

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

March 14, 2025

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

SUBJECT: Approve request by Moku O Hawaii Outrigger Canoe Racing Association to install and use canoe regatta moorings outside of a designated mooring area, within Kailua Bay, Kailua-Kona, Island of Hawaii.

APPLICANT:

Moku O Hawaii Outrigger Canoe Racing Association (the "Applicant")

LOCATION:

Kailua Bay, Kailua-Kona, Hawai'i

LEGAL AUTHORITY:

Hawaii Administrative Rule ("HAR") Section 13-235-9(d)

REMARKS:

The Applicant is requesting approval to install 25 new canoe racing flag moorings within Kailua Bay, offshore of Kailua-Kona on the Island of Hawai'i, outside of a designated mooring area, due to there being no designated mooring areas identified in administrative rules for the Island of Hawai'i. HAR Section 13-235-9(d) provides that the Board of Land and Natural Resources ("Board") may approve installation of moorings in a location outside of a designated mooring area. Use of the proposed racing flag moorings will also require the Applicant to obtain a Marine/Ocean Event or Miscellaneous Permit under HAR Section 13-231(a)(8). The Applicant's request is included in **Exhibit A**.

Pursuant to Section 10 of the Federal Rivers and Harbors act of 1899, the Division of Boating and Ocean Recreation ("DOBOR") requires that all offshore moorings installed within State jurisdiction are properly permitted by the U.S. Army Corps of Engineers ("USACE"). In addition, to ensure that the mooring system is structurally sound, DOBOR requires that all offshore mooring applicants submit an Offshore Mooring Installation Plan ("OMIP"), prepared by a licensed structural engineer, for DOBOR approval.

The Applicant has obtained a Nationwide Permit Verification Letter from USACE authorizing the installation and use of the existing mooring. The Applicant has also submitted the required OMIP, prepared by a licensed structural engineer, and DOBOR's Engineering Branch has approved this OMIP. The USACE Permit and approved OMIP are included in **Exhibit A**.

Pursuant to HAR Section 13-235-6, an application for mooring at a location which is found to be detrimental to the habitat or spawning ground of marine life by the National Marine Fisheries Service ("NMFS") or the Division of Aquatic Resources ("DAR") shall be denied. Through the USACE 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 proposed canoe racing flag moorings have no detrimental effect to the habitat or spawning ground of marine life.

HAWAII REVISED STATUTES ("HRS") CHAPTER 343 COMPLIANCE:

The proposed action and use of the offshore moorings is exempt from the preparation of an Environmental Assessment under HRS Chapter 343 and HAR Chapter 11-200.1 because it is de minimis and is included in the Exemption List for the Department of Land and Natural Resources, concurred on by the Environmental Council on March 3, 2020, Exemption Class 3, Part 1, Item 20:

*"Placement or construction of accessory structures such as office trailers, trash enclosures, bus shelters, picnic shelters, parking and fee collection facilities, dock boxes, mooring cleats, bumpers, and **mooring buoys**, blocks and piles, and other similar structures accessory to existing facilities." (Emphasis added)*

RECOMMENDATION:

That the Board approve the request made by Moku O Hawaii Outrigger Canoe Racing Association to install and use 25 new canoe racing flag moorings outside of a designated mooring area, within Kailua Bay, Kailua-Kona, Hawai'i.

Respectfully Submitted,



MEGHAN L. STATTS, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, 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 U.S. Army Corps of Engineers

February 14, 2025

Moku O Hawaii Outrigger Canoe Racing Association

76-6351 Kupuna Street
Kailua Kona, HI 96740

SUBJECT: Request for Approval of a New Offshore Mooring Outside of a Designated Offshore Mooring Area and Declare the Mooring Exempt from Requirement for Preparation of Environmental Assessment
Kailua Bay – Kailua Kona, Island of Hawaii

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

Submitted by:
Palani Greenwell

Request:
In accordance with HAR 13-235-9, the Moku O Hawaii Outrigger Canoe Racing Association (Moku) hereby requests approval from the Board of Land and Natural Resources (“Board”) to install a new offshore mooring within Kailua Bay outside of a designated offshore mooring area. In accordance with HRS Chapter 343 and HAR 200.1-8 Moku further requests that the Board declare installation and use of the mooring exempt from the requirement to prepare an environmental assessment due to the use of submerged state land.

Reason and Justification for Request

Installation of Offshore Mooring Outside of an Existing Offshore Mooring Area:

Approval of the proposed offshore moorings are hereby sought to establish fixed subsurface anchorage points in Kailua Bay for the purpose of securing surface flags and floats during Hawaiian outrigger canoe paddling events. The flags and floats demarcate a quarter-mile course within the bay during regatta events, which have been held in Kailua bay and across Hawaii in their current form since the 1920s. Historically, race flags have been secured in the bay using temporary anchorage systems which have led to coral damage and have often been lost during high surf events, further endangering coral and other reef species. The proposed permanent moorings would also make setting up and breaking down the race course flags and floats faster and safer as it would no longer require placement of temporary anchors along the bottom and the hazards to human health and safety associated therewith.

Environmental Assessment Exemption:

The proposed offshore mooring falls under the Department of Land and Natural Resources’ Exemption List, approved by the Environmental Council on November 10, 2020 under the following exemption:

General Exemption Type 3: Construction and location of single new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small, equipment and facilities and the alteration and modification of the equipment or facilities, including but not limited to: (A) Single family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four

Exhibit A

dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

Part 1, Item 20: Placement or construction of accessory structures such as office trailers, trash enclosures, bus shelters, picnic shelters, parking and fee collection facilities, checking stations, dock boxes, mooring cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities.

Permitting and DOBOR Approval:

A permit from the U.S. Army Corps of Engineers has been obtained, see attached permit verification letter POH-2024-00104.

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:

Seven (7) concrete block moorings, fifteen (15) sand screw anchor moorings, two (2) stainless steel eye bolt anchors.

Location of Offshore Mooring:

Kailua Bay, Island of Hawaii
19.634N, -155.997E

Purpose of Offshore Mooring:

Securing of temporary flags and floats in Kailua Bay during outrigger canoe paddling events.

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 or Shoreline Setback Area. 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.

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.



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

January 8, 2025

SUBJECT: Nationwide Permit Verification for Moku O Hawaii Outrigger Canoe Racing Association, Regatta Course Moorings, Pacific Ocean, Island of Hawaii, Hawaii Department of the Army File No. POH-2024-00104

Doug Bumatay
Moku O Hawaii Outrigger Canoe Racing Association
76-6351 Kupuna Street
Kailua Kona, HI 96740

Dear Mr. Bumatay:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has completed review of your Pre-Construction Notification dated May 19, 2024, requesting authorization for the proposed regatta course located outside of Kailua Bay, in the Pacific Ocean, off the coast of Kailua-Kona, Island of Hawaii, Hawaii (19.632536°, -155.997368°). Please reference Department of the Army (DA) file number POH-2024-00104 in any future correspondence related to this permit.

This letter verifies your activity complies with the terms and conditions of Nationwide Permits (NWP) #18, (Minor Discharges) and #11 (Temporary Recreational Structures) issued on February 25, 2022. 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 conduct the following activities below the Mean High Water Mark (MHW) as described below and as depicted on the enclosed drawings (Enclosure 1):

a) The proposed project will involve the installation of an outrigger canoe racecourse in the outer area of Kailua Bay, offshore from Kailua-Kona, Hawaii. The racecourse will consist of two linear transects held in place by concrete anchor blocks, sand screw anchors, and anchor bolts. The anchors will be installed in the sizes and dimensions specified in the drawings.

- The northern transect will start with a Type "B" Concrete Block at coordinates (19.637626°, -155.995829°) and extend southwest in a linear path with fifteen screw anchors. This transect will terminate at coordinates (19.637756°, -155.995606°), with no trunk lines connecting the anchors.

- The southern transect will begin with a Type "B" Concrete Block at (19.634376°, -155.994196°) and will include a combination of Type "B" and Type "A" Concrete Blocks at specified points along the transect. Two temporary trunk lines will be installed: one between S1 and S4, and another between S6 and S9.

The temporary trunk line will be a maximum of 1/2-inch-thick and will be connected to a 2-inch-thick stainless-steel pipe attached to the top of the concrete blocks. The height of the structures, including the concrete block and attachment pipe, will not exceed 15 feet above the ocean floor. The transect will terminate with a bolt anchor at coordinates (19.632536°, -155.997368°).

- Concrete blocks will be placed using a vessel with a crane, with divers assisting the vessel in positioning the blocks using lift bags. Sand-screw anchors will be installed using a hydraulic-powered underwater drill, and bolt anchors will be installed with a battery-powered hammer-drill. Installation of anchors is expected to take a maximum of eight working days.

b) Prior to each race, floats and flags will be attached to the anchors to delineate the regatta course at the surface. Flag lines will be attached to the trunk line where anchors cannot be placed using stainless-steel longline clips. Floats with flags attached will be connected to the flag lines. Flag lines, floats, and flags will be installed up to one day before each event and removed up to one day after each event. Trunk lines will be installed and removed within three days of events.

Based upon the information and plans you provided, we hereby verify that the work described under items "a" above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated March 4, 2024, complies with the terms and conditions of and is authorized by NWP #18, (Minor Discharges) issued on February 25, 2022. Additionally, the work described under item "b" above, which would be performed in accordance with the enclosed plan (sheets 1-4), dated March 4, 2024, complies with the terms and conditions of and is authorized by NWP #11 (Temporary Recreational Structures) issued on February 25, 2022. The full text of NWP #18, NWP #11, and their associated Regional and General Conditions, can be accessed at: <https://www.poh.usace.army.mil/Missions/Regulatory/Permits/Nationwide-Permits>. You must comply with all terms and conditions associated with NWP 11 and NWP 18, as well as with the special conditions listed below:

a) You must implement and abide by the applicable Pac-SLOPES BMPs (Enclosure 2) including completion of the monitoring form (Enclosure 3).

b) You must implement and abide by the applicable EFH Conservation Recommendations (Enclosure 4).

Verification of your project under these NWPs are valid until **March 15, 2026**, unless these NWPs are 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.

Your project complies with the requirements of the Clean Water Act, Section 401 Blanket Water Quality Certification (WQC) WQC1092 issued for this Nationwide Permit by the State of Hawaii Department of Health, Clean Water Branch. You are responsible for complying with the attached General Conditions of this WQC (Enclosure 5).

Your project complies with the requirements of the Coastal Zone Management Consistency Concurrence for this NWP issued by the State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning during the NWP reissuance process in 2021.

Finally, General Condition 30 requires a signed certification be submitted to this office upon completion of work. Therefore, please sign, date and return the enclosed *Compliance Certification* form (Enclosure 6) within 30 days of completion of work to the email address specified below or to the mailing address indicated on the letterhead above.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this authorization, please contact David Rojek at (808) 459-0179 or via e-mail at david.j.rojek@usace.army.mil and CEPOH-RO@usace.army.mil, referencing the project number POH-2024-00104 in the email subject. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <https://regulatory.ops.usace.army.mil/customer-service-survey>.

Sincerely,



Joshua Moffi
Project Manager, Regulatory Branch

Enclosures

1. Drawings
2. Pac-SLOPES BMPs

3. Pac-SLOPES Monitoring Form
4. EFH Conservation Recommendations
5. WQC 1092
6. Compliance Certification

Electronic cc:

State of Hawaii Department of Health, Clean Water Branch

Darryl C Lum darryl.lum@doh.hawaii.gov

CleanWaterBranch@doh.hawaii.gov

State of Hawaii Office of Planning, Coastal Zone Management Program

Debra.L.Mendes@hawaii.gov

Foresight Engineering & Design, LLC (Palani Greenwell) pgreenwell@foresight-hi.com

U.S. Coast Guard, SecHonoWaterWays@uscg.mil

USCG District 14 Waterways Management, d14-dg-pj-dpw@uscg.mil

USCG, all Sec. 10 in-water structures, d14-smb-sechono-marineeventpermits@uscg.mil

USCG, Robert.L.Davis1@uscg.mil

