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

December 9, 2010

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

PSF No.: 10OD-113

OAHU

Cancel Governor's Executive Order (GEO) Nos. 1330, 1786, and 1795, and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Ala Wai Small Boat Harbor, Beach Control and Related Purposes, Kewalo and Kalia, Waikiki, Honolulu, Oahu, Tax Map Keys: (1) 2-1-58: Various, (1) 2-3-37: Various, (1) 2-6-01, 02, 04, 05, 10: Various, and (1) 3-1-30, 31, 32: Various.

CONTROLLING AGENCY (of subject executive order):

Board of Harbor Commissioners now the Department of Transportation, Harbors Division.

APPLICANT (requesting set aside):

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

LEGAL REFERENCE:

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

LOCATION:

Portion of Lot 2, Map 1, Land Court Application 852, covered by Certificate of Title 12829, issued to the Territory of Hawaii.

Portion of Lot 5-A-1, Map 4, Land Court Application 852, covered by Certificate of Title 12829, issued to the Territory of Hawaii.

Portion of Lot 5-A-2-A, Map 5, Land Court Application 852, covered by Certificate of Title 42731, issued to the Territory of Hawaii.

Portion of Lot 5-A-2-B-1, Map 6, Land Court Application 852, covered by Certificate of Title 42731, issued to the Territory of Hawaii.

All of Lot 1, Map 2, Land Court Application 1092, covered by Certificate of Title 42731

Portion of Grant 2789 to W.L. Moehonua, covered by Deed of E. Coit Hobron and Hikealani Hobron to Minister of Interior, dated July 1,

1896.

Portion of Grant 2789 to W.L. Moehonua, conveyed by Deed of E. Coit Hobron by Guardian, et al., to the Territory of Hawaii, dated May 29, 1920.

Portion of former underwater area of Kalia Fishery transferred to the Territory of Hawaii by Presidential Proclamation Nos. 1818 and 1856, dated October 25, 1927 and October 27, 1928, respectively.

Portions of the former underwater areas of the Kukuluaeo and Kalia Fisheries not covered by any Presidential Proclamation.

All situated at Kewalo and Kalia, Waikiki, Honolulu, Oahu, identified by Tax Map Keys: (1) 2-1-58: Various, (1) 2-3-37: Various, (1) 2-6-01, 02, 04, 05, 10: Various, and (1) 3-1-30, 31, 32: Various, as shown on the attached maps labeled Exhibits A and B.

AREA (acres, more or less):

GEO No. 1330:	8.443	
Withdrawn by GEO No. 2307	(1.545)	
Withdrawn by GEO No. 3855	(3.045)	
Remainder of GEO No. 1330		3.853
GEO No. 1795:	153.518	
Withdrawn by GEO No. 2047	(9.664)	
Withdrawn by GEO No. 2216	(22.464)	
Withdrawn by GEO No. 2306	(0.526)	
Addition by GEO No. 2575	2.071	
Remainder of GEO No. 1795		122.935
GEO No. 1786:	496.000	
Withdrawn by GEO No. 2215	(22.464)	
Withdrawn by GEO No. 3934	(0.407)	
Remainder of GEO No. 1786		473.129
To be Reset Aside to DOBOR for Ala Wai Small Boat Harbor, Beach Control and Related Purposes		599.917

ZONING:

State Land Use District: Urban
County of Honolulu CZO: Resort/Hotel/General Preservation

TRUST LAND STATUS:

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

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

CURRENT USE STATUS:

GEO No. 1330 setting aside 3.853 acres to the Board of Harbor Commissioners, for Kewalo and Ala Wai Yacht Basins purposes.

GEO No. 1795 setting aside 122.935 acres to the Board of Harbor Commissioners, for Ala Wai Boat Harbor purposes.

GEO No. 2170 setting aside 0.426 acres to DOT for Ala Wai Boat Harbor purposes.

GEO No. 1786 setting aside 473.129 acres to the Board of Harbor Commissioners for beach control purposes.

PURPOSE OF SET ASIDE:

Ala Wai Small Boat Harbor, Beach Control and related purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Sections 11-200-8(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 Applicant's future use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The Ala Wai Small Boat Harbor is one (1) of fifty-four (54) small boat harbors, launching ramps, jetties, wharves and landings statewide transferred from the Department of Transportation to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation by Act 272, SLH 1991.

To date, eighteen (18) of the above facilities have been either set side or approved by the Board of Land and Natural Resources for set aside to the Department's Division of Boating and Ocean Recreation.

Located on Oahu's south shore, between Waikiki and Ala Moana beaches, the Ala Wai Small Boat Harbor is the State's major

recreational boat harbor. It consists of about 700 berths with water and electricity available and over 60 moorings accommodating boats up to eighty (80) feet in length. There are also dry berthing spaces, a harbor agent's office, comfort stations, showers, paved parking, a launching ramp, and pier.

GEO No. 1330, issued in 1949, set aside government land at both the Kewalo and Ala Moana basins to the Board of Harbor Commissioners. In 1951 construction of the Ala Wai Small Boat Harbor began with the dredging of the harbor entrance and the building of the seawall on the eastern shoreline of Magic Island.

GEO No. 1795, issued in 1957, set aside portions of the filled and underwater areas of the Kalia Fishery to the Board of Harbor Commissioners. Over the next three (3) decades several major construction projects were completed making the Ala Wai Small Boat Harbor substantially what it is today.

In 1962 GEO No. 2047 withdrew 9.664 acres from GEO No. 1795, which was reset aside to the City and County of Honolulu for the first increment of Magic Island.

In 1964 DOT requested that a 22.464-acre portion of GEO No. 1795, being the Hilton Lagoon and adjacent Duke Kahanamoku Beach, be withdrawn because it was not being used for the public purpose stated in GEO No. 1795. Accordingly, the area was withdrawn by GEO No. 2216 and currently remains unencumbered.

During the late 1960s land was withdrawn from GEO No. 1795 by GEO No. 2306 and GEO No. 2307 withdrew land from GEO No. 1330 as part of a land exchange between the State and the Dillingham Corporation to acquire Dillingham Corporation's Honolulu Harbor properties. However, the land exchange was eventually abandoned when the State chose to purchase the properties outright. The issuance of GEO No. 2575 reset aside to DOT, as an addition to the Ala Wai Small Boat Harbor (GEO No. 1795), the lands previously withdrawn by GEO Nos. 2306 and 2307. The 3.045-acre Kewalo basin portion of GEO No. 1330 was withdrawn by GEO No. 3855 leaving 3.853 acres remaining under the operation of GEO No. 1330.

GEO No. 1786 was issued to DOT for beach control purposes covering 496 acres of shore and ocean waters stretching from the confluence of the Ala Wai Canal and Ala Wai Yacht basin to the Elks Club, as shown on the attached map labeled Exhibit D. The withdrawal of the 22.464-acre Hilton Lagoon and Duke Kahanamoku beach site by GEO No. 2215 and 0.407 acres on the seaward side of the Waikiki Natatorium by GEO No. 3934 leaves GEO No. 1786 with a remainder of 473.129 acres.

Except for the Office of Hawaiian Affairs no other agencies were solicited for comments because 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 canceling Governor's Executive Order Nos. 1330, 1786, and 1795, issued to the Board of Harbor Commissioners, 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.

   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 the issuance of an executive order resetting aside the lands formerly encumbered by Governor's Executive Order Nos. 1330, 1786, and 1795, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Ala Wai Small Boat Harbor, Beach Control and other related purposes, 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.

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

Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson

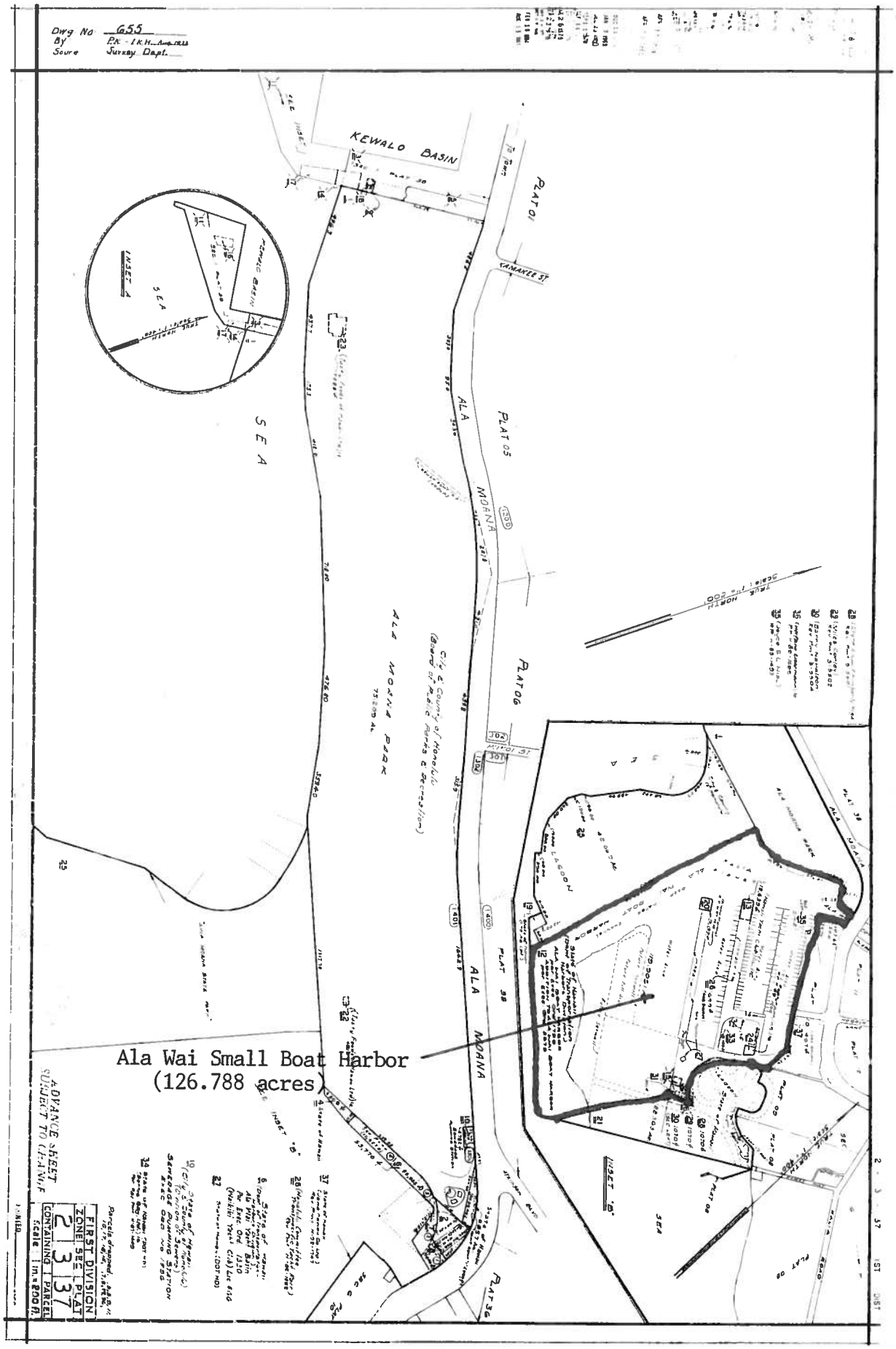
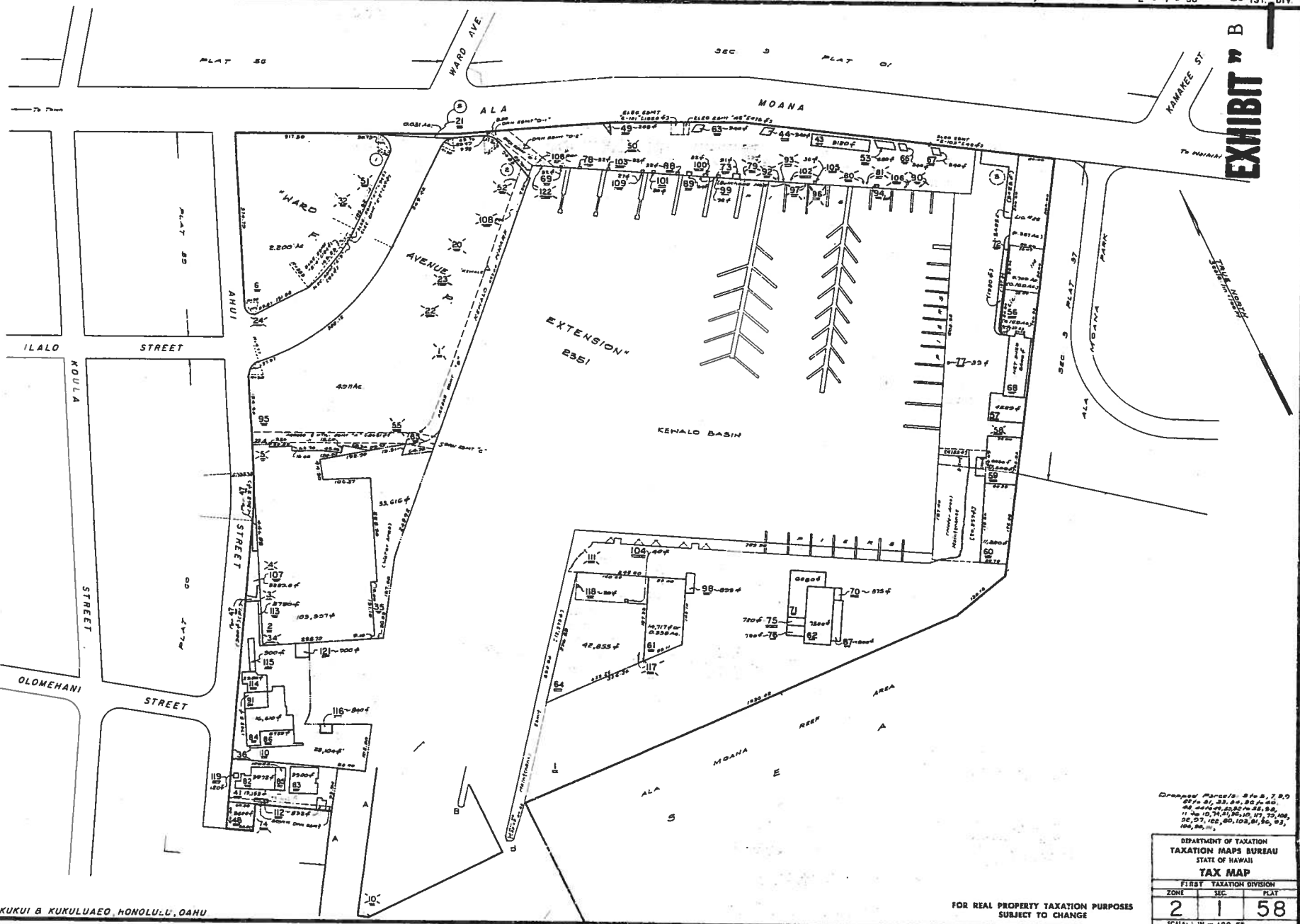

Dwg No 655
By P.K. - I.K.H.
Source Survey Dept.
KEWALO BASIN
PLAT 01
KAMAKEE ST
PLAT 05
ALA MOANA
SEA
ALA MOANA PARK
PLAT 06
PLAT 38
PLAT 36
LAGOON
Ala Wai Small Boat Harbor
(126.788 acres)
FIRST DIVISION
ZONE SEC PLAT
2 3 37
CONTAINING 1 PARCEL
Scale 1 in. = 200 ft.
ADVANCE SHEET
SUBJECT TO CHANGE

EXHIBIT "A"

2 - 1 - 58 IST. DIV.

EXHIBIT "B"



LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 12, 2010

EXEMPTION NOTIFICATION

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

Project Title:	Cancel Governor's Executive Order Nos. 1330, 1786, 1795, 2575 and Reset Aside to DLNR, Division of Boating and Ocean Recreation for Ala Wai Small Boat Harbor, Beach Control and Related Purposes, Kewalo and Kalia, Waikiki, Honolulu, Oahu, TMK: (1) 2-1-58: Various, (1) 2-3-37: Various, (1) 2-6-01, 02, 04, 05, 10: Various, and (1) 3-1-30, 31, 32: Various.
Project/Reference No.:	10OD-113
Project Location:	Kewalo and Kalia, Waikiki, Honolulu, Oahu
Project Description:	Cancel executive orders 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.

EXHIBIT "C"

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

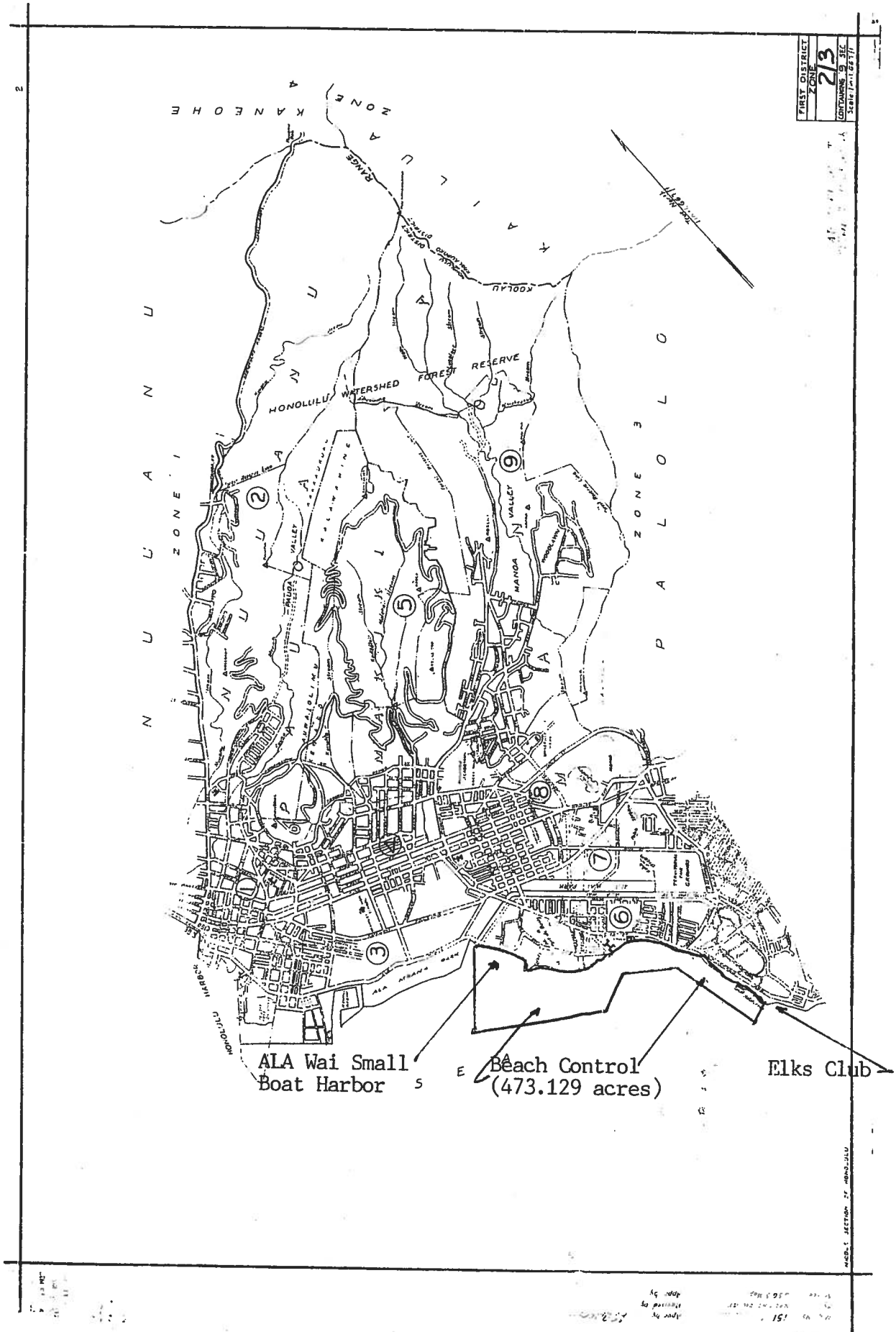

FIRST DISTRICT
ZONE
2/3
CONTAINING 9 SEC
KANEOHE
ZONE 4
KAILUA
RANGE
KOOLAU
HONOLULU WATERSHED FOREST RESERVE
NUUANU
ZONE 1
PALOLO
ZONE 3
MANOA VALLEY
PAUOA VALLEY
HONOLULU HARBOR
ALA MOANA PARK
ALA Wai Small
Boat Harbor
Beach Control
(473.129 acres)
Elks Club

EXHIBIT "D"