

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 INSTALLATION OF AN EXISTING MOORING OUTSIDE KAA NAPALI OFFSHORE MOORING AREA AND DECLARE INSTALLATION EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES, KAA NAPALI, ISLAND OF MAUI, HAWAII, FOR PRK SAILS, INC. (PETER Z. DYCK)

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 offshore mooring outside of the Kaanapali Offshore Mooring Zone. As required by HAR 13-235-9, any applicant requesting to moor a vessel outside of an established offshore mooring area must obtain approval from the Board.

DOBOR is also requesting that the Board declare the installation exempt from the requirements of Hawaii Revised Statutes, Chapter 343 to prepare an Environmental Assessment (“EA”), due to the use of submerged State Land.

The applicant, PRK Sails, Inc. (“Applicant”), uses an existing offshore mooring installed outside of the Kaanapali Offshore Mooring Area in Kaanapali on the Island of Maui that has been in place for several years. He is requesting that the Board declare the installation of his offshore mooring exempt from the requirement to prepare an EA, as required by Chapter 343, HRS, and Chapter 11-200, HAR due to the use of submerged State Land. In addition, the Applicant is requesting that the Board approve the mooring installation outside of the Kaanapali Offshore Mooring Zone, as required by HAR 13-235-9, due to the water depths there being too shallow and congestion of vessels within the mooring zone, both of which present a risk of damage to his vessel and possible grounding during large storm and ocean swell events. The Applicant’s request is attached as Exhibit A.

PERMITS AND COMPLIANCE WITH FEDERAL AND STATE 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.

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 outside the Kaanapali Offshore Mooring Zone 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

Attachment:

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

Peter Z. Dyck
PRK Sails, Inc.
509 Kamehameiki Rd.
Kula, HI 96790

October 27, 2017

Request for Exemption from Requirement for Preparation of Environmental Assessment for Installation of an Existing Offshore Mooring, outside of the Kaanapali Mooring Zones, Lahaina, on the Island of Maui.

Submitted in compliance with Hawaii Revised Statute Chapter 343 and HAR Sections 11-200-8; 11-200(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:

Peter Dyck, President, PRK Sails, Inc. Email: peterzdyck@yahoo.com
Phone (808) 878-1608

Request:

Peter Dyck (hereinafter referred to as "Petitioner") requests approval for an existing offshore mooring (that does not require modification) outside of the Kaanapali Mooring Zones and exemption from requirement for environmental assessment report associated with the mooring installation; as the mooring will have little or 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.

EXHIBIT A

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 private offshore mooring buoy in Kaanapali Beach, Lahaina, Maui, Hawaii.

Technical Description of Proposed Installation -

A single, non-commercial mooring located approximately 1,000 yards off Kaanapali Beach in approximately 40-foot depth. The 24-inch nylon mooring buoy is anchored by a 40-foot long galvanized chain and 40-foot long nylon roped attached to three (3) 40-pound Danforth anchors chained to a central 1,000-pound concrete block. The mooring features two (2) 50-foot long nylon rope pennant lines to secure the vessel.

Location of Proposed Installation -

The proposed mooring buoy would be located at center coordinates: Latitude: 20.933328 degrees North and 156.710556 degrees West.

Purpose of Proposed Installation -

The proposed mooring will be used by the Petitioner solely for the purpose of mooring a sailboat for non-commercial purposes.

Impact on Coastal Ecosystems-

NEGLIGIBLE The proposed mooring site is 1,000 yards from the 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 placed or discharged in the project area. No dredge or fill activities will be involved in the installation of the mooring. The mooring will be placed within an existing designated DLNR "Offshore" mooring area.

Impact on Marine Resources -

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

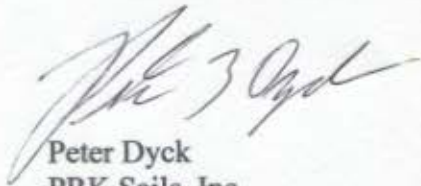
Impact on Historic Resources -

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 an Open Space Resources -

NEGLIGIBLE A sailboat 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.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "Peter Dyck", is written over the printed name.

Peter Dyck
PRK Sails, Inc.
(808) 878-1608



EXHIBIT A

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

October 19, 2017

SUBJECT: After-the-Fact Nationwide Permit Verification for Single, Non-Commercial Mooring Buoy, Kaanapali, Island of Maui, Hawaii Department of the Army File No. POH-2017-00169

Mr. Peter Z. Dyck
PRK Sales, Inc.
509 Kamehameiki Road
Kula, Hawaii 96790

Dear Mr. Dyck:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated August 8, 2017 requesting after-the-fact (ATF) authorization of your mooring buoy located at 20.933328°N, -156.710556°W. Please reference Department of the Army (DA) file number POH-2017-00169 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) #10, Mooring Buoys issued on March 19, 2017 (82 FR 1860, January 6, 2017). This NWP verification letter is being issued pursuant to Section 10 of the Rivers and Harbors Act of 1899 for structures in or affecting navigable waters of the U.S. The following structure in navigable waters as described below and as depicted on the enclosed drawings, is hereby authorized (Enclosure 1):

A single, non-commercial mooring located approximately 1,000 yards off Kaanapali Beach in approximately 40-foot depth. The 24-inch nylon mooring buoy is anchored by a 40-foot long galvanized chain and 40-foot long nylon rope attached to three (3) 40-pound Danforth anchors chained to a central, 1,000-pound concrete block. The mooring features two (2) 50-foot long nylon rope pennant lines to secure the vessel.

In order for this NWP authorization to be valid, you must ensure that the structure complies with the *Nationwide Permit General Conditions*, the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific Special Condition:

1. You must notify this office should you intend to relocate or remove your mooring. Relocation of the mooring may require separate authorization.

Verification of your project under this NWP is valid until **March 19, 2022** unless this NWP is modified, reissued, or revoked prior to that date. 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 invalidate this authorization and could result in a violation of the Rivers and Harbors Act 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.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this authorization, please contact me at (808) 835-4107 or via e-mail at jessie.k.paahana@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,

PAAHANAJES
SIE.A
K.1367868755

Digitally signed by
PAAHANA, JESSIE A
K.1367868755
DN: cn=JES, ou=U.S. Government,
ou=DOD, ou=PC, ou=HQA,
ou=AFAP/PAHANA/JESSIE A
K.1367868755
Date: 2017.10.19 14:02:31 -1200

Jessie Paahana
Regulatory Specialist

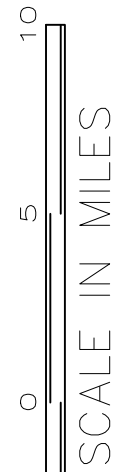
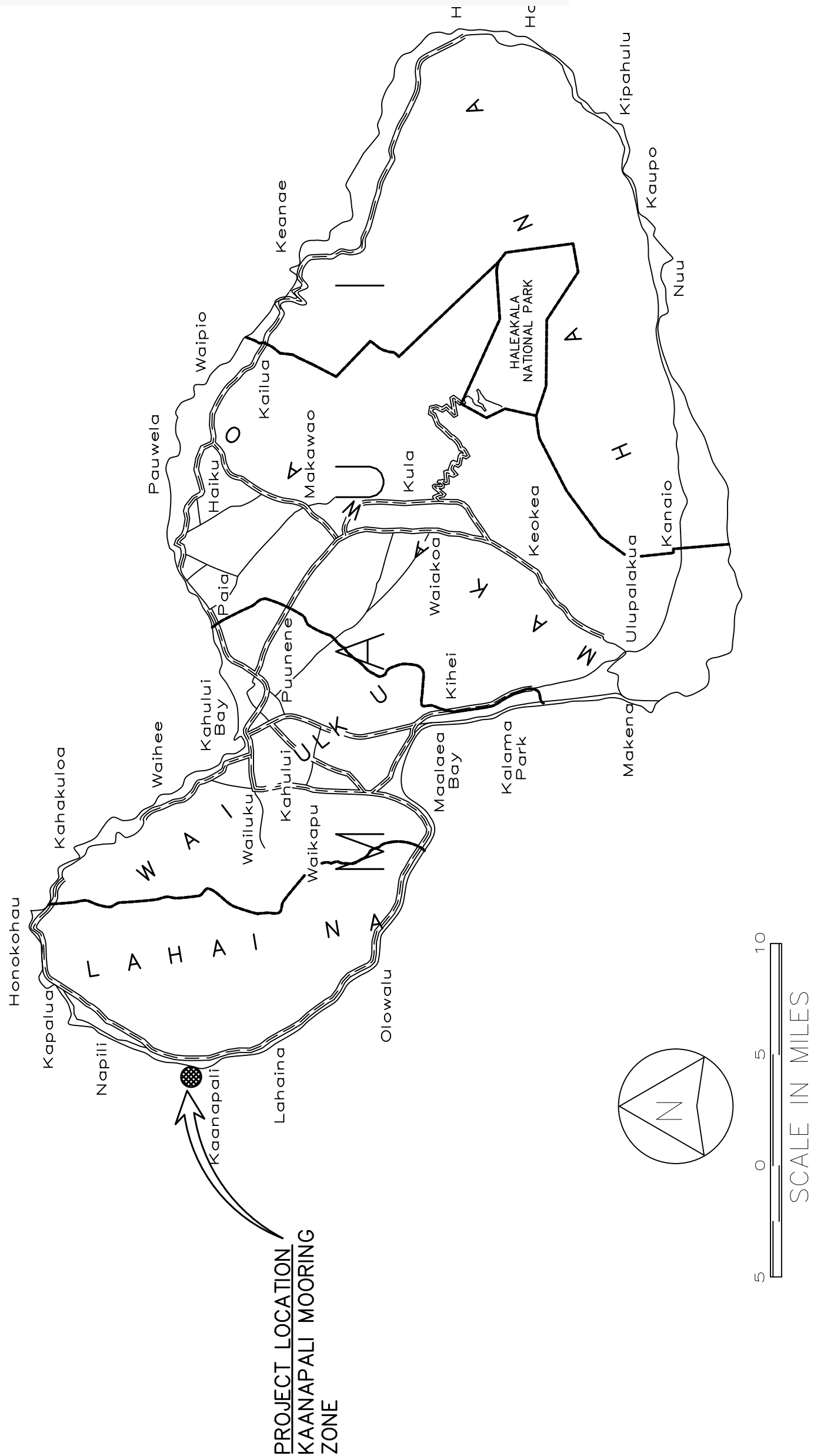
Enclosures

cc:
USCG (Nicolas Jarboe, Jason Olney)
State of Hawaii Department of Health, Clean Water Branch (DOH-CWB)
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)

OFFSHORE MOORING - KAAPALI MOORING ZONE

FOR: PRK SAILS

GPS COORDINATES OF MOORING: 20°55'59.89"N, 156°41'44.98"W
APPROXIMATE WATER DEPTH: 40'



This map illustrates the Kaanapali Mooring Zone, including its boundaries and specific mooring locations. The map features a grid of latitude and longitude coordinates. Key locations marked include 'Kaanapali' and 'Kekaa Pt.'. A red dot indicates a 'MOORING LOCATION' near the intersection of 20° 20' N and 156° 24' W. A blue line with arrows shows a path or boundary along the coast. Various depth contours are labeled with numbers (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31). A scale bar at the bottom indicates distances in feet (0 to 1000).

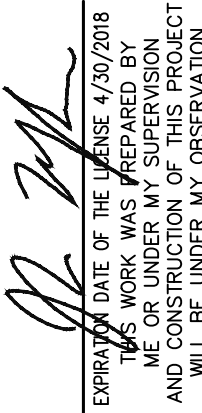
SHEET NUMBER	DRAWING NUMBER	DESCRIPTION
1	T-1	TITLE, INDEX TO DRAWINGS, AND VICINITY MAP
2	S-1	MOORING PLAN
3	S-2	SWING CIRCLE

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JOB NO. 2015-0007.31 DRAWING NO. T-1 SHEET 1 OF 3

DRAWN JMM CHECKED JMM DATE FEB. 13, 2017

61-655 KAMEHAMEHA HIGHWAY
HALEIWA, HAWAII 96712 • (808) 349-4990



GENERAL NOTES

CONTRACTOR/OWNER BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOBSITE 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.

REVISION	MARK	DATE	DESCRIPTION

PROJECT _____

OFFSHORE MOORING

KAANAPALI MOORING ZONE

FOR:

PRK SAILS

CONTACT: JAY SKLAR
509 KAMEHAMEIKI RD.
KULA, HI 96790
PHONE: (808) 250-2988

GPS COORDINATES: 20°55'59.98"N
156°41'44.98"W

SHEET TITLE

TITLE SHEET

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: 1.5 KNOTS
- D. WAVES AND TIDAL VARIATIONS:
1. PEAK OFFSHORE WAVE HEIGHT: 8 FEET

DESIGN VESSEL: "NAGRA-36"

1. LENGTH: 36'-8"
2. WIDTH: 20'-0"
3. DRAFT: 5'-0"
4. WEIGHT: 3200 LBS.

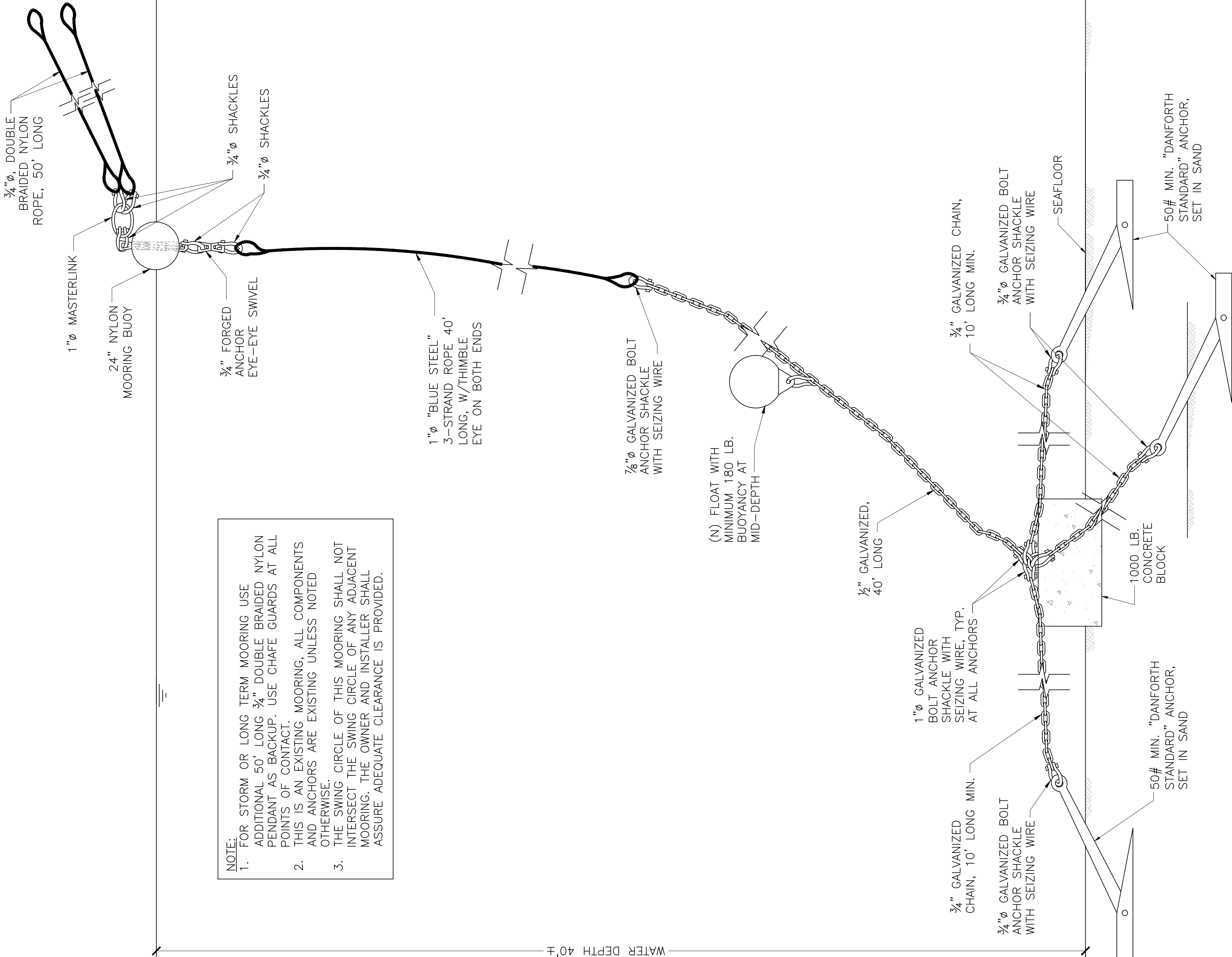
*MOORING IS DESIGNED FOR DESIGN VESSEL ONLY, ANY CHANGE IN MOORED VESSEL REQUIRES RE-ANALYSIS.

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 AND REPORTED TO HARBORMASTER/DLNR AS REQUIRED.
- C. THE VESSEL OWNER IS RESPONSIBLE FOR INSTALLING AND MAINTAINING CHAFING GEAR ON ALL MOORING LINES.



MOORING PLAN

NOT TO SCALE

PHREE CREATIONS, LLC.

61-655 KAMEHAMEHA HIGHWAY
HALEIWA, HAWAII 96712 • (808) 349-4990



Joshua M. Murphree

EXPIRATION DATE OF THE LICENSE 4/30/2018
THIS WORK WAS PREPARED BY
ME, JOSHUA M. MURPHREE, A
LICENSED PROFESSIONAL ENGINEER
AND CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION

GENERAL NOTES

CONTRACTOR/OWNER BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE URSITE BEFORE PROCEEDING WITH THE WORK AND NOTIFY ENGINEER OF ANY DISCREPANCIES FOR RESOLUTION.

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REVISION MARK • DATE • DESCRIPTION

PROJECT

PROPOSED
OFFSHORE MOORING
KAANAPALI MOORING ZONE
FOR:

PRK SAILS

CONTACT: JAY SKLAR
509 KAMEHAMEIKI RD.
KULA, HI 96790
PHONE: (808) 250-2988

GPS COORDINATES: 20°55'59.98"N
156°41'44.98"W

SHEET TITLE

MOORING PLAN

JOB NO. 2015-0007.31 DRAWING NO.

DRAWN JMM

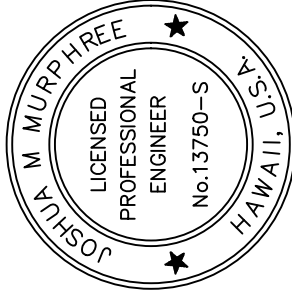
CHECKED JMM

DATE FEB. 13, 2017 SHEET 2 OF 3

S-1

PHREE
CREATIONS, LLC.

61-655 KAMEHAMEHA HIGHWAY
HALEIWA, HAWAII 96712 • (808) 349-4990



Joshua M. Murphree
THIS WORK WAS PREPARED BY
ME OR UNDER MY CLOSE PERSONAL
SUPERVISION AND I AM AWARE
AND CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION

GENERAL NOTES

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AND CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH THE WORK
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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.

REVISION MARK • DATE • DESCRIPTION

PROPOSED

OFFSHORE MOORING

KAANAPALI MOORING ZONE

FOR:

PRK SAILS

CONTACT: JAY SKLAR
509 KAMEHAMEI KI RD.
KULA, HI 96790

PHONE: (808) 250-2988

GPS COORDINATES: 20°55'59.98"N
156°41'44.98"W

SHEET TITLE

SWING CIRCLE

JOB NO. 2015-0007.31 DRAWING NO.

DRAWN JMM

CHECKED JMM

DATE FEB. 13, 2017 SHEET 3 OF 3

SWING CIRCLE

SCALE: 1/32" = 1'-0"

