

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

May 25, 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 LANNY V. DAISE

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, Lanny V. Daise (“Applicant”), uses an existing offshore mooring installed within the Mala Wharf Offshore Mooring Area that has been in place for several years. He 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 in 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-2**

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."

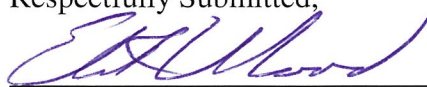
Consultations with the U.S. Army Corps of Engineers for this EA Exemption have been conducted as required by HAR 11-200-8.

RECOMMENDATION:

That the Board of Land and Natural Resources:

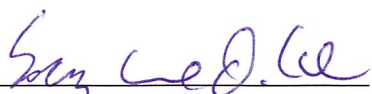
Approve the installation of the existing offshore mooring within the Mala Wharf Offshore Mooring Area and declare that, after considering the potential effects of the installed moorings as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant 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  
Lanny V. Daise Mala Wharf Offshore Mooring Area,  
Lahaina, Island of Maui

May 25, 2018  
Item J-2

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

Request for exemption from requirement for Preparation of Environmental Assessment for and Approval for the transfer of the permit of an existing approved and registered mooring within Mala Wharf on the island of Maui.

Submitted in compliance with Hawaii Revised Statutes 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  
Lahaina Small Boat Harbor  
675 Wharf Street  
Lahaina, HI 96761

[Miles.J.Lopes@hawaii.gov](mailto:Miles.J.Lopes@hawaii.gov) & [daynette.m.flores@hawaii.gov](mailto:daynette.m.flores@hawaii.gov) 808.662.4060

Submitted by:

Lanny V. Daise  
519 Aki Street  
P.O. Box 369  
Lahaina, HI 96767

Request:

Lanny V. Daise (hereinafter referred to as "Petitioner") requests approval for transfer of an existing offshore mooring within Mala Wharf and exemption from requirement for environmental assessment report associated with the existing mooring, as the existing 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 existing mooring, as the existing mooring will have little or no impact on the environment in the current location.
- 3) The current exemption list for the Department of Land and Natural Resources data 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."



Location of the existing mooring –

The existing mooring buoy is located at center coordinates: Latitude: 20 degrees 50.21' N & 156 degrees 21.13' W. The location is approximately 350 feet from the nearest shore.

Purpose of Use of the Existing Mooring –

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

Impact on Coastal Ecosystems –

NEGLIGIBLE The existing mooring site is approximately 350 feet 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. The petitioner dove to inspect the existing mooring on February 15, 2018 and the integrity of all of the components are in good condition as outlined in the attached certified drawings.

Impact on Marine Resources –

NONE: The existing 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 existing 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 and Open Space Resources –

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

Enclosure: Certified Drawing from Mitsunga & Associates, Inc.



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

November 10, 2015

SUBJECT: Nationwide Permit Verification for Mala Wharf Mooring and Anchorage,  
Lahaina, Maui, Department of the Army File No. POH-2015-00204

Ms. Nichole Hauser  
3740 Lower Honoapiilani Road  
Apt C205  
Lahaina, Hawaii 96761

Dear Ms. Hauser:

The Honolulu District, U.S. Army Corps of Engineers has completed its review of your request for after-the-fact authorization dated October 22, 2015 for your mooring buoy located off-shore within the Mala Wharf Mooring Zone, northwest of the intersection of Front Street and Kapunakea Street, Lahaina, Island of Maui, Hawaii. 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-2015-00204 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 and authorizes the following structure as described below and depicted on the authorized drawings (Enclosure 1):

Existing single point mooring buoy for a single non-commercial vessel deployed in 45-foot deep, sandy bottom, within the Mala Wharf Mooring Zone, approximately 0.19-miles northwest of the intersection of Front Street and Kapunakea Street. Mooring consists of a 21-inch diameter spherical buoy with 19-foot long pennant line anchored to a 4-foot long by 4-foot wide by 2-foot tall concrete block attached to 25-feet of 1-inch blue steel line and 35 feet of 5/8 fender dock chain with an 18-inch diameter spherical buoy midline float. Mooring is located at 20.88917 ° N, -156.68694° W.

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

a. 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 structures 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.

b. You must maintain your mooring including all components in good, functioning condition to ensure the mooring does not fail.

For your information, the State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning issued a Coastal Zone Management consistency general concurrence for the 2012 NWPs on March 16, 2012.

This NWP verification is valid until March 18, 2017 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 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.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact Ms. Vera Koskelo of my staff at 808-835-4310 or via e-mail at Vera.B.Koskelo@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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Sincerely,

A handwritten signature in cursive script, reading "Michelle Lynch".

Michelle R. Lynch  
Chief, Regulatory Office

Enclosures

cc:

State of Hawaii DBEDT Office of Planning (John Nakagawa)  
USCG (Brian J. Donahue, Christopher M. Toner)  
DLNR-DOBOR (Ed R. Underwood)



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THIS WORK WAS PREPARED BY OR UNDER THE SUPERVISION AND CONTROL OF  
CONSTRUCTION AS DEFINED IN CHAPTER 18-115, SUBCHAPTER 1, STATUTES OF  
THE STATE OF ARIZONA. THESE "PROFESSIONAL ENGINEERING" MONUMENTS,  
SURVEYS, AND LANDSCAPE ARCHITECTS")  
\_\_\_\_\_  
JAMES H. HARRIS  
ARCHITECTURAL ASSOCIATES, INC.  
EXPIRATION DATE: 4/30/20



MALA MOORING-LANNY DAISE

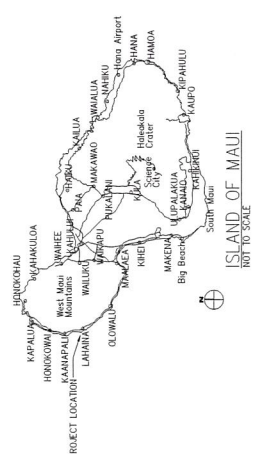


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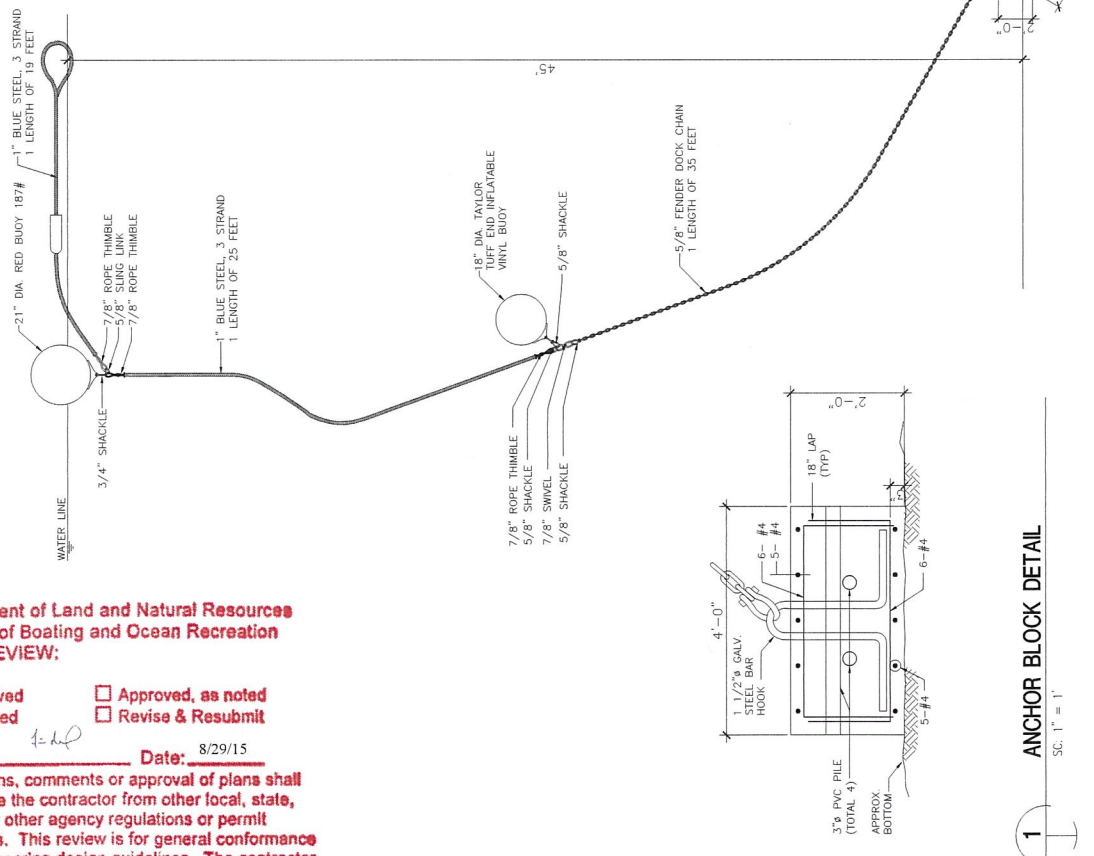
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PROJECT LOCATION  
20°53'21" N 156°41'13"W



**VICINITY MAP**  
NOT TO SCALE



1 MOORING ASSEMBLY DETAIL  
NOT TO SCALE

**1** ANCHOR BLOCK DETAIL

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

☒ Approved  
☐ Rejected

**By:** \_\_\_\_\_ **Date:** 8/29/15  
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.