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 SAILING SHIPPS LTD. DBA GEMINI CHARTERS,  

AND  

DECLARE AN EXISTING OFFSHORE MOORING EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HAWAII REVISED STATUTES, 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, Sailing Shipps Ltd. dba Gemini Charters (“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:

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 in Kaanapali, located outside of the existing Kaanapali Offshore Mooring Zone, after-the-fact.
Respectfully Submitted,

[Signature]

EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:

[Signature]
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 Outside of Kaanapali Mooring Zone, Lahaina, Island of Maui, for Sailing Shipps Ltd. dba Gemini Charters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project / Reference No.:</td>
<td>N/A</td>
</tr>
<tr>
<td>Project Location:</td>
<td>Kaanapali, Island of Maui</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 existing offshore mooring is sand bottom with no coral reefs or marine features that are critical for aquatic species habitat or spawning areas.</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>
</tbody>
</table>
| Consulted Parties: | State Office of Planning, Coastal Zone Management  
- State 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. |
Request for Exemption

Finn McCall
Engineering Branch
DLNR – Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
finn.d.mccall@hawaii.gov
Phone : 808.587.3250

Wednesday January 2, 2019

Aloha Mr McCall,

Request for Exemption from Requirement for Preparation of Environmental Assessment for and Approval for the Modification of an Existing Offshore Mooring within Mala 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 Hawaii, Department of Land and Natural Resources (DLNR) 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:
Sailing Shipps LTD, dba Gemini Charters Email: anita@geminicharters.com Phone: (808) 669.6571

Request:
Sailing Shipps LTD (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
Environmental 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 a private offshore mooring buoy in Ka’anapali Mooring Field, Lahaina, Maui, HI.

**Technical Description of Proposed Modification**-

We completed the Mooring Site survey Monday January 26, 2018

The closest neighbor mooring ball is approx. 200ft North West.

The water depth at the survey site is 33ft.

There is a cement Mooring Block 6ft X 8ft X 16” thick block
The block was Flush to the Bottom. (We had to excavate one corner to get the full thickness of the block)
The area surrounding the bottom in the vicinity of the block is Coral rubble sitting on top of the sand.
There are some areas of dense rubble indicating the chain had dragged to its current location around the block.
The top of the Block has one, approx. 1” diameter thick rebar ring on the block for securing the mooring chain
We had to excavate one end of the block to determine how much of the block was buried in the sand.
We did a 7ft depth probe in the sand, approx. 8ft south of the mooring block.

There is 114 ft of 3/4" long link mooring chain shackled to the rebar ring with two 7/8" shackles on the block.
Both shackles were moussed with stainless wire on the screw pin.
Attached to the 114ft of mooring chain there is 1 ½” forged eye, eye swivel.
Attached to the other end of the eye swivel is a 7 ft ¾” chain going through a plate then through a 36” mooring ball to the surface Shackle.

The 114 ft of chain is in very good to condition, replaced every 2 years.

Attached to the mooring ball were two, 1 ¼” blue steel mooring lines 30ft in length.

Per your conversation with Joshua Murphree, email dated March 6, 2018, we had Maui Mooring Services, update our existing mooring in June 2018. We attached a new Manta anchoring pin to our approved existing mooring.

**Location of Proposed Modification**-

GPS Location 20.55,11.6 N, by 156.41,56.7 W.

**Purpose of Proposed Modification**-

The proposed mooring will be used by the petitioner solely for the purpose of mooring the Sailing Vessel Gemini for commercial catamaran purposes.
Impact on Coastal EcoSystems:
NEGLIGIBLE- The proposed mooring site is 900 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  

January 16, 2019

SUBJECT: After-the-Fact Nationwide Permit Verification for Offshore Mooring Area D, George Games, Kaanapali, Maui, Hawaii, Department of the Army File No. POH-2018-00257

Sailing Shipps Ltd.  
Attention: Mr. George Games III  
Post Office Box 11292  
Lahaina, Hawaii 96761

Dear Mr. Games:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated November 26, 2018 requesting after-the-fact authorization for the Offshore Mooring Area D located in the Pacific Ocean within the Kaanapali Mooring Area, 20.9198° North, -156.6990° West, Kaanapali, Island of Maui, Hawaii. Please reference Department of the Army (DA) file number POH-2018-00257 in any future correspondence related to this permit.

This letter verifies your 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). This after-the-fact 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. The following work is hereby authorized after-the-fact as described below and as depicted on the enclosed drawings (Enclosure 1):

Installation of a mooring for a 64-foot commercial vessel with a maximum swing circle of 210 feet. The mooring was constructed using 6-foot-wide by 8-foot-long by 6-inch-thick concrete block. The mooring uses one 36-inch inflatable float at the surface connected to a ¾-inch, 114-foot-long, galvanized Campbell chain. The chain and surface float use two 30-foot-long, 1.25-inch blue steel pendant lines for vessel attachment. In addition, the installation of a single manta anchor as required by DLNR for additional uplift capacity and a midpoint float to maintain chain buoyancy.

In order for this NWP authorization to be valid, you must ensure that the work was performed in accordance with the Nationwide Permit General Conditions and the Honolulu District Regional Conditions (Enclosure 2).

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.

Finally, General Condition #30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed Compliance Certification form (Enclosure 3) to the email address specified below or to the mailing address indicated on the letterhead above.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this authorization, please contact me at 808-835-4056 or via e-mail at albert.p.williams@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

Susan A. M. Gayagas
Senior Project Manager

Enclosures

cc:
U.S. Coast Guard, SecHonoWaterWays@uscg.mil
Mr. Darryl Lum, State of Hawaii Department of Health, Clean Water Branch
Mr. John Nakagawa, State of Hawaii Office of Planning, Coastal Zone Management Program
US Army Corps of Engineers, Honolulu District

DEPARTMENT OF THE ARMY PERMIT
COMPLIANCE CERTIFICATION

File Number: POH-2018-00257
Project Title: Offshore Mooring Area D, George Games, Kaanapali, Maui, Hawaii

PERMIT TYPE: Nationwide Permit #9 (Structures in Fleeting and Anchorage Areas)

NAME OF PERMITTEE: Sailing Shipps Ltd., Mr. George Games III

DATE OF ISSUANCE: January 16, 2019

DATE OF EXPIRATION: March 19, 2022

The permittee must, upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address or via email:

Honolulu District US Army Corps of Engineers
Regulatory Office
Building 230, CEPOH-RO
Fort Shafter, HI 96858-5440
Email: CEPOH-RO@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of 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]
Signature of Permittee

[Date]

ENCLOSURE 3
COMPLIANCE CERTIFICATION
KAANAPALI OFFSHORE MOORING
FOR: GEMINI CHARTERS

GPS COORDINATES OF MOORING: 20°55'11.6"N, 156°41'56.7"W
APPROXIMATE WATER DEPTH: 33'

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

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

By: __________________ Date: 4/11/18

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.