

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

October 12, 2018

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 THE INSTALLATION AFTER-THE-FACT, KANEOHE BAY OFFSHORE MOORING AREA, KANEOHE, ISLAND OF OAHU, FOR ANDREW TANTON**

**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 Kaneohe Bay 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, Andrew Tanton (“Applicant”), uses an existing offshore mooring installed within the Kaneohe Bay 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 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 State of Hawaii, Office of Planning, Coastal Zone Management Program and State of Hawaii, DLNR, Office of Conservation and Coastal Lands for this EA Exemption have been conducted as required by HAR 11-200-8.

#### RECOMMENDATION

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 and approve the installation of the existing offshore mooring within the Kaneohe Bay Offshore Mooring Zone after-the-fact.

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  
Andrew Tanton  
Kaneohe Offshore Mooring Area, Kaneohe, Island of Oahu

October 12, 2018  
Item J-12

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

Project Title:	Offshore Mooring in Kaneohe Bay Offshore Mooring Area, Kaneohe, Island of Oahu, for Mr. Andrew Tanton
Project / Reference No.:	N/A
Project Location:	Kaneohe Bay Offshore Mooring Area, Kaneohe, Island of Oahu
Project Description:	Installation of an offshore mooring for a privately owned vessel
Chap. 343 Trigger(s):	Use of State (submerged) lands
Exemption Class No(s).:	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."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. There are no planned successive actions to be undertaken at the same location.
Action May have Significant Impact on Particularly Sensitive Environment?	No. The environment in the area of the existing offshore mooring is silt bottom with no coral reefs or marine features that are critical for aquatic species habitat or spawning areas in the proximity of the mooring anchor.
Analysis:	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.
Consulted Parties:	<ul style="list-style-type: none"> <li>- State DLNR, Office Conservation and Coastal Lands</li> <li>- State Office of Planning, Coastal Zone Management</li> </ul>
Declaration	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.

TANTON 937 KAINUI DR. KAILUA HI, 96734 [atanton@ccorpusa.com](mailto:atanton@ccorpusa.com) (808)2566629

**August 15<sup>th</sup>, 2018**

**Finn McCall**

**Engineering Branch**

**DLNR – Division of Boating and Ocean Recreation**

**4 Sand Island Access Road**

**Honolulu, HI 96819**

**Mooring approval and EA Exemption - TANTON**

Dear Finn

Pursuant to the recent "Requirements for Permitting Offshore Mooring in Mooring Area B, Kaneohe, Oahu" a condition for obtaining the State approval includes obtaining an Environmental Assessment (or Waiver) and an approved Mooring design.

Attached please find a copy of the ACOE approved permit - File # POH-2018-00121 including my approved Mooring design and installation.

Respectfully requesting that your department grant me an exemption from preparing an EA and accepting the after-the-fact Design and Installation.

Regards

Andrew Tanton



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

Regulatory Division  
POH-2018-00121

Andrew Tanton  
937 Kainui Drive  
Kailua, HI 96734

Dear Mr. Tanton:

This is in response to your August 01, 2018 application for a Department of the Army (DA) permit, for an after-the-fact off shore single-point mooring station in Kaneohe Bay. It has been assigned file number POH-2018-00121, Kaneohe Bay, which should be referred to in all future correspondence with this office. The project site is located within Kaneohe Bay, Honolulu County, Oahu (Hawaii) deployed in 38 foot deep water, at 21.4443 N., 157.8055 W.

The existing mooring anchoring system is comprised of two (2) 43lb Danforth Anchors which are connected to a 2,700lb concrete block via two (2) 1/2 inch galvanized chains. A 41 linear foot anchor chain, originating from the concrete block anchor, connects to a mooring buoy. There are a variety of shackles, galvanized chains, mooring pendants, swivels, and various other minor components that complete the structure.

DA permit authorization is necessary because your project involved the placement of a structure 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 was performed in accordance with the enclosed plan (sheets 1-3), dated April 9, 2018, is authorized by Nationwide Permit (NWP) No. 10, Mooring Buoys. NWP No. 10 and its associated Regional and General Conditions can be accessed at our website at: [www.poh.usace.army.mil/Missions/Regulatory/Permits](http://www.poh.usace.army.mil/Missions/Regulatory/Permits). You must comply with all terms and conditions associated with NWP No. 10.

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.

Unless this NWP is modified or revoked, it expires on March 19, 2022. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact Mr. Jesse DeWitt via email at [jesse.l.dewitt@usace.army.mil](mailto:jesse.l.dewitt@usace.army.mil), by mail at the address above, by phone at (907) 753-2719, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at [www.poh.usace.army.mil/Missions/Regulatory](http://www.poh.usace.army.mil/Missions/Regulatory).

Sincerely,

MCELWAIN.TUNIS.W.1239553008  
S.W.1239553008

Digitally signed by  
MCELWAIN.TUNIS.W.1239553008  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=MCELWAIN.TUNIS.W.1239553008  
Date: 2018.08.07 11:45:38 -10'00'

Tunis W. McElwain  
Chief, Regulatory Branch  
Honolulu District

Enclosures

1. Certification
2. Project Plans Sheets 1-3

ENCLOSURE



**US Army Corps of Engineers**  
**Honolulu District**

Permit Number: POH-2018-00121

Name of Permittee: Andrew Tanton

Date of Issuance: **AUG 08 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 W. 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

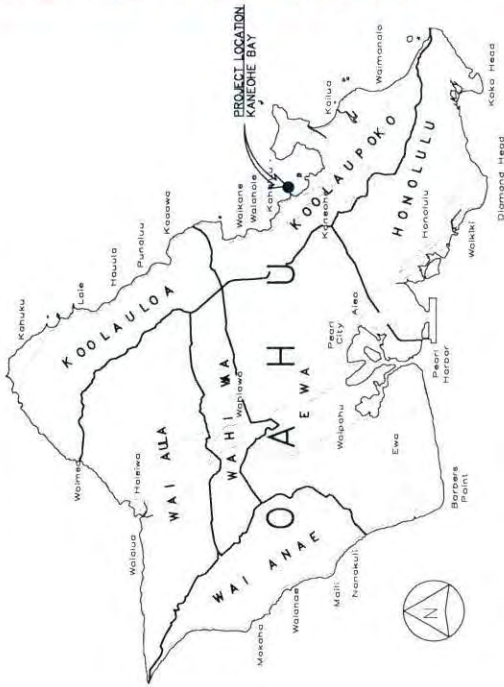
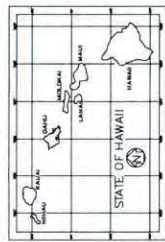
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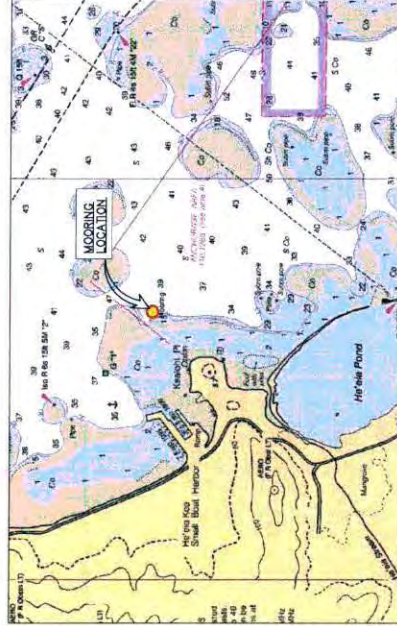
Permit: POA 2018-00121  
 Applicant: Andrew Tanton  
 Waterway: Kaneohe Bay  
 Sheet: 1 of 3

# KANEOHE BAY OFFSHORE MOORING FOR: ANDREW TANTON

GPS COORDINATES OF MOORING : 21°26.66'N, 157°48.33'W  
 APPROXIMATE WATER DEPTH : 38'



VICINITY MAP



LOCATION MAP

INDEX TO DRAWINGS	
SHEET NUMBER	DESCRIPTION
1	T-1 TITLE, INDEX TO DRAWINGS, AND VICINITY MAP
2	S-1 MOORING NOTES AND DETAILS
3	S-2 MOORING PLAN

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

- Approved
- Rejected
- Approved, as noted
- Revise & Resubmit

By: A-T Date: 5/9/18

**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.**

PHREE  
 CREATIONS, LLC.  
 81-655 KAMEHAMEHA HIGHWAY  
 HALEIWA, HAWAII 96712 • (808) 249-4990



*Andrew Tanton*  
 ENGINEER  
 LICENSE NO. 151789-3  
 STATE OF HAWAII  
 DATE OF ISSUE: 01/01/2018

**GENERAL NOTES**  
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES INVOLVED IN THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES INVOLVED IN THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES INVOLVED IN THE PROJECT.

REVISION MARK • DATE • DESCRIPTION

PROPOSED  
 KANEOHE BAY  
 OFFSHORE MOORING  
 FOR:  
 ANDREW TANTON

PHONE: (808) 255-6629

GPS COORDINATES: 21°26.66'N  
 157°48.33'W

SHEET TITLE  
**TITLE SHEET**

JOB NO. 2015-00776 DRAWING NO. T-1  
 CHECKED: JAM  
 DATE: APRIL 9, 2018 SHEET 1 OF 3



Permit: POA-2018-00121  
 Applicant: Andrew Tanton  
 Waterway: Kaneohe Bay  
 Sheet: 3 of 3

**PHREE  
 CREATIONS, LLC.**  
 81-655 KAMEHAMEHA HIGHWAY  
 HALENKA, HAWAII 96712 • (808) 349-4990



*Andrew Tanton*  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF HAWAII  
 LICENSE NO. 11790-5

**GENERAL NOTES**  
 1. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES AND REPORT THEREON TO THE ENGINEER FOR REVIEW.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

REVISION MARK • DATE • DESCRIPTION

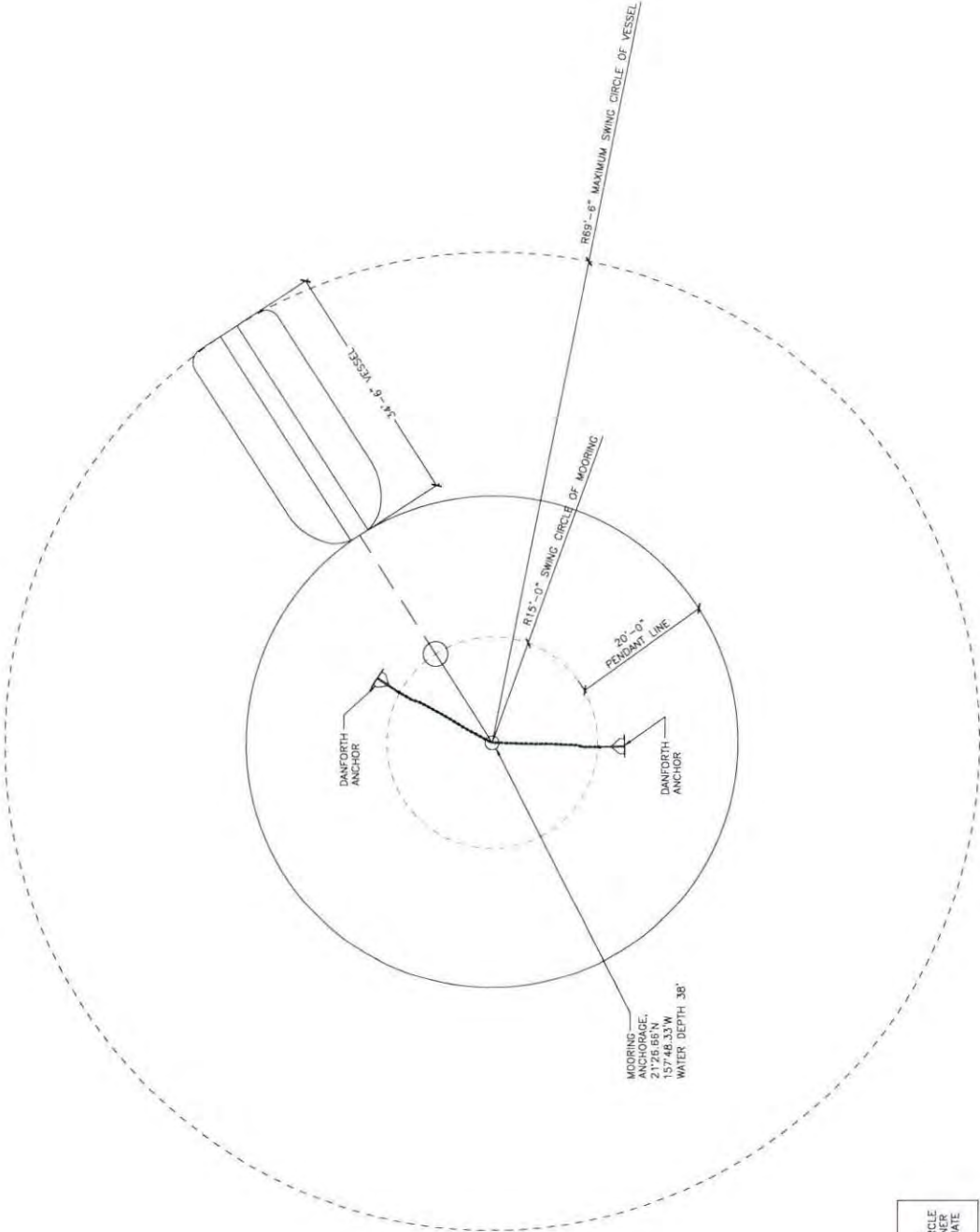
PROJECT  
 PROPOSED  
 KANEHOE BAY  
 OFFSHORE MOORING  
 FOR:  
 ANDREW TANTON

PHONE: (808) 256-8629

GPS COORDINATES: 21°26.66'N  
 157°48.33'W

SHEET TITLE  
**MOORING PLAN**

JOB NO. 2015-000726 DRAWING NO.  
 DRAWN: JAM S-2  
 CHECKED: JAM  
 DATE: APRIL 9, 2018 SHEET 3 OF 3



**NOTE:**  
 THE SWING CIRCLE OF THIS MOORING SHALL NOT INTERSECT THE SWING CIRCLE OF THE VESSEL. THE CONTRACTOR SHALL ENSURE ADEQUATE CLEARANCE IS PROVIDED.

**MOORING PLAN**  
 SCALE: 3/8" = 1'-0"