

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 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 DANIEL TRUMPY

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 established 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, Daniel Trumpy (“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 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:

That the Board:

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
Daniel Trumpy, Puako Bay, Hilo, Island of Hawaii

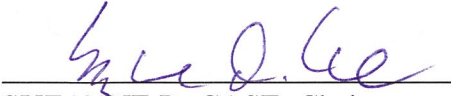
May 25, 2018
Item J-3

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:

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

TO: Hawaii Board of Land and Natural Resources

State of Hawaii
Dept. of Land and Natural Resources [DLNR]
Division of Boating and Ocean Recreation, 4 Sand Island Access Road, Honolulu, Hi.
96819

FR: Daniel Trumpy , vessel owner, 55-1112 Kaauhuhu Rd. Hawi, HI. 16719
RE: Request for an exemption from the requirement to prepare an Environmental Assessment
for an existing mooring in Puako Bay for Mr. Daniel Trumpy, Puako bay, South
Kohala Dist. Island of Hawaii

Submitted in compliance with Hawaii Revised Statute Chapter 343 and HAR, Sections
11-200-8; 11-200[b]

Submitted To:

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
Email: finn.d.mccall@hawaii.gov Phone 808 587-3520

Submitted by:

Daniel Trumpy Email: djtrumpy@gmail.com Phone: 808 895 0303

Request:

Daniel Trumpy [Herein after referred to as "petitioner"] Request approval for an existing offshore
mooring [that does not require modifications] in Puako bay 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 below:

Reasoning and Justification for Request

Environmental Assessment Exemption

- 1) the reason for 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.
- 3) the current exemption list for the DLNR 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 bouys, blocks and piles, and other similar structures accessory to existing facilities on state land and waters.

Project Description

Installation of a private offshore mooring bouy in Puako Bay, South Kohala, Island of Hawaii, HI.

Technical Description of Proposed Installation

A single, non commercial mooring located approx. 300 FT. off the Puako Bay shore line in approx. 10 ft depth. The 16" mooring bouy is anchored by 8' of 5/8" galvanized chain attached to 800 lb. mill chain dead weight, with a 100lb. Danforth anchor chained to the dead weight for reinforcement to the prevailing winds. The vessel is secured to the bouy by pennant of 30' of 1" nylon line.

Location of Proposed Installation-

The proposed mooring would be located at center coordinates: Latitude: 19 deg. 58.1417' N Longitude: 155.50, 165 W Differential GPS

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 existing mooring is 300 ft, from the nearest shore and not within the Special Management Area or Shoreline Setback Area, nor is it 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 National Area Reserve Marine Conservation District, or estuary. No material will be discharged or placed in the project areas. No dredge or fill activities will be involved in the installation of the mooring. The mooring will be placed within an existing 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 Scenic and Open Space Resources-

NEGLIGIBLE A 28' sailboat will be located at the proposed mooring location and will be visible. The mooring ball may also be visible floating on the surface of the water.

Respectfully submitted by:

Daniel Trumpy
Box 267 Hawi, Hi. 96719
808 895 0303



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

December 13, 2017

SUBJECT: POH-2017-80

Mr. Daniel J. Trumpy
Post Office Box 267
Hawi, Hawaii 96738

Dear Mr. Trumpy:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification received on May 15, 2017, requesting after-the-fact authorization for an existing single point commercial mooring buoy located at Latitude 19.973617° N., Longitude 155.836083° W.; off Puako Beach Road, within Puako Bay a navigable water of the United States, Island of Hawaii, in Puako, Hawaii. Please reference Department of the Army (DA) file number POA-2017-80, 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. 9, Structures in Fleeting and Anchorage Areas 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 one Danforth anchor connected with a length of ½-inch long link chain to one 800-pound dead weight; connected to one ⅝-inch shackle with one length of ¾-inch long link dock and fender chain looped through the dead weight and attached to one length of ½-inch long link chain; connected to one 1-inch swivel with one ⅝-inch shackle with one 1-inch collection ring; connected to one 16-inch diameter float; connected to one 1-inch thimble; connected to a length of 1-inch diameter nylon line and attached to one line float.

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 Randal Vigil by phone at (907) 790-4491 or via e-mail at Randal.P.Vigil@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,

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)

