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

February 28, 2020

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

Land Board Members:

SUBJECT: APPROVE INSTALLATION OF AN OFFSHORE MOORING OUTSIDE

OF AN ESTABLISHED OFFSHORE MOORING AREA AFTER-THE-FACT, KEAUHOU BAY, KAILUA-KONA, ISLAND OF HAWAII,

HAWAII, FOR LAWRENCE PEEBLES

### **REQUEST:**

The Division of Boating and Ocean Recreation ("DOBOR") is requesting that the Board of Land and Natural Resources ("Board") approve the installation of an existing offshore mooring within Keauhou Bay in Kailua-Kona on the Island of Hawaii. 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.

Keauhou Bay is a designated offshore mooring area identified in the "Documentation of Facilities for the Boating Program Transfer to the Department of Land and Natural Resources," when the Boating Program was transferred from the Department of Transportation to DLNR. However, Keauhou Bay was never established as an offshore mooring area in HAR 13-235. Therefore, as required by HAR 13-235-9, the installation of all moorings within Keauhou Bay must obtain approval from Board.

The applicant, Mr. Lawrence Peebles ("Applicant"), has been using an existing offshore mooring in Keauhou Bay that has been in place for several years. He is requesting that the Board approve installation of the mooring outside of an established offshore mooring zone, as required by HAR 13-235-9. The Applicant's request is attached with 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 Letter from the ACOE authorizing the installation and use of the existing mooring. An Offshore 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 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 moorings have no detrimental effect to the habitat or spawning ground of marine life. DAR has also been consulted and concurred that the offshore moorings have no detrimental effect to the habitat or spawning ground of marine life.

### HRS CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Compliance with HRS Chapter 343 and HAR Chapter 11-200.1 is not required as the offshore mooring is existing and therefore no new action is being proposed.

### RECOMMENDATION:

Approve the installation of the existing offshore mooring within Keauhou Bay, Kailua-Kona, Island of Hawaii, located outside of an established offshore mooring area, 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 Offshore Mooring Installation Plan, Nationwide Permit Verification Letter from Army Corps of Engineers

Nov 6 2019

Lawrence A Peebles 78-149 Holua Rd. Kailua Kona, Hawaii 96740

SUBJECT; Request for Approval of an Existing Offshore Mooring Outside of a Designated Offshore Mooring Area Kailua Kona, Keauhou Bay, Island of Hawaii

Submitted to: Board of Land and Natural Resources 1151 Punchbowl St. Honolulu, HI 96813

Submitted by: Lawrence A Peebles

### Request:

In accordance with HAR 13-235-9, Lawrence A Peebles hereby requests approval of an existing offshore mooring within Keauhou Bay, outside of a designated offshore mooring area.

Reasoning and Justification for Request

Permitting and DOBOR Approval:

A permit from the U.S. Army Corps of Engineers has been obtained, see attached permit verification letter. Department of the Army File No. POH-2019-00114.

An offshore mooring plan, prepared by a licensed structural engineer in the State of Hawaii, has been approved by the Division of Boating and Ocean Recreation, see attached approved offshore mooring plan.

Description of Offshore Mooring:

The existing mooring would consist of utilizing two 3-feet in diameter steel dead weights as an anchor at both bow and stern moorings (approximately 2,000 pounds each). Anchor is connected by 5/8 inch galvanized shackle with cotter pin or seizing wire at all connections. A 20-foot long 5/8-inch galvanized chain is connected to the anchor shackle with 3/4-inch eye-eye swivel. The mooring chain has a 15-inch float at a depth of 5-feet from the sea floor and travels to the surface of the water connecting to a 24-inch mooring buoy with a 5/8-inch galvanized shackle and seizing wire. The vessel ties up with two, 20-foot long, 1-inch thick double braided nylon mooring pendants secured to the buoy with eye splice and heavy-duty thimble.

Location of Offshore Mooring:

Kailua Kona, Keauhou Bay, Island of Hawaii. 193342.30" N. 1555746.45"W.

Purpose of Offshore Mooring:

Recreational Mooring

Impact of Coastal Ecosystem and Marine Habitat:

The impact of the offshore mooring is negligible. The mooring is not within the Special Management Area or Shoreline Setback Area, or 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 coral reef or coral colonies. No dredge or fill activities will be involved with use of the mooring. The mooring is installed in an area approved for the installation of offshore moorings by the DLNR Division of Boating and Ocean Recreation.



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

September 24, 2019

SUBJECT: Nationwide Permit Verification for Peebles Recreational Mooring System, Kailua-Kona, Hawaii, Department of the Army File No. POH-2019-00114

Mr. Lawrence Peebles 78-149 Holua Road Kailua-Kona. Hawaii 96740

Dear Mr. Peebles:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated August 12, 2019 requesting after-the-fact authorization for an offshore mooring located below the high tide line (HTL) in the Keauhou Offshore Mooring Location/Zone, 19.561750°, -155.962905°, Kailua-Kona, Island of Hawaii, Hawaii. Please reference Department of the Army (DA) file number POH-2019-00114 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permit (NWP) #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, over, under or affecting navigable waters of the U.S. You are authorized to conduct the following work as described below and as depicted on the enclosed drawings (Enclosure 1).

The existing mooring would consist of utilizing two 3-feet in diameter steel dead weights as an anchor at both bow and stern moorings (approximately 2000 pounds). Anchor is connected by 5/8-inch galvanized shackle with cotter pin or seizing wire at all connections. A 20-foot long, 5/8-inch galvanized chain is connected to the anchor shackle with 3/4-inch eye-eye swivel. The mooring chain has a 15-inch inflatable float at a depth of 5-feet from the seafloor and travels to the surface of the water connecting to a 24-inch mooring buoy with 5/8-inch galvanized shackle and seizing wire. The vessel will tie up with two, 20-foot long, 1-inch thick double braided nylon mooring pendants secured to the buoy with eye splice and heavy-duty thimble.

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 Mr. Frank Winter via e-mail at Frank.J.Winter@usace.army.mil or at (808) 835-4107.

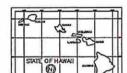
Sincerely,

Linda Speerstra

Chief, Regulatory Branch

**Enclosures** 

# OFFSHORE MOORING - KEAUHOU BAY FOR: LAWRENCE A. PEEBLES



GPS COORDINATES OF MOORING: 19\*33'42.30"N, 155\*57'46.45"W
APPROXIMATE WATER DEPTH: 15'

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

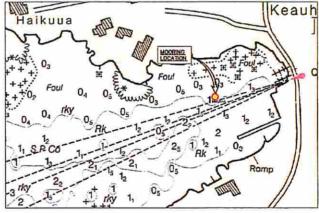
□ Approved
 □ Rejected

☐ Approved, as noted ☐ Revise & Resubmit

Date: 7/31/19

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

PHREE CREATIONS, LLC.

81-655 KAMEHAMEHA HIGHWAY HALEWA, HAWAI 96712 • (808) 349-4990



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REMISION MARK . DATE . DESCRIPTION

OFFSHORE MOORING
KEAUHOU BAY
FOR-

LAWARENCE A. PEEBLES

78-149 HOLLA ROAD KALLIA KONA, HI 96740 PHONE: (808) 896-2363

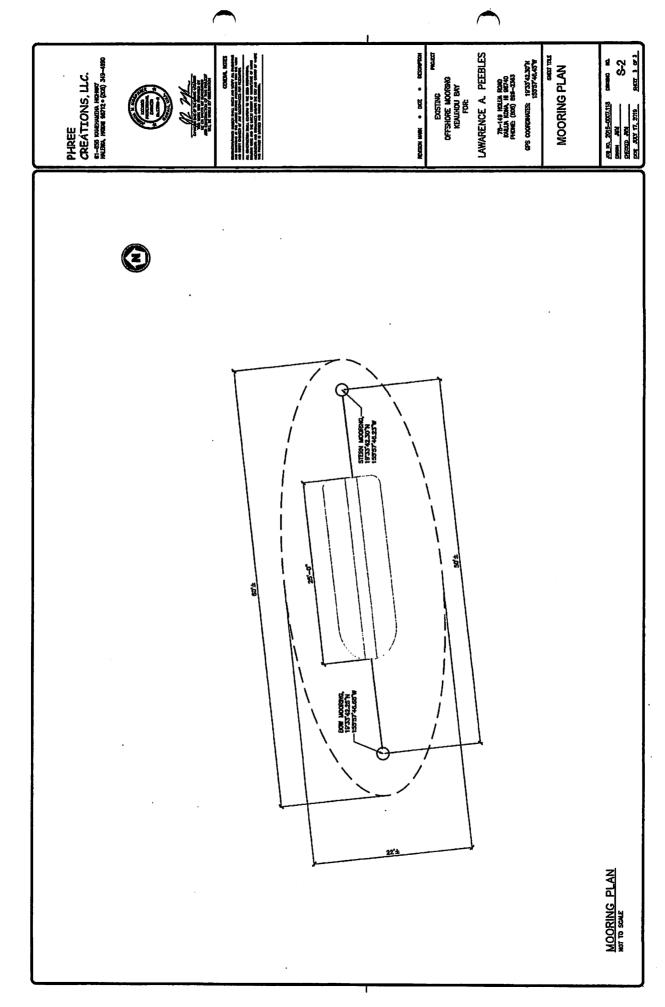
GPS COORDINATES: 19'33'42.30"N 155'57'46.45"W

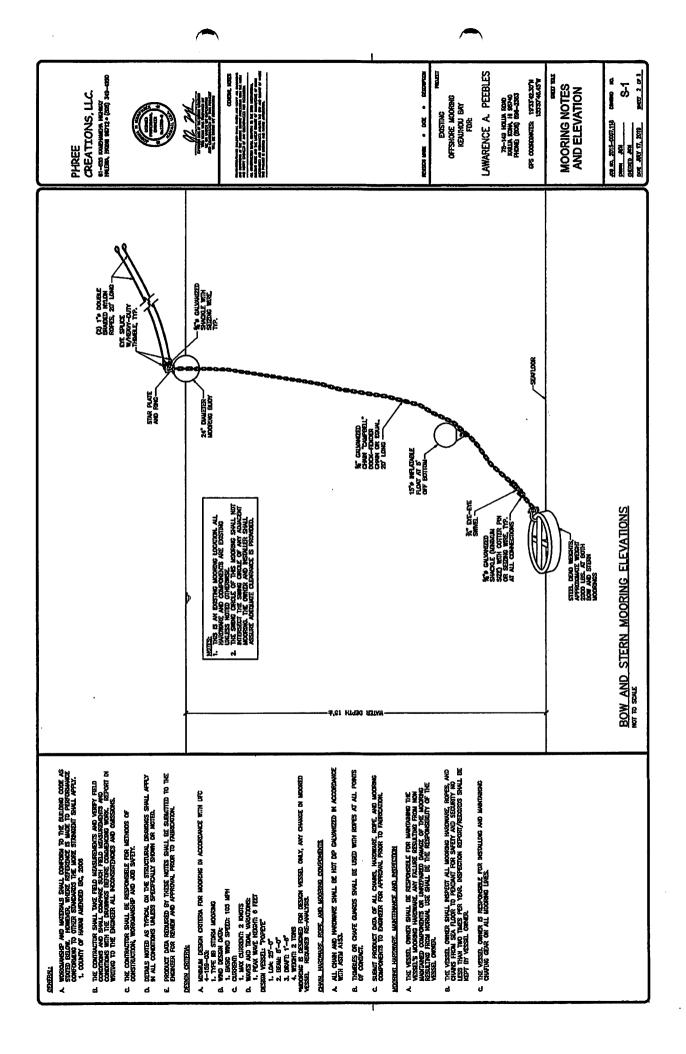
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TITLE SHEET

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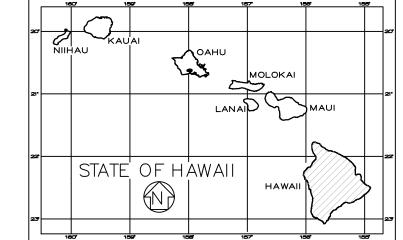
INDEX TO DRAWINGS				
SHEET	DRAWING NUMBER	DESCRIPTION		
1	T-1	TITLE, INDEX TO DRAWINGS, AND VICINITY WAP		
2	5-1	MOORING NOTES AND ELEVATION		
3	S-2	MOORING PLAN		

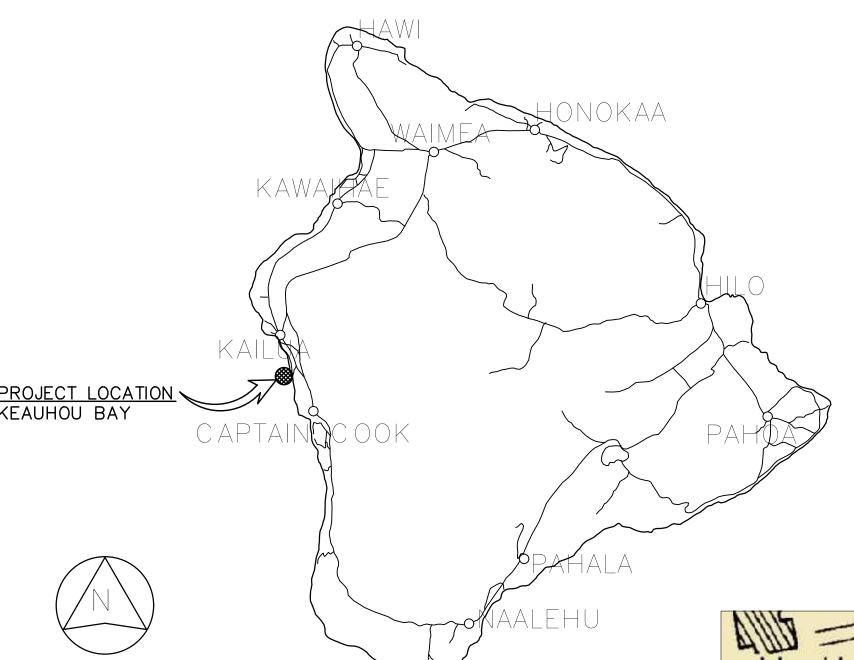




# OFFSHORE MOORING - KEAUHOU BAY FOR: LAWRENCE A. PEEBLES

GPS COORDINATES OF MOORING: 19°33'42.30"N, 155°57'46.45"W APPROXIMATE WATER DEPTH: 15'





VICINITY MAP

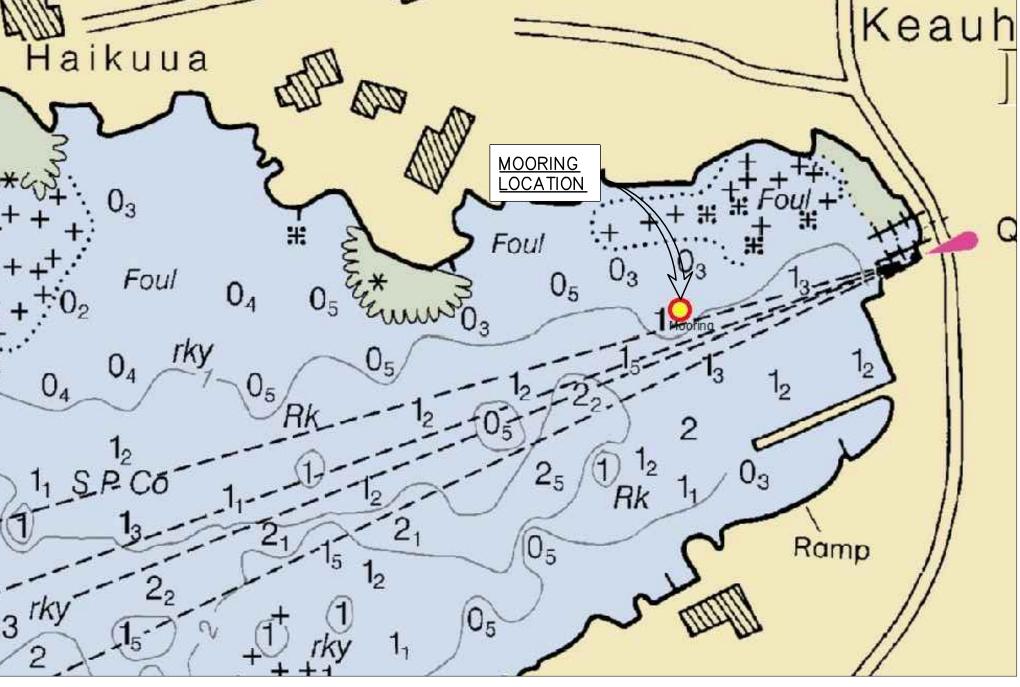
Department of Land and Natural Reso	urces
Division of Boating and Ocean Recrea	tion
PLAN REVIEW:	

 □ Approved ☐ Rejected

Approved, as noted Revise & Resubmit

Date: 7/31/19

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

# PHREE CREATIONS, LLC.

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



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

REVISION MARK • DATE • DESCRIPTION

EXISTING

OFFSHORE MOORING KEAUHOU BAY FOR:

LAWARENCE A. PEEBLES

78-149 HOLUA ROAD KAILUA KONA, HI 96740 PHONE: (808) 896-2363

GPS COORDINATES: 19°33'42.30"N 155°57'46.45"W

SHEET TITLE

**PROJECT** 

# TITLE SHEET

JOB NO. 2015-0007.118 DRAWING NO.

CHECKED JMM

DATE JULY 17, 2019

SHEET 1 OF 3

# INDEX TO DRAWINGS SHEET DRAWING NUMBER NUMBER DESCRIPTION TITLE, INDEX TO DRAWINGS, AND VICINITY MAP MOORING NOTES AND ELEVATION MOORING PLAN

# **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 HAWAII 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 REQUIRED BY THESE NOTES SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION.

### 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 KNOTS
- D. WAVES AND TIDAL VARIATIONS:1. PEAK WAVE HEIGHT: 6 FEET

## DESIGN VESSEL: "POPEYE"

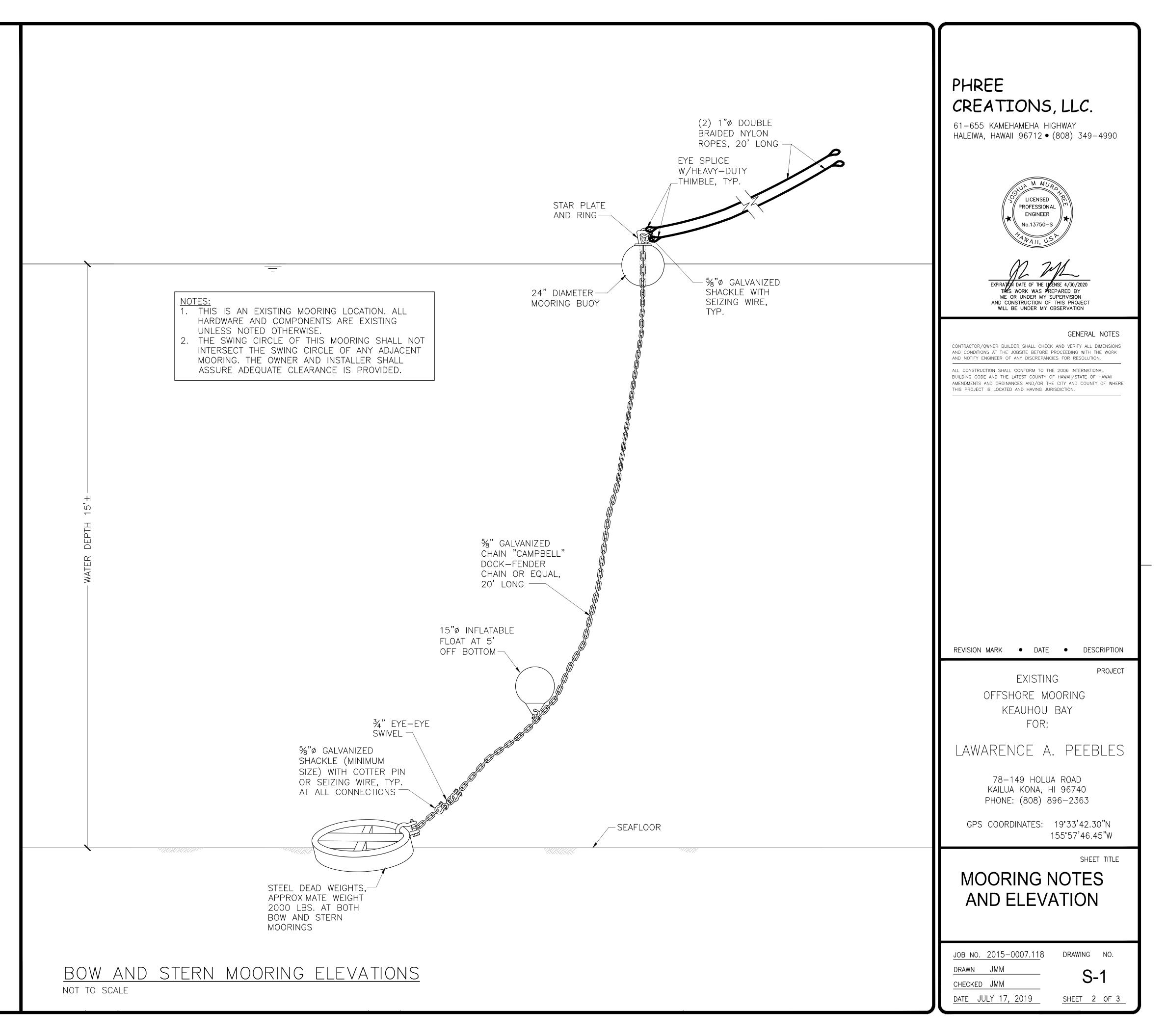
- 1. LOA: 25'-0"
- 2. BEAM: 8'-0"
- 3. DRAFT: 1'-6"
- 4. WEIGHT: 2 TONS
- \*MOORING IS DESIGNED FOR DESIGN VESSEL ONLY, ANY CHANGE IN MOORED VESSEL REQUIRES RE-ANALYSIS.

## CHAIN, HARDWARE, ROPE, AND MOORING COMPONENTS

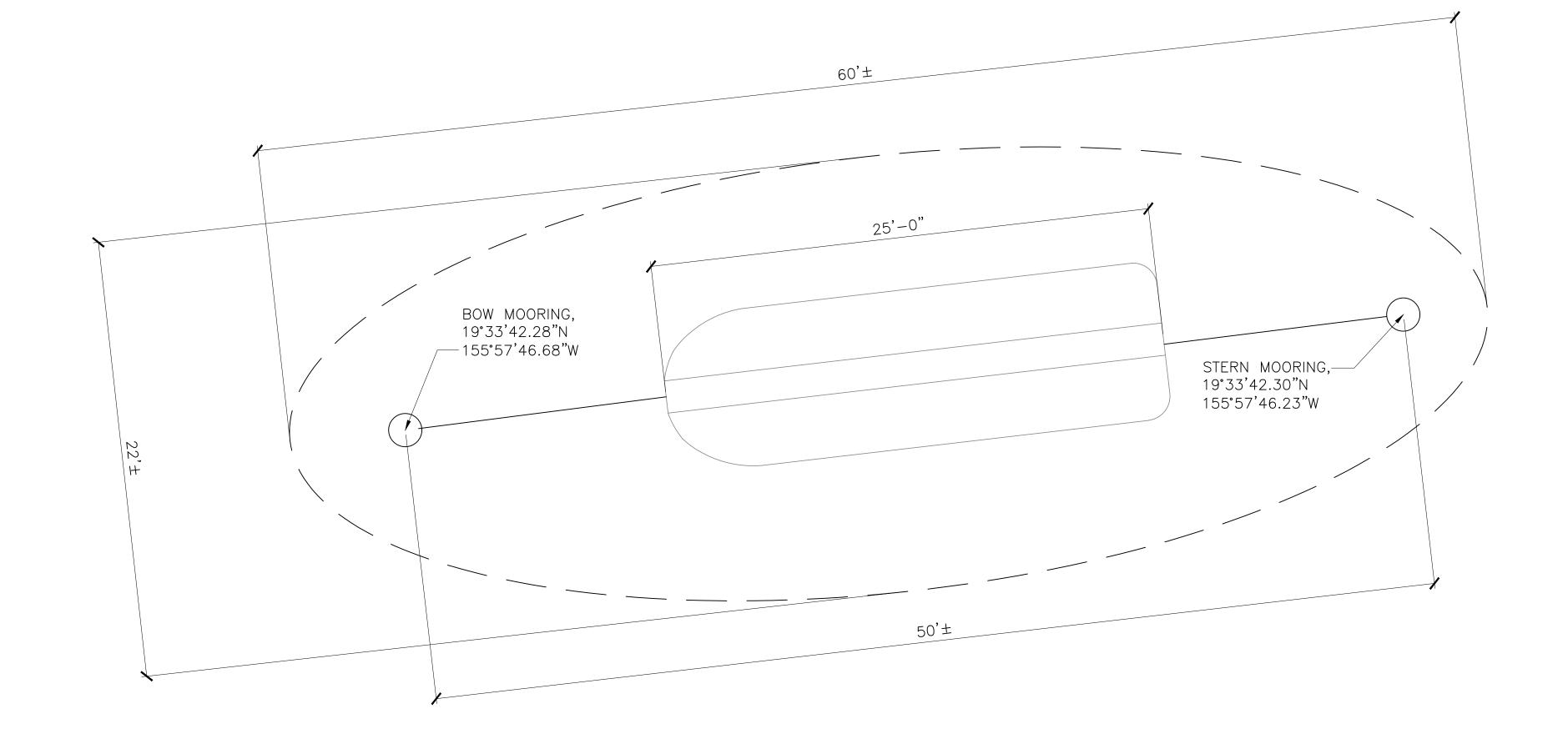
- A. ALL CHAIN AND HARDWARE SHALL BE HOT DIP GALVANIZED IN ACCORDANCE WITH ASTM A153.
- B. THIMBLES OR CHAFE GUARDS SHALL BE USED WITH ROPES AT ALL POINTS OF CONTACT.
- C. SUBMIT PRODUCT DATA OF ALL CHAINS, HARDWARE, ROPE, AND MOORING COMPONENTS TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.

## 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 GEAR ON ALL MOORING LINES.







# PHREE CREATIONS, LLC.

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



EXPIRATOR DATE OF THE LICENSE 4/30/2020
TIMS 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 HAWAII/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

OFFSHORE MOORING KEAUHOU BAY FOR:

LAWARENCE A. PEEBLES

78-149 HOLUA ROAD KAILUA KONA, HI 96740 PHONE: (808) 896-2363

GPS COORDINATES: 19°33'42.30"N 155°57'46.45"W

SHEET TITLE

PROJECT

**MOORING PLAN** 

JOB NO. 2015-0007.118

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SHEET 3 OF 3

DRAWING NO.

S-2

DATE JULY 17, 2019 SHE

MOORING PLAN
NOT TO SCALE