

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawai'i

March 11, 2022

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

Land Board Members:

**SUBJECT:** Request for Approval to Install an Offshore Mooring Outside of a Designated Offshore Mooring Area. Lehua Island Mooring, Niihau, Hawaii, Island of Kauai.

**SUMMARY:**

In accordance with HAR 13-235-9, the Department of Land and Natural Resources, Division of Forestry and Wildlife hereby requests approval to install an offshore mooring buoy off Lehua Island, Niihau, Hawaii, Island of Kauai outside of a designated offshore mooring area, with the concurrence of the Division of Boating and Outdoor Recreation, to assist with boat transportation to the island for the purposes of natural resource protection and management.

**BACKGROUND:**

The Division of Forestry and Wildlife manages Lehua Island as a State Seabird Sanctuary, per Title 13, Chapter 126. Transportation to and from the island for management purposes is by helicopter and boat. There is an existing unpermitted mooring at Lehua of unknown structural integrity. The Division of Forestry and Wildlife proposes to refurbish the existing mooring or install a new mooring, as needed, in cooperation with the Division of Boating and Ocean Recreation. Refurbishment of the existing mooring may entail installation of a new stainless-steel eyebolt anchor joined to the existing anchor by an 8-foot-long galvanized chain to enhance stabilization and safety. Mooring will be utilized for Lehua Island management, near-shore marine surveys, and various research purposes.

**PERMITTING AND DOBOR APPROVAL:**

A permit from the U.S. Army Corps of Engineers has been obtained, see attached permit verification letter POH-2021-00067. See Exhibit A. If this work is not completed by the termination of this permit, DOFAW will seek an extension or a new permit.

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. See Exhibit B.

**DESCRIPTION OF OFFSHORE MOORING:**

Typical mooring specifications include a stainless-steel eyebolt anchor embedded 12-inches into the substrate. A 30-foot nylon rope equipped with a 12-inch buoy is suspended 10-foot below the water surface. A buoy connects to a 15-foot-long nylon pendant for securing the vessel via a mooring line from the boat. Work on the existing buoy may include the installation of a new stainless-steel eyebolt anchor joined to the existing anchor by an 8-foot-long galvanized chain to enhance stabilization and safety.

**LOCATION OF OFFSHORE MOORING:**

22.014808, -160.099285° Lehua Island, Niihau, Kauai, Hawaii.

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act Department of Hawaiian Home Lands entitlement lands pursuant to the Hawaii State Constitution: (4) 3-8-005:002

YES \_\_\_\_\_ NO  X

**PURPOSE OF OFFSHORE MOORING:**

To secure a DLNR vessel near Lehua that will be utilized for various Departmental work.

**IMPACT ON COASTAL ECOSYSTEM AND MARINE HABITAT:**

The impact of the offshore mooring is negligible. The mooring site is not within the Special Management Area, a Shoreline Setback Area, or within a State Conservation District. The site does not provide habitat for any known endangered species, plants, birds, or mammals, nor does it border any Natural 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 the use of this mooring. The mooring is installed in an area approved for the installation of offshore moorings by the DLNR Division of Boating and Ocean Recreation.

**IMPACT ON HISTORIC PROPERTIES:**

There are no historic properties located in the vicinity of the proposed offshore mooring.

**IMPACT ON CULTURAL RESOURCES AND PRACTICES:**

The proposed offshore mooring will not adversely impact cultural resources or practices.

**CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:**

The proposed offshore mooring falls under the Department of Land and Natural Resources Exemption List, approved by the Environmental Council on June 5, 2015. In accordance with the requirements of Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200-1.8, Hawaii Administrative Rules (HAR), the subject project is exempt from the preparation of an environmental assessment pursuant to the following exemption class:

Class 6: Construction or placement of minor structures accessory to existing facilities.

Item 13: Placement of 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 lands and waters.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize the conversion of an existing unauthorized mooring to an official-use-only mooring that is built to standard codes and safety regulations.
2. Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200-1.8, Hawaii Administrative Rules (HAR), this project will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment and authorize the Chairperson to sign the exemption document.

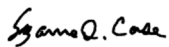
Respectfully submitted,



---

DAVID G. SMITH, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



---

SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources

EXHIBITS:

- A) U.S. Army Corps of Engineers permit verification letter POH-2021-00067
- B) DOBOR approved offshore mooring plan



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

June 30, 2021

SUBJECT: After-the-Fact Nationwide Permit Verification for DLNR, Lehua Island  
Mooring, Niihau, Kauai, Hawaii  
Department of the Army File No. POH-2021-00067

Ms. Sheri Mann  
DLNR/ Division of Forestry and Wildlife  
3060 Eiwa St., Room 306  
Lihue, Hawaii 96766

Dear Ms. Mann:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated March 29, 2021 requesting after-the-fact authorization of a mooring buoy for a single vessel used for recreation deployed in waters of the U.S. below the mean high water mark (MHW) at 22.014808, -160.099285° Lehua Island, Niihau, Kauai, Hawaii. Please reference Department of the Army (DA) file number POH-2021-00067 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 or affecting navigable waters of the U.S. This letter provides after-the-fact authorization of an existing mooring buoy for a single recreational vessel deployed in waters of the U.S. below the mean high water mark (MHW) for the following work as described below and as depicted on the enclosed drawings (Enclosure 1):

The following existing mooring anchoring system is installed on the northwest section of Lehua Island:

- Stainless steel eye bolt anchor embedded 12-inches into substrate
- 30-foot nylon rope equipped with a 12-inch buoy suspended 10-foot below water surface
- Buoy connects to a 15-foot long nylon pendant for vessel securement

Additional work to the existing buoy, includes the installation of a new stainless-steel eye bolt anchor joined to the existing anchor by an 8-foot long galvanized chain to enhance stabilization and safety.

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 authorization, please contact me at (808) 835-4107 or via e-mail at [Frank.J.Winter@usace.army.mil](mailto:Frank.J.Winter@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 <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink that reads "Frank Winter". The signature is written in a cursive, slightly stylized font.

Frank Winter  
Regulatory Specialist

Exhibit B: DOBOR approved offshore mooring plan (see attached)