

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, LAHAINA ROADSTEAD OFFSHORE MOORING AREA, LAHAINA, ISLAND OF MAUI, FOR EXACT GAME FISHING, INC.

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 Lahaina Roadstead 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, Exact Game Fishing, Inc. (“Applicant”), uses an existing offshore mooring installed within the Lahaina Roadstead Offshore Mooring Area that has been in place for several years. They are 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.

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 the existing offshore mooring within the Lahaina Roadstead 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,

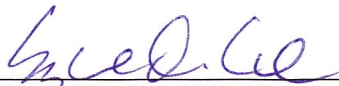


EDWARD R. UNDERWOOD, Administrator  
Division of Boating & Ocean Recreation

Approve Existing Offshore Mooring and  
Declare Exempt from EA Requirements  
Exact Game Fishing, Inc.  
Lahaina Roadstead Offshore Mooring Area, Lahaina, Island of Maui

May 25, 2018  
Item J-4

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 Plans, Nationwide Permit Verification Letter from Army  
Corps of Engineers

## EXHIBIT A



Exact Game Fishing

P.O. Box 712 Lahaina

HI 96767

Request for Exemption from Requirement for Preparation of Environmental Assessment for and Approval for the

Installation of an Existing Offshore Mooring within Lahaina Offshore Mooring Area 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, 4 Sand Island Access Road, Honolulu, HI 96819

Email: [finn.d.mccall@hawaii.gov](mailto:finn.d.mccall@hawaii.gov) Phone: (808) 587-3520

Submitted by: Lee James, President Exact Game Fishing Inc. Email: [Slip17charters@yahoo.com](mailto:Slip17charters@yahoo.com)

Cell: 808-757-1490

### Request:

Lee James (hereinafter referred to as "Petitioner") requests approval for installation of an existing offshore mooring within Lahaina Mooring Offshore Area and exemption from requirement for environmental assessment report associated with the proposed mooring installation, as the proposed 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 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 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...mooring, cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state land and waters."

#### Project Description -

Use of an existing private offshore mooring buoy in the Lahaina Mooring Area, Lahaina, HI.

Impact on Marine Resources: This mooring is existing in a designated mooring area. Impact is minimized.

Mahalo for your consideration.





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

March 12, 2018

SUBJECT: Nationwide Permit Verification for Exact Game Fishing, Inc., Lahaina Mooring Zone A, Pacific Ocean, Lahaina, Maui, Hawaii, Department of the Army File No. POH-2018-00029

Lee James  
Exact Game Fishing, Inc.  
19 Aea Place  
Lahaina, HI 96761

Dear Mr. James:

The Alaska District, U.S. Army Corps of Engineers (Corps), in support of Honolulu District, U.S. Army Corps of Engineers, Regulatory Branch, has completed review of your Pre-Construction Notification dated January 18, 2018, requesting authorization for the existing Offshore Mooring for Exact Game Fishing, Inc., Lahaina Mooring Zone A, Pacific Ocean, Lahaina, Maui, Hawaii. Based upon a review of the information you submitted to the Honolulu office, we have verified that your proposed activity complies with the terms and conditions of Nationwide Permit (NWP) #9, (Structures in Fleeting and Anchorage Areas) issued on March 19, 2017 (82 FR 1860, January 6, 2017). Please reference Department of the Army (DA) file number POH-2018-00029 in any future correspondence related to this permit.

We have determined your proposed work involves work in or affecting navigable waters and requires prior authorization from the Corps in accordance with Section 10 of the Rivers & Harbors Act of 1899 (Section 10). This letter verifies your use of this NWP pursuant to Section 10, authorizing the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

“an after-the-fact verification of an existing mooring deployed in 43 feet of water, approximately 2,130 feet from the shoreline in Lahaina Mooring Zone A. The bottom in this area consists of flat lava rock, covered in 3”+ of silty sand.”

In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the *Nationwide Permit General Conditions* and the *Honolulu District Regional Conditions* (Enclosures 2 & 3), and the following project-specific Special Condition:

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 attached Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (Pac-SLOPES) general conditions and best management practices (BMPs) (Enclosure 4).

The State of Hawaii, Department of Health, Clean Water Branch, has waived the individual water quality certification requirement for your project.

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 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. Should you have any questions related to this authorization, please contact the Honolulu District office at 808-835-4303. 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,



John A. Mitzel  
Project Manager

Enclosures

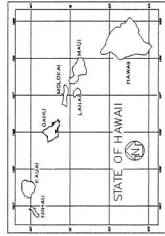
cc:

USCG (John Bannon, Jason Olney)	<a href="mailto:John.E.Bannon@uscg.mil">John.E.Bannon@uscg.mil</a> <a href="mailto:Jason.R.Olney@uscg.mil">Jason.R.Olney@uscg.mil</a>
State of Hawaii Department of Health, Clean Water Branch (DOH-CWB) (Darryl Lum)	<a href="mailto:Darryl.lum@doh.hawaii.gov">Darryl.lum@doh.hawaii.gov</a>
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)	<a href="mailto:john.d.nakagawa@hawaii.gov">john.d.nakagawa@hawaii.gov</a>



# OFFSHORE MOORING LAHAINA MOORING ZONE FOR: ULTIMATE WHALE WHATCH

GPS COORDINATES OF MOORING : 20°52.395'N, 156°41.021'W  
APPROXIMATE WATER DEPTH : 43'

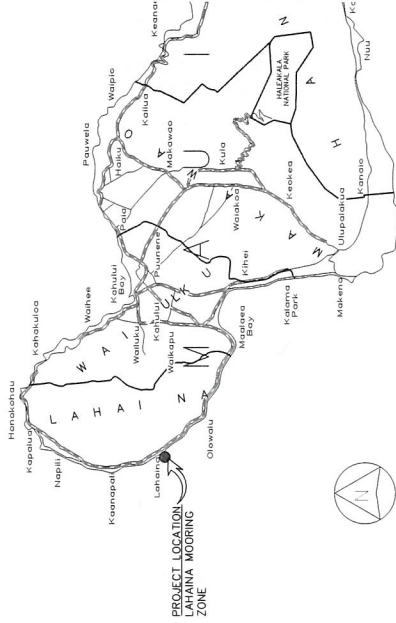


Department of Land and Natural Resources  
Division of Boating and Ocean Recreation  
PLAN REVIEW:

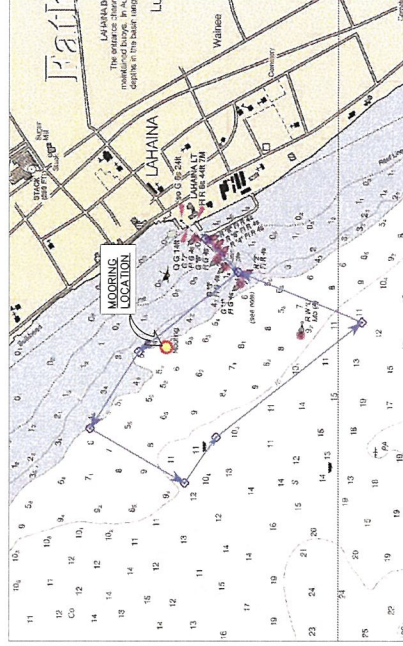
☒ Approved ☐ Rejected  
☐ Approved, as noted ☐ Revise & Resubmit

By: [Signature] Date: 1/17/18

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.



VICINITY MAP



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  
HALEKUNA, HAWAII 96712 • (808) 549-4990



[Signature]  
PHREE  
CREATIONS, LLC.  
61-655 KAMEHAMEHA HIGHWAY  
HALEKUNA, HAWAII 96712 • (808) 549-4990

GENERAL NOTES  
1. ALL DIMENSIONS ARE TO BE CENTER-TO-CENTER UNLESS OTHERWISE NOTED.  
2. ALL DIMENSIONS ARE TO BE CENTER-TO-CENTER UNLESS OTHERWISE NOTED.  
3. ALL DIMENSIONS ARE TO BE CENTER-TO-CENTER UNLESS OTHERWISE NOTED.  
4. ALL DIMENSIONS ARE TO BE CENTER-TO-CENTER UNLESS OTHERWISE NOTED.

REVISOR MARK • DATE • DESCRIPTION

PROPOSED  
OFFSHORE MOORING  
LAHAINA MOORING ZONE  
FOR:  
ULTIMATE WHALE  
WHATCH

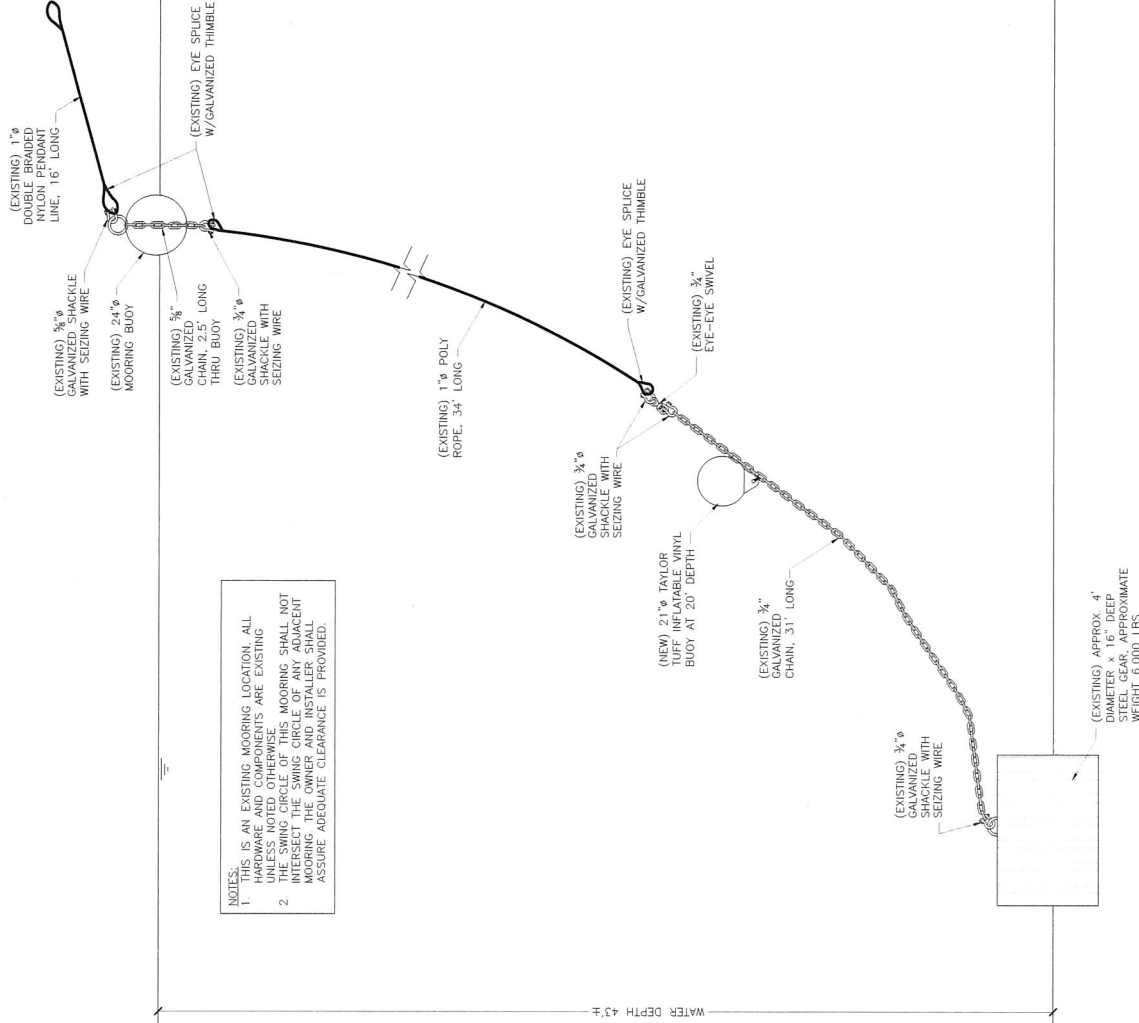
CONTACT: LEE JAMES  
P.O. BOX 712  
LAHAINA, HI 96767  
PHONE: (808) 737-1490  
GPS COORDINATES: 20°52.395'N  
156°41.021'W

SHEET TITLE  
TITLE SHEET

JOB NO. 2015-0007-62  
DRAWING NO. T-1  
CHECKED: JMM  
DATE: DEC. 11, 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 (SWELL, WIND, CURRENT, TIDES, ETC.) PRIOR TO CONSTRUCTION AND SHALL REPORT THE RESULTS OF THESE 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:
- B. WIND DESIGN: 105 MPH
- C. CURRENT:
1. MAX CURRENT: 2 KNOT
- D. WAVES AND TIDAL VARIATIONS:
1. PEAK WAVE HEIGHT: 5 FEET
- DESIGN VESSEL: "WIKI WAHINE"
1. LOA: 27'-0"
2. BEAM: 10'-0"
3. DRAFT: 2'-0"
4. DISPLACEMENT: 3,500 LBS
- \*ANY INCREASE IN THE MOORED VESSEL SIZE 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 TO 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 BEAR ON ALL MOORING LINES.



**MOORING DETAILS**  
NOT TO SCALE

**PHREE  
CREATIONS, LLC.**  
61-655 KANEHEMHA HIGHWAY  
HALEMA, HAWAII 96713 • (808) 349-4990



*Phree Creations, LLC*  
ENGINEER  
DATE: 11/11/2015  
PROJECT: OFFSHORE MOORING  
AND COASTGUARDIAN OF THIS PROJECT  
WILL BE UNDER MY SUPERVISION

**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES AT THE PORT, BEFORE PROCEEDING WITH THE WORK.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES AT THE PORT, BEFORE PROCEEDING WITH THE WORK.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES AT THE PORT, BEFORE PROCEEDING WITH THE WORK.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES AT THE PORT, BEFORE PROCEEDING WITH THE WORK.

REVISION MARK      DATE      DESCRIPTION

PROPOSED PROJECT

OFFSHORE MOORING  
LAHAINA MOORING ZONE

FOR:  
**ULTIMATE WHALE  
WHATCH**

CONTACT: LEE JAMES  
P.O. BOX 712  
LAHAINA, HI 96767  
PHONE: (808) 757-1490  
GPS COORDINATES: 20°52.395'N  
156°41.021'W

SHEET TITLE

**MOORING NOTES  
AND DETAILS**

DRAWING NO. 2015-0007-02  
SHEET 2 OF 3

CHECKED: JMM  
DATE: DEC 11, 2017

DESIGNED: JMM  
DATE: DEC 11, 2017

PHREE  
CREATIONS, LLC.  
61-655 KAMEHAMEHA HIGHWAY  
HALEIWA, HAWAII 96712 • (808) 349-4900



*Lee James*  
LEE JAMES  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF HAWAII  
NO. 13750-S

GENERAL NOTES  
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.  
2. THE SWING CIRCLE OF THIS MOORING SHALL BE LOCATED WITHIN THE MOORING ZONE.  
3. THE SWING CIRCLE OF THIS MOORING SHALL BE LOCATED WITHIN THE MOORING ZONE.  
4. THE SWING CIRCLE OF THIS MOORING SHALL BE LOCATED WITHIN THE MOORING ZONE.  
5. THE SWING CIRCLE OF THIS MOORING SHALL BE LOCATED WITHIN THE MOORING ZONE.

REVISION MARK • DATE • DESCRIPTION

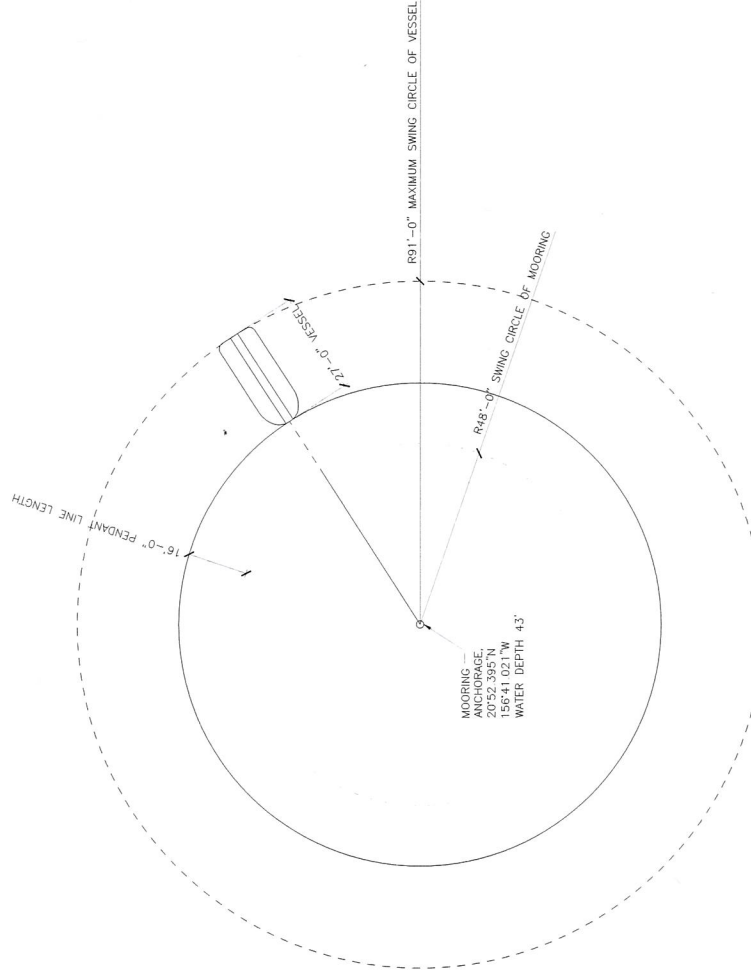
PROJECT

PROPOSED  
OFFSHORE MOORING  
LAHAINA MOORING ZONE  
FOR:  
ULTIMATE WHALE  
WHATCH  
CONTACT: LEE JAMES  
P.O. BOX 712  
LAHAINA, HI 96767  
PHONE: (808) 349-4900  
GPS COORDINATES: 20°52.395'N  
156°41.021'W

SHEET TITLE

MOORING PLAN

JOB NO. 2015-000762  
DRAWING NO. S-2  
DESIGNED JMM  
CHECKED JMM  
DATE DEC. 11, 2017  
SHEET 3 OF 3



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

MOORING PLAN  
SCALE: 1/8" = 1'-0"