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

June 28, 2019

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

Land Board Members:

SUBJECT: APPROVE INSTALLATION OUTSIDE OF AN ESTABLISHED

OFFSHORE MOORING AREA AFTER-THE-FACT, KAANAPALI, LAHAINA, ISLAND OF MAUI, HAWAII, FOR PACIFIC JET SPORTS,

INC.

AND

DECLARE AN EXISTING OFFSHORE MOORING EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUES, AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES

REQUEST:

The Division of Boating and Ocean Recreation ("DOBOR") requesting that the Board of Land and Natural Resources ("Board") declare the installation of an 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.

DOBOR is also is requesting that the Board approve the installation of the existing offshore mooring outside of the Kaanapali Mooring Zone on the Island of Maui. 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.

The applicant, Pacific Jet Sports, Inc. ("Applicant"), uses an existing offshore mooring installed outside of the Kaanapali Mooring Zone in Kaanapali on the Island of Maui that has been in place for several years. They are 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 zone, as required by HAR 13-235-9. 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:

<u>Item No. 13 of Exemption Class 6</u>: "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 in Kaanapali, located outside of the existing Kaanapali 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

Chapter 11-200, HAR	
Project Title:	Offshore Mooring Outside of Kaanapali Mooring Zone, Lahaina,
	Island of Maui, for Pacific Jet Sports, Inc.
Project / Reference No.:	N/A
Project Location:	Kaanapali, Island of Maui
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).: Cumulative Impact of	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."
Planned Successive Actions in Same Place Significant?	the same location.
Action May have Significant Impact on Particularly Sensitive Environment?	No. The environment in the existing offshore mooring is sand 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:	State Office of Planning, Coastal Zone ManagementState DLNR, Office of Conservation and Coastal Lands
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.

EXHIBIT A



Pacific Jet Sports
Theodore King, owner & president
PO Box 12044
Lahaina, HI 96761
(808) 870-4817

Request for Exemption from Requirement for Preparation of Environmental Assessment for and Approval for the Modification of an Existing Offshore Mooring within Ka'anapali Mooring Field, Lahaina on the Island of Maui.

Submitted in compliance with the Hawaii Revised Status Chapter 343 and HAR §§11-200-8; 11-200-8 (b).

Submitted to:

Board of Land and Natural Resources, State of Hawai'i, Department of Land and Natural Resources (DNLR) Division of Boating and Recreation, 4 Sand Island Access Road, Honolulu, HI 96819 Email: finn.d.mccall@hawaii.gov Phone: (808) 587-3520

Submitted by:

Pacific Jet Sports, Inc. President Theodore King ted@mauiwatersports.com Phone: (808) 870-4817

Request:

Pacific Jet Sports, Inc. (hereinafter referred to as "Petitioner) requests approval for the modification of an existing offshore mooring within Ka'anapali Mooring Field and exemption from requirement for environmental assessment report associated with the proposed mooring modification, as the proposed mooring will have little to no environmental impact, as discussed herein below:

Reasoning and Justification for Request

Environment 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 data 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 and land waters.

PROJECT DESCRIPTION

Modification of an offshore mooring buoy in Ka'anapali Mooring Field, Lahaina, Maui, HI.

Technical Description of Proposed Modification

This project is in reference to an existing mooring deployed in 64 feet of water, approximately 1,460 feet from the shoreline in the Ka'anapali Mooring Zone. The bottom in this area consists of flat lava rock, covered in 1'+ of sand. The existing mooring anchoring system is comprised of one 500 pound (lb.) Navy anchor and one 6,000 lb. welded steel railroad axle assembly. The rest of the mooring structure consists of a 30- foot long section of 1-inch long galvanized link chain connecting the Navy anchor to the axle assembly, attached to a 1" shackle. The shackle attaches to 64' of 1" galvanized chain, which is attached to a 10' long % inch by a galvanized shackle. An inflatable mooring buoy is attached to the top of the % inch chain with a shackle.

Location of Proposed Modification

20°54.622′N, 158°41.832′W

Purpose of Proposed Modification

The purposed mooring will be used by the petitioner solely for the purpose of mooring the platform.

<u>Impact on Coastal Ecosystems</u>

NEGLIGIBLE- The purposed mooring site is 1,460 linear feet from the nearest shore and is not within the Special Management Area or Shoreline Setback Area, nor is the site within a State Conservation District. The site does not provide habitat for any known endangered species, 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 not 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. The mooring is placed in an existing designated DLNR "Offshore" mooring area.



DEPARTMENT OF THE ARMY

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

July 13, 2018

SUBJECT: Nationwide Permit Verification for Pacific Jet Sports, Inc., Kaanapali Mooring Zone, Pacific Ocean, Lahaina, Maui, Hawaii, Department of the Army File No. POH-2018-00141

Mr. Theodore King Pacific Jet Sports, Inc. P.O. Box 12044 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 June 12, 2018, requesting authorization for the existing Offshore Mooring for Pacific Jet Sports, Inc., Kaanapali Mooring Zone, 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-2018-00141 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 64 feet of water, approximately 1,460 feet from the shoreline in Kaanapali Mooring Zone. The bottom in this area consists of flat lava rock, covered in 1' + of sand. The existing mooring anchoring system is comprised of one 500 pound (lb.) Navy anchor and one 6,000 lb. welded steel railroad axle assembly. The rest of the mooring structure consists of a 30-foot long section of 1-inch long galvanized link chain connecting the Navy anchor to the axle assembly, attached to a 1" shackle. The shackle attaches to 64' of 1" galvanized chain, which is attached to a 10' long \(^3\)4 inch by a galvanized shackle. An inflatable mooring buoy is attached to the top of the \(^3\)4 inch chain with a shackle.

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 Conditions:

- 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.
 - 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 <u>March 19, 2022</u> 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 webbased customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

John 'Andy' Mitzel (Project Manager

Enclosures

CC:

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

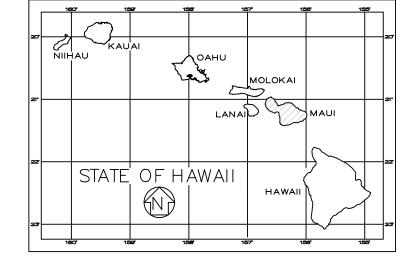
KAANAPALI OFFSHORE MOORING FOR: PACIFIC JET SPORTS, INC.

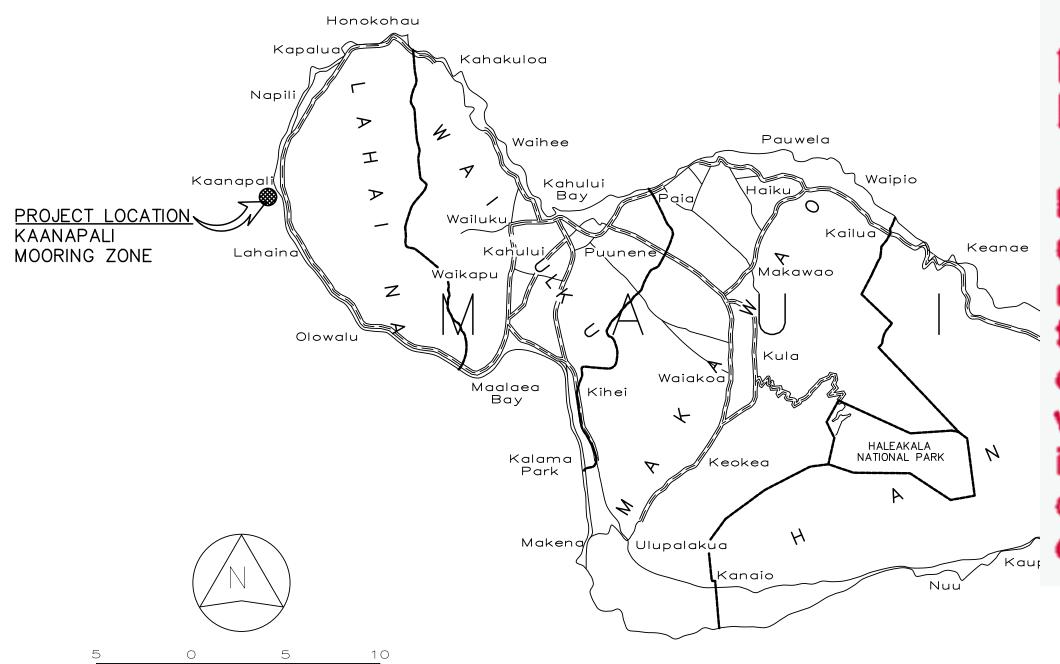
VESSEL: "JET SKI BARGE"

GPS COORDINATES OF MOORING: 20°54.622'N, 156°41.832'W

APPROXIMATE WATER DEPTH: 64'

SCALE IN MILES





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

☐ Approved ☐ Rejected

□ Approved, as noted
 □ Revise & Resubmit

:______Date:_____6/1/3

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.

<u>VICINITY MAP</u>



LOCATION MAP

PHREE CREATIONS, LLC.

61-655 KAMEHAMEHA HIGHWAY HALEIWA. HAWAII 96712 • (808) 349-4990



EXPIRATION DATE OF THE LICENSE 4/30/2020
THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
AND CONSTRUCTION OF THIS PROJECT

GENERAL NOT

CONTRACTOR/OWNER BUILDER SHALL CHECK AND VERIFY ALL DIMENSION AND CONDITIONS AT THE JOBSITE BEFORE PROCEEDING WITH THE WORK

ALL CONSTRUCTION SHALL CONFORM TO THE 2006 INTERNATIONAL BUILDING CODE AND THE LATEST COUNTY OF MAUI/STATE OF HAWAII AMENDMENTS AND ORDINANCES AND/OR THE CITY AND COUNTY OF WHERITHS PROJECT IS LOCATED AND HAVING JURISDICTION

REVISION MARK • DATE • DESCRIPTION

EXISTING

KAANAPALI OFFSHORE MOORING

PACIFIC JET SPORTS

VESSEL: "JET SKI BARGE"
CONTACT: THEODORE KING
PO BOX 12044
LAHAINA, HI 96761
PHONE: (808) 870-4817

GPS COORDINATES: 20°54.622'N 156°41.832'W

SHEET TITLE

PROJECT

TITLE SHEET

JOB NO. 2015-0007.90

DRAWN JMM CHECKED JMM

DATE MAY 22, 2018

SHEET 1 OF 3

DRAWING NO.

T-1

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

INDEX TO DRAWINGS

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 AND SHALL COMPARE SUCH FIELD 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.

DESIGN CRITERIA:

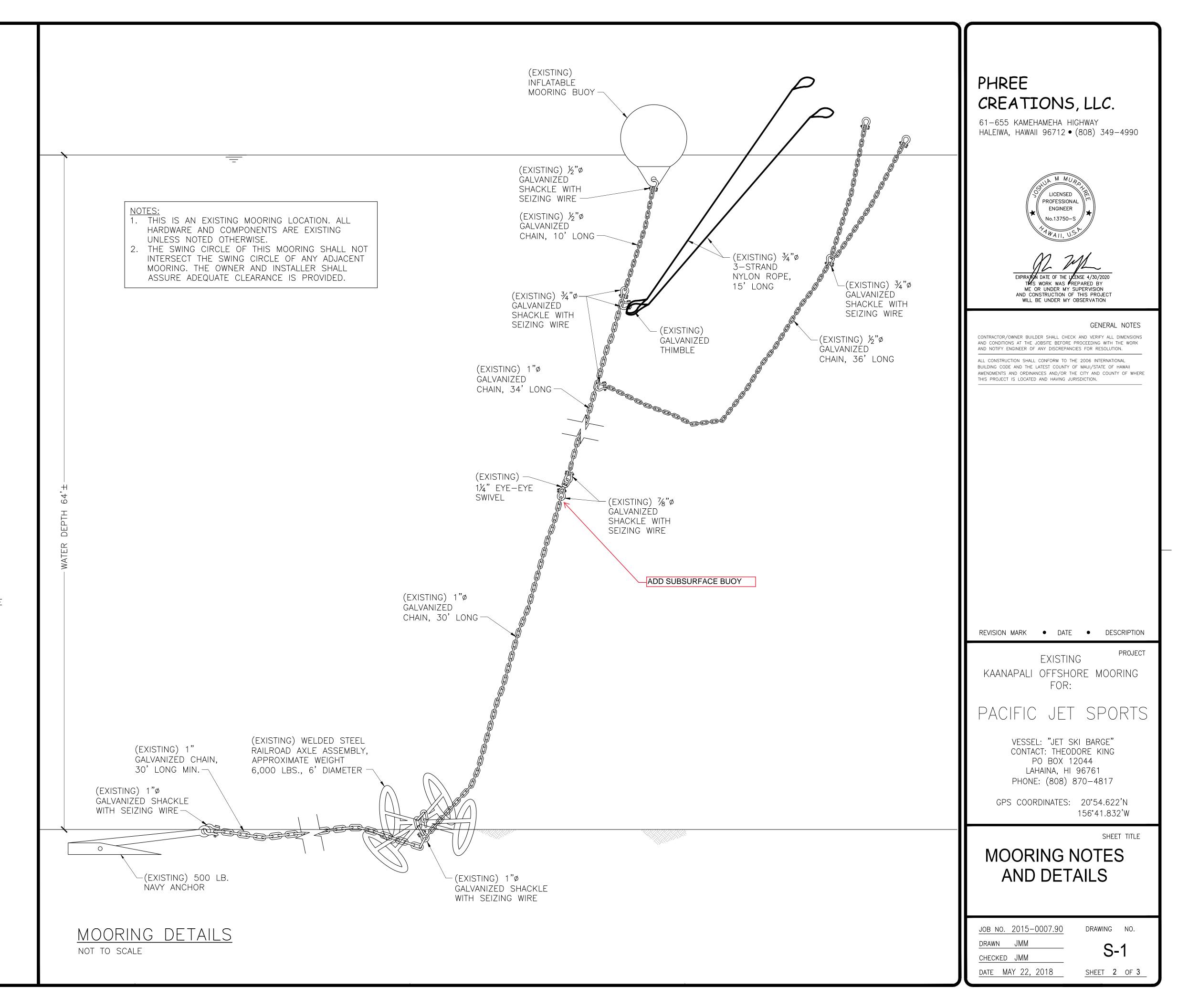
- A. MINIMUM DESIGN CRITERIA FOR MOORING IN ACCORDANCE WITH UFC 4-159-03:
 - 1. TYPE IIB STORM MOORING
- B. WIND DESIGN DATA:
- 1. BASIC WIND SPEED: 105 MPH
- C. CURRENT:
- 1. MAX CURRENT: 2 KNOT
- D. WAVES AND TIDAL VARIATIONS:1. PEAK WAVE HEIGHT: 5 FEET
- DESIGN VESSEL: "JET SKI BARGE"
 - 1. LOA: UP TO 60'-0"
 - 2. BEAM: UP TO 20'-0"
 - 3. DRAFT: UP TO 2'-0"
 - 4. DISPLACEMENT: UP TO 4 GRT
- *ANY INCREASE IN THE MOORED VESSEL SIZE REQUIRES RE-ANALYSIS.

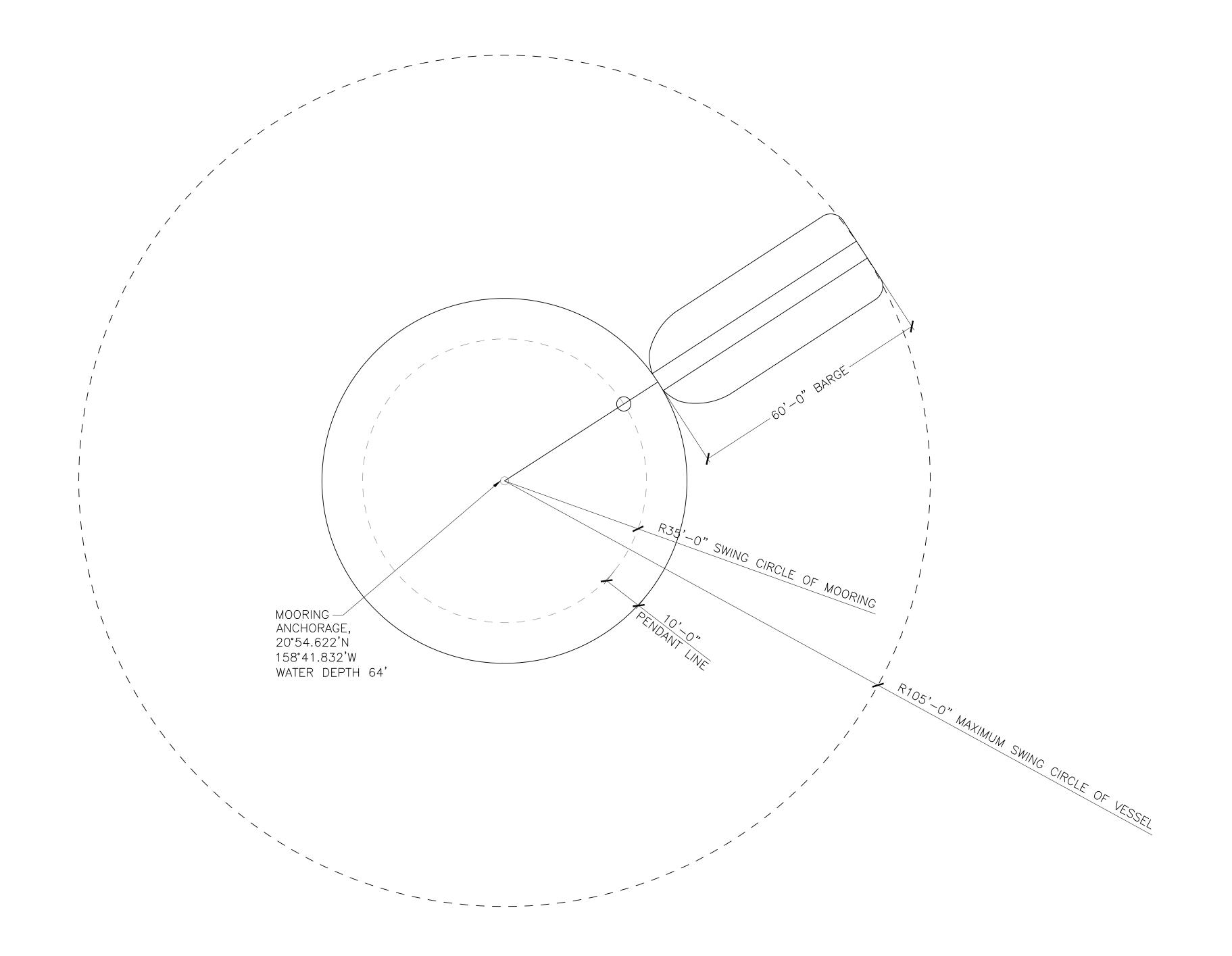
CHAIN, HARDWARE, ROPE, AND MOORING COMPONENTS

- 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.

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 OF 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 GEAR ON ALL MOORING LINES.





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: $\frac{1}{16}$ " = 1'-0"

PHREE CREATIONS, LLC.

61-655 KAMEHAMEHA HIGHWAY HALEIWA, HAWAII 96712 • (808) 349-4990



THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
AND CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION

GENERAL NOTES

CONTRACTOR/OWNER BUILDER SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOBSITE BEFORE PROCEEDING WITH THE WORK AND NOTIFY ENGINEER OF ANY DISCREPANCIES FOR RESOLUTION.

ALL CONSTRUCTION SHALL CONFORM TO THE 2006 INTERNATIONAL BUILDING CODE AND THE LATEST COUNTY OF MAUI/STATE OF HAWAII AMENDMENTS AND ORDINANCES AND/OR THE CITY AND COUNTY OF WHERE THIS PROJECT IS LOCATED AND HAVING JURISDICTION.

REVISION MARK • DATE • DESCRIPTION

EXISTING

KAANAPALI OFFSHORE MOORING FOR:

PACIFIC JET SPORTS

VESSEL: "JET SKI BARGE" CONTACT: THEODORE KING PO BOX 12044 LAHAINA, HI 96761 PHONE: (808) 870-4817

GPS COORDINATES: 20°54.622'N 156°41.832'W

SHEET TITLE

PROJECT

MOORING PLAN

JOB NO. 2015-0007.90

DRAWING NO. S-2

drawn JMM CHECKED JMM

SHEET 3 OF 3

DATE MAY 22, 2018