

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

March 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 MALA WHARF OFFSHORE MOORING AREA AND DECLARE INSTALLATION EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES, LAHAINA, ISLAND OF MAUI, HAWAII, FOR MICHAEL SPALDING

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 Mala Wharf 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, Michael Spalding (“Applicant”), uses an existing offshore mooring installed outside of the Mala Wharf Offshore Mooring Area in Lahaina 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 Mala Wharf 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.

Item J-5

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

Approve the installation of the existing offshore mooring outside the Mala Wharf 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

Approve Existing Offshore Mooring and
Declare Exempt from EA Requirements
Michael Spalding, Lahaina, Island of Maui

March 9, 2018
Item J-2

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

EXHIBIT A

Michael S. Spalding

January 17, 2018

Suzanne Case, Chairperson
Board of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Re: Request for Environmental Assessment Exemption for
Existing Off-Shore Mooring at Mala Wharf, Lahaina, Maui

Dear Suzanne:

I am writing to request an Environment Assessment exemption for the subject off-shore mooring. This is being submitted in compliance with HRS Chapter 343 and HAR Sections 11-200-8; 11-200(b).

I have obtained a Nationwide Permit 10 (NWP10), attached.

The reason for this request is due to the use of State submerged lands. The existing mooring has little or no impact on the environment in the current location. The current exemption list of the DLNR dated June 5, 2015 provides 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." This mooring has been in place for over 10 years.

Should you have any questions, or need additional information, please contact me.

Sincerely,



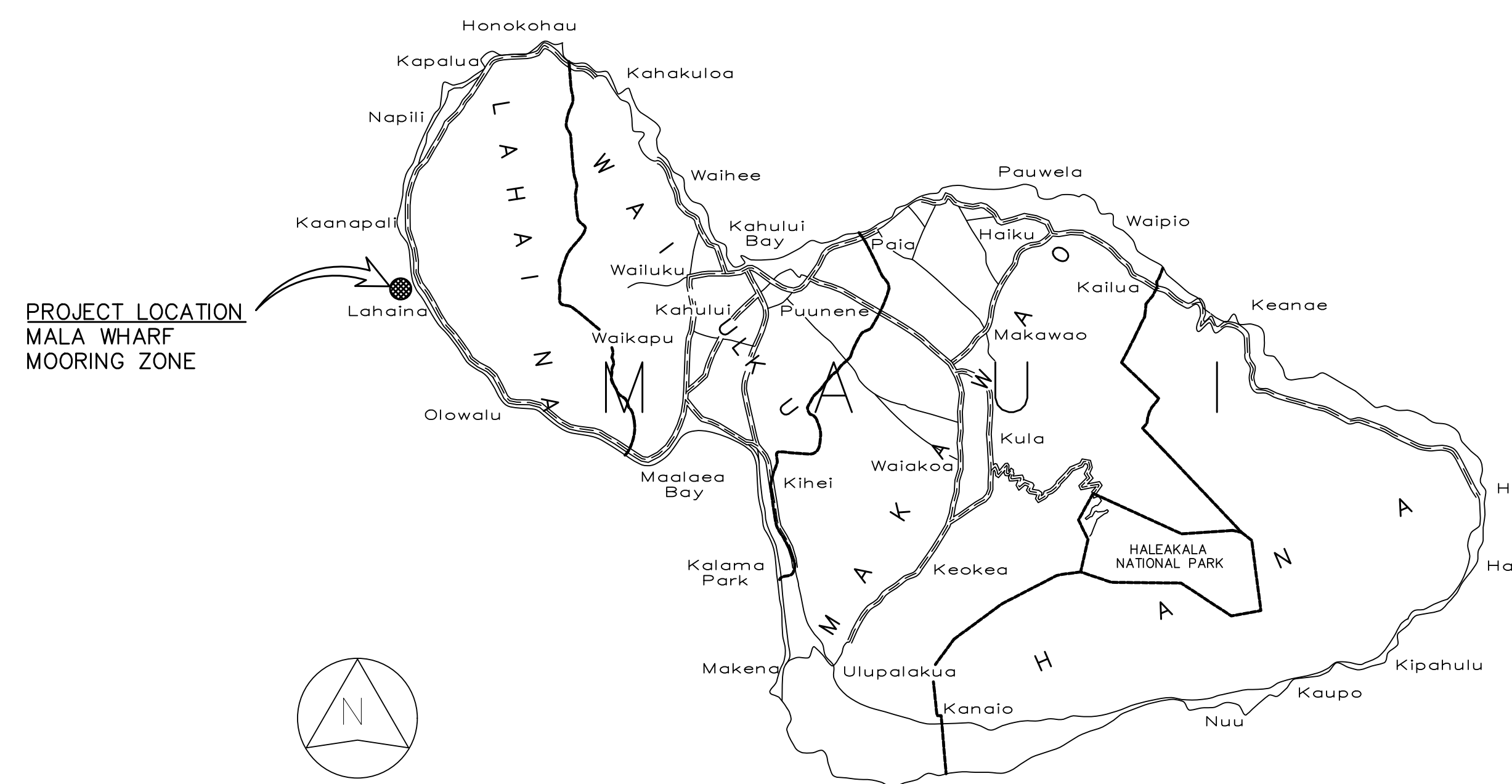
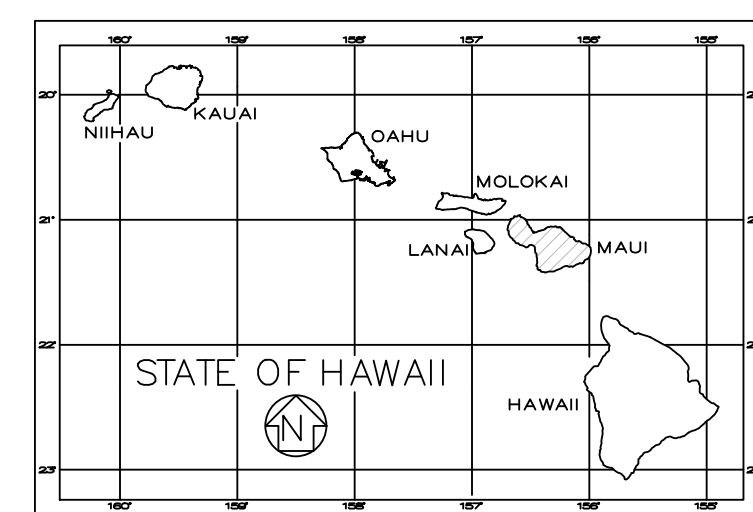
Michael S. Spalding

Enclosure Nationwide Permit 10

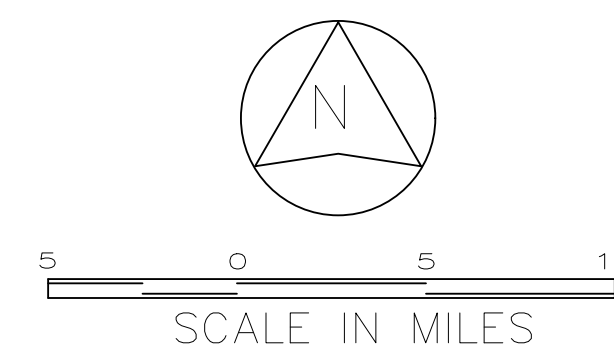
OFFSHORE MOORING: MALA WHARF OFFSHORE MOORING ZONE FOR: MICHAEL SPALDING

GPS COORDINATES OF MOORING : 20°53.602'N, 156°41.233'W

APPROXIMATE WATER DEPTH : 24'



PROJECT LOCATION
MALA WHARF
MOORING ZONE



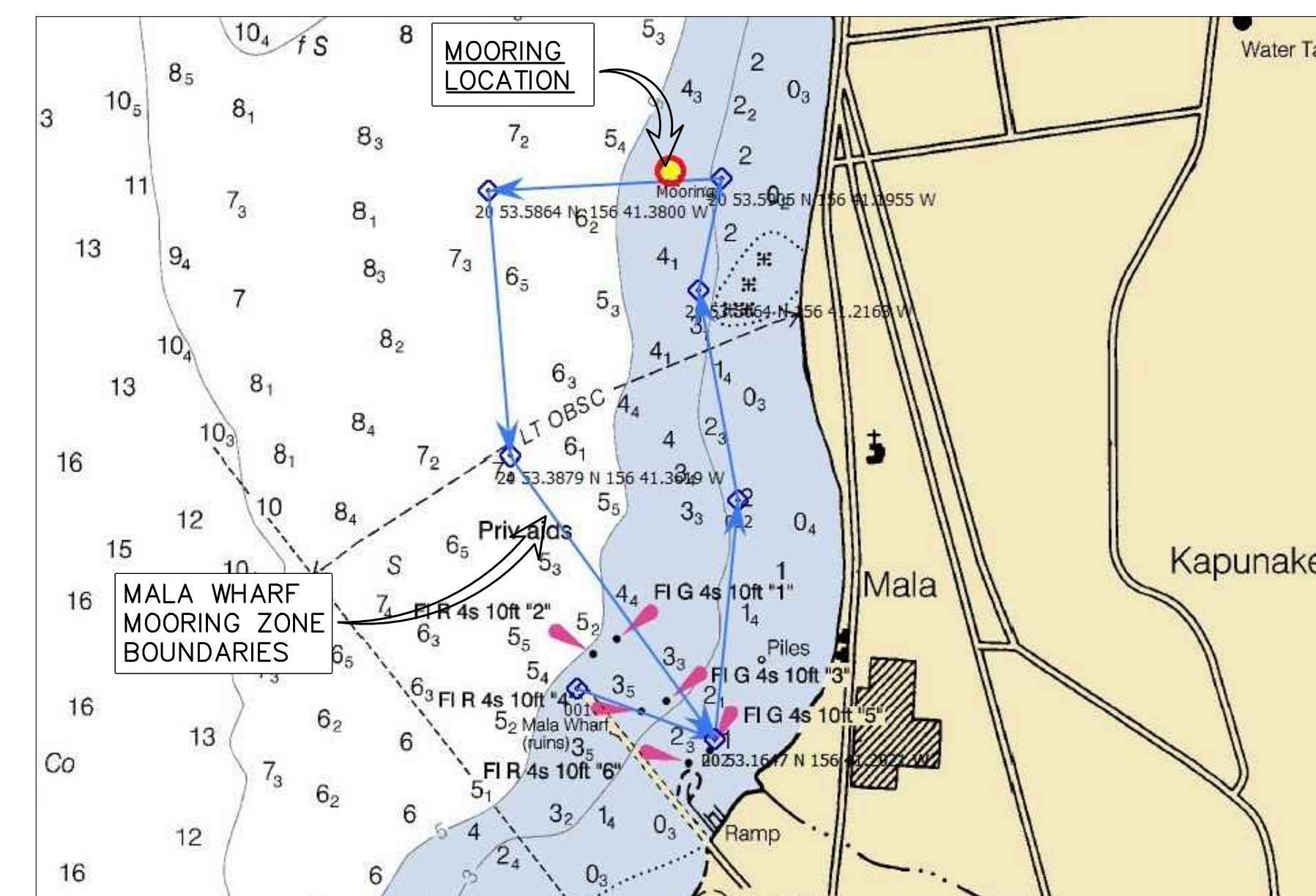
VICINITY MAP

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

☒ Approved ☐ Approved, as noted
☐ Rejected ☐ Revise & Resubmit

By: 1-10/17 Date: 10/3/17

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.



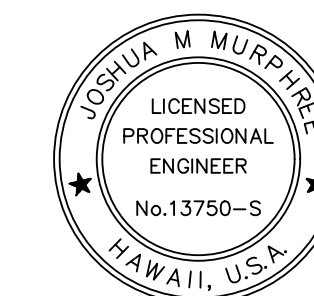
LOCATION MAP

INDEX TO DRAWINGS

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

PHREE
CREATIONS, LLC.

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



JM
EXPIRATION DATE OF THE LICENSE 4/30/2018
THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
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 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

PROPOSED
OFFSHORE MOORING
MALA WHARF MOORING ZONE
FOR:
MICHAEL SPALDING
293 WAIALE ROAD
WAILUKU, HI 96793
(808) 224-5788

GPS COORDINATES: 20°53.602'N
156°41.233'W

TITLE SHEET

JOB NO. 2015-0007.51 DRAWING NO.
DRAWN JMM
CHECKED JMM
DATE SEPT. 20, 2017 SHEET 1 OF 3

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 WAVE HEIGHT: 6 FEET
- DESIGN VESSEL: "KIOLOA"
1. LOA: 50'-0"
2. BEAM: 4'-0"
3. DRAFT: 2'-6"
4. WEIGHT: 6000 LBS.

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

CHAIN, HARDWARE, ROPE, AND MOORING COMPONENTS

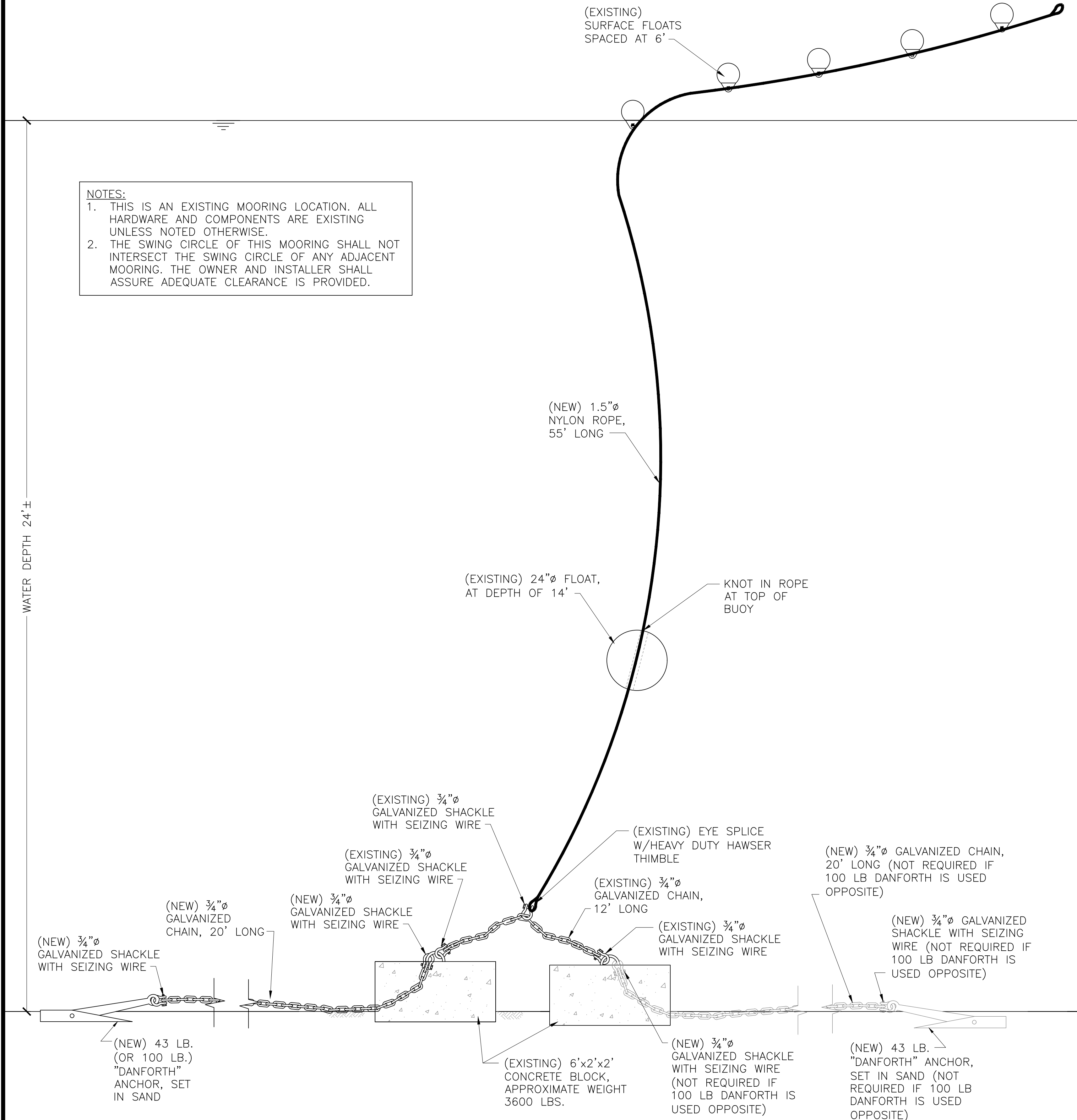
- A. ALL CHAIN AND HARDWARE SHALL BE HOT DIP GALVANIZED IN ACCORDANCE WITH ASTM A153.
- B. THIMBLES OR CHAFE GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.
- C. SUBMIT PRODUCT DATA OF ALL CHAINS, HARDWARE, ROPE, AND MOORING COMPONENTS TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.

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.
- C. THE VESSEL OWNER IS RESPONSIBLE FOR INSTALLING AND MAINTAINING CHAFING GEAR ON ALL MOORING LINES.

NOTES:

1. THIS IS AN EXISTING MOORING LOCATION. ALL HARDWARE AND COMPONENTS ARE EXISTING UNLESS NOTED OTHERWISE.
2. THE SWING CIRCLE OF THIS MOORING SHALL NOT INTERSECT THE SWING CIRCLE OF ANY ADJACENT MOORING. THE OWNER AND INSTALLER SHALL ASSURE ADEQUATE CLEARANCE IS PROVIDED.

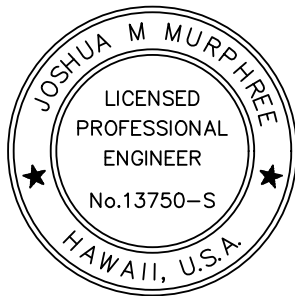


MOORING DETAILS

NOT TO SCALE

PHREE CREATIONS, LLC.

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



THIS WORK WAS PREPARED BY
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WILL BE UNDER MY OBSERVATION

GENERAL NOTES

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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.

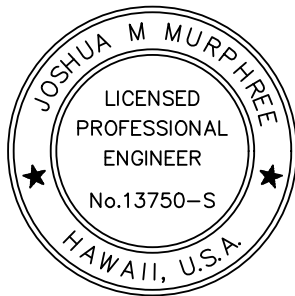
REVISION MARK • DATE • DESCRIPTION

PROPOSED
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FOR:
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293 WAIALE ROAD
WAILUKU, HI 96793
(808) 224-5788

GPS COORDINATES: 20°53.602'N
156°41.233'W

MOORING NOTES
AND DETAILS

JOB NO. 2015-0007.51 DRAWING NO. S-1
DRAWN JMM
CHECKED JMM
DATE SEPT. 20, 2017 SHEET 2 OF 3



JM
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ME OR UNDER MY SUPERVISION
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WILL BE UNDER MY OBSERVATION

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PROJECT

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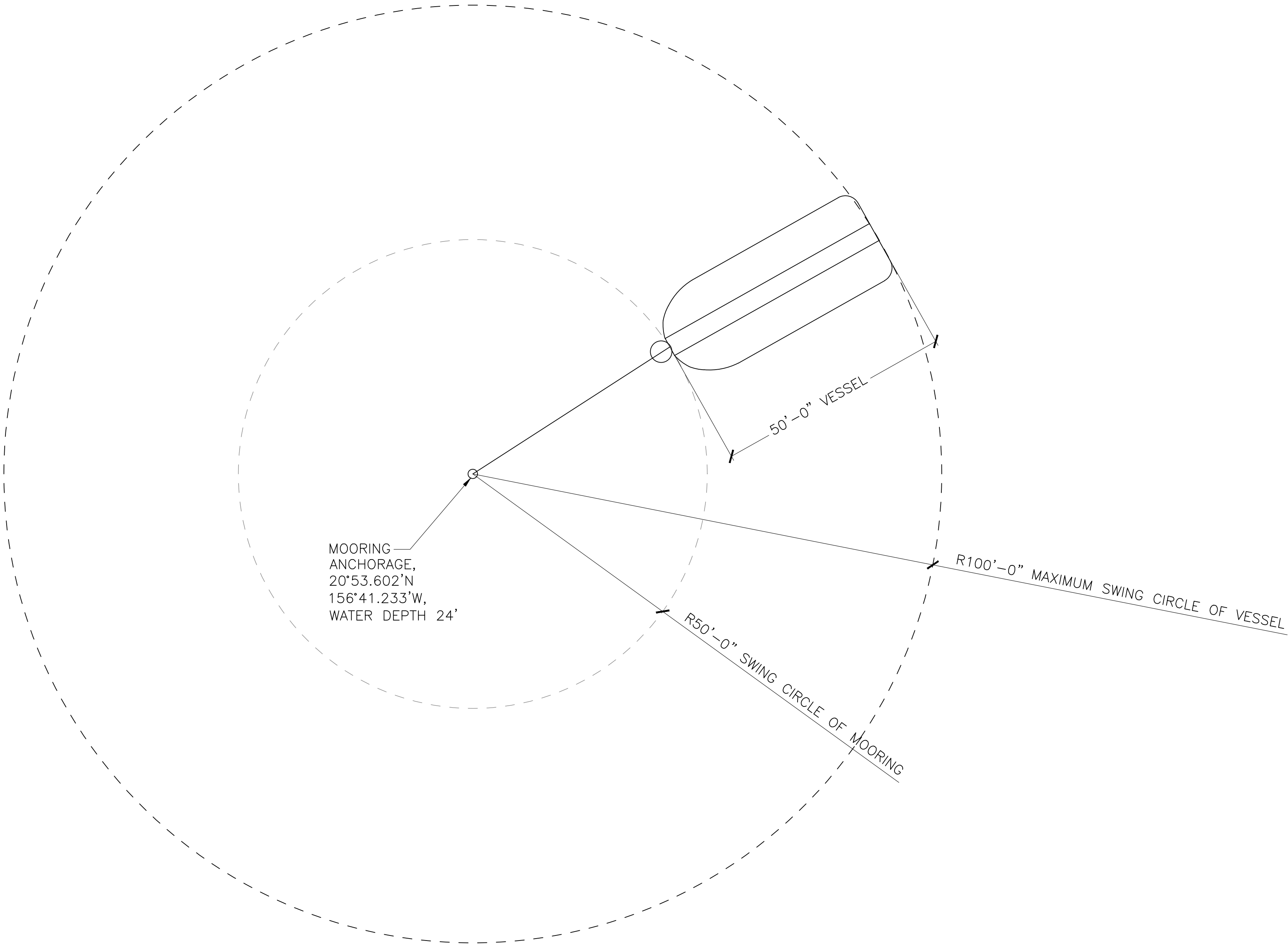
GPS COORDINATES: 20°53.602'N
156°41.233'W

SHEET TITLE

MOORING PLAN

JOB NO. 2015-0007.51 DRAWING NO.
DRAWN JMM
CHECKED JMM
DATE SEPT. 20, 2017 SHEET 3 OF 3

S-2



NOTE:
THE SWING CIRCLE OF THIS MOORING
SHALL NOT INTERSECT THE SWING CIRCLE
OF ANY ADJACENT MOORING. THE OWNER
AND INSTALLER SHALL ASSURE ADEQUATE
CLEARANCE IS PROVIDED.

SWING CIRCLE
SCALE: 1/16" = 1'-0"