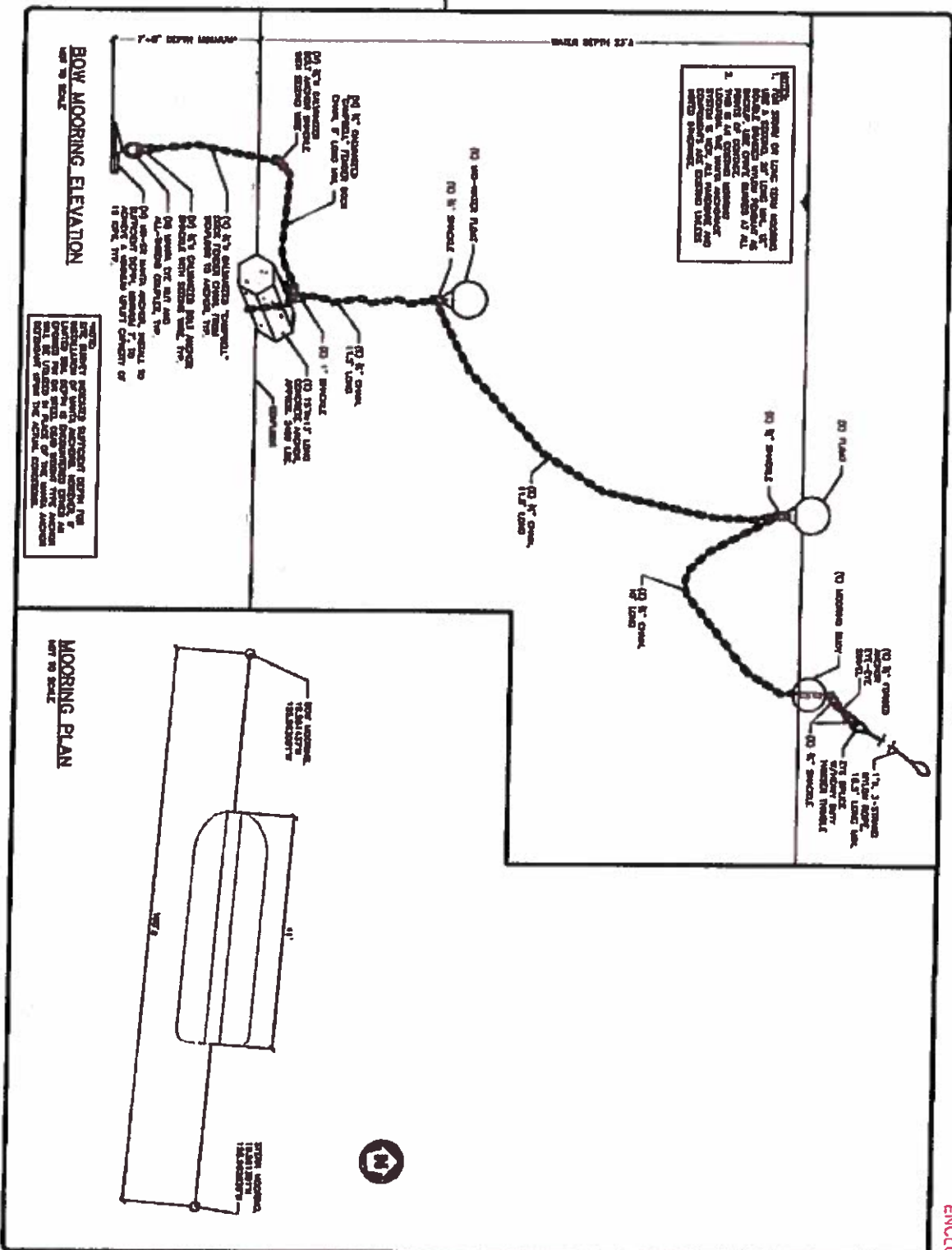
MENDY DANT
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF HAWAII
 LICENSE NO. 10000

PROPOSED
 OFFSHORE MOORING
 REQUIRED BY
 POH

TITLE SHEET

DATE: 1/3/17
 SCALE: AS SHOWN
 SHEET NO. T-1
 OF 1

US Army Corps of Engineers
 Honolulu District Regulatory Office
 Received by POH (District Office)
 Date: January 3, 2017
 DA File No.: POH-2017-00019
 ENCLOSURE 1



<p>PHASE CREATIONS, LLC 61-088 KAPUNAHUA BLVD HONOLULU, HAWAII 96815 • PH: 541-4400</p>	<p>MENDY DANT 79-4575 KAILUA BLVD # 200 KAILUA, HAWAII 96734 PH: 808-261-1111</p>	<p>PROPOSED OFFSHORE MOORING KAILUA BAY FOR PHASE CREATIONS, LLC</p>	<p>MOORING ELEVATION AND PLAN</p>
<p>DATE: 1/1/17 DRAWN BY: S-2 CHECKED BY: S-2 DATE: 1/1/17</p>	<p>DATE: 1/1/17 DRAWN BY: S-2 CHECKED BY: S-2 DATE: 1/1/17</p>	<p>DATE: 1/1/17 DRAWN BY: S-2 CHECKED BY: S-2 DATE: 1/1/17</p>	<p>DATE: 1/1/17 DRAWN BY: S-2 CHECKED BY: S-2 DATE: 1/1/17</p>

Request for Exemption from Requirement for Preparation of Environmental Assessment for Installation of an Offshore Mooring within Keauhou Bay Kona Hawaii

**Submitted in compliance with
Hawaii Revised Statutes Chapter 343 and HAR §§11-200-8, 11-200-8(b)**

**Submitted to
Board of Land & Natural Resources
State of Hawaii, Department of Land & Natural Resources (DLNR)
Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
Email: finn.d.mccall@hawaii.gov
Phone: (808) 587-7478**

Vessel Name: Kona Gold
Submitted by:

**Mendy Dant – Charisma Hawaii, Inc
78-6775 Makenawai St
Kailua Kona, Hawaii 96740
Email: mendy@fair-wind.com
Phone: (808) 345-6211**

Request

Mendy Dant, (hereinafter referred to as "Petitioner") requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed mooring will have little to no environmental impact, as discussed herein below:

Reasoning and Justification for Request

Environmental Assessment Exemption

- 1) The reason for the Environmental Assessment is due to the use of State submerged lands**
- 2) Petitioner requests exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed installation will have little or no impact on the environment in the proposed location.**
- 3) The current exemption list for the Department of Land and Natural Resources dated June 5, 2015 provides as follows under Exemption Class 6:**

"13. Placement or construction of accessory structures such as...mooring, cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state land and waters."

Project Description

Installation of a replacement mooring system, using a Manta Spade anchor system in Keauhou Bay Kona, Hawaii

Technical Description of Proposed Installation – MANTA Spade anchor, a patented labor and time saving device, will be driven into the ground with no holes, no digging, and no concrete. Unlike other anchoring systems, the MANTA Spade actually compacts the soil around itself providing a safe and environmentally sensitive installation. MANTA Spade anchors are driven with conventional hydraulic/pneumatic equipment that is readily available worldwide. Once driven to the proper depth, an upward pull on the anchor tendon rotates the MANTA Spade into a perpendicular "anchor lock" position in undisturbed soil. The mooring anchor will be installed by Jack's Diving Locker, approved by NOAA and the Army Corps of Engineers.

Location of Proposed Installation –

The proposed mooring buoy would be located at center coordinates Latitude: 19.561778 and Longitude: 155.962611. The location is approximately 75 feet from the Keauhou Bay pier.

Purpose of Proposed Installation – The proposed mooring will be used by the Petitioner solely for the purpose of mooring a motor vessel used for commercial use.

Impact on Coastal Ecosystems – NEGLIGIBLE

The mooring site is 75ft from the Keauhou Bay pier, and is not within the Special Management Area or Shoreline Setback Area, nor is the site within a State Conservation District. This site does not provide habitat for any known endangered species of plants, birds, or mammals. The site is not within, and does not border any National Area Reserve, Marine Conservation District, or estuary. The site is not on or close to any reef or coral colonies. No material will be displaced or discharged in the project area. An earth anchor, Manta Spade anchor will be utilized in order to protect the natural resources in the area. The Manta Spade anchor is an environmentally friendly anchor system that installs easily under water with conventional equipment. No dredge or fill activities will be involved in the installation of the earth anchor mooring system. The mooring will be placed within an existing designated DLNR mooring zone.

Impact on Marine Resources – NONE

The proposed mooring does not involve or affect the use or development of any marine or coastal resources.

Impact on Historic Resources – NONE

The project site is not within a designated historic or cultural district and has not been listed or nominated for the Hawaii or National Register of Historic Places. The proposed project site contains no known historic or archeological resources and is not within or adjacent to any Hawaiian fishpond or historic settlement area.

Impact on Scenic and Open Space Resources – NEGLIGIBLE

A motor vessel will be located at the proposed mooring location and will be visible. The mooring ball will be visible floating on the surface of the water.

Enclosure As Stated.



**DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440**

February 22, 2017

SUBJECT: Nationwide Permit Verification for Kona Gold Mooring, Keauhou Bay, Kailua Kona, Hawaii; DA File No. POH-2017-00018

Ms. Melynda Dant
Charisma Hawaii Inc.
78-6775 Makenawai Street
Kailua Kona, HI 96740

Dear Ms. Dant:

The U.S. Army Corps of Engineers, Honolulu District, has completed its review of your request for authorization dated January 3, 2017 for the proposed maintenance/replacement of the Kona Gold Mooring located in Keauhou Bay, Kailua Kona, Hawaii (Center Coordinates: Latitude: 19.561778; Longitude: 155.962611). This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit 3 (NWP-3), *Maintenance*, and the overall NWP Program issued on March 17, 2012. Please reference Department of the Army (DA) file number POH-2017-00018 in any future correspondence relating to this permit.

This NWP verification is being issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and authorizes the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

This project will involve the maintenance/replacement of the existing Kona Gold commercial mooring with new "spade" type anchors with a 7-foot by 1-foot shank that will be driven into the sand by an underwater hydraulic hammer. The new anchor will be installed immediately adjacent to the anchor block and within sandy areas only. New chains and hardware will be installed with the new mooring system. The existing chains around anchor blocks will be cut and removed carefully to avoid damaging corals. If the chains will disturb corals, they will be abandoned in place. All existing anchor blocks will be abandoned and no longer used for the mooring. No discharge of dredged or fill material will be required.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific special conditions:

a. Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Humpback Whale, (*Megaptera novaeangliae*), Loggerhead Sea Turtle (*Caretta caretta*), Hawaiian Monk Seal, (*Monachus schauinslandi*) listed by NOAA Fisheries under the Endangered Species

Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Honolulu District of the U.S. Army Corps of Engineers at (808) 835-4303. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measurements to ensure that evidence intrinsic to the specimen is preserved.

b. For compliance with Section 7 of the Endangered Species Act: You must comply with the attached Pacific Standard Local Operating Procedure for Endangered Species (Pac-SLOPES) general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened or endangered marine species (Enclosure 3).

c. For compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and to ensure adverse effects to essential fish habitat (EFH) are minimal, you must implement the following conservation measures:

(1) You should anchor all support vessels and install the manta anchors only in sandy areas devoid of corals, seagrass and Halimeda algae, with enough buffer to avoid indirect impacts from installation activities (i.e. increased turbidity), and to ensure sufficient mooring chain travel.

(2) You should remove existing chains without adverse effects to sensitive and hard-to-replace EFH resources, especially corals that have attached to the chains.

(3) You should have a long term maintenance plan for each mooring and buoy to ensure its integrity. Once it is no longer needed, you are responsible for removing all components of the mooring buoy to ensure that it does not become marine debris. This will avoid impacts to nearby resources from broken and derelict buoys and vessels.

(4) You should avoid discharge of pollutants from moored vessels into the marine environment. This will avoid a contribution to reduced water quality of the water column EFH in the area.

d. You may conduct maintenance, repair and/or replacement of the existing mooring gear (i.e. chains, ropes, floats, shackles, etc.), as deemed necessary, without obtaining any additional written authorization from this office. Although written authorization is not required from this office for maintenance activities associated with this existing mooring, we recommend use of best management practices (BMPs) to avoid and minimize adverse impacts to aquatic resources.

The State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning issued a Coastal Zone Management consistency general concurrence for the 2012 NWP's on March 16, 2012, so no additional authorization is required.

This verification is valid until the NWP's are modified, reissued, or revoked. All of the existing NWP's are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permits are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP's to complete the activity under the present terms and conditions of these nationwide permits. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 10 and subsequent enforcement action. This authorization does not relieve you of the responsibility to obtain any other Federal, State, and/or local authorizations required by law.

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed *Compliance Certification* form (Enclosure 4) within seven (7) days of completion of work to CEPOH-RO@usace.army.mil or to Katy.R.Damico@usace.army.mil.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me via telephone at (808) 835-4160 or via e-mail at Katy.R.Damico@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Katy R. Damico
Project Manager
Guam Regulatory Field Office

Enclosure(s)

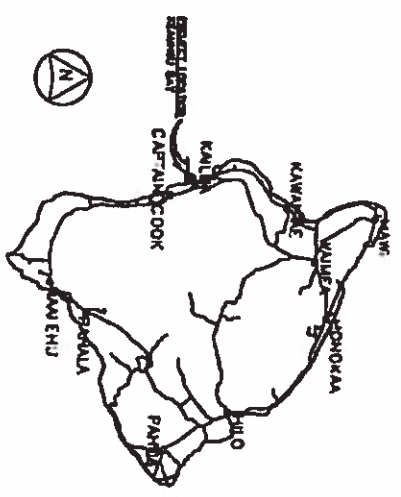
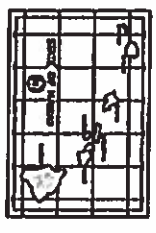
cc:

Mr. Finn McCall, State of Hawaii, DLNR-DOBOR
Mr. John Nakagawa, State of Hawaii DBEDT Office of Planning
Mr. Randy McIntosh, NOAA-NMFS Protect Resources Division
Ms. Ian Lundgren, NOAA-NMFS Habitat Conservation Division

US Army Corps of Engineers
 Honolulu District Regulatory Office
 Received by POH (District Office)
 Date: January 3, 2017
 DA File No.: POH-2017-00018
 ENCLOSURE 1

OFFSHORE MOORING - KEAUHOU BAY FOR MENDY DANT - KONA GOLD

GPS COORDINATES OF MOORING: 19A1777N, 155A0311W
 APPROXIMATE WATER DEPTH: 17'



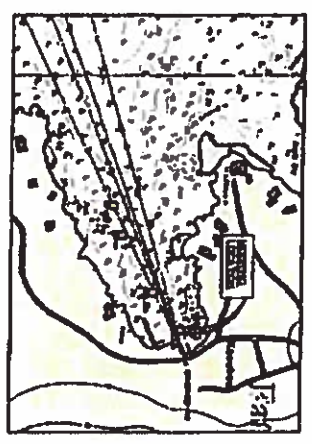
VICINITY MAP

Department of Land and Natural Resources
 Division of Boating and Ocean Recreation
PLAN REVIEW:

- Approved
- Rejected
- Approved, as noted
- Revise & Resubmit

By: ADD Date: 1/3/2017

Corrections, comments or approval of plans shall not relieve the contractor from other local, state, federal or other agency regulations or permit conditions. This review is for general conformance with engineering design guidelines. The contractor is responsible for confirming all dimensions, quantities, fabrication requirements, and coordination with all other trades.



LOCATION MAP

INDEX TO DRAWINGS	
DRAWING NUMBER	DESCRIPTION
1	1-1 TITLE SHEET TO DRAWINGS AND VICINITY MAP
2	2-1 GENERAL NOTES AND EXHIBITS
3	3-1 MOORING STRUCTURE AND PLAN

PARSEE
CREATIONS, LLC
 11-020 KAWAHAU AVENUE, SUITE 100
 KAILUA, HAWAII 96731 • PHONE 343-4600

[Signature]
 PROJECT ENGINEER

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APPROVED
 OFFSHORE MOORING
 KAUHOU BAY
 FOR:
MENDY DANT
 20-0001 KEU & ASSOCIATES
 1000 KONA BLVD., SUITE 200
 KONA, HAWAII 96701
 PHONE (808) 343-0711

GPS COORDINATES: 19A1777N, 155A0311W
 APPROX. WATER DEPTH: 17'

TITLE SHEET

DRAWING NUMBER: 1-1
 SHEET NO.: 1-1
 DATE: 1/1/17

