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,
LAHAINA, ISLAND OF MAUI, HAWAII, FOR KEITH SALVADOR

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.

The applicant, Keith Salvador ("Applicant"), uses an existing offshore mooring installed within the
Lahaina Offshore Mooring Zone in Lahaina on the Island of Maui 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. 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 for the existing offshore mooring within Lahaina 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 within Lahaina Offshore Mooring Zone, Lahaina, Island of Maui, for Mr. Keith Salvador</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project / Reference No.:</td>
<td>N/A</td>
</tr>
<tr>
<td>Project Location:</td>
<td>Lahaina, 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>
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<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 from Requirement for Preparation of Environmental Assessment for the Transfer of an Existing Offshore Mooring within Mala Mooring Zone, Lahaina, Maui.

Dated: October 20, 2018

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

Submitted to:
Board of Land & Natural Resources, State of Hawaii,
Department of Land & Natural Resources (DLNR) Division of Boating and Ocean Recreation,
Lahaina Small Yacht Harbor
675 Wharf Street
Lahaina, HI 96767
Miles.J.Lopes@hawaii.gov
& daynett.m.flores@hawaii.gov  808-662-4060
Finn.d.mccall@hawaii.gov  808-280-8420

Submitted by:
Keith B. Salvador
751 Papua St., Wailuku, HI 96793
Owner of “Kea”, US Documented Vessel, 925803
Email: keetsalvador@yahoo.com Ph. 808-264-1314

Request:
Keith Salvador (hereinafter referred to as “Petitioner”) requests approval for the transfer of an existing offshore mooring within Mala Mooring Zone, and exemption from requirement for environmental assessment report associated with the proposed mooring transfer, 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 form requirement for environmental assessment report associated with the existing mooring, as the existing mooring will have little or no impact on the environment in the current 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 land and waters.”

Project Description

Installation of private offshore mooring in Mala Wharf, Mooring Zone, Lahaina, Maui Hawaii

Technical Description of Proposed Installation

Proposed installation:
A single non-commercial mooring located approximately 2,500 feet from the shoreline in Mala Mooring Zone, City of Lahaina, Island of Maui, Hawaii in approximately 60-feet of water over flat lava rock covered in two to three feet of sandy ocean substrate. The existing mooring anchoring system is comprised of one 9,000-lbs 4.5-foot by 4.5-foot by 3-foot concrete block, attached to one 7/8-inch stainless steel shackle with seizing wire, attached to 45-feet of 5/8-inch galvanized steel chain, attached to one ¾-inch galvanized steel shackle with seizing wire, attached to one inflatable float at mid depth, attached to one 3/4 -inch galvanized steel shackle with seizing wire, attached to one 7/8-inch eye-eye swivel, attached to 50-feet of 1 ½-inch blue steel rope, attached to one ¾-inch galvanized steel shackle with seizing wire, attached to one ¾-inch weldless ring, attached to one 7/8-inch galvanized steel shackle with seizing wire, attached to one existing mooring buoy, attached to 1 ¾-inch galvanized steel shackle with seizing wire, attached to 20-feet of 1-inch nylon rope.

Location of Mooring

The mooring buoy is located at center coordinates: Latitude: 20.872467 & 156.687417.

Purpose of Mooring

The mooring will be used by the Petitioner solely for the purpose of mooring a sailboat for private purposes.

Impact on Coastal Ecosystems

NEGLIGIBLE The existing mooring site is approximately 800 yards from the nearest shore and is not within the Special Management Area of Shoreline Setback Area, nor is the site within a State Conservation District. This site does not provide habitat to any known endangered species of plants, birds or mammals. The site is not within, and does not boarder 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. The petitioner dove to inspect the existing mooring on May 20, 2018 and the integrity of all of the components are in good condition as outlined in the attached certified drawings.

Impact on Marine Resources

NONE The existing mooring does not involve or affect the use or development of any marine or coastal resources.
Impact on Historic Resources

NONE The mooring site is not within designated historic or cultural district and has not been listed or nominated for the Hawaii National Register of Historic Places. The existing site contains no known historic or archeological resources and is not within or adjacent to any Hawaiian fishpond or historic settlement area.

Impact on Scenic and Open Space Resources

NEGLIGIBLE A sailboat will be located at the mooring location and will be visible. The mooring ball is visible floating on the surface of the water.

Enclosures:

Certified Drawing from Phree Creations, LLC (Josh Murphree)

Army Corps of Engineers – Nationwide Permit Verification for After the Fact: Keith B. Salvador
file No. POH-2018-97

Respectfully Submitted by:
Keith B. Salvador
808-264-1314
SUBJECT: Nationwide Permit Verification for Mr. Keith Salvador, Mala Mooring Zone
Existing Mooring Buoy, Lahaina, Island of Maui, Hawaii, Department of the Army File
No. POH-2018-97

Mr. Keith Salvador
751 Papua Street
Wailuku, Hi 96793

Dear Mr. Salvador:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch
has completed a review of your Pre-Construction Notification dated June 11, 2018
requesting authorization for the proposed Mooring Buoy Located at Latitude:
20.872467, Longitude: -156.687417, in the Mala Mooring Zone, Near Lahaina, Island of
Maui, Hawaii. Based upon a review of the information you submitted to this office, we
have verified that your proposed activity complies with the terms and conditions of
Nationwide Permit (NWP) 10 – Mooring Buoys and the overall NWP Program issued on
March 19, 2017. Please reference Department of the Army (DA) file number POH-2018-
135 in any future correspondence related to this permit.

We have determined your proposed project involves work in or affecting navigable
waters and requires authorization from the Corps in accordance with Section 10 of the
Rivers and 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):

The after-the-fact installation of an existing single point mooring buoy for a private
vessel deployed in approximately 60-feet deep water over flat lava rock covered in two
to three feet of sandy ocean substrate, approximately 2,500-feet from the shoreline in
Mala Mooring Zone, City of Lahaina, Island of Maui, Hawaii at 20.872467°, -
156.687417°. The existing mooring anchoring system is comprised of, one 9,000-lbs
4.5-foot by 4.5-foot by 3-foot concrete block, attached to one 7/8-inch ø stainless steel
shackle with seizing wire, attached to 45-feet of 5/8-inch ø galvanized steel chain,
attached to one ¾-inch ø galvanized steel shackle with seizing wire, attached to one
inflatable float at mid depth, attached to one ¾-inch ø galvanized steel shackle with
seizing wire, attached to one 7/8-inch eye-eye swivel, attached to 50-feet of 1 ½-inch ø
blue steel rope, attached to one ¾-inch ø galvanized steel shackle with seizing wire,
attached to one ¾-inch ø weldless ring, attached to one 7/8-inch ø galvanized steel
shackle with seizing wire, attached to one existing mooring buoy, attached to one ¾-
inch ø galvanized steel shackle with seizing wire, attached to 20-feet of 1-inch ø nylon rope.

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 (Enclosure 2), and the following project-specific Special Conditions:

1. 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 imbricate), 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 by 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.

   b. You must comply with the enclosed Standard Local Operating Procedures for Endangered Species in the Central and Western Pacific Region (PacSLOPES) general conditions and best management practices (BMPs).

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 determination, please contact Mr. Matthew Brody by phone at (907) 790-4493, by mail at the address above, or via e-mail at Matthew.T.Brody@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

Sincerely,

Randal Vigil
Chief, Southeast Section

Enclosures

cc:

Mr. Keith Salvador – KeetSalvador@yahoo.com
U.S. Coast Guard – John Bannon – John.E.Bannon@uscg.mil
U.S. Coast Guard – Jason Olney – Jason.R.Olney@uscg.mil
State of Hawaii Department of Health, Clean Water Branch (DOH-CWB) – CleanWaterBranch@doh.hawaii.gov
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program) – John.D.Nakagawa@hawaii.gov
LAHAINA OFFSHORE MOORING
FOR: KEITH SALVADOR

VESSEL: "KEA"

GPS COORDINATES OF MOORING: 21°51.348'N, 156°41.245'W
APPROXIMATE WATER DEPTH: 6'
MOORING NOTES

PHREE CREATIONS, LLC.

MOORING DETAILS

S-1