

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 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 MICHAEL MILLER

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 the Mala Wharf Offshore Mooring Area and declare the 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 applicant, Michael Miller (“Applicant”), uses an existing offshore mooring installed within the Mala Wharf Offshore Mooring Area that has been in place for several years. His is requesting that the Board approve the installation of the offshore mooring and declare the installation 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. 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-8

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 the existing offshore mooring within the Mala Wharf Offshore Mooring Area 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
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Approve Existing Offshore Mooring and
Declare Exempt from EA Requirements
Michael Miller
Mala Wharf Offshore Mooring Area, Lahaina, Island of Maui

March 9, 2018
Item J-8

Attachment:

Exhibit A – Applicant’s request for approval of mooring, approved Mooring
Installation Plans, Nationwide Permit Verification Letter from Army
Corps of Engineers

EXHIBIT A

Marine and Coastal Solutions International, Inc.
P.O. Box 6882
Kamuela, Hawaii 96743 U.S.A.

Principal Consultant:
David A. Tarnas, M.M.A.

Tel: (808) 987-5810
Fax: (808) 443-0366
email: davidtarnas@hawaii.rr.com

MCS International

Project Managers, Planners and Policy Analysts
Coastal Land & Marine Resources Management

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

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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.

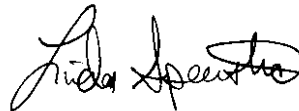
- b) You must comply with the enclosed Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (Pac-SLOPES) general conditions and best management practices (BMPs).

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/f?p=136:4:0.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Speerstra".

Linda Speerstra
Chief, Southeast Section

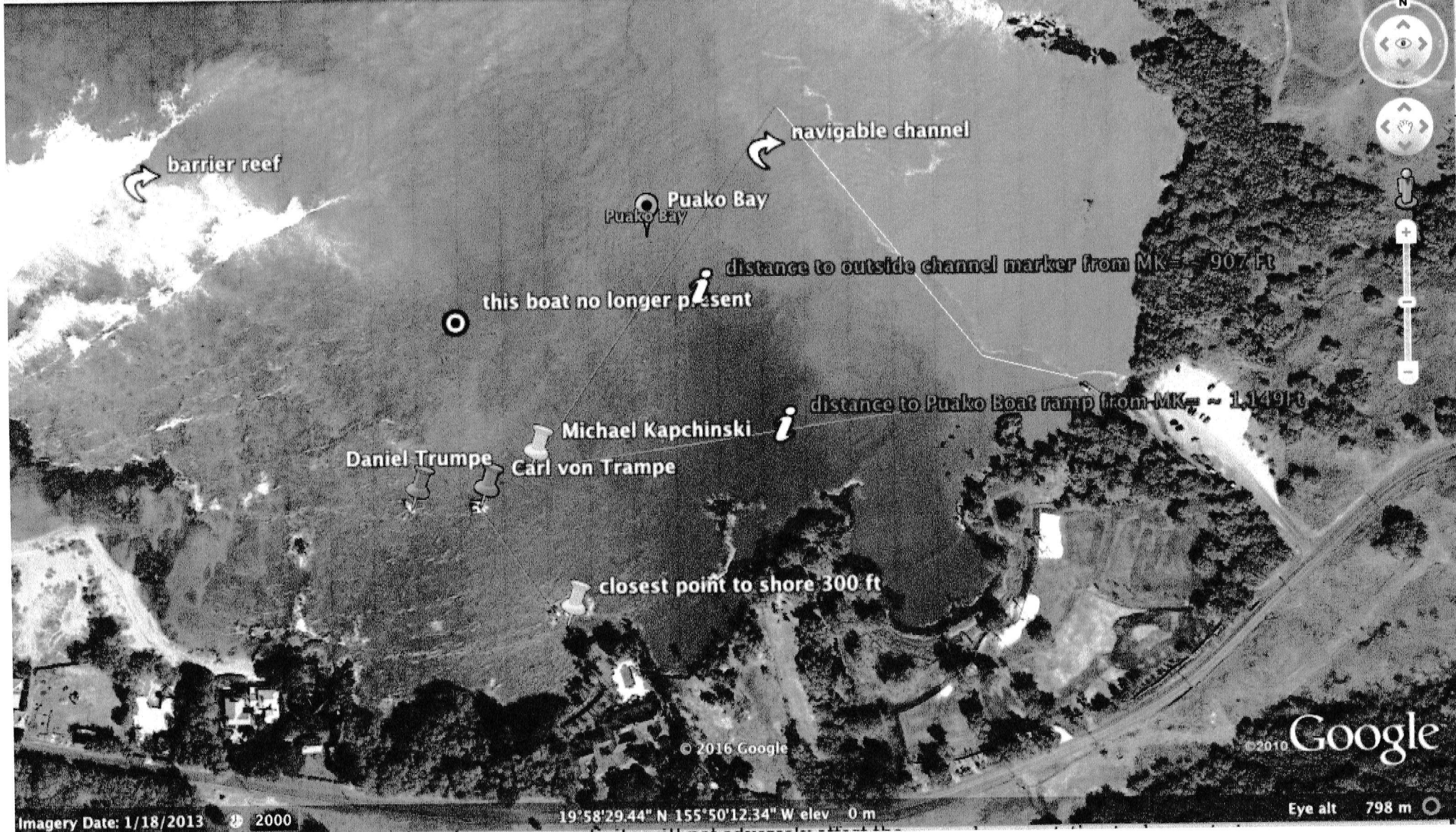
Enclosures

cc:

USCG (John Bannon and Jason Olney)

State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)

puako bay

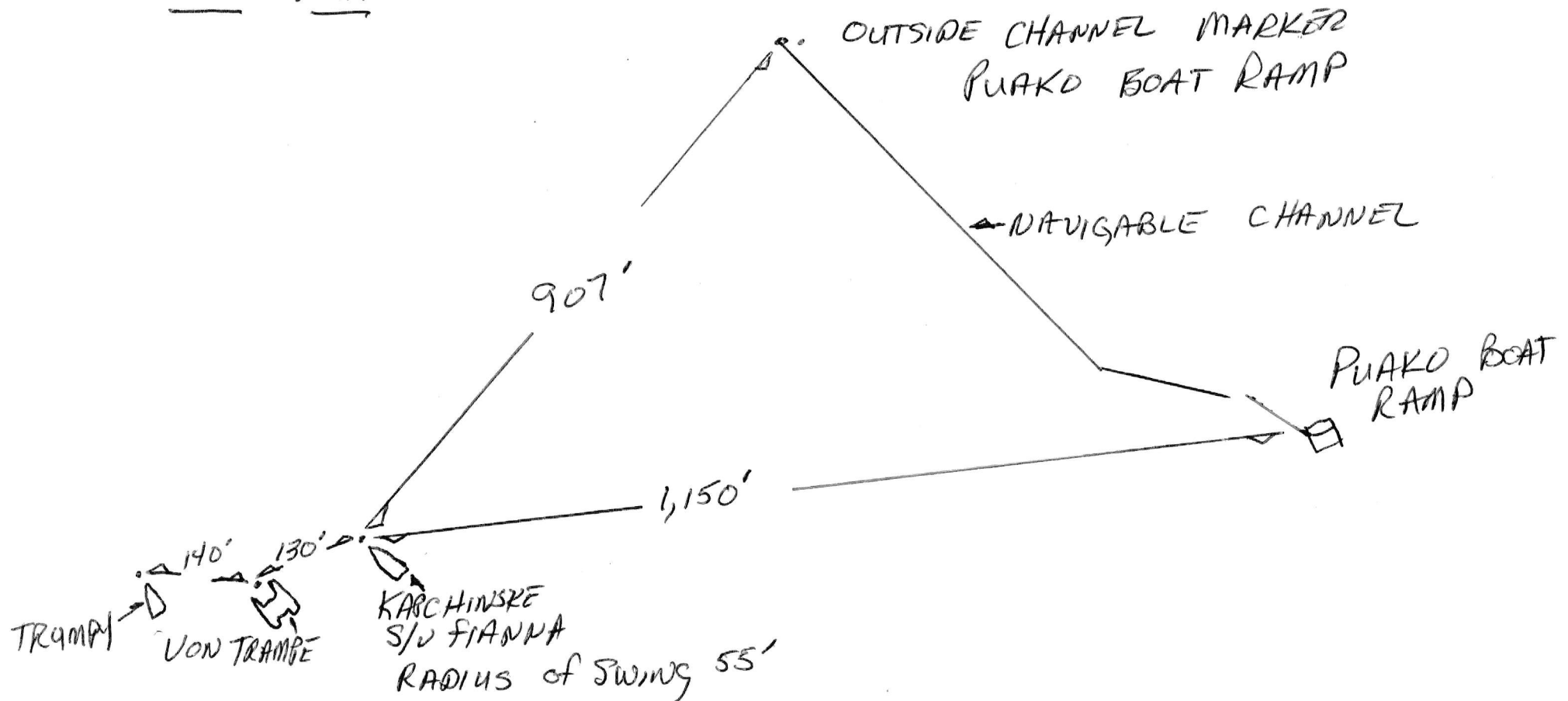


EXISTING MOORINGS
PUAKO BAY
PERMIT #RMO 26967
MICHAEL KARCHINSKE

DLNR-BOR-HHK

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SITE PLAN



DLNR-BOR-HHK

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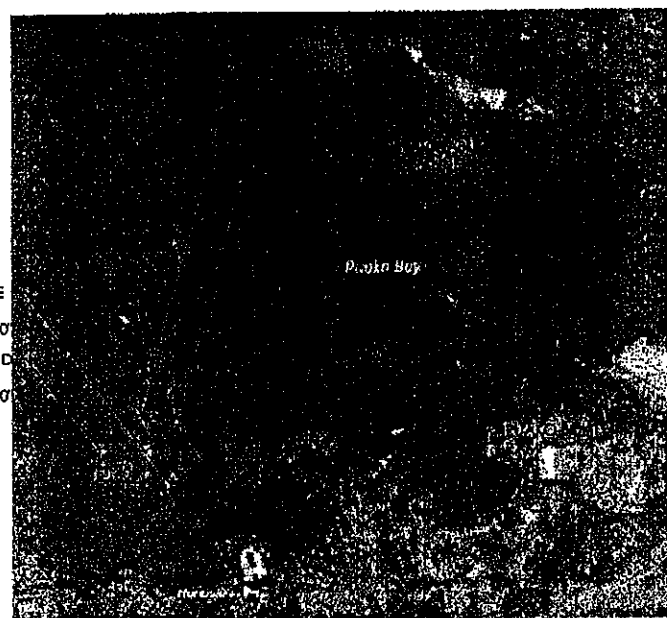
Department of Land and Natural Resources Division of Boating and Ocean Recreation PLAN REVIEW:

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

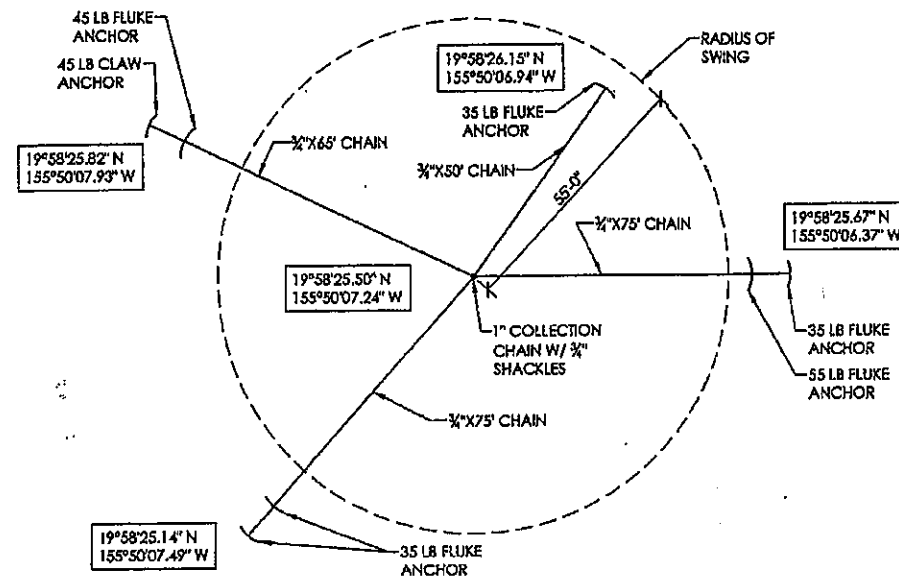
By: 1-101 Date: 3/22/17

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.

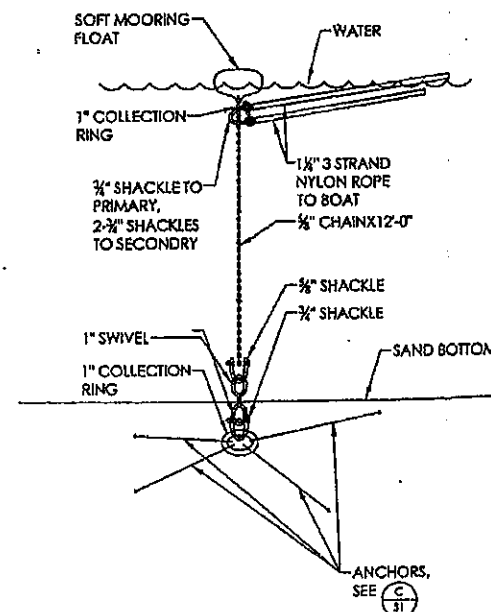
BOAT: GRACE
RADIUS OF
SWING = 50'-0"
BOAT: MARY D
RADIUS OF
SWING = 40'-0"



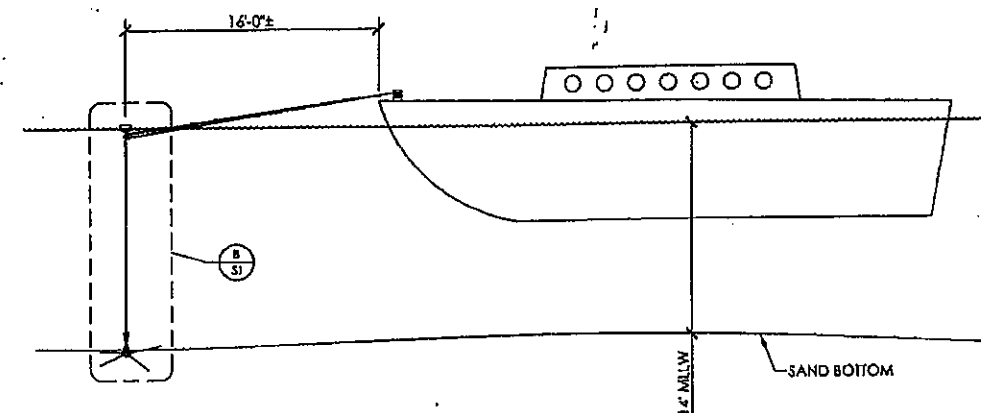
D
SI SITE PLAN



C
SI MOORING PLAN



B
SI MOORING DETAIL



A
SI MOORING GENERAL ARRANGEMENT

GENERAL NOTES

SCOPE

THE SCOPE OF WORK INCLUDES AN EXISTING MOORING.

GENERAL

WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE BUILDING CODE AS STATED BELOW. WHERE OTHER REFERENCES ARE MADE, WORK IS TO CONFORM TO THE STANDARD THAT IS MORE STRINGENT.

CODE AND STANDARDS

DESIGN IS BASED ON THE IBC 2006 AS AMENDED BY THE COUNTY OF HAWAII. REFERENCE STANDARDS SHALL BE THE EDITION NOTED IN THE CODE, UNLESS OTHERWISE INDICATED.

DESIGN CRITERIA

MINIMUM DESIGN CRITERIA FOR MOORING IS IN ACCORDANCE WITH UFC 4-157-03: TYPE IIB STORM MOORING

WIND DESIGN CRITERIA
BASIC WIND SPEED, V 105 MPH
EFFECTIVE WIND SPEED 100 MPH

CURRENT:
MAXIMUM CURRENT 2 KNOTS
WAVE'S AND TIDAL VARIATIONS
PEAK WAVE HEIGHT 2 FEET
DESIGN VESSEL: FIANNA
LOA: 36'-0"
BEAM: 10'-0"
DRAFT: 6'-0"
DISPLACEMENT: 22,000 LBS

MOORING IS DESIGNED FOR THE DESIGN VESSEL ONLY AND ANY CHANGE TO THE MOORED VESSEL REQUIRES RE-ANALYSIS.

CHAIN, HARDWARE, ROPE AND MOORING COMPONENTS

ALL CHAIN AND HARDWARE SHALL BE HOT DIPPED GALVANIZED IN ACCORDANCE WITH ASTM 153. THIMBLES AND CHAFE GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.

MOORING HARDWARE MAINTENANCE AND INSPECTION

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 RESULT FROM NORMAL USE SHALL BE THE RESPONSIBILITY OF THE VESSEL OWNER. THE VESSEL OWNER SHALL INSPECT ALL MOORING HARDWARE, ROPES AND CHAINS FOR SAFETY AND SECURITY NO LESS THAN TWO TIMES PER YEAR. INSPECTION REPORT/RECORDS SHALL BE KEPT BY THE VESSEL OWNER. THE VESSEL OWNER IS RESPONSIBLE FOR INSTALLING AND MAINTAINING CHAFING ON ALL MOORING LINES.

G F D S
Structural design for fine architecture
ENGINEERS
66-1281 Kaneohe Blvd, Ste 1025
Kaneohe, Hawaii, 96742
808 887 6292

CHRIS WILSON
LICENSED PROFESSIONAL ENGINEER
No. 14058-S
HAWAII, U.S.A.
This study was prepared by me or under my supervision and execution of this project will be under my observation.

EXISTING MOORING FOR
MICHAEL KAPCHINKSE
MOORING PERMIT : RMO 26967
SOUTH PUAKO BAY, HI
ADDRESS: PO BOX 44572,
KAMUELA, HI 96743

ISSUE: DATE:
PERMIT 2016.12.22

JOB# 15038.HO

CONTENTS:
MOORING PLAN
AND DETAILS

S1

DLNR-BOR-HHK

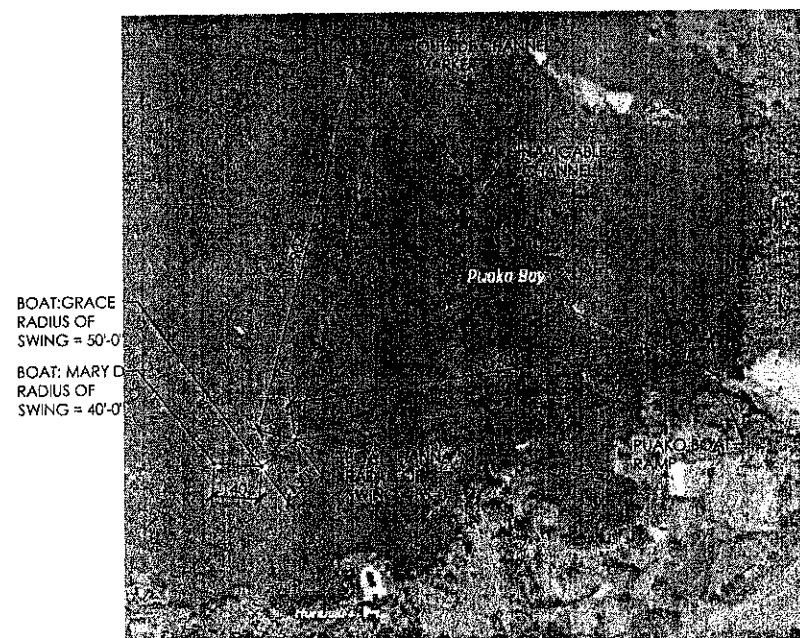
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**Department of Land and Natural Resources
Division of Boating and Ocean Recreation
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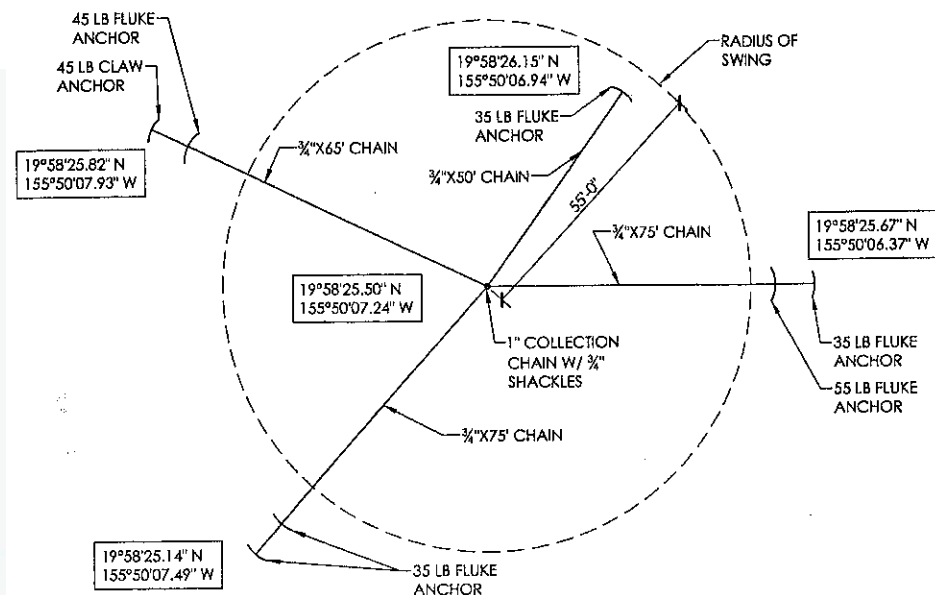
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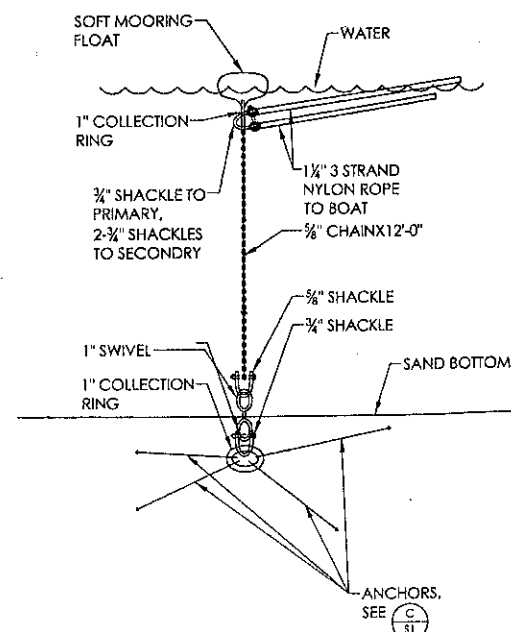
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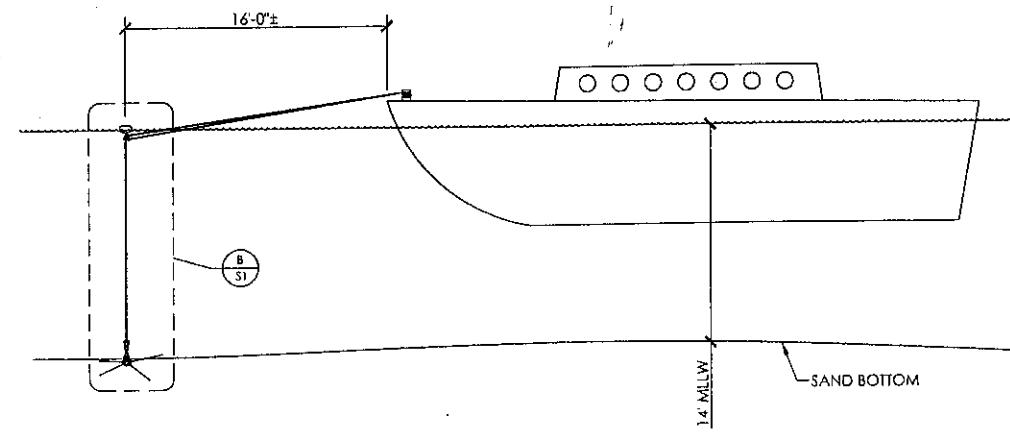
D
S1 SITE PLAN
NTS



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EXISTING MOORING FOR
MICHAEL KAPCHINKSE
MOORING PERMIT : RMO 26967
SOUTH PUAKO BAY, HI
ADDRESS: PO BOX 44572,
KAMUELA, HI 96743

ISSUE: DATE:
PERMIT 2016.12.22

JOB # 15038.H0

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AND DETAILS

S1