

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 INSTALLATION OUTSIDE OF AN ESTABLISHED OFFSHORE MOORING AREA AFTER-THE-FACT, PUAKO BAY, PUAKO, ISLAND OF HAWAII, HAWAII, FOR CARL VON TRAMPE

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 Bay is a designated offshore mooring area identified 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. However, Puako Bay 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 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, Carl von Trampe (“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 their privately owned and maintained 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 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 Puako Bay, located outside of an established 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

Project Title:	Offshore Mooring in Puako Bay, Puako, Island of Hawaii, for Mr. Carl von Trampe
Project / Reference No.:	N/A
Project Location:	Puako Bay, Puako, Island of Hawaii
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 existing offshore mooring is silty bottom with no coral reefs or marine features that are critical for aquatic species habitat or spawning areas.
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 Office of Planning, Coastal Zone Management</li> <li>- State DLNR, Office of Conservation and Coastal Lands</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.

August 10, 2018

## **EXHIBIT A**

**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

**FROM:**

Carl von Trampe

Vessel owner

67-1185 Mamalahoa Hwy D-104 # 127

Kamuela HI 96743

**REGARDING:**

Request for an exemption from the requirement to prepare an Environmental Assessment for an existing mooring in Puako Bay for Mr. Carl von Trampe, Puako bay, South Kohala District, 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](mailto:finn.d.mccall@hawaii.gov)

Phone 808 587-3520

**Submitted by:**

Carl von Trampe

email: [one\\_flipper@hotmail.com](mailto:one_flipper@hotmail.com)

AUG20'18AM 8:07BQR ADM

**Request:**

Carl von Trampe [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

August 10, 2018

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 existing facilities on state land and waters.

**Project Description:**

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

**Technical Description of Proposed Installation:**

A single, non commercial mooring located approx. 130 FT. off the Puako Bay shore line in approximately 14 ft depth. The 24" mooring buoy is anchored by 12' of 5/8" galvanized chain attached to a central collection ring with rays of chain and anchors radiating from central location and buried in sandy bottom as per DLNR engineer certified, Army Corps of Engineers approved/certified, accompanying diagram.

**Location of Proposed Installation:**

The proposed mooring would be located at center coordinates:

Latitude: 19. 58.2481' N

Longitude: 155.50.0828' W

Differential GPS

Purpose of Proposed Installation:

The proposed mooring will be used by the petitioner solely for the purpose of mooring a boat.

**Impact on Coastal Ecosystems:**

NEGLIGIBLE The existing mooring is 130 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/was 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:**

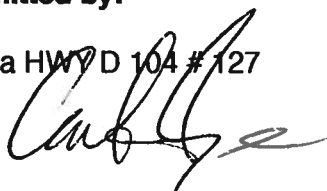
NEGLIGIBLE A 42' sailboat will be located at the proposed mooring location and will be visible. The mooring ball may also be visible floating on the surface of the water.

**Respectfully submitted by:**

Carl von Trampe

67-1185 Mamalahoa Hwy D 104 # 127

Kamuela HI 96743



**Enclosed:**

1. Exhibit A
2. Department of the Army nationwide permit verification for Carl von Trampe Puako offshore mooring installation.
3. Engineer drafted and certified mooring plans also reviewed and approved by Finn McCall (DLNR engineer)



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

May 7, 2018

**SUBJECT: Nationwide Permit Verification for Carl Trampe Offshore Mooring, Puako Bay, Island of Hawaii, HI, Department of the Army File No. POH-2018-00061**

Carl von Trampe  
PO Box 6503  
Kamuela, HI 96743

Dear Mr. Trampe:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated March 15, 2018 requesting authorization for the proposed Carl Trampe Offshore Mooring, located at Puako Bay, Puako, Island of Hawaii, HI. Please reference Department of the Army (DA) file number POH-2018-00061 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) #10, (Mooring Buoys) 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 conduct the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

The work under review is for an after-the-fact installation of an existing mooring for single private vessel. The mooring was installed in 2013 and is located in Puako Bay, approximately 130 feet offshore, in 14-foot water depth. The mooring consists of 6 Danforth anchors and 1 Delta plow anchor. The top float buoy is attached to a 12-foot long, 5/8-inch diameter chain, which attaches to a 1-inch collection ring on sandy bottom. There is a mid-float buoy attached to this chain. From the collection ring, a 40-foot 3/4-inch chain runs tightly along the seafloor terminating in a 13-pound Danforth anchor. From this anchor extends a 20-foot 3/4-inch chain leading to a 30-pound Danforth anchor. Also attached to the center collection ring is a 40-foot 3/4-inch chain terminating in a 60-pound Danforth anchor, which attaches to a 20-foot 3/4-inch chain attached to a 30-pound Danforth anchor. The third chain attached to the collection ring is a 40-foot 3/4-inch chain attached to a 60-pound Danforth anchor, which is then attached to a 20-foot 3/4-inch chain attached to a 30lbs. Danforth anchor. The last chain connected to the collection ring is a 40-foot 3/4-inch chain connected to a 40-pound Danforth anchor, which then connects to a 20-foot 3/4-inch chain attached to a 33-pound Delta plow anchor. All bottom chains have been individually tightened with a 5 ton come-along to protect against lateral

movement of the chain or collection ring on the sea floor. See plans for details.

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*, the *Honolulu District Regional Conditions* (Enclosure 2), and the following project-specific Special Conditions:

Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Humpback Whale, (*Megaptera novaeangliae*), 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 United States or structures or work 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.

Rationale: This is a required permit condition serving as a protective measure listed in the ASA(CW)'s 6 March 2014 letter to NOAA modifying the proposed action for the re-initiated programmatic Endangered Species Act Section 7 consultation on the 2012 NWPs with NOAA Fisheries.

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 me 808-835-4307 or via e-mail at [Rebecca.m.fragger@usace.army.mil](mailto:Rebecca.m.fragger@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](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Sincerely,

FRAGER.REBECCA.  
MABLE.1508149111

Digitally signed by  
FRAGER.REBECCA.MABLE.1508149111  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA,  
cn=FRAGER.REBECCA.MABLE.1508149111  
Date: 2018.05.07 09:20:02 -10'00'

Becca Frager  
Biologist, Regulatory Branch

Enclosures

cc:

USCG (John Bannon, Jason Olney)  
State of Hawaii Department of Health, Clean Water Branch (DOH-CWB)  
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)





CARIS WILSON

LICENSED  
PROFESSIONAL  
ENGINEER  
No. 14056-S  
HAWAII, U.S.A.

caris wilson

caris wilson, P.E.

This work was prepared by me or under my  
supervision and construction of this project will be  
under my observation.

GENERAL NOTES

**SCOPE**

THE SCOPE OF WORK INCLUDES AN EXISTING MOORING.

**GENERAL**

WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE BUILDING CODE AS STATED BELOW. WHERE OTHER REFERENCES ARE MADE, WORK IS TO CONFORM TO THE STANDARD THAT IS MORE STRINGENT.

**CODE AND STANDARDS**

DESIGN IS BASED ON THE IBC 2006 AS AMENDED BY THE COUNTY OF HAWAII. REFERENCE STANDARDS SHALL BE THE EDITION NOTED IN THE CODE, UNLESS OTHERWISE INDICATED.

**DESIGN CRITERIA**

MINIMUM DESIGN CRITERIA FOR MOORING IS IN ACCORDANCE WITH UFC 4-159-03: TYPE IIB STORM MOORING

WIND DESIGN CRITERIA	105 MPH
BASIC WIND SPEED, V	100 MPH
EFFECTIVE WIND SPEED	
CURRENT:	2 KNOTS
MAXIMUM CURRENT	
WAVES AND TIDAL VARIATIONS	2 FEET
PEAK WAVE HEIGHT	
DESIGN VESSEL: GRACE	
LOA:	42'-0"
BEAM:	23'-4"
DRAFT:	2'-8"
DISPLACEMENT:	14,500 LB

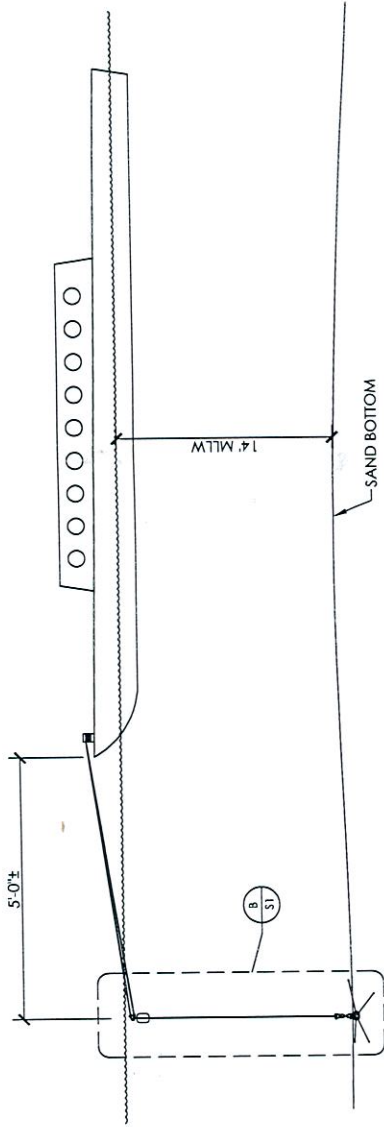
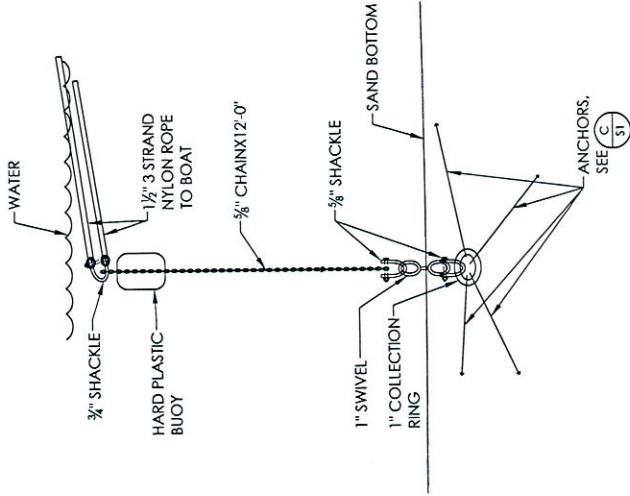
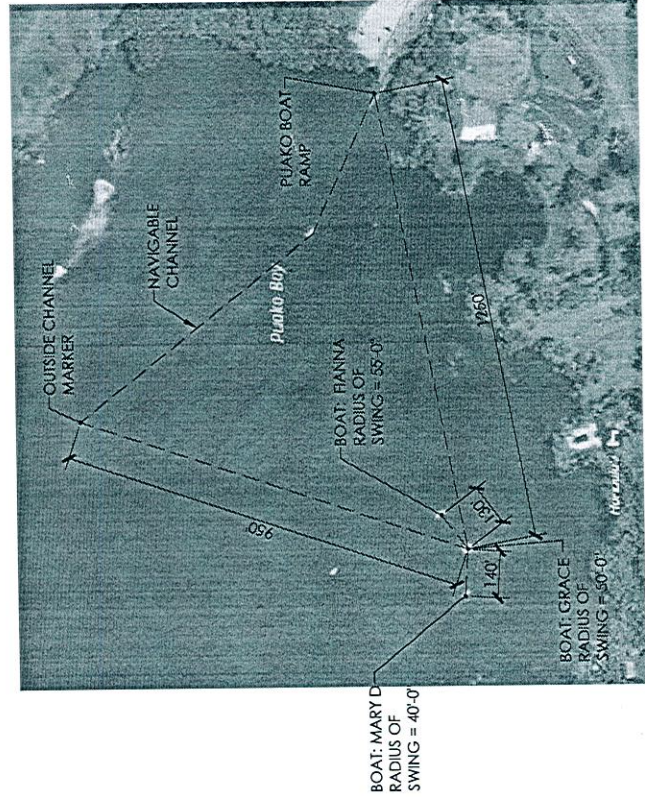
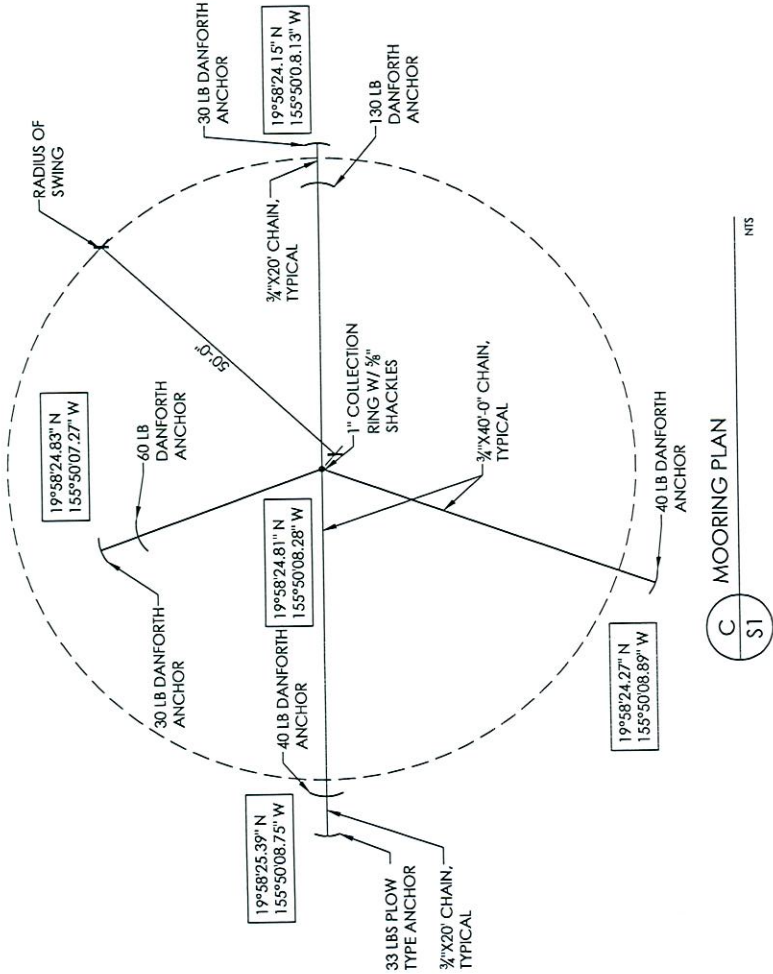
MOORING IS DESIGNED FOR THE DESIGN VESSEL ONLY AND ANY CHANGE TO THE MOORED VESSEL REQUIRES RE-ANALYSIS.

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

ALL CHAIN AND HARDWARE SHALL BE HOT DIPPED GALVANIZED IN ACCORDANCE WITH ASTM 153. THIMBLES AND CHAFE GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.

**MOORING HARDWARE MAINTENANCE AND INSPECTION**

THE VESSEL OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE VESSEL'S MOORING HARDWARE. ANY FAILURE RESULTING FROM NON MAINTAINED COMPONENTS OR UNREPAIRED DAMAGE OF THE MOORING RESULT FROM NORMAL USE SHALL BE THE RESPONSIBILITY OF THE VESSEL OWNER. THE VESSEL OWNER SHALL INSPECT ALL MOORING HARDWARE, ROPES AND CHAINS FOR SAFETY AND SECURITY NO LESS THAN TWO TIMES PER YEAR. INSPECTION REPORT/RECORDS SHALL BE KEPT BY THE VESSEL OWNER. THE VESSEL OWNER IS RESPONSIBLE FOR INSTALLING AND MAINTAINING CHAFING ON ALL MOORING LINES.



EXISTING MOORING FOR  
CARL VON TRAMPE  
MOORING PERMIT : RMO 008499  
SOUTH PUAKO BAY, HI  
ADDRESS: PO BOX 6503,  
KAMUELA, HI 96743

ISSUE: PERMIT  
DATE: 2016.12.22

JOB# 15038.HO

CONTENTS:  
MOORING PLAN  
AND DETAILS