

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, KAAPALI,
LAHAINA, ISLAND OF MAUI, HAWAII, FOR PHILIP CARR

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 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:

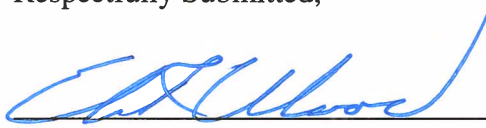
Item No. 13 of Exemption Class 6: “Placement or construction of accessory structures such as utility sheds, storage or maintenance sheds, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic 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:

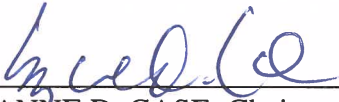
Declare that, after considering the potential effects of the installed mooring as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment and approve the installation of the existing offshore mooring in Kaanapali, located outside of the existing Kaanapali Offshore Mooring Zone, after-the-fact.

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 Outside of Kaanapali Mooring Zone, Lahaina, Island of Maui, for Mr. Philip Carr
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).:	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 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:	<ul style="list-style-type: none"> - 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 Auau Channel off shore of Kaanapali, Maui, Hawaii.

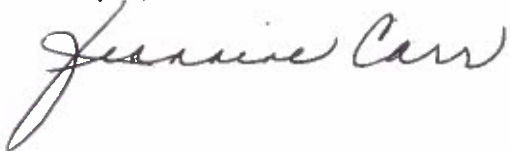
GPS coordinates of mooring: 20°56.057'N, 156°41.732W, approximate water depth 45'.

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,





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

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 ¾-inch ø galvanized shackle with seizing wire, attached to 40-feet of ¾-inch ø galvanized chain, attached to a ¾-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 ¾-inch ø weldless ring, shackled to 40-feet of ¾-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 ¾-inch ø galvanized shackle with seizing wire, attached to a ¾-inch swivel, attached to a ¾-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 ¾-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:

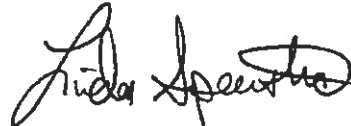
1. Endangered Species. You must comply with the following conditions to avoid and/or minimize adverse impacts to threatened and endangered species, including designated critical habitat:
 - a) Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), 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 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 (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,

A handwritten signature in black ink, appearing to read "Linda Speerstra". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Speerstra".

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)

PHREE
CREATIONS, LLC.
61-655 KANEHUNAUA HIGHWAY
HALENA, HAWAII 96712 • (808) 349-1990

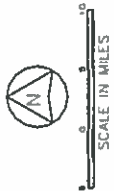
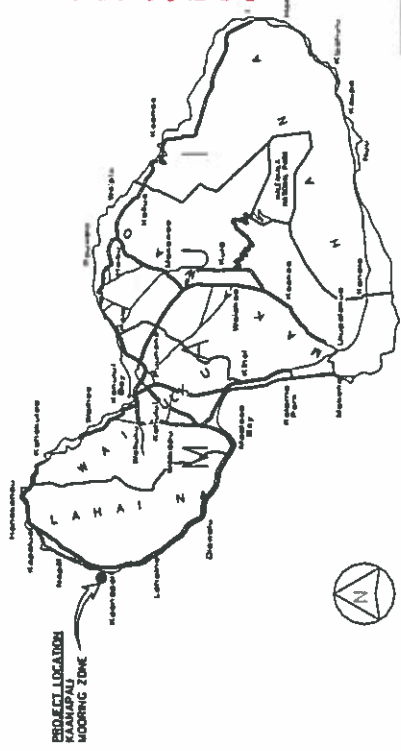
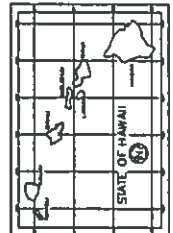


Phil Carr
I, *Phil Carr*, a duly Licensed Professional Engineer in the State of Hawaii, do hereby certify that I am the author of the design and drawings herein.

GENERAL NOTES
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

OFFSHORE MOORING: KANAPALI OFFSHORE MOORING ZONE FOR: PHIL CARR

GPS COORDINATES OF MOORING : 20°56.057'N, 156°41.732'W
APPROXIMATE WATER DEPTH : 45'



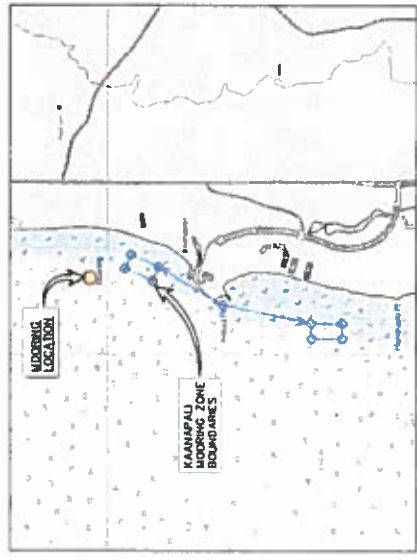
VICINITY MAP

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

- Approved
- Rejected
- Approved, as noted
- Revise & Resubmit

By: *Phil Carr* 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.



LOCATION MAP

INDEX TO DRAWINGS		DESCRIPTION
SHEET NUMBER	DRAWING NUMBER	
1	1-1	TITLE, INDEX TO DRAWINGS, AND VICINITY MAP
2	5-1	MOORING NOTES AND DETAILS
3	5-2	MOORING PLAN

REVISION MARK • DATE • DESCRIPTION
PROJECT
PROPOSED
OFFSHORE MOORING
KANAPALI MOORING ZONE
FOR:
PHIL CARR
(808) 649-2104

GPS COORDINATES: 20°56.057'N
156°41.732'W

SHEET TITLE
TITLE SHEET

JOB NO. 2015-008152 DRAWING NO.
DATE: SEPT 27, 2017 SHEET 1 OF 1



PHREE
 CREATIONS, LLC
 LICENSE NO. 15183
 STATE OF HAWAII
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 10/15/2011

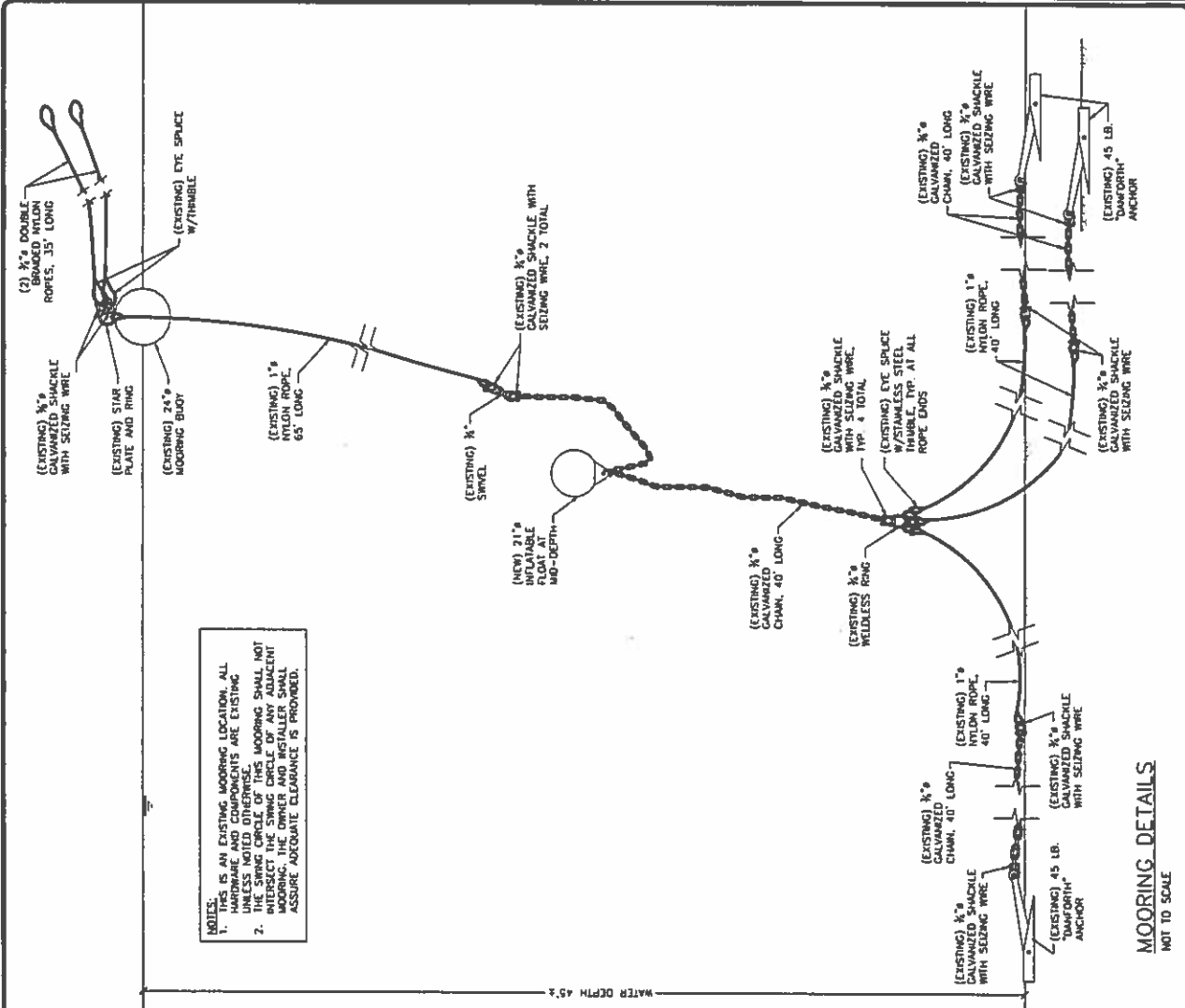
GENERAL NOTES
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND PROVIDING ALL NECESSARY DIMENSIONS AND LOCATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABORERS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DIMENSIONS AND LOCATIONS.

REVISION MARK • DATE • DESCRIPTION
 PROPOSED
 OFFSHORE MOORING
 KANAPAU MOORING ZONE
 FOR:
PHIL CARR
 (808) 669-7404

CPS COORDINATES: 7054.057N
 15841.732W

MOORING NOTES AND DETAILS

SHEET TITLE
 SHEET NO. S-1
 DATE: SEPT. 27, 2012
 SHEET 2 OF 3



NOTES:
 1. THIS IS AN EXISTING MOORING LOCATION. ALL HARDWARE AND COMPONENTS ARE EXISTING UNLESS NOTED OTHERWISE.
 2. THE SWING CIRCLE OF THIS MOORING SHALL NOT INTERSECT THE SWING CIRCLE OF ANY ADJACENT MOORING. ADEQUATE CLEARANCE IS PROVIDED.

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, SUCH REFERENCE 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.
 E. PRODUCT DATA REQUESTED BY THESE NOTES SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION.

DESIGN CRITERIA:
 A. MAXIMUM DESIGN CRITERIA FOR MOORING IN ACCORDANCE WITH UFC 4-159-03:
 1. TYPE: IB STORM MOORING
 2. BASIC WIND SPEED: 105 MPH
 3. CURRENT: 10 KNOTS
 4. WAVE PERIOD: 12 SECONDS
 5. WAVE HEIGHT: 20 FEET
 6. WAVE AND TIDAL VARIATIONS:
 1. PEAK WAVE HEIGHT: 8 FEET
 2. DESIGN VESSEL: "MAUUI MA"
 1. LOA: 34'-2"
 2. BEAM: 14'-5"
 3. DRAFT: 7'-0"
 4. WEIGHT: 1500 LBS.
 *MOORING IS DESIGNED FOR DESIGN VESSEL ONLY. ANY CHANGE IN MOORED VESSEL 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 CHAIN GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.
 C. SUBMIT PRODUCT DATA OF ALL CHAINS, HARDWARE, ROPE AND MOORING COMPONENTS TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.

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 BEAR ON ALL MOORING LINES.

MOORING DETAILS
 NOT TO SCALE

**PHREE
CREATIONS, LLC.**

61-655 KAMOHAMUA HIGHWAY
HALOWA, HAWAII 96712 • (808) 349-1990



PH
DESIGNED BY
DATE: _____
SCALE: _____
BY: _____

GENERAL NOTES

1. THIS PLAN IS TO BE CONSIDERED AS A PRELIMINARY DESIGN. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. ANY CHANGES TO THIS PLAN SHALL BE APPROVED BY THE ENGINEER IN CHARGE.

REVISION MARK • DATE • DESCRIPTION

PROJECT

PROPOSED
OFFSHORE MOORING
KAMAHAPALI MOORING ZONE

FOR:

PHIL CARR

(808) 869-2404

GPS COORDINATES: 20°56.057'N
156°41.732'W

SHEET TITLE

MOORING PLAN

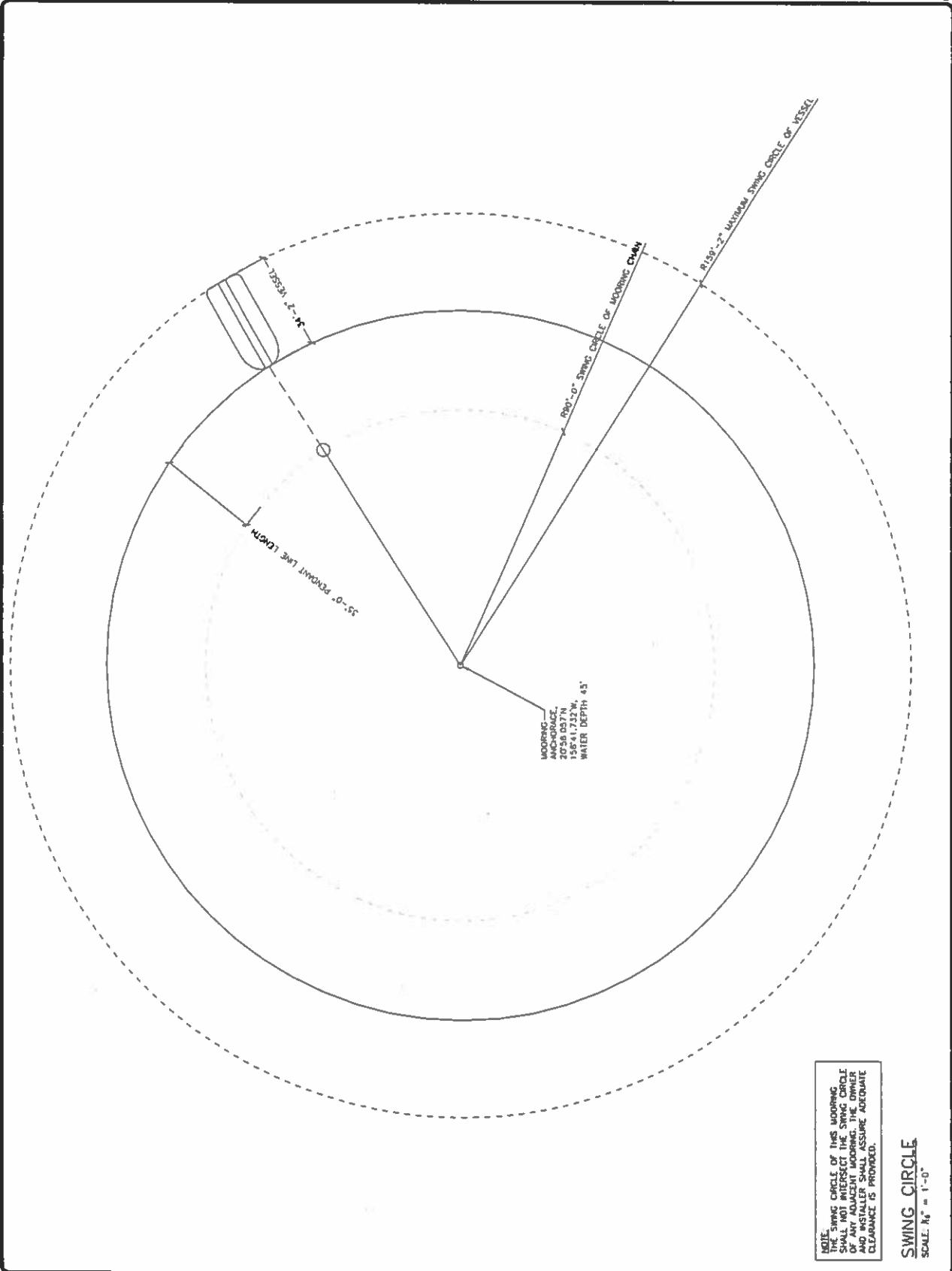
DRAWING NO. _____

DATE: _____

SCALE: _____

DATE: SEPT. 27, 2017

SHEET 3 OF 3



NOTE:
THE SWING CIRCLE OF THIS MOORING SHALL NOT INTERSECT THE SWING CIRCLE OF ANY OTHER MOORING. IF INTERSECTION OCCURS, THE CONTRACTOR SHALL INSTALLER SHALL ASSURE ADEQUATE CLEARANCE IS PROVIDED.

SWING CIRCLE
SCALE: 1/4" = 1'-0"