Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: DECLARE AN EXISTING OFFSHORE MOORING EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES, AND APPROVE INSTALLATION OUTSIDE OF AN ESTABLISHED OFFSHORE MOORING AREA, KIHEI, ISLAND OF MAUI, HAWAII, FOR SHAWN WYNNE

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 outside of the Liilioholo Offshore Mooring Zone. 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.

DOBOR is also requesting that the Board declare the installation exempt from the requirements of Hawaii Revised Statutes, Chapter 343 to prepare an Environmental Assessment ("EA"), due to the use of submerged State land.

The applicant, Shawn Wynne ("Applicant"), uses an existing offshore mooring installed outside of the Liilioholo Offshore Mooring Area in Kihei on the Island of Maui that has been in place for several years. He is requesting that the Board declare the installation of his offshore 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 the Liilioholo Offshore Mooring Zone, as required by HAR 13-235-9, due to the water depths there being too deep and the area being too distant from the shoreline, both of which present a risk to the vessel. The Applicant’s request is attached as Exhibit A.

PERMITS AND COMPLIANCE WITH FEDERAL AND STATE 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 outside the Liilihoilo 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.

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
# EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

<table>
<thead>
<tr>
<th><strong>Project Title:</strong></th>
<th>Offshore Mooring Outside of Liilioholo Offshore Mooring Area, Kihei, Maui, for Mr. Shawn Wynne</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project / Reference No.:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Project Location:</strong></td>
<td>Outside Liilioholo Offshore Mooring Area, Kihei, Island of Maui</td>
</tr>
<tr>
<td><strong>Project Description:</strong></td>
<td>Installation of an offshore mooring for a privately owned vessel</td>
</tr>
<tr>
<td><strong>Chap. 343 Trigger(s):</strong></td>
<td>Use of State (submerged) lands</td>
</tr>
<tr>
<td><strong>Exemption Class No(s).:</strong></td>
<td>Class No. 6, Item 13: “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.”</td>
</tr>
<tr>
<td><strong>Cumulative Impact of Planned Successive Actions in Same Place Significant?</strong></td>
<td>No. There are no planned successive actions to be undertaken at the same location.</td>
</tr>
<tr>
<td><strong>Action May have Significant Impact on Particularly Sensitive Environment?</strong></td>
<td>No. The environment in the area of the existing offshore mooring is sandy bottom with no coral reefs or marine features that are critical for aquatic species habitat or spawning areas.</td>
</tr>
<tr>
<td><strong>Analysis:</strong></td>
<td>The materials installed for the offshore mooring are chemically inert and do not pose a threat to essential marine habitat or endangered species and do not pose any hazard or obstruction to existing uses of the ocean in the area.</td>
</tr>
<tr>
<td><strong>Consulted Parties:</strong></td>
<td>U.S. Army Corps of Engineers, Honolulu District, Regulatory Branch. See attached Permit No. POA-2017-00201.</td>
</tr>
<tr>
<td><strong>Declaration</strong></td>
<td>The Board finds that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.</td>
</tr>
</tbody>
</table>
Shawn Wynne  
1679 Kahakai St.  
Kihei, HI 96753

April 27th, 2018

Request for exemption from Requirement for Preparation of Environmental Assessment for Installation of an Existing Offshore Mooring, outside of Liiliholo Mooring Zones, Kihei, on the Island of Maui.

Submitted in compliance with Hawaii Revised Statue Chapter 343 and HAR Sections 11-200-8; 11-200(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  Phone: (808) 587-3520

Submitted by:   
   Shawn Wynne  Email: shawnwynne@gmail.com  Phone: (808) 280-8420

Request:

Shawn Wynne (hereinafter referred to as “Petitioner”) requests approval for an existing offshore mooring outside of Liiliholo Mooring Zones and exemption from requirement for environmental assessment report associated with the mooring installation; as the mooring will have negligible or 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 the 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. Placements or construction of accessory structures such as......moorings, cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to the existing facilities on state land and waters."

Project Description –

Installation of a private offshore mooring buoy in Liiliholo Mooring Zone, Kihei, Maui, Hawaii.

Technical Description of Proposed Installation –

A single, non-commercial mooring located approximately 1,000 yards of Kamaole Beach One in approximately 35-foot depth. The 24-inch nylon mooring buoy is anchored by a 35-foot long ¾ inch fender dock chain attached to a secondary 12-inch buoy submerged to suspend the primary line form bottom of ocean. The secondary buoy is attached, also, with a 13-foot secondary 3/4in Fender dock chain to a 3,600lb (approximate) Steel Cog. The Cog is anchored in place by 2 – 70lb Danforth Anchors., set in sand, and attached bilaterally across the center of the Steel Cog, both of which are attached to 10-feet of 5/8in Fender Dock Chain. The boat is secured, finally, by a single ½-inch Fender Dock chain 8’ from mooring buoy, connected to 2, ½-inch Fender Dock chains which then connect two 3/4-inch High Strength Poly Nylon Braided Ropes which are used to secure the boat via its cleats (catamaran).

Location of Proposed Installation -

The proposed mooring buoy would be located at center coordinates: Latitude:20.7219 degrees north and 156.4504 degrees West.

Impact on Coastal Ecosystems -

NEGLIGIBLE. The proposed mooring site is 1,000 yards from 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 no on or close to any reef or coral colonies. No material will be placed or discharged in the project area. No dredge or fill activities will be involved in the installation of the mooring. The mooring will be placed within an existing designated 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 Historic Resources –

NONE The project is not within a designated historic or cultural district and had not been listed or nominated for the Hawaii or National Register of Historic Places. The proposed project 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 proposed mooring location and will be visible. The mooring ball will be visible floating on the surface of the water.

Respectfully submitted by:

[Signature]

Shawn Wynne
(808)280-8420
Dear Mr. Wynne:

This is in response to your application for a Department of the Army (DA) permit to authorize a mooring buoy in Alalakeiki Channel/Pacific Ocean. It has been assigned file number POA-2017-00201, Alalakeiki Channel, which should be referred to in all future correspondence with this office. The project site is located at Latitude 20.7219° N., Longitude 156.4504° W.; 0.16 mile southwest of the north intersection of Ke Alii Alanui Road and South Kihei Road in Kihei, Island of Maui, Hawaii.

The existing mooring consists of a 30-inch diameter Jim Buoy Premium Model buoy connected to one existing 4-foot wide by 3-foot long 3,600 pound Steel Cog anchor sitting on the sand substrate.

The center axis of the anchors attaches to the galvanized dock fender chain with one 3/4-inch eye-eye swivel, and one 3/4-inch galvanized bolt anchor shackles with seizing wire.

One 14-inch diameter midline buoy is attached to the main 5/8-inch "Campbell" galvanized dock fender chain. The Jim Buoy Premium Model buoy is attached to the wire rope with a 5/8-inch galvanized bolt anchor shackle with seizing wire, which also is attached with a 1/2-inch "Campbell" galvanized swivel with seizing wire. This swivel is connected to a 1/2-inch "Campbell" galvanized bolt anchor shackle. Connecting them is a 1/2-inch "Campbell" galvanized swivel, which is then connected to another 1/2-inch Bolt Shackle with seizing wire. The system is split into a "Bridal" by adding two 1/2-inch 6 foot long sections of 1/2-inch "Campbell" galvanized fender dock chain which are ended with two additional 1/2-inch Bolt Shackles with seizing wire. Using a 1/2-inch Heavy Duty Hawser Thimble, 3/4-inch double braided nylon rope with one eye splice per rope attached.
To be installed:

Two Danforth standard anchors buried in the sand substrate with a 10-foot long section of 3/4-inch "Campbell" galvanized dock fender chain to connect to the center axis of the anchors, two 10-foot long sections of 3/4-inch "Campbell" galvanized dock fender chain to connect the Danforth anchors to the center axis of the anchors, and 10 feet of 3/4-inch "Campbell" galvanized dock fender chain to connect the existing Steel Cog to the center axis of the anchors. The "Danforth" anchors are each connected to their sections of 3/4-inch "Campbell" galvanized dock fender chain with 1-inch galvanized bolt anchor shackle with seizing wire.

DA permit authorization is necessary because your project would involve work in and placement of structures into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plans (sheets 1-3), dated August 3, 2017, is authorized by Nationwide Permit (NWP) No. 9, Structures in Fleeting and Anchorage Areas. NWP No. 9 and its associated Regional and General Conditions can be accessed at our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits. You must comply with all terms and conditions associated with NWP No. 9, as well as with the special conditions listed below:


2. 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 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.
3. The Applicant should have a long term maintenance plan for each mooring and buoy to ensure its integrity. Once it is no longer needed, the applicant is responsible for removing all components of the mooring buoy to ensure that it does not become marine debris. This will avoid impacts to nearby resources from broken and derelict buoys and vessels.

4. The applicant should have plans in place to avoid the discharge of any potential pollutants from mooring installation vessel, installation activities, and the moored vessel. This will avoid a contribution to reduced water quality of the water column EFH in the area.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until the NWPs are modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWPs are modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWPs to complete the activity under the present terms and conditions of these nationwide permits. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact Mr. Matt Beattie via email at matthew.l.beattie@usace.army.mil, by mail at the address above or by phone at (808) 753-2791 if you have questions. For more information about the Regulatory Program, please visit our website at www.poh.usace.army.mil/Missions/Regulatory.

Sincerely,

[Signature]
Matthew L. Beattie
Regulatory Specialist

Enclosures
US Army Corps of Engineers
Honolulu District

Permit Number: POH-2017-201
Name of Permittee: Shawn Wynne
Date of Issuance: MAR 13 2018

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Tunis McElwain at the following address:

U.S. Army Corps of Engineers
Honolulu District, Regulatory Branch
Fort Shafter, Hawaii 96858-5440

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

______________________________  _________________
Signature of Permittee          Date
OFFSHORE MOORING: LIILIOHOLO OFFSHORE MOORING ZONE
FOR: SHAWN WYNNE

GPS COORDINATES OF MOORING: 20°43'19.01"N, 156°27'1.71"W
APPROXIMATE WATER DEPTH: 32'

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

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

By: __________________ Date: 8/15/17

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.
PHREE CREATIONS, LLC.

MOORING NOTES

AND ELEVATION