

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

February 9, 2018

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

Land Board Members:

SUBJECT: APPROVE THE INSTALLATION OF AN EXISTING OFFSHORE MOORING AND DECLARE EXEMPTION FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES MALA WHARF OFFSHORE MOORING AREA, LAHAINA, ISLAND OF MAUI, FOR MARINA BATHAM AND JOHN HUNTLEY

REQUEST:

The Division of Boating and Ocean Recreation (“DOBOR”) is requesting that the Board of Land and Natural Resources (“Board”) approve the installation of an existing permanent offshore mooring within the Mala Wharf Offshore Mooring Area and declare its installation exempt from the requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Hawaii Administrative Rules to prepare an Environmental Assessment (“EA”), due to the use of submerged State land.

The applicants, Marina Batham and John Huntley, (“Applicant”), use an existing offshore mooring installed within the Mala Wharf Offshore Mooring Area in Lahaina on the Island of Maui that has been in place for several years. They are requesting that the Board approve the installation of the offshore mooring and declare its installation exempt from the requirements to prepare an EA, as required by Chapter 343, HRS, and Title 11, Chapter 200, HAR, due to the use of submerged State Land. The Applicant’s request is attached as Exhibit A.

PERMITS AND COMPLIANCE WITH STATE AND FEDERAL LAW:

In order to comply with Federal Law (Section 10 of the Rivers and Harbors act of 1899), DOBOR is requiring that all offshore moorings under their jurisdiction obtain a permit from the U.S. Army Corps of Engineers (“ACOE”). In addition, to ensure that the mooring system is structurally sound, DOBOR is requiring that all offshore mooring permittees submit an Offshore Mooring Installation Plan, prepared by a licensed structural engineer, for approval.

The Applicant has obtained a Nationwide Permit Verification from the ACOE authorizing the installation and use of the existing mooring. A Mooring Installation Plan, prepared by a licensed structural engineer, has also been submitted to and approved by DOBOR Engineering Branch. The ACOE Permit and approved Mooring Installation Plan are also attached with Exhibit A.

Item J-3

In accordance with HAR 13-235-6, the National Marine Fisheries Service (NMFS) and DLNR, Division of Aquatic Resources (DAR) must determine whether an offshore mooring is detrimental to the habitat or spawning ground of marine life. Through the ACOE permitting process, NMFS has been consulted and determined the offshore mooring has no detrimental effect to the habitat or spawning ground of marine life. DAR has also been consulted and concurred that the offshore mooring has no detrimental effect to the habitat or spawning ground of marine life.

ENVIRONMENTAL ASSESSMENT EXEMPTION

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 existing mooring 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 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 land and waters."

Consultations with the U.S. Army Corps of Engineers for this EA Exemption have been conducted as required by HAR 11-200-8.

RECOMMENDATION:

That the Board of Land and Natural Resources:

Approve the installation of the existing offshore mooring within the Mala Wharf Offshore Mooring Area and declare that, after considering the potential effects of the installed mooring 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
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Declare Existing Offshore Mooring
Exempt from EA Requirements
Marina Batham & John Huntley
Mala Wharf Mooring Zone, Lahaina, Island of Maui

February 9, 2018
Item J-3

Attachment:

- A. Applicant's request for approval of mooring, approved Mooring Installation Plan,
Nationwide Permit Verification Letter from Army Corps of Engineers

Request for Exemption from Requirement for Preparation of Environmental Assessment for the Transfer of an Existing Offshore Mooring within Mala Bay, Lahaina, Maui.

Dated: November 20, 2017

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.mccall@hawaii.gov Phone: (808) 587-3520

Submitted by:

Marina Batham & John Huntley,
Owners of "Seeking The Blue", US Documented Vessel, COD 1069162
Email: Marina@marinaonmaui.com Ph. 808-283-5355

Request:

Marina Batham (hereinafter referred to as "Petitioner") requests approval for the transfer of an offshore mooring permit of an existing offshore mooring within Mala Bay, and exemption from requirement for environmental assessment report associated with the proposed mooring transfer, 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 transfer, as the proposed mooring is already installed and will not be altered.
- 3) The current mooring was installed with all permits from the Army Corps of Engineers and the DLNR in 2015.

Project Description

Transfer mooring to Marina Batham & John Huntley for securing a private sail boat.

Technical Description of Mooring

Two (2) MANTA RAY anchors, already fully permitted and installed. The mooring anchor was installed by Maui Moorings, in accordance with the attached stamped engineering drawings and permitted by the Army Corps of Engineers and DLNR.

Location of Mooring

The mooring buoy is located at center coordinates: Latitude: 20'52.295 N & 156'41.020 W.

Purpose of Mooring

The mooring will be used by the Petitioner solely for the purpose of mooring a sailboat for private purposes.

Impact on Coastal Ecosystems

NEGLIGIBLE The mooring site has already been approved.
The mooring is located within an existing designated DLNR "Offshore" mooring area.

Impact on Marine Resources

NONE The mooring does not involve or affect the use or development of any marine or coastal resources.

Impact on Historic Resources

NONE The mooring site has already been approved.

Impact on Scenic and Open Space Resources

NEGLIGIBLE A sailboat will be located at the mooring location and will be visible. The mooring ball is visible floating on the surface of the water.

Enclosure:

Offshore Mooring - Mala Warf Mooring Zone
Title Sheet
Mooring Plan



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

August 20, 2015

SUBJECT: Nationwide Permit Verification for Mala Mooring Buoy, Maui, Hawaii; DA File No. POH-2015-00117

Olivier Vanden Bos
24 Kau Street
Kula, Hawaii 96790

Dear Mr. Vanden Bos:

The U.S. Army Corps of Engineers, Honolulu District, has completed its review of your request for authorization dated June 5, 2015 for the proposed deployment of a non-commercial buoy located in the Pacific Ocean near the town of Lahaina, Maui, Hawaii at Latitude 20.893, Longitude -156.689. This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit (NWP) 10, Mooring Buoys, and the overall NWP Program issued on March 17, 2012. Please reference Department of the Army (DA) file number POH-2015-00117 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):

Diver assisted deployment of a dual manta anchor system attached to a 50-foot long 5/8-inch galvanized chain and 24-inch diameter polyuruthane foam surface buoy to moor a single, non-commercial 27-foot vessel.

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:

1. 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.

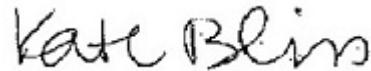
2. You will install the two manta anchors only in sandy areas devoid of corals, seagrass and Halimeda algae.
3. You will, as specified in the DOBOR Permanent mooring agreement, maintain the mooring buoy and once it is no longer needed, be fully responsible for removing all components of the mooring so it does not become marine debris.
4. You will avoid discharge of pollutants from the sailing vessel to the marine environment at all times while moored.
5. 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).

This NWP verification is valid until **March 18, 2017** unless this NWP is modified, reissued, or revoked prior to that date. If the authorized work has not commenced or is not under contract by March 18, 2017, then please contact this office at least 60 days prior to expiration of the NWP to request a permit extension. It is incumbent upon you to remain informed of changes to the NWPs. If the Corps modifies, reissues, or revokes any NWP at an earlier date, we will issue a public notice announcing the changes. 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 7 days of completion of work to CEPOH-RO@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 at 808-835-4306 or via e-mail at Kate.M.Bliss@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,

A handwritten signature in black ink that reads "Kate Bliss". The signature is written in a cursive, slightly slanted style.

Kate Bliss
Project Manager
Regulatory Office

Enclosure(s)

cc:

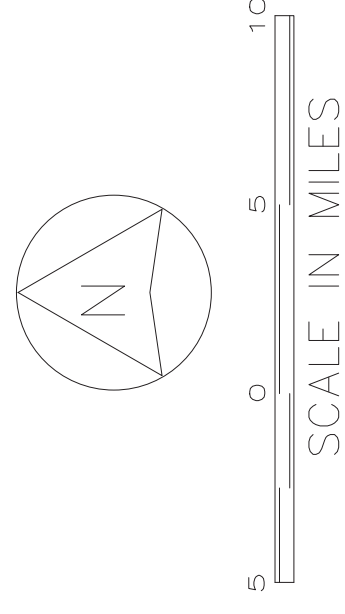
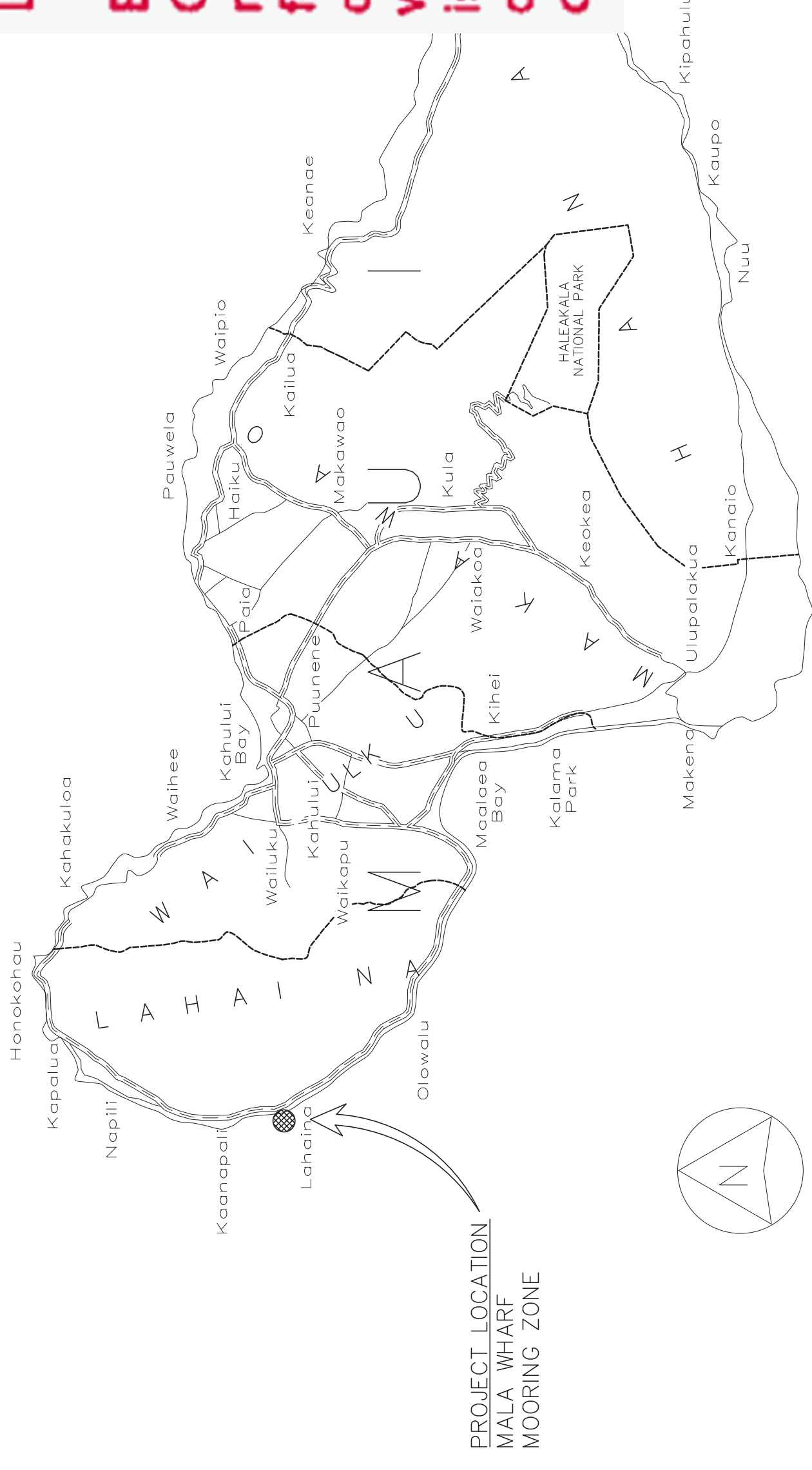
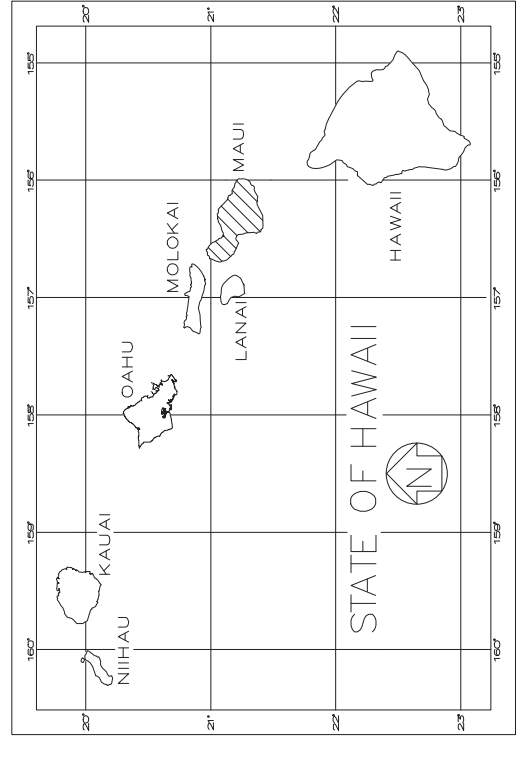
State of Hawaii DBEDT Office of Planning (John Nakagawa)
USCG (Brian J. Donahue)

EXHIBIT A

OFFSHORE MOORING - MALA WHARF MOORING ZONE

FOR MR. OLIVIER VANDEN BOS

GPS COORDINATES OF MOORING : 20°53.478"N, 156°41.367"W



VICINITY MAP

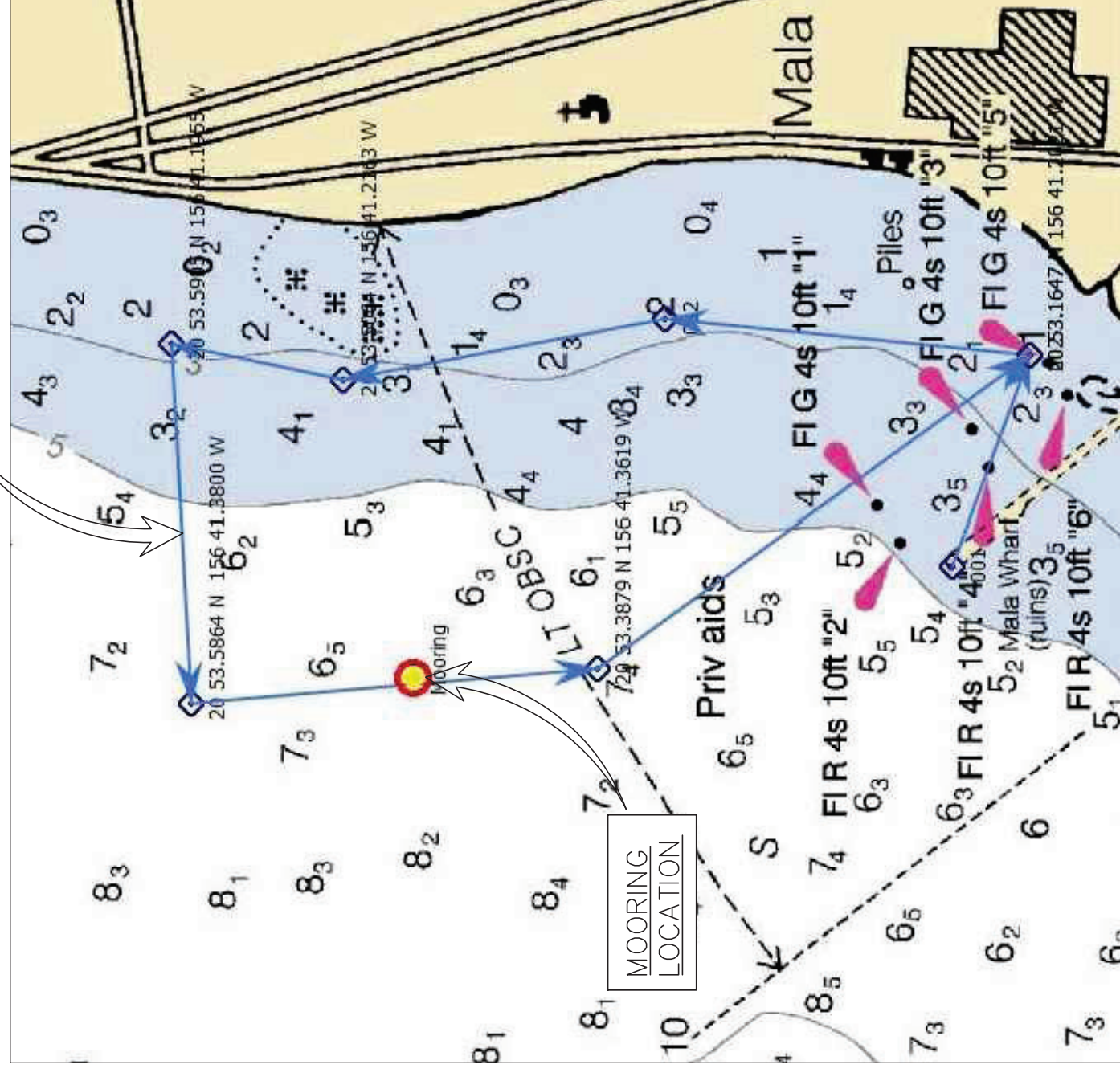
**Department of Land and Natural Resources
Division of Boating and Ocean Recreation
PLAN REVIEW:**

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

By: Eric Yuasa Date: 6/1/15

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.

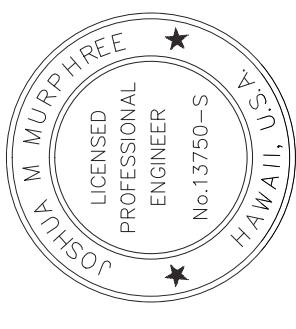
MALA WHARF OFFSHORE MOORING ZONE BOUNDARIES



LOCATION MAP

INDEX TO DRAWINGS		DESCRIPTION
SHEET NUMBER	DRAWING NUMBER	
1	T-1	TITLE, INDEX TO DRAWINGS, AND VICINITY MAP
2	S-1	MOORING PLAN

PHREE CREATIONS, LLC.
61-655 KAMEHAMEHA HIGHWAY
HALEIWA, HAWAII 96712 • (808) 349-4990



J. Murr-Phree
SEAL DATE OF THE LICENSE 4/30/2016
THIS WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION

GENERAL NOTES
CONTRACTOR/OWNER SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE WORKSITE BEFORE PROCEEDING WITH THE WORK AND NOTIFY ENGINEER OF ANY DISCREPANCIES FOR RESOLUTION.
ALL CONSTRUCTION SHALL CONFORM TO THE 2008 INTERNATIONAL BUILDING CODE AND THE LATEST COUNTY OF MAUI/STATE OF HAWAII AMENDMENTS AND ORDINANCES AND/OR THE CITY AND COUNTY OF HAWAII WHERE THIS PROJECT IS LOCATED AND HAVING JURISDICTION.

① 6/25/2015 REV. GPS ALL CHAIN
REVISION MARK • DATE • DESCRIPTION

PROJECT
PROPOSED
OFFSHORE MOORING
MALA WHARF MOORING ZONE
FOR:

OLIVIER VANDEN BOS
PHONE: (808) 280-6548

GPS COORDINATES: 20°53.478"N
156°41.367"W

SHEET TITLE
TITLE SHEET

JOB NO. 2015-0007 DRAWING NO.
DRAWN JMM
CHECKED JMM
DATE JUNE 25, 2015 SHEET 1 OF 2

GENERAL:

- A. WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE BUILDING CODE AS STATED BELOW. HOWEVER, WHERE REFERENCE IS MADE TO PERFORMANCE CONFORMING TO OTHER STANDARDS THE MORE STRINGENT SHALL APPLY.
 1. COUNTY OF MAUI: AMENDED IBC, 2006
- B. THE CONTRACTOR SHALL TAKE FIELD MEASUREMENTS AND VERIFY FIELD CONDITIONS AND SHALL COMPARE SUCH FIELD MEASUREMENTS AND CONDITIONS WITH THE DRAWINGS BEFORE COMMENCING WORK. REPORT IN WRITING TO THE ENGINEER ALL INCONSISTENCIES AND OMISSIONS.
- C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR METHODS OF CONSTRUCTION, WORKMANSHIP AND JOB SAFETY.
- D. DETAILS NOTED AS TYPICAL ON THE STRUCTURAL DRAWINGS SHALL APPLY IN ALL CONDITIONS UNLESS SPECIFICALLY SHOWN OR NOTED.
- E. PRODUCT DATA REQUIRED BY THESE NOTES SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION.

DESIGN CRITERIA:

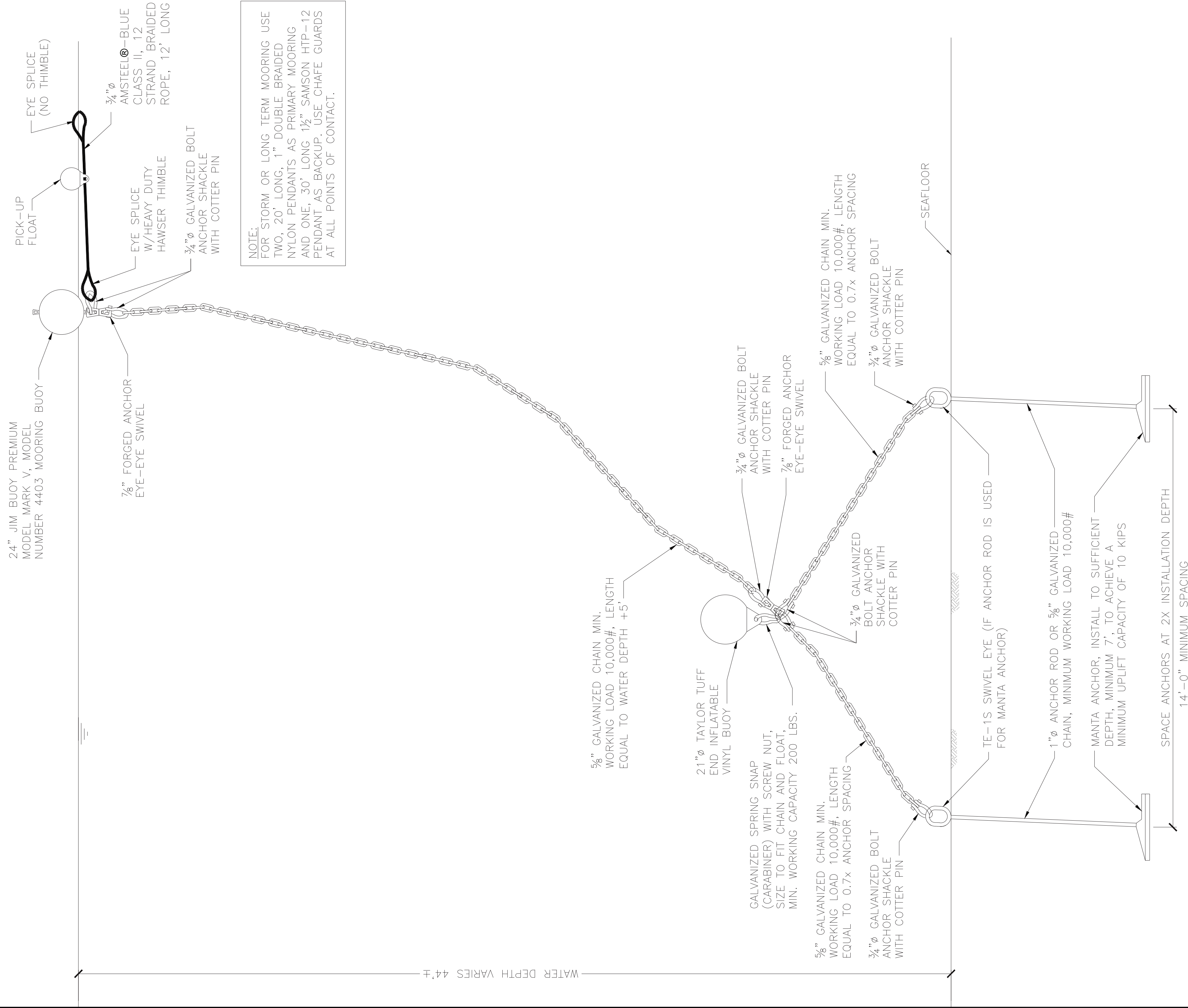
- A. MINIMUM DESIGN CRITERIA FOR MOORING IN ACCORDANCE WITH UFC 4-159-03:
 1. TYPE IIB STORM MOORING
 - B. WIND DESIGN DATA:
 1. BASIC WIND SPEED: 105 MPH
 - C. CURRENT:
 1. MAX CURRENT: 2 KNOTS
 - D. WAVES AND TIDAL VARIATIONS:
 1. PEAK OFFSHORE WAVE HEIGHT: 6 FEET
 - E. DESIGN VESSEL: TARTAN 37
 1. LOA: 37'-3"
 2. BEAM: 11'-9"
 3. DRAFT, CENTERBOARD: 4'-2" / 7'-9"
 4. DISPLACEMENT: 15,500 LBS.
- *MOORING IS DESIGNED FOR DESIGN VESSEL ONLY, ANY CHANGE IN MOORED VESSEL REQUIRES RE-ANALYSIS.

EARTH ANCHORS:

- A. SELECTION OF ANCHOR TYPE SHALL BE BASED UPON SURVEY SITE AND SOIL PROBING TO MINIMUM DEPTH OF 10' AT PROPOSED ANCHOR LOCATION. CONTRACTOR SHALL PROVIDE RESULTS OF SURVEY, SOIL PROBING, AND PROPOSED ANCHOR TYPE TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.
- B. INSTALL ANCHORS PER MANUFACTURERS INSTRUCTIONS. PROOF TEST TO MINIMUM UPLIFT CAPACITY STATED ON DESIGN DRAWINGS. SUBMIT DOCUMENTATION OF PROOF LOAD TESTING TO ENGINEER FOLLOWING INSTALLATION.

CHAIN, HARDWARE, ROPE, AND MOORING COMPONENTS

- A. ALL CHAIN AND HARDWARE SHALL BE HOT DIP GALVANIZED IN ACCORDANCE WITH ASTM A153.
 - B. THIMBLES OR CHAFE GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.
 - C. SUBMIT PRODUCT DATA OF ALL CHAINS, HARDWARE, ROPE, AND MOORING COMPONENTS TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.
- MOORING HARDWARE, MAINTENANCE AND INSPECTION
- A. THE VESSEL OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE VESSEL'S MOORING HARDWARE. ANY FAILURE RESULTING FROM NON MAINTAINED COMPONENTS OR UNREPAIRED DAMAGE OF THE MOORING RESULTING FROM NORMAL USE SHALL BE THE RESPONSIBILITY OF THE VESSEL OWNER.
 - B. THE VESSEL OWNER SHALL INSPECT ALL MOORING HARDWARE, ROPES, AND CHAINS FROM SEA FLOOR TO PENDANT FOR SAFETY AND SECURITY NO LESS THAN TWO TIMES PER YEAR. INSPECTION REPORT/RECORDS SHALL BE KEPT BY VESSEL OWNER.
 - C. THE VESSEL OWNER IS RESPONSIBLE FOR INSTALLING AND MAINTAINING CHAFING GEAR ON ALL MOORING LINES.



NOTE:
FOR STORM OR LONG TERM MOORING USE TWO, 20' LONG, 1" DOUBLE BRAIDED NYLON PENDANTS AS PRIMARY MOORING AND ONE, 30' LONG 1 1/2" SAMSON HTP-12 PENDANT AS BACKUP. USE CHAFE GUARDS AT ALL POINTS OF CONTACT.

GENERAL NOTES
CONTRACTOR/OWNER SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK AND NOTIFY ENGINEER OF ANY DISCREPANCIES FOR RESOLUTION.
ALL CONSTRUCTION SHALL CONFORM TO THE 2006 INTERNATIONAL BUILDING CODE AND THE LATEST COUNTY OF MAUI/STATE OF HAWAII AMENDMENTS AND ORDINANCES AND/OR THE CITY AND COUNTY OF WHERE THIS PROJECT IS LOCATED AND HAVING JURISDICTION.

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REVISION MARK • DATE • DESCRIPTION

PROJECT
PROPOSED OFFSHORE MOORING
FOR:
MALA WHARF MOORING ZONE

OLIVER VANDEN BOS
PHONE: (808) 280-6548

GPS COORDINATES: 20°53.478'N 156°41.367'W

SHEET TITLE
MOORING PLAN

JOB NO. 2015-0007 DRAWING NO. S-1
DRAWN JMM CHECKED JMM
DATE JUNE 25, 2015 SHEET 2 OF 2