

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 9, 2010

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

PSF No.: 10MD-083

MAUI

Cancellation of Governor’s Executive Order No. 2850;

Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Hana Boat Launching Ramp Site and Related Purposes;

Set Aside to the Department of Transportation, Harbors Division for Hana Wharf and Related Purposes; and

Authorize the Issuance of a Management and Construction Right-of-Entry to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation and the Department of Transportation, Harbors Division, Hana, Maui, Tax Map Keys: (2) 1-4-4:36 and seaward of the County Road and Parcel 1.

CONTROLLING AGENCY:

Department of Transportation

APPLICANT:

Department of Land and Natural Resources, Division of Boating and Ocean Recreation
Department of Transportation, Harbors Division

LEGAL REFERENCE:

Section 171-11 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of situated at Hana, Maui, identified by Tax Map Keys: (2) 1-4-4:36 and seaward of the County Road and Parcel 1, as shown on the attached map labeled Exhibit A.

AREA:

To be determined, subject to review and approval by the respective Departments and

DAGS, Survey Division.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO x

CURRENT USE STATUS:

Governor's Executive Order No. 2850 setting aside 6,029 square feet to the Department of Transportation for Hana Boat Launching Ramp Site purposes.

PURPOSE OF SET ASIDES:

Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Hana Boat Launching Ramp Site and Related Purposes

Department of Transportation, Harbors Division for Hana Wharf and Related Purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the Hana Ramp – Improvements to Rock Revetment and Boat Ramp Loading Dock project was published in the OEQC's Environmental Notice on June 8, 2008 with a finding of no significant impact (FONSI). (Refer to Exhibit D)

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

DLNR shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at its own cost.

BACKGROUND:

The Land Board at its meeting of January 11, 1974, under agenda Item H-7, approved the conservation district use application for Department of Transportation (DOT), Harbors for the proposed Hana boat launching ramp construction (MA-8/23/73-474).

The Land Board at its meeting of September 13, 1974, under agenda Item F-6, approved DOT's request for a right-of-entry to the premises to start construction of the boat launching ramp. Upon completion, DOT would request an Executive Order for the site and back-up area.

The Land Board at its meeting of August 13, 1976, under agenda Item F-16, approved to recommend to the Governor a set for the boat launching ramp site at Hana Bay.

Former Governor George Ariyoshi signed Executive Order No. 2850 on July 13, 1977.

Pursuant to Act 272, Session Laws of Hawaii 1991, the Legislature mandated the transfer of the boating and coastal area programs from the Department of Transportation to the Department of Land and Natural Resources. The transfer included personnel, records, equipment, appropriations, and other property. Hana Boat Ramp and Hana Wharf were identified. (Refer to Exhibit E)

Pursuant to Act 200, Session Laws of Hawaii 2008, the legislature expanded the authority of the Aloha Tower development corporation to assist in the development of the statewide harbors modernization plan; authorized the DOT to issue revenue bonds to finance the harbor improvements; transfers Hana harbor, excluding its small boat ramp facility, to DOT.

SECTION 7. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§266- Hana harbor; jurisdiction. Notwithstanding any law to the contrary, the department of transportation shall have jurisdiction and administrative authority over Hana harbor, excluding its small boat ramp facility. The Hana harbor small boat ramp facility shall remain under the jurisdiction and administrative authority of the department of land and natural resources."

As of today, the Division of Boating and Ocean Recreation (DOBOR) manages the Hana Boat Ramp. Due to its deteriorating condition, DOT has closed access to the Hana Wharf. DOT has contracted a local Engineering Company to evaluate alternatives for the future use of the Hana Wharf.

REMARKS:

The legislature finds that ensuring access by the sea to Hana, Maui, is vital to the community. During and following severe weather, Hana is occasionally severed from the rest of the

islands. During these times, the only road to Hana is impassable and airline service is suspended. Therefore, sea access becomes critical to deliver necessary emergency supplies and personnel, when alternative modes of transportation are unavailable.

The existing boat ramp provides an essential and vital link to the ocean for the Hana and surrounding North shore communities. It is located 59 miles from the Wailuku and the Kahului Boat Ramp. The boat ramp, which provides the community with recreational boating, commercial and subsistence fishing opportunities is badly deteriorated and inadequate. The adjacent rock revetment has been damaged and undermined by previous storms; the concrete launch ramp panels do not provide adequate traction for vehicles using the ramp making launching and retrieving boats unsafe and difficult; there is no accessible loading dock adjacent to the boat ramp for boats to tie-up and load and/or unload passengers and equipment.

Job No. B43XM71A, Hana Ramp Improvements to Rock Revetment and Boat Ramp Approach, Maui, Hawaii (Project) was initiated to mitigate the deficiencies and enhance public safety for users of the facility. The scope of work of the Project generally consisted of improvements to the revetment, new tremie walls, a new loading dock, repairs to the boat ramp, and components to satisfy ADA requirements.

DLNR's sources of funding for the planning, design and construction of this Project are from: Act 41, SLH 2004, Item H-6.03; Act 160, SLH 2006, Item H-14.04; Act 213, SLH 2007, Item H-20; and Act 158, SLH 2008, Item-D-5.

To satisfy Chapter 343, Hawaii Revised Statutes, a Final Environmental Assessment and Finding of No Significant Impact was completed for the Project in May 2008.

Bids for the Project were opened on June 24, 2008. Two bids were received with Abve & Svoboda submitting the apparent low bid.

The apparent low bid exceeded DLNR's available construction funds for this Project and negotiations were initiated between DLNR and DOT to seek additional funding. DLNR has secured \$3,906,000 in construction funds for this Project. This amount is not sufficient to complete the Project. Thus, the Project had to be split into Phase I and Phase II.

DOT has agreed in concept to provide additional funding to DLNR by December 31, 2010 in the amount of approximately \$2,360,476 for Phase II. This figure is subject to change when actual costs are received from the contractor hired by DLNR.

DLNR and DOT have agreed in concept to fund the various improvements of the Project as noted for Phase I and Phase II, respectively on Exhibit B.

DLNR has agreed in concept to take ownership of its areas and assume maintenance responsibilities.

DOT has agreed in concept to take ownership, and assume maintenance responsibility associated with the New Type III Tremie Seawall and New Rock Revetment upon completion of the Project. Exhibit C identifies locations of the New Type III Tremie Seawall, New Rock Revetment, and the Hana Wharf. The DOT area shall include 10 feet beyond these areas for maintenance purposes. The new set aside to DOT will cover these areas found on Exhibit C.

Comments were solicited from:

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|------------------------------|--|
| DHHL | No comments |
| County of Maui, Planning | No objections |
| County of Maui, Public Works | Road fronting Helene Hall and the park under the jurisdiction of the County Parks & Recreation. No objections. |
| DOT, Harbors | No objections |
| OHA | No response |
| OCCL | No objections |

Staff is requesting the Board authorize the Chairperson to negotiate and enter into a memorandum of understanding with the Department of Transportation, Harbors Division on behalf of DLNR. This document will identify the necessary funding for the project, designate responsibilities and provide for the continued management of the area by both agencies.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 2850 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - E. Approve of and recommend to the Governor issuance of an executive

order

2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Land and Natural Resources, Division of Boating and Ocean Recreation and the Department of Transportation, Harbors Division under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of management and construction right-of-entry permits to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation and the Department of Transportation, Harbors Division covering the subject area, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the Chairperson to negotiate and enter into a memorandum of understanding on behalf of the Department with the Department of Transportation, Harbors Division addressing responsibilities and concerns between the two parties.

Respectfully Submitted,

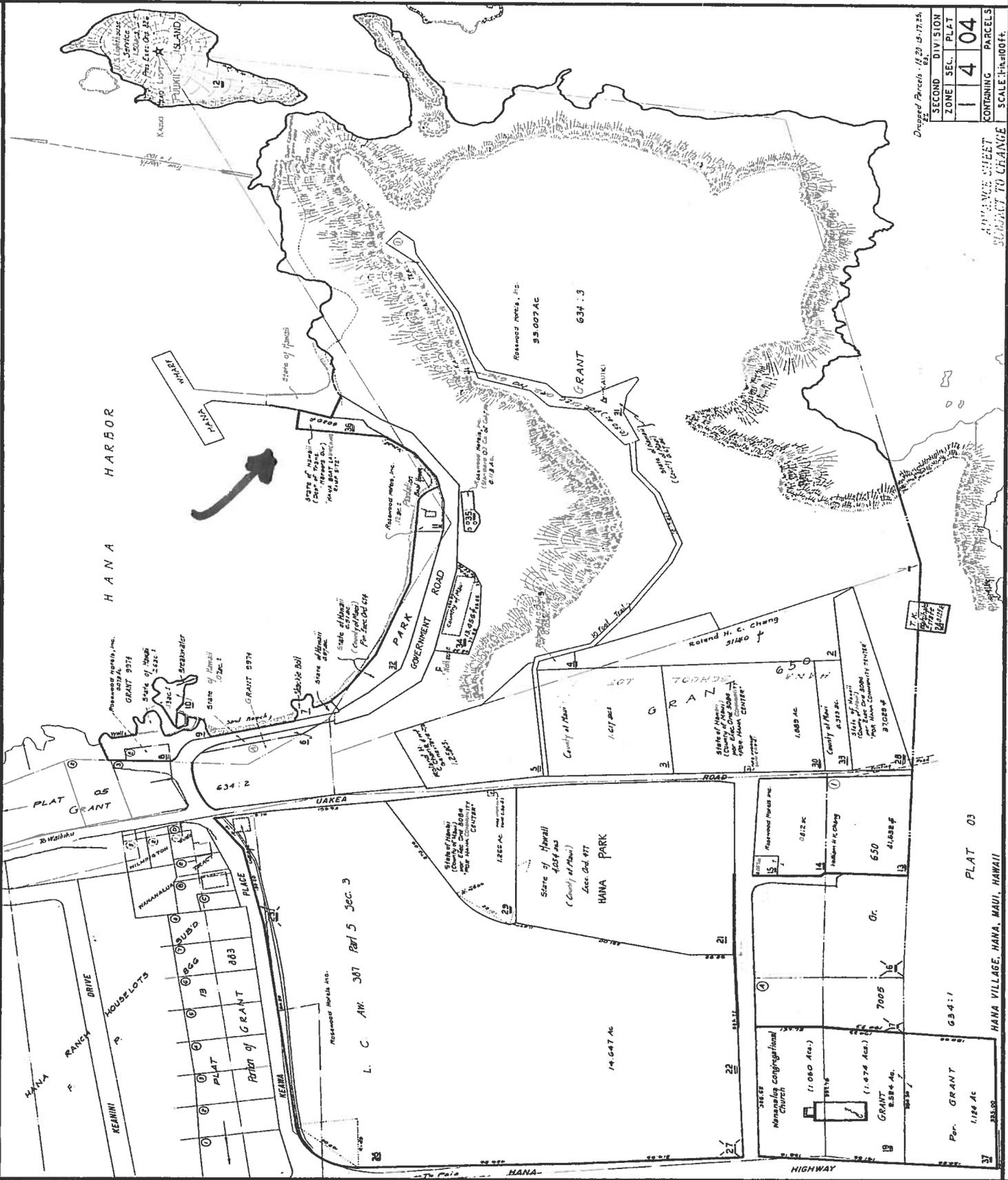


Charlene Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to be 'LH Thielen', written over a horizontal line.

Laura H. Thielen, Chairperson



Dropped Parcels - 1/22, 15-17, 25, 26

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|-----------------|------|
| SECOND DIVISION | 1404 |
| ZONE | 1404 |
| SECTION | 1404 |
| PLAT | 03 |

ADVANCE SHEET
CONTACT TO GRANGE
SCALE 1"=100 FT.

PRINTED

1. 1/2" = 100 FT.
 2. 1/4" = 100 FT.
 3. 1/8" = 100 FT.
 4. 1/16" = 100 FT.
 5. 1/32" = 100 FT.
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 227. 1/215679577338487263175962364719774222208" = 100 FT.
 228. 1/4313591546769745263519247294395484444416" = 100 FT.
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 241. 1/353369419511377531987095330361740088832" = 100 FT.
 242. 1/7067388390227550639741906607234801777664" = 100 FT.
 243. 1/14134776780455101279483813214469603555328" = 100 FT.

Job No. B43XM71A, Hana Boat Ramp Improvements to Rock Revetment and Boat Ramp Approach Phasing Breakdown

Phase One Construction Cost

| Description | DLNR Share* |
|---|---------------------|
| Mobilization & Demobilization | \$ 376,000 |
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| Type I Tremie Wall | \$ 138,343 |
| Rock Masonry | \$ 502,755 |
| Accessible ramp and stairs | \$ 382,796 |
| Miscellaneous: pollution, erosion, dust & turbidity control; monitor/test/dewater pit | \$ 442,961 |
| New Loading Dock | \$ 440,000 |
| Project Sign | \$ 1,000 |
| Repair/reconstruct Boat Ramp | \$ 409,000 |
| Subtotal | \$ 3,424,896 |
| Contingency (10 %) | \$ 342,490 |
| AE Construction Management and Survey/Subdivision | \$ 138,614 |
| Total | \$ 3,906,000 |

Phase Two Construction Estimate with 10% escalation

| Description | DOT Share** |
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| Mobilization & Demobilization | \$ 315,700 |
| Rock Revetment | \$ 316,928 |
| Type III Tremie Wall | \$ 1,141,807 |
| Repair & Repave Parking Area | 286,000.00 |
| Probe Holes | 28,600.00 |
| Grouting Probe Holes | 26,125.00 |
| Subtotal | \$ 2,115,160 |
| Contingency (10%) | \$ 211,516 |
| AE Construction Management and Survey/Subdivision | \$ 33,800 |
| Total | \$ 2,360,476 |

*Actual negotiated costs

** Cost estimate, actual costs pending

Maui Notices

June 8, 2008

(7) Maui Economic Opportunity Inc (MEO) Transportation Center (HRS 343-5(c) DEA)

District: Kahului
TMK: (2) 3-8-06:04 por
Applicant: Maui Economic Opportunity, Inc. (MEO), P.O. Box 2122, Kahului, HI 96733. Contact: Sandy Baz (808) 249-2990

Approving Agency: Maui County Planning Department, 250 South High Street #200, Wailuku, HI 96793. Contact: Ann Cua (808) 270-7521

Consultant: Chris Hart and Partners, Inc., 115 N. Market Street, Wailuku, HI 96793. Contact: Brett Davis (808) 242-1955

Status: Draft Environmental Assessment (DEA) notice pending 30-day public comment. Address comments to the Applicant, with copies to the Approving Agency, Consultant, and OEQC.

Permits: State Land Use District Boundary Amendment, Change In Zoning, Community Plan Amendment, Building, Driveway, Public Water System Approval from the State Department of Health, Safe Drinking Water Branch, NPDES, Community Noise (as applicable), Grubbing and Grading from the Maui County Department of Public Works (DPW)

Maui Economic Opportunity, Inc. is proposing a new transportation center on a 10-acre site near the A&B Sugar Museum at Pu'u Nēnē, Maui. MEO Transportation services the elderly, low-income, persons with disabilities and medical needs, preschoolers and youth.

The project will be constructed in three phases: Phase 1 (Administrative Office Building; Maintenance Building; bus washing and fueling stations; emergency back-up generator; and vehicle storage and parking areas); Phase 2 (Transfer Station); and Phase 3 (Administrative Office Building). Access to the facility will be from Hansen Road. The site is in close proximity to urban services, public infrastructure, and major highways servicing the island.

The site was part of the former Pu'u Nēnē plantation village and in residential housing until the late 1970's. The site is adjacent to land zoned for light industrial development (Maui Business Park Phase 2). The proposed action will involve a Community Plan Amendment from "Agricultural and Heavy Industrial" to "Light Industrial", a State Land Use District Boundary Amendment from "Agricultural" to "Urban", and a change in zoning from "Agricultural" to "M-1 Light Industrial". Existing MEO Transportation facilities in Kahului are cramped and inadequate. The new MEO Transportation Center will allow for expanded services to meet growing community needs.



(8) Hāna Wharf Improvements (HRS 343-5(b) FEA-FONSI)

District: Hāna
TMK: (2) 1-4-004:036
Proposing Agency: Dept of Land and Natural Resources, Division of Boating and Ocean Recreation, 333 Queen Street, Suite 300, Honolulu, HI 96813. Contact: Kevin Ho (808) 587-1966

Determination Agency: Board of Land and Natural Resources, P.O. Box 621, Honolulu, HI 96809. Contact: Edward R. Underwood (808) 587-1966

Consultant: Sea Engineering, Inc., Makai Research Pier, Waimanalo, HI 96795. Contact: James H. Barry (808) 259-7966 ext. 24

Status: Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI)

Permits: USACE Sec. 10, Sec. 404; CDUP, Shoreline Certification, Sec. 401; SMA, Shoreline Setback Variance

Hāna boat launch ramp is located in the lee of a short breakwater at Hāna Wharf. The breakwater is a large masonry and rubble mound structure that forms a narrow salient on the southeast end of Hāna Bay. The salient provides protection from prevailing trade wind waves for the Hāna boat launch ramp and existing loading dock. This project is to repair and improve the existing boat ramp facility.

Anticipated improvements will consist of: repair of the existing breakwater; addition of a new loading dock that is compatible with the Americans with Disability Act; renovation of the concrete launch ramp; establishment of a boat wash-down area; miscellaneous minor improvements including: renovation of the existing loading dock, new security fencing and lighting, and reconstruction of asphalt concrete pavement.

(9) Proposed Kīhei Residential (HRS 343-5(c) FEIS)

District: Wailuku
TMK: (2) 3-8-04:02 por., 22 por., and 30 por.
Applicant: A&B Properties, Inc., 822 Bishop Street, Honolulu, HI 96813. Contact: Dan Yasui (808) 525-8449

Accepting Authority: State Land Use Commission, PO Box 2359, Honolulu, HI 96804. Contact: Dan Davidson (808) 587-3822

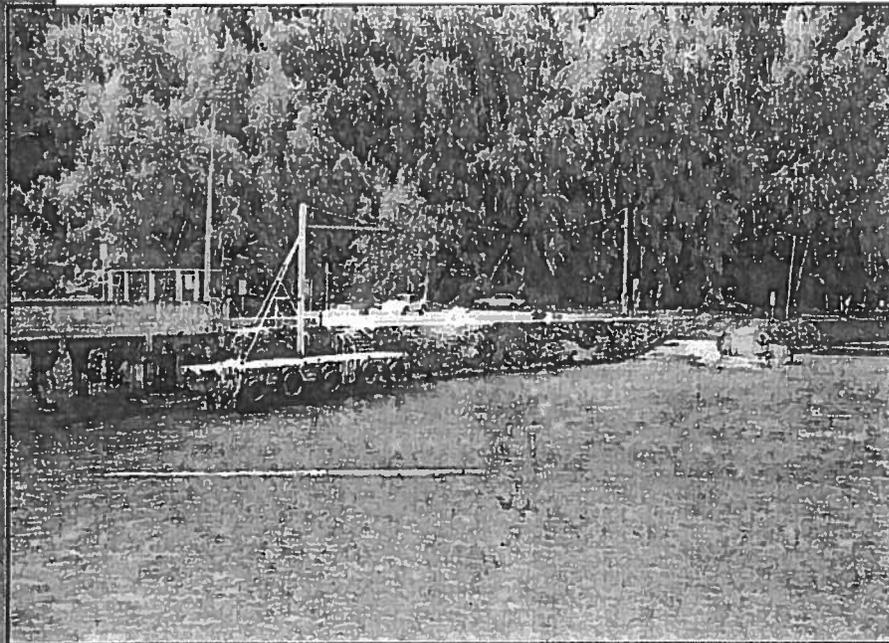
Consultant: Munekiyo & Hiraga, Inc., 305 High Street, Suite 104, Wailuku, HI 96793. Contact: Kyle Ginoza (808) 244-2015

Status: Final environmental impact statement (FEIS) filed and being processed for a determination of

**HANA RAMP – IMPROVEMENTS TO
ROCK REVETMENT AND BOAT RAMP
LOADING DOCK, MAUI**

**FINAL ENVIRONMENTAL ASSESSMENT and
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

May 2008



Prepared for:

**State of Hawaii, Department of Land and Natural Resources:
Division of Boating and Ocean Recreation**

Prepared by:

Sea Engineering, Inc.

&

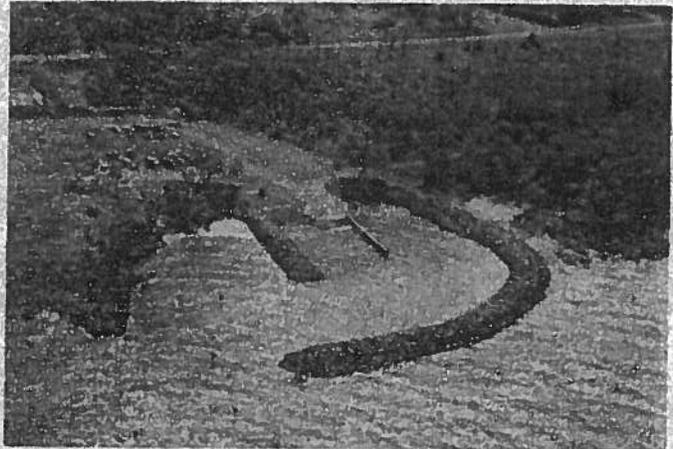
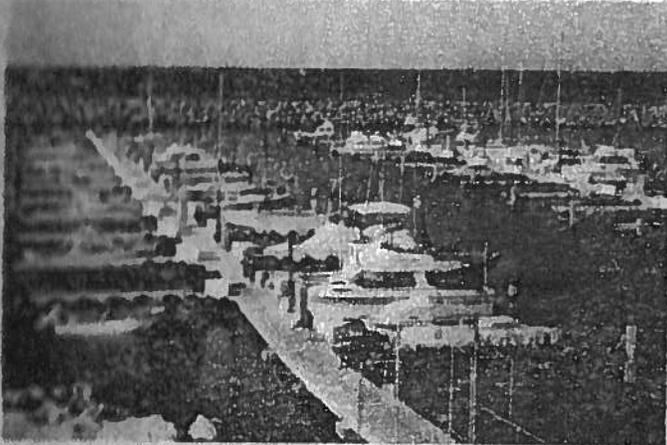
Shigemura, Lau, Sakanashi, Higuchi and Associates, Inc.



SEI Job No: 6-30

FINAL

**Documentation of Facilities
for the Boating Program Transfer
to the Department of Land and Natural Resources**



RMTC

R.M. Towill Corporation
420 Waiakamilo Road Suite 411
Honolulu, HI 96817-4941
(808) 842-1133 Fax 842-1937

January 1993

State of Hawaii
Department of Transportation
Harbors Division

EXHIBIT "E"

| | |
|---------------------|---|
| Number | 19 |
| Name | Hana Boat Ramp |
| Island | Maui |
| TMK | 1-4-04:36 |
| Location | Hana Bay is located at the easterly end of Maui, between Kauiki Head and Nanualele Point. It is 59 miles from Wailuku. Ramp located at foot of Hana Wharf |
| Description | The bay is 0.4 miles in diameter, and open to the east. |
| Authorization | |
| Construction | |
| Phases & Costs | 1975, Boat launching ramp, \$91,750, #4007 1989, Construction of loading dock, \$155,586, #4120 |
| Why Built | Boat launching |
| Current Use | Launching of commercial and recreational boats |
| Jurisdiction | Hawaii State Department of Transportation, Harbors Division - Boating Branch |
| Acreage | 0.138 |
| Recreational Berths | 0 |
| Moorings | 10 |
| Ramps | 1 |
| Piers | 0 |
| Buildings | |
| Utilities | |
| Parking Stalls | Undesignated; 10 cars and trailers. |
| EO#, Statute, ROE | EO# 2850, 7/13/77 |
| Commercial Permits | |
| Leases | |
| Surrounding Uses | |
| Future Plans | |

| | |
|---------------------|--|
| Number | 20 |
| Name | Hana Wharf |
| Island | Maui |
| TMK | 1-4-04:1 (por.) |
| Location | Hana Bay is located at the easterly end of Maui, between Kauiki Head and Nanualele Point. It is 59 miles from Wailuku. |
| Description | The bay is 0.4 miles in diameter, and open to the east. The wharf is located in the southeasterly portion of the bay. The Wharf is used for loading and unloading of fish & supplies |
| Authorization | |
| Construction | Prior to 1881 |
| Phases & Costs | |
| Why Built | Freight landing |
| Current Use | Temporary mooring of recreational and commercial fishing boats |
| Jurisdiction | State of Hawaii Department of Transportation, Harbors Division - Boating Branch. (reference from 1938) |
| Acreage | Unspecified |
| Recreational Berths | 0 |
| Moorings | 0 |
| Ramps | 0 |
| Piers | 1 |
| Buildings | |
| Utilities | |
| Parking Stalls | |
| EO#, Statute, ROE | |
| Commercial Permits | |
| Leases | |
| Surrounding Uses | |
| Future Plans | |

EXHIBIT "F"

Draft

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
BETWEEN
DEPARTMENT OF LAND AND NATURAL RESOURCES
AND
DEPARTMENT OF TRANSPORTATION

This Memorandum Of Understanding (“MOU”) is made and entered into on this _____ day of _____, 20____, by and between the Department of Land and Natural Resources, hereinafter referred to as “DLNR”, and the Department of Transportation, hereinafter referred to as “DOT”, to address certain funding and management responsibilities relative to the Hana Boat Launching Ramp and Hana Wharf located at Hana, Maui, identified as tax map key: (2) 1-4-04:seaward of the County Road and Parcel 1 ("premises").

WITNESSETH:

RECITALS

1. At its meeting, dated xxxxxxxxxxxxxxxx (Item D-xx), the Board of Land and Natural Resources authorized and recommended to the Governor the cancellation of Executive Order No. 2850 to DOT, a set aside to DLNR, Division of Boating and Ocean Recreation for the Hana Boat Launching Ramp and a set aside to DOT, Harbors Division for the Hana Wharf.
2. The Department of Land and Natural Resources (DLNR) and the Department of Transportation, Harbors Division (DOT) wish to jointly pursue improvements at the Hana Boat Ramp Facility and Hana Wharf (Facility) on the island of Maui. The proposed improvements at the Facility will enhance public safety for current users of the boat ramp and future users of the wharf.
3. The Board conditioned its approval on the execution of a Memorandum of Understanding between the DLNR and DOT addressing funding and management responsibilities of both parties.

NOW THEREFORE, in order to address these funding and management responsibilities, the parties hereto agree to the following:

AGREEMENT:

A. The DLNR shall:

1. Secure funding and implement project planning and design of Job No. B43XM71A, Hana Ramp Improvements to Rock Revetment and Boat Ramp

Approach, Maui Hawaii (Project). This work shall include necessary coordination, development and directing the services of a consultant.

2. Secure \$3,906,000 for the construction of the project. These funds will be used toward improvements identified under Phase One Construction on Exhibit B.
3. Implementing the Project, which includes necessary coordination, contract execution, insurance, inspection and management to ensure successful completion, subject to availability of funds.
4. Provide survey maps and descriptions for both set-asides in accordance with DAGS standards at DLNR's cost.
5. Except for the area noted in B.2, DLNR takes ownership and assumes maintenance responsibilities for the remaining Project area.
6. Handicap accessible parking improvements included as part of the Project will require relocation by DLNR when DOT determines that future access to Hana Wharf is necessary.
7. DLNR to provide DOT with project quarterly status reports, accounting and financial reports on the use of DOT's funds for the Project.
8. DLNR is responsible for the Project's compliance with Chapter 343, HRS, as amended.

B. The DOT hereby agrees to:

1. Secure and delegate funds to DLNR of approximately \$xxxxxxx, subject to DOT's issuance of Harbors System Revenue Bonds, by December 31, 2010 to be expended by DLNR toward the construction of the Project area inclusive of the DOT portion. These funds will be used toward the construction of the New Type III Tremie Seawall, New Rock Revetment and other work as described under Phase Two Construction on Exhibit B.
2. Take ownership and assume maintenance responsibility associated with New Type III Tremie Seawall and New Rock Revetment after project is completed. Exhibit C identifies location of the New Type III Tremie Seawall, New Rock Revetment, and the Hana Wharf.

This Agreement shall terminate upon either the mutual agreement between the parties heretofore, or by the issuance of the new Executive Orders, referenced above which prompted the execution of this agreement.

Approved by the Board of Land and
Natural Resources at its meeting

STATE OF HAWAII
BOARD OF LAND AND
NATURAL RESOURCES

Its Chairperson
Board of Land and Natural
Resources

STATE OF HAWAII
DEPARTMENT OF
TRANSPORTATION

Its Director

APPROVED AS TO FORM:

Deputy Attorney General

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Dated: _____

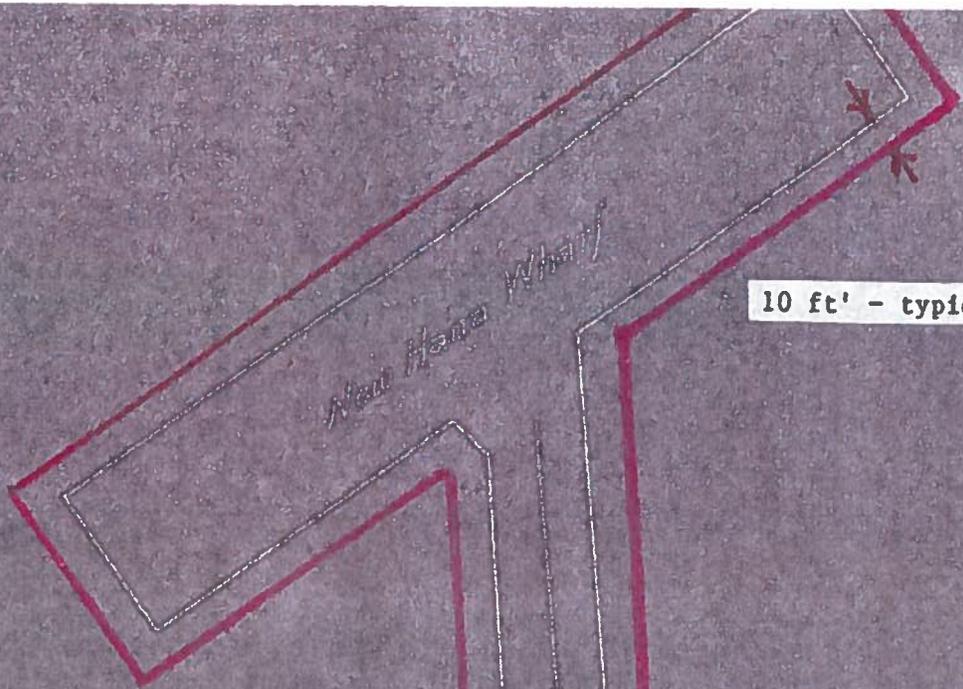
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** Cost estimate, actual costs pending



10 ft' - typical

Type III Tremie Wall

Rock Revetment
w/ 10 Feet Buffer



GRANT 634, No. 3 to G.P. Judd

EXHIBIT "L"