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, KANEHOE BAY OFFSHORE MOORING AREA, KANEHOE, 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
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>Project Title:</th>
<th>Offshore Mooring in Kaneohe Bay Offshore Mooring Area, Kaneohe, Island of Oahu, for Mr. Andrew Tanton</th>
</tr>
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<tbody>
<tr>
<td>Project / Reference No.:</td>
<td>N/A</td>
</tr>
<tr>
<td>Project Location:</td>
<td>Kaneohe Bay Offshore Mooring Area, Kaneohe, Island of Oahu</td>
</tr>
<tr>
<td>Project Description:</td>
<td>Installation of an offshore mooring for a privately owned vessel</td>
</tr>
<tr>
<td>Chap. 343 Trigger(s):</td>
<td>Use of State (submerged) lands</td>
</tr>
<tr>
<td>Exemption Class No(s.):</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>Cumulative Impact of Planned Successive Actions in Same Place Significant?</td>
<td>No. There are no planned successive actions to be undertaken at the same location.</td>
</tr>
<tr>
<td>Action May have Significant Impact on Particularly Sensitive Environment?</td>
<td>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.</td>
</tr>
<tr>
<td>Analysis:</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>Consulted Parties:</td>
<td>- State DLNR, Office Conservation and Coastal Lands</td>
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<td>- State Office of Planning, Coastal Zone Management</td>
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<tr>
<td>Declaration</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>
August 15th, 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
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. 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, 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.

Sincerely,

MCELWAIN.TUNI
S.W.1239553008

Tunis W. McElwain
Chief, Regulatory Branch
Honolulu District

Enclosures
1. Certification
2. Project Plans Sheets 1-3
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

__________________________
Date
KANEHOE BAY OFFSHORE MOORING
FOR: ANDREW TANTON

GPS COORDINATES OF MOORING: 21°25.66’N, 157°48.33’W
APPROXIMATE WATER DEPTH: 30’

Department of Land and Natural Resources
Division of Boating and Ocean Recreation

PLAN REVIEW:
☑ Approved  ☐ Approved, as noted  ☐ Rejected  ☐ Revise & Resubmit

By: [Signature] Date: 5/18

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.

LOCATION MAP

INDEXTODRAWINGS

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<th>DRAWING NUMBER</th>
<th>DESCRIPTION</th>
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<td>TITLE, INDEX TO DRAWINGS, AND VICINITY MAP</td>
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<td>9-1</td>
<td>MOORING NOTES AND DETAILS</td>
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<td>3</td>
<td>9-2</td>
<td>MOORING PLAN</td>
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Permit: POA-2018-00121
Applicant: Andrew Tanton
Waterway: Kaneohe Bay
Sheet: 2 of 3

**MOORING DETAILS**

**NOTES:**

1. THIS IS AN EXISTING MOORING LOCATION. ALL HARDWARE AND COMPONENTS ARE EXISTING UNLESS NOTED OTHERWISE.

2. THE SWING CIRCLE OF THIS MOORING SHALL NOT INTERSECT THE SWING CIRCLE OF ANY ADJACENT MOORING. THE OWNER AND INSTALLER SHALL ASSURE ADEQUATE CLEARANCE IS PROVIDED.

**MOORING HARDWARE, ROPE, AND MOORING COMPONENTS**

A. ALL CHAIN AND HARDWARE SHALL BE HOT DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A154.

B. THimbles OR DIAMOND GUARDS SHALL BE USED WITH ROPE AT ALL POINTS OF CONTACT.

C. SUBMIT PRODUCT DATA OF ALL CHAIN, 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 UNAUTHORIZED DAMAGE TO THE MOORING RESULTING FROM NORMAL USE SHALL BE THE RESPONSIBILITY OF THE OWNER/OPERATOR.

B. THE VESSEL, OWNER SHALL INSPECT ALL MOORING HARDWARE, ROPE, AND CHAIN 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 CHAFFING GEAR ON ALL MOORING LINES.
Permit: POA-2018-00121
Applicant: Andrew Tanton
Waterway: Kaneohe Bay
Sheet: 3 of 3

The swing circle of this mooring shall not intersect the swing circle of any adjacent mooring. The owner and installer shall assure adequate clearance is provided.

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