

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

October 14, 2010

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

PSF Nos.: 100D-147
100D-148
OAHU

Withdrawal from Governor's Executive Order No. 3765, Cancel Governor's Executive Order No. 3357 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Kahana Bay Boat Ramp and Maunalua Bay Boat Ramp Purposes, Kahana, Koolauloa, Oahu, TMK: (1) 5-2-05: Por. 3, and Maunalua, Honolulu, Oahu, TMK: (1) 3-9-07: 34.

CONTROLLING AGENCY (of subject executive order):

Governor's Executive Order (GEO) No. 3765 is under the jurisdictional control and management of the Department of Land and Natural Resources (DLNR), Division of State Parks.

GEO No. 3357 was issued to the Department of Transportation (DOT), however, pursuant to Act 272, SLH 1991, jurisdictional control and management of the GEO No. 3357 premises was transferred to DLNR, Division of Boating and Ocean Recreation.

APPLICANT (requesting set aside):

The Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR).

LEGAL REFERENCE:

Act 272, SLH 1991 and Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Kahana Bay Boat Ramp: Portion of Government lands and submerged lands of Koolauloa situated at Kahana, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-2-05: Por. 3, as shown on the attached map labeled Exhibit A.

Maunalua Bay Boat Ramp: Portion of the Government filled lands and submerged lands of Maunalua, Honolulu, Oahu, identified by Tax Map Key: (1) 3-9-07: 34, as shown on the attached map labeled Exhibit B.

AREA:

Kahana Bay Boat Ramp: 0.934 acres, more or less.

Maunalua Bay Boat Ramp: 7.057 acres, more or less.

ZONING:

State Land Use District: Urban and Conservation
City and County of Honolulu CZO: Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the State Constitution: NO

CURRENT USE STATUS:

Kahana Bay Boat Ramp: GEO No. 3765 set aside 8.364 acres to DLNR, Division of State Parks. DOT originally operated and maintained the ramp. The ramp, however, was never formally set aside to DOT. The ramp is used for launching small recreational boats.

Maunalua Bay Boat Ramp: GEO No. 3357 set aside 7.057 acres to DOT for Maunalua Bay Boat Ramp purposes.

PURPOSE OF SET ASIDE:

Boat ramp purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Sections 11-200-89(a) (1)(4), and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the proposed action is exempt from the preparation of an environmental assessment, pursuant to Exemption Class No. 1, that states "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and Exemption Class No. 4, which exempts "Minor alterations in the condition of land, water, or vegetation."

The proposed action is an existing authorized use of State land, structures, and facilities that will continue without interruption or change in use (see Exhibit C).

Inasmuch as the Chapter 343 environmental requirements apply to the Applicant's future use of the land, this Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant, if necessary, shall provide survey maps and descriptions according to State DAGS standards and at applicant's own cost.

REMARKS:

Both the Kahana Bay Boat Ramp and Maunalua Bay Boat Ramp are among the fifty-four (54) small boat harbors, launching ramps, jetties, wharves, and landings in the State transferred from DOT to DOBOR by Act 272, SLH 1991.

To date, sixteen of those facilities have been either set aside or approved by the Board for set aside to DOBOR.

The Kahana Bay Boat Ramp is located on Oahu's east coast within the Kahana Bay Beach State Park. It is about eight (8) miles northeast of Kaneohe. Its eighteen (18) foot wide ramp was constructed in 1962 for the purpose of launching small recreational and fishing boats. Parking is available for twenty-one (21) cars.

The Kahana Bay Boat Ramp is encumbered by GEO No. 3765, issued to DLNR, Division of State Parks for park purposes. Completed in 1962, DOT maintained the ramp until the passage of Act 272, SLH 1991, transferred that responsibility to DLNR-DOBOR.

The Maunalua Bay Boat Ramp is located on Oahu's south coast near the Hawaii Kai Marina. It is presently a two (2) lane ramp separated by a three (3) foot wide loading dock. There is paved and unpaved parking for up to one hundred (100) cars with trailers. The first ramp was built in 1962, a second ramp was added in 1977.

GEO No. 3357, dated January 22, 1987, set aside the Maunalua Bay Boat Ramp to DOT.

The withdrawal of the Kahana Bay Boat Ramp site from the operation of GEO No. 3765 and the cancellation of GEO No. 3357 and their reset aside to the Department's Division of Boating and Ocean Recreation will bring both facilities' documentation status current.

Except for the Office of Hawaiian Affairs no other agencies were solicited for comments as this action was legislatively mandated. The Office of Hawaiian Affairs had no comments.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing the Kahana Bay Boat Ramp site from Governor's Executive Order No. 3765, 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 withdrawal.
 - C. Review and approval by the Department of the Attorney General.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 3357, 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 cancellation.
 - C. Review and approval by the Department of the Attorney General.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Approve of and recommend to the Governor the issuance of an executive order resetting aside the subject lands to DOBOR 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 resetting aside.
 - C. Review and approval by the Department of the Attorney General.

BLNR- Withdraw from GEO 3765,
Cancel GEO No. 3357 and Reset
Aside to DOBOR

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- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

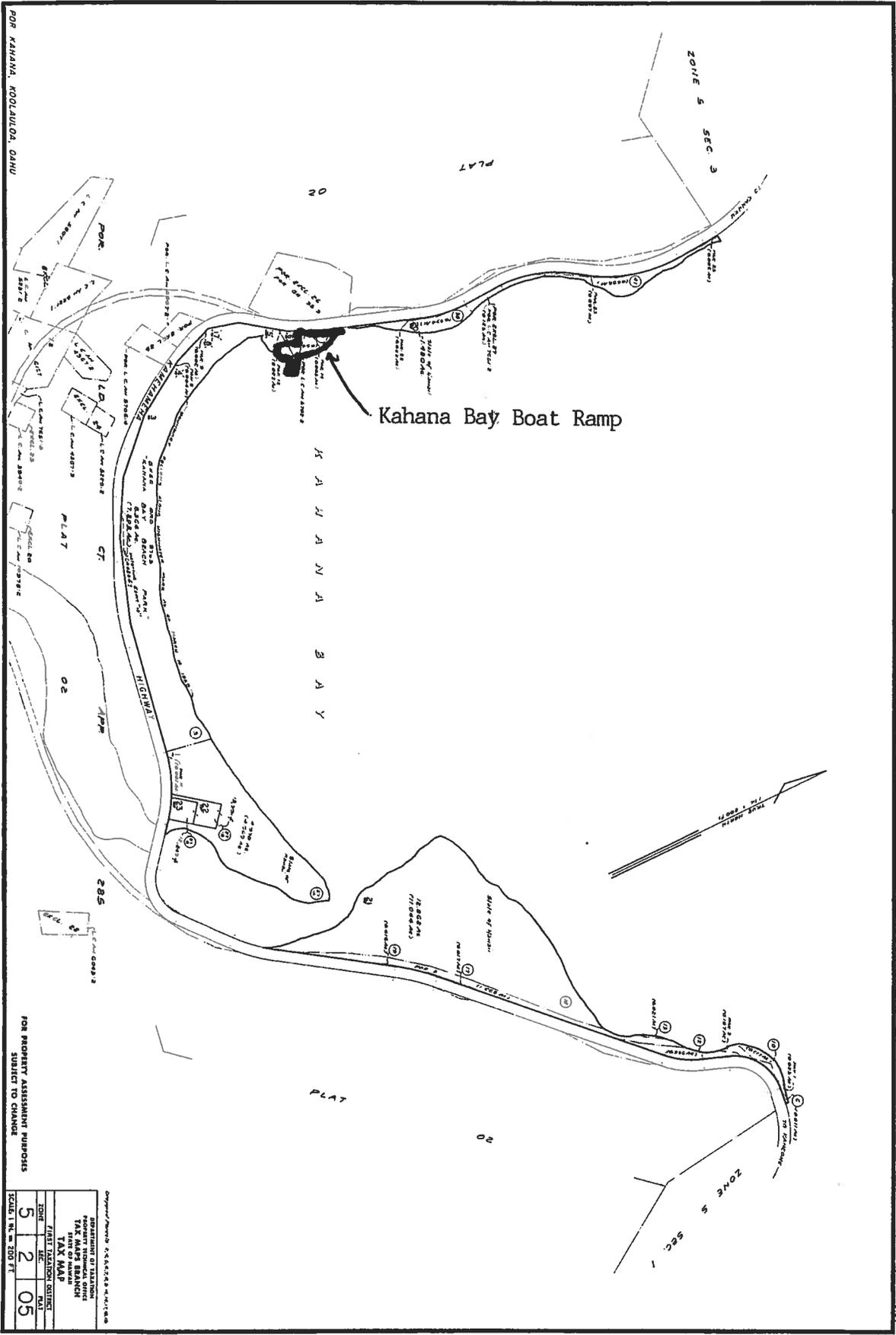


Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



FOR PROPERTY ASSIGNMENT PURPOSES
 SUBJECT TO CHANGE

Department of Public Works PROPERTY INFORMATION UNIT TAX MAPS BRANCH TAX MAP			
ZONE	SEC	PLAT	DATE
5	2	05	
(SCALE: 1 IN. = 200 FT)			



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 14, 2010

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title: Withdrawal from Governor's Executive No. 3765, Cancel Governor's Executive Order No. 3357 and Reset Aside to DLNR, Division of Boating and Ocean Recreation for Kahana Bay Boat Ramp and Maunalua Bay Boat Ramp Purposes, Kahana, Koolauloa, Oahu, TMK: (1) 5-2-05: Por. 3, and Maunalua, Honolulu, Oahu, TMK: (1) 3-9-07: 34.

Project/Reference No.: 10OD-147 and 148

Project Location: Kahana, Koolauloa, Oahu (Kahana Bay Boat Ramp)
Maunalua, Honolulu, Oahu (Maunalua Bay Boat Ramp)

Project Description: Withdrawal from an executive order, cancel an executive and issuance of an executive order resetting aside the land.

Exemption Class No.: In accordance with Hawaii Administrative Rules, Section 11-200-8(A), the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and No. 4, that states, "Minor alterations in the condition of land, water or vegetation."

Consulted Parties: Division of Boating and Ocean Recreation

The proposed exemption applies as this action is simply a transfer of management jurisdiction to the Division of Boating and Ocean Recreation. The current use of the land is authorized and no changes are expected as a result of this set aside. The set aside is not part of a multi phase project and no significant cumulative impacts are expected.

Recommendation: That the Board find that this project will probably have minimal or no significant effect on the environment and, therefore, is exempt from the preparation of an environmental assessment.

Laura H. Thielen, Chairperson

Date