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 WITHIN PUAKO BAY, OUTSIDE OF AN ESTABLISHED OFFSHORE MOORING AREA, AND DECLARE INSTALLATION EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES, PUAKO, ISLAND OF HAWAII, HAWAII, FOR MICHAEL KAPCHINSKE  

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 within Puako Bay on the Island of Hawaii, which is not an establish offshore mooring area as defined in HAR 13-235. 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.  

Puako Boat Ramp was identified as a boat launch ramp facility in the "Documentation of Facilities for the Boating Program Transfer to the Department of Land and Natural Resources," when the Boating Program was transferred from the Department of Transportation to DLNR. Prior to the Boating Program transfer, Puako Bay was also used as an offshore mooring area, but it was never established as an offshore mooring area in HAR 13-235. Therefore, as required by HAR 13-235-9, the installation of all moorings within Puako Bay must obtain approval from the Board.  

DOBOR is also requesting that the Board declare the installation of the existing offshore mooring 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 applicant, Michael Kapchinske ("Applicant"), uses an existing offshore mooring installed in Puako Bay in Puako on the Island of Hawaii that has been in place for several years. He is requesting that the Board declare the installation of his privately owned and maintained 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 an established offshore mooring, as required by HAR 13-235-9, due to Puako Bay not being an established offshore mooring area as defined in HAR 13-235. 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.

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 within Puako Bay, located outside of an established 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.
Declare Existing Offshore Mooring
Exempt from EA Requirements
Michael Kachinski, Puako Bay, Hilo, Island of Hawaii

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
February 15, 2018

TO: Hawaii Board of Land and Natural Resources
    State of Hawaii
    Department of Land and Natural Resources (DLNR)
    Division of Boating and Ocean Recreation, 4 Sand Island Access Road, Honolulu, HI 96819
FR: David Tarnas, President and Principal Consultant, MCS International (agent for Mr. Michael Kapchinske)
RE: Request for an exemption from the requirement to prepare an Environmental Assessment for an existing mooring in Puako Bay for Mr. Michael Kapchinske

Aloha,

Mr. Michael Kapchinske, my client, has an existing mooring in Puako Bay that was previously approved by DLNR. He has received an approval letter from the U.S. Army Corps of Engineers verifying that his mooring is covered in the Nationwide Permit. He is now requesting an exemption from the requirement to prepare an Environmental Assessment for this existing mooring since this mooring qualifies for an exemption and it has little to no environmental impact, as discussed below:

Reasoning and Justification for Request for Environmental Assessment Exemption

Since the mooring uses State submerged lands, Chapter 343 is triggered. Mr. Kapchinske requests an exemption from the requirement to prepare an Environmental Assessment associated with the existing mooring installation because the mooring qualifies for an exemption and has little to no environmental impact. 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...moorings, cleats, bumpers, and mooring buoys, block and piles, and other similar structures accessory to existing facilities on state land and waters.”

Project Description

Installation of existing offshore mooring in Puako Bay, South Kohala, Hawaii County, Hawaii.

Technical Description of Existing Mooring

The existing mooring is deployed on 14-feet deep ocean bottom (at Mean Low Low Water), covered in sand with no growing coral or seagrass. All anchors are set in the sand. The entire vessel swing area of 55-feet radius is over a sandy substrate. The mooring has been in place for 38 years and consists of an 18-inch soft mooring buoy connected to a 1-inch collection ring via a 3/4-inch shackle and a 12-foot 5/8-inch chain connected to another 1-inch collection ring at the bottom by a 5/8-inch shackle and a 1-inch swivel and a 3/4-inch shackle. All chain and hardware (shackles, thimbles and anchors) are hot-dipped galvanized in accordance with ASTM 153. Four anchor chains secure the mooring to the sandy sea floor using a total of seven buried anchors attached to the bottom 1-inch collection ring. One of the anchor chains which extends to the east is secured with a buried 55-pound fluke anchor and a buried 35-pound fluke anchor in series attached to the bottom collection ring with 75-feet of 3/4-inch long mooring chain. The second anchor chain which extends to the north-northeast is secured with a buried 35-pound...
fluke anchor attached to the bottom collection ring with 50-feet of 3/4-inch long mooring chain. The third anchor chain which extends to the northwest is secured by a buried 45-pound fluke anchor and a buried 45-pound claw anchor in series attached to the bottom collection ring with 65-feet of 3/4-inch long mooring chain. The fourth anchor chain which extends to the southwest is secured by two buried 35-pound fluke anchors in series, both attached to the bottom collection ring with 75-feet of 3/4-inch long mooring chain. All anchors are attached to the bottom 1-inch collection ring using 3/4-inch shackles. The bottom collection ring has no movement horizontally because all anchor chains are taut. The primary mooring line from the buoy to the vessel is a 1-1/4-inch 3-strand nylon rope connected to the upper 1-inch collection ring just below the buoy using a 3/4-inch shackle. The secondary mooring line from the buoy to the vessel is a 1-1/4-inch 3-strand nylon rope connected to the 1-inch collection ring just below the buoy using two 3/4-inch shackles. This is done to prevent chafing of the two lines at their connection to the 1-inch collection ring. Both mooring lines have heavy-duty galvanized wire rope thimbles with full shoulders to prevent chafing. Additional protection against chafing of the splices on the mooring lines is provided by sections of 3-inch diameter fire hose placed around each splice.

Location of Existing Mooring
The existing mooring is located in Puako Bay about 300’ from shore at the following coordinates:
Latitude: 19.97375 Longitude: -155.835344

Purpose of Existing Mooring
The existing mooring is used solely by Mr. Kapchinske to moor his 36’ private vessel.

Impact on Coastal Ecosystems
NEGLIGIBLE - The existing mooring is about 300 linear feet from shore and is not within the Special Management Area or shoreline setback area, nor is the site within a State Conservation District. The 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 Natural Area Reserve, Marine Life Conservation District, or estuary. The site is not on or close to any reef or coral colonies. No loss of wetlands, special aquatic sites, or other waters has or will result from this existing mooring. The existing mooring does not affect the movement of aquatic life. The existing mooring does not affect any documented or unidentified historic property. The existing mooring is not within an existing USCG navigation channel. The existing mooring has not and will not result in degradation of water quality. No dredge or fill activities were or will be involved in the installation or maintenance of the existing mooring. All anchors and chains were installed by hand to ensure careful placement resulting in no negative impacts to the environment. All inspection and maintenance of the existing mooring is done by hand to prevent any negative environmental impact. Routine inspections are done at least twice per year and yearly maintenance is continual. During maintenance operations, careful placement and adjustment by hand of the anchors and chains is done to prevent any turbidity and suspension of sediment from project-related work, as well as to prevent any physical damage to live rock or corals which are located well outside the mooring area and vessel swing area. At no times is there any discharge of materials or stockpiling of materials or temporary structures used during regular maintenance operations.

Mahalo,

David Tarnas
President and Principal Consultant
MCS International
DEPARTMENT OF THE ARMY  
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
FORT SHAFTER, HAWAII 96858-5440  

January 31, 2018

SUBJECT: POH-2017-78

Mr. Michael A. Kapchinske  
P.O. Box 44572  
Kawaihae, H.I. 96743

Dear Mr. Kapchinske:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification received on May 2, 2017, requesting after-the-fact authorization for an existing single point private mooring buoy located at Latitude 19.97375° N., Longitude -155.835344° W.; within Puako Bay, a navigable water of the United States, in Kawaihae, Hawaii. Please reference Department of the Army (DA) file number POA-2017-78, Puako Bay in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) No. 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 work or structures in or affecting navigable waters of the U.S. You are authorized to retain the following work as described below and as depicted on the enclosed drawings:

A mooring anchoring system comprised of an 18-inch soft mooring buoy connected to a 1-inch collection ring via a 3/4-inch shackle and a 12-foot 5/8-inch chain connected to another 1-inch collection ring at the bottom by a 5/8-inch shackle and a 1-inch swivel and a 3/4-inch shackle. All chain and hardware (shackles, thimbles and anchors) are hot-dipped galvanized in accordance with ASTM 153. Four anchor chains secure the mooring to the sandy sea floor using a total of seven buried anchors attached to the bottom 1-inch collection ring. One of the anchor chains which extends to the east is secured with a buried 55-pound fluke anchor and a buried 35-pound fluke anchor in series attached to the bottom collection ring with 75-feet of 3/4-inch long mooring chain. The second anchor chain which extends to the north-northeast is secured with a buried 35-pound fluke anchor attached to the bottom collection ring with 50-feet of 3/4-inch long mooring chain. The third anchor chain which extends to the northwest is secured by a buried 45-pound fluke anchor and a buried 45-pound claw anchor in series attached to the bottom collection ring with 65-feet of 3/4-inch long mooring chain. The fourth anchor chain which extends to the southwest is secured by two buried 35-pound fluke anchors.


in series, both attached to the bottom collection ring with 75-feet of 3/4-inch long mooring chain. All anchors are attached to the bottom 1-inch collection ring using 3/4-inch shackles. The bottom collection ring has no movement horizontally because all anchor chains are taut. The primary mooring line from the buoy to the vessel is a 1-1/4-inch 3-strand nylon rope connected to the upper 1-inch collection ring just below the buoy using a 3/4-inch shackle. The secondary mooring line from the buoy to the vessel is a 1-1/4-inch 3-strand nylon rope connected to the 1-inch collection ring just below the buoy using two 3/4-inch shackles. This is done to prevent chafing of the two lines at their connection to the 1-inch collection ring. Both mooring lines have heavy-duty galvanized wire rope thimbles with full shoulders to prevent chafing. Additional protection against chafing of the splices on the mooring lines is provided by sections of 3-inch diameter fire hose placed around each splice.

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed Nationwide Permit General Conditions, the Honolulu District Regional Conditions, and the following project-specific Special Conditions:

1. Endangered Species. You must comply with the following conditions to avoid and/or minimize adverse impacts to threatened and endangered species, including designated critical habitat:
   a) Incidents where any individuals of Green Sea Turtle (Chelonia mydas), Hawksbill Turtle (Eretmochelys imbricata), 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 U.S. or structures or work in navigable waters of the U.S. authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Branch of the Honolulu District, 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) You must comply with the enclosed Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (PacSLOPES) general conditions and best management practices (BMPs).

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 invalidates this authorization and could result in a violation of the Clean Water Act and/or 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. If you have any questions related to this authorization, please contact me or Matthew Brody by phone at (907) 790-4493 or via e-mail at Matthew.T.Brody@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/?p=136:4:0.

Sincerely,

[Signature]

Linda Speerstra  
Chief, Southeast Section

Enclosures

cc:  
USCG (John Bannon and Jason Olney)  
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
PLAN REVIEW:

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

By: 3/22/17

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.

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GENERAL NOTES
SCON:
THE SCUN PLAN INCLUDES AN EXISTING MOORING.

GENERAL:
WORKSHIPS AND WORKING AREAS SHALL CONFORM TO WORKING AREA STRIP WITHIN 500 FEET AREAS ARE MAINTAINED. WATER OR DREDGES ARE MAINTAINED, WHERE IS 5hoot CONFORM TO THE STANDARD (5)hoot MAINTENANCE OF THE EXISTING HAWSER.

CODE AND STANDARDS:
DESIGNS BASED ON THE BC 2005 AS AMENDED BY THE COUNTY OF HAWAII REFERENCED STANDARD SHALL BE THE DESIGN HAWAII IN THE CLOSED, PILED SUPERIMPOSED RACKING.

DESIGN CRITERIA:
HAWAII DESIGN CRITERIA FOR MOORING (S1) ACCORDING WITH LPC A-105-95

TYPE II SCUN MOORING
WIND DESIGN CRITERIA
MAXIMUM WIND SPEED 160 MPH 160 MPH
CURB:
SAND LIMIT
FLOOR SIZE MAXIMUM

MOORING PLAN

SITE PLAN

MOORING PLAN

MOORING DETAIL

MOORING GENERAL ARRANGEMENT
GENERAL NOTES

SCOPE
THESCOPEOF WORK INCLUDES AN EXISTING MOORING.

GENERAL
WORKSHOP AND MATERIALS SHALL CONFORM TO THE BUILDING CODE AS STATED BELOW. WHERE DIRECT REFERENCES ARE MADE, WORK IS TO CONFORM TO THE CODE AND THAT IS MORE STRINGENT.

CODE AND STANDARDS
DESIGN IS BASED ON THE MCE AS AMENDED BY THE COUNTY OF HAWAII. REFER TO APPENDIX OR THE CODE. DESIGN IS IN CONFORMITY WITH THE CODE. SHIP'S HULL DESIGN REFERENCE IS THE CODE. DESIGN IS EFFECTIVE PER THE CODE. SHEET METAL SHALL BE 18 GAUGE. DESIGN IS EFFECTIVE PER THE CODE. SHEET METAL SHALL BE 18 GAUGE.

DESIGN CRITERIA
MINIMUM DESIGN CRITERIA FOR MOORING IS IN ACCORDANCE WITH UFC 41-99-10
TYPE B BOAT MOORING

WAVE DESIGN CRITERIA
WAVE HEIGHT = 15M 15.0M 15.0M
WAVE PERIOD = 15M 15.0M 15.0M
CURRENTEFFECTIVE WAVE SPEED = 15M 15.0M 15.0M
WAVES AND TOTAL VARIATIONS
WAVE MAXIMUM = 2.0M 2.0M 2.0M
WAVE MINIMUM = 0.0M 0.0M 0.0M
WAVE VARIATION = 2.0M 2.0M 2.0M
WAVE PROBABILITY = 50% 50% 50%
WAVE FREQUENCY = 0.0 0.0 0.0
WAVE DEPTHS = 20.0M 20.0M 20.0M

MOORING DESIGN FOR THE DESIGN VESSEL ONLY AND ANY CHANGE TO THE MOORED YEELED VIOLATES REQUIREMENTS.

ALL CHAIN AND HARDWARE SHALL BE NOTIFIED DASHERED IN ACCORDANCE WITH AWS CODE. THIMBLE AND CHAIN CHAIN SHALL BE USED IN OCEAN AT ALL PORTS OF CONTACT.

MOORING HARDWARE AND INSPECTION

THE VESSEL OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE VESSEL'S MOORING HARDWARE. ANY FAILURE RESULTING FROM NON MAINTENANCE COMPONENTS OF DEPLETED DURABLE DAMAGE TO THE VESSEL OR PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY TO A PERSONAL INJURY.

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