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 PHILIP CARR

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 Offshore 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, Philip Carr (“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. 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 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.
Approve Existing Offshore Mooring and       June 28, 2019
Declare Exempt from EA Requirements       Item J-9
Philip Carr, Kaanapali, Island of Maui

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 Mr. Philip Carr</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>
</tbody>
</table>

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<thead>
<tr>
<th>Cumulative Impact of Planned Successive Actions in Same Place Significant?</th>
<th>No. There are no planned successive actions to be undertaken at the same location.</th>
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</thead>
<tbody>
<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. |
EXHIBIT A

Jeannine F. & Philip C. Carr
96 Kahana Ridge Drive
Lahaina, HI 96761
808-669-2404 home
808-276-4806
Email: oceanfrontmaui@aol.com

February 13, 2019

Finn McCall
Engineering Branch
DLNR – Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, HI 96819
Phone: (808) 587-3250

Re: Request for Exemption from Requirement for Preparation of Environmental Assessment

Dear Mr. McCall or To Whom It May Concern,

I am writing to you on behalf of my husband, Phil Carr who owns an existing mooring located on the island of Maui, which has received permitting approval from the County of Maui and the Department of Navy, US Army Corps of Engineers has issued a permit verification approval with an expiration date of March 19, 2022.

The (Unclassified) mooring buoy is located in the Aauau Channel off shore of Kaanapali, Maui, Hawaii.

GPS coordinates of mooring: 20°56.057’N, 156°41.732’W, approximate water depth 45’.

Reason for the exemption request:
The existing mooring is not located within a Special Management Area of Shoreline Setback Area, nor is the site within a State Conservation District. The mooring is located on a sand bottom and has little or no impact on the environment in its location.

If you have any questions or need further information, please contact me as soon as possible so I can provide you with any additional documentation.

Thank you,

Jeannine Carr
DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96852-5440

December 28, 2017

SUBJECT: POH-2017-237

Mr. Philip C. Carr
96 Kahana Ridge Drive
Lahaina, Hawaii 96761

Dear Mr. Carr:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification received on November 15, 2017, requesting after-the-fact authorization for an existing single point private mooring buoy located at Latitude 20.934283° N., Longitude -156.695533° W.; off KaiAla Drive, within Auau Channel, a navigable water of the United States, Island of Maui, in Lahaina, Hawaii. Please reference Department of the Army (DA) file number POA-2017-237, Auau Channel in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) No. 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 retain the following work as described below and as depicted on the enclosed drawings:

A mooring anchoring system comprised of three each 45-lb Danforth anchors, attached to a 3/4-inch ø galvanized shackle with seizing wire, attached to 40-feet of 3/8-inch ø galvanized chain, attached to a 3/4-inch ø galvanized shackle with seizing wire, attached to 40-feet of 1-inch ø nylon rope, spliced into an eye with a stainless steel thimble. These three anchor and lead assemblies are attached to one 3/4-inch ø weldless ring, shackled to 40-feet of 3/8-inch ø galvanized chain, with a 21-inch ø inflatable float at mid depth connected about half way along the chain. The chain is attached to a 3/4-inch ø galvanized shackle with seizing wire, attached to a 3/4-inch swivel, attached to a 3/4-inch ø galvanized shackle with seizing wire. A 65-foot long 1-inch ø nylon rope with a stainless steel thimble eye spliced into each end and having a 24-inch ø mooring buoy inline is attached to a star plate and ring. Two 3/4-inch 35-foot long double braided nylon ropes are attached to the star plate and ring with 5/8-inch ø galvanized shackles with seizing wire.
In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the enclosed *Nationwide Permit General Conditions*, the *Honolulu District Regional Conditions*, 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 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 during 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 (Pac-SLOPES) 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 Clean Water Act and/or 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. If you have any questions related to this authorization, please contact me or Matthew Brody by phone at (907) 790-4493 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,

[Signature]

Linda Speerstra
Chief, Southeast Section

Enclosures

cc:
USCG (John Bannon and Jason Olney)
State of Hawaii Office of Planning, Coastal Zone Management Program (Hawaii CZM Program)
OFFSHORE MOORING: KAANAPALI OFFSHORE MOORING ZONE
FOR: PHIL CARR

GPS COORDINATES OF MOORING: 20°58.857N, 156°41.732W
APPROXIMATE WATER DEPTH: 45'

Department of Land and Natural Resources
Division of Boating and Ocean Recreation
PLAN REVIEW:
☐ Approved  ☐ Approved, as noted
☐ Rejected  ☐ Revise & Resubmit

By:  Date: 10/3/17

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.

INDEX TO DRAWINGS

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<td>TITLE, INDEX TO DRAWINGS AND VICINITY MAP</td>
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<td>2-1</td>
<td>MOORING NOTES AND DETAILS</td>
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<tr>
<td>3</td>
<td>3-2</td>
<td>MOORING PLAN</td>
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</table>

LOCATION MAP

PHREE CREATIONS, LLC.
520 KAMII AVENUE
HONOLULU, HI 96826
(808) 693-2404

REVISE MAP DATE DESCRIPTION
10/3/17

PROPOSED OFFSHORE MOORING KAANAPALI MOORING ZONE FOR:
PHIL CARR
(808) 693-2404

GPS COORDINATES: 20°58.857N
156°41.732W

TITLE SHEET