

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

March 24, 2011

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

PSF No.: 10MD-163  
11OD-028  
MAUI/OAHU

Cancellation of Governor's Executive Order Nos. 1495, 2166, and 2605 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Maalaea Small Boat Harbor Purposes, Waikapu, Wailuku, Maui, Tax Map Key: (2) 3-6-01: 02, 34, 41, 43, 47, 49, 50 and 51.

Cancellation of Governor's Executive Order No. 3178 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Waianae Small Boat Harbor Purposes, Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-02:44 and 51.

CONTROLLING AGENCY (of subject executive order):

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 the Government land of Ukumehame bordering Maalaea Bay, also being all of the Government filled and submerged land off of Waikapu and Ukumehame, and also being a portion of Grant 3152 to Henry Cornwell conveyed to the State by Wailuku Sugar Company by Judgment and Final Order of Condemnation, Civil 164, dated April 21, 1960 (Land Office Deed No. S-18005), situate at Waikapu and Ukumehame, Wailuku, Maui, identified by Tax Map Key: (2) 3-6-01: 02, 49 and 50, as shown on the attached map labeled Exhibit A.

Portion of the Government (Crown) land of Waianae, and also, being portions of the Government (Crown) filled and submerged land of Waianae-Kai, situate at Waianae, Oahu, identified by Tax Map Key:

(1) 8-5-02: 44 and 51, as shown on the attached map labeled Exhibit B.

AREA:

Maalaea Small Boat Harbor: 32.858 acres, more or less.  
Waianae Small Boat Harbor: 38.400 acres, more or less.

ZONING:

Maalaea Small Boat Harbor  
State Land Use District: Urban/Conservation  
County of Maui CZO: Commercial/Preservation

Waianae Small Boat Harbor  
State Land Use District: Urban/Conservation  
City and County of Honolulu CZO: General Preservation

TRUST LAND STATUS:

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

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

CURRENT USE STATUS:

Governor's Executive Order Nos. 1495, 2166 and 2605 setting aside a total of 32.858 acres, more or less, to the Department of Transportation, Harbors Division, for Maalaea Small Boat Harbor purposes.

Governor's Executive Order No. 3178 setting aside 38.400 acres, more or less, to the Department of Transportation, Harbors Division, for Waianae Small Boat Harbor purposes.

PURPOSE OF SET ASIDE:

Small boat harbor purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Sections 11-200-89(a)(1)(4), and 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 lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The Maalaea and Waianae Small Boat Harbors are among the fifty-four (54) small boat harbors, launching ramps, jetties, wharves, and landings in the State 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, nineteen (19) of those facilities have been either set aside or approved by the Board for set aside to the Division of Boating and Ocean recreation.

The Maalaea Small Boat Harbor is under the operation of Governor's Executive Order Nos. 1495, 2166 and 2605. It's located on Maui's west coast about 7 miles south of the town of Kahului and sixteen (16) miles southeast of the town of Lahaina.

Construction of the Maalaea Small Boat Harbor began in 1952 as a small boat harbor for commercial fishing boats. Both commercial and recreational boaters currently use the facility. The harbor is protected by breakwaters and marked by a lighted range and buoys within the harbor.

The Maalaea Small Boat Harbor has thirty (30) berths and sixty-one (61) moorings and 1 ramp. It also contains a dry dock area, restaurant, waste oil facility, harbor agent's office, comfort station, water, electricity, and parking for thirty-one (31) cars, with some able to accommodate trailers.

The Waianae Small Boat Harbor is under the operation of Governor's Executive Order No. 3178. It's located on Oahu's west coast on the northwest side of Kaneilio Point in Waianae. It's about a half mile northwest of Pokai Bay and ten (10) miles northwest of Barber's Point.

Construction of the Waianae Small Boat Harbor began in 1974 to berth recreational and commercial fishing boats and to replace the Pokai Bay moorings. The Harbor is protected by a 1,350-foot long breakwater and has an entrance channel 830 feet long by 150 feet wide.

The Waianae Small Boat Harbor contains about 150 berths, multiple launching ramps, harbor agent's office, comfort station, showers, water, electricity, sewage pump-out, and parking for about 175 cars, most able to accommodate trailers.

Portions of the subject lands are ceded lands pursuant to Section 5 of the Hawaii Admission Act. Section 10-3(1), HRS, as amended, provides for a pro-rata portion, presently 20 per cent, of all funds derived from ceded lands by the State be held and used solely as a public trust for the betterment of conditions for native Hawaiians. It is the responsibility of the Office of Hawaiian Affairs (OHA) to address the needs of native Hawaiians. Accordingly, OHA's early review of this agenda item was requested. OHA replied that it had no objection to the action proposed by this agenda item.

No other agency comments were requested as the subject transfers were legislatively mandated.

The Board's approval of the subject actions will bring the documentation status of the Maalaea and Waianae small boat harbors current.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order Nos. 1495, 2166, 2605, and 3178, 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 executive orders setting aside the subject lands to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation 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

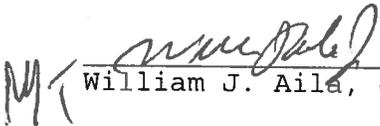
- session next following the date of the setting aside.
- C. Review and approval by the Department of the Attorney General.
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gary Martin, Land Agent

APPROVED FOR SUBMITTAL:



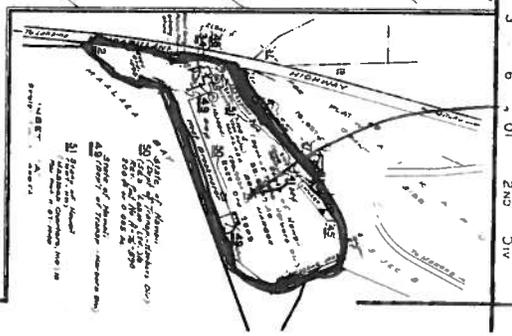
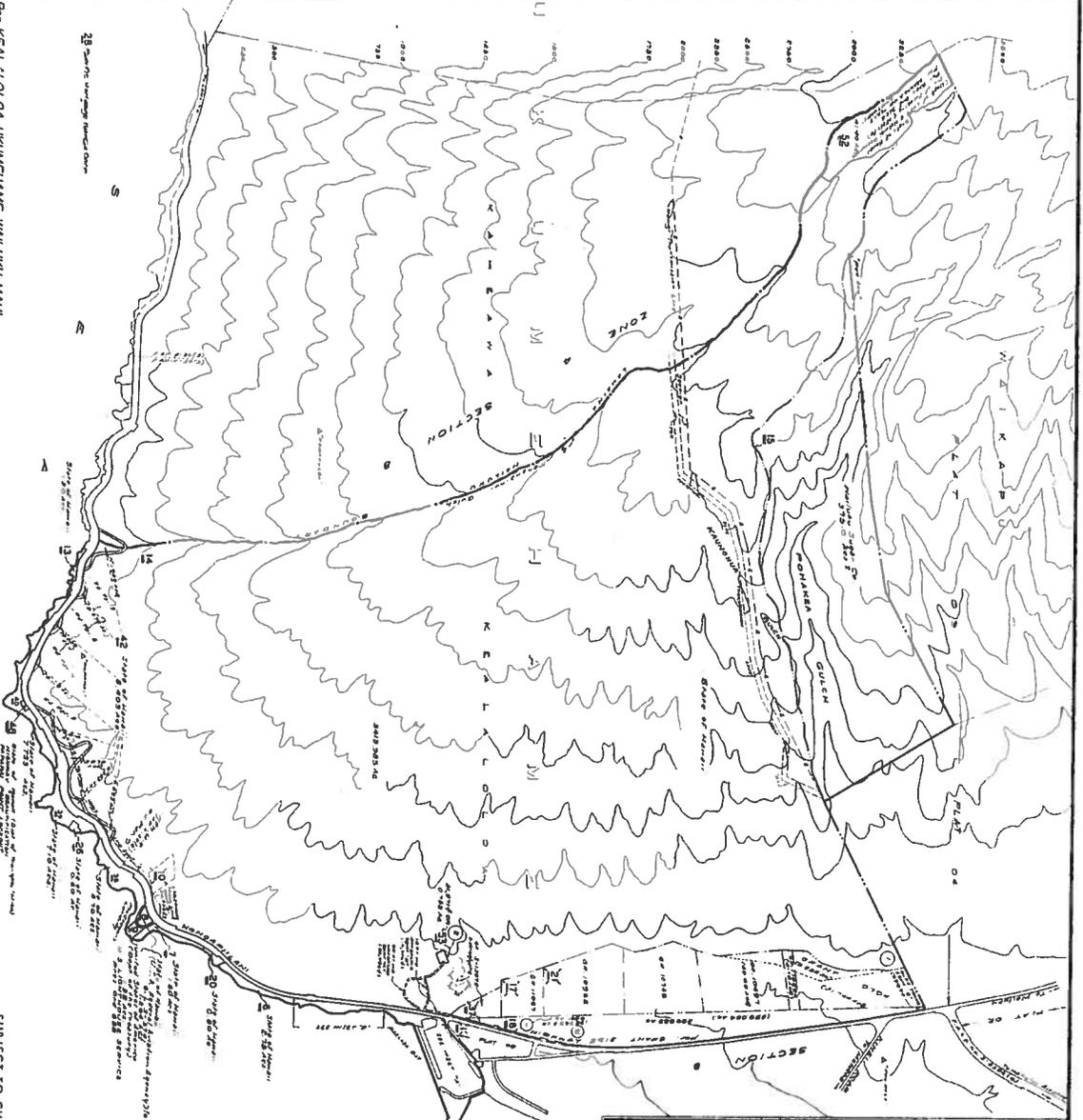
William J. Aila, Jr., Chairperson

INSET "B"

FOR KAILUAHOLE, UPOUNAHU, MAUI

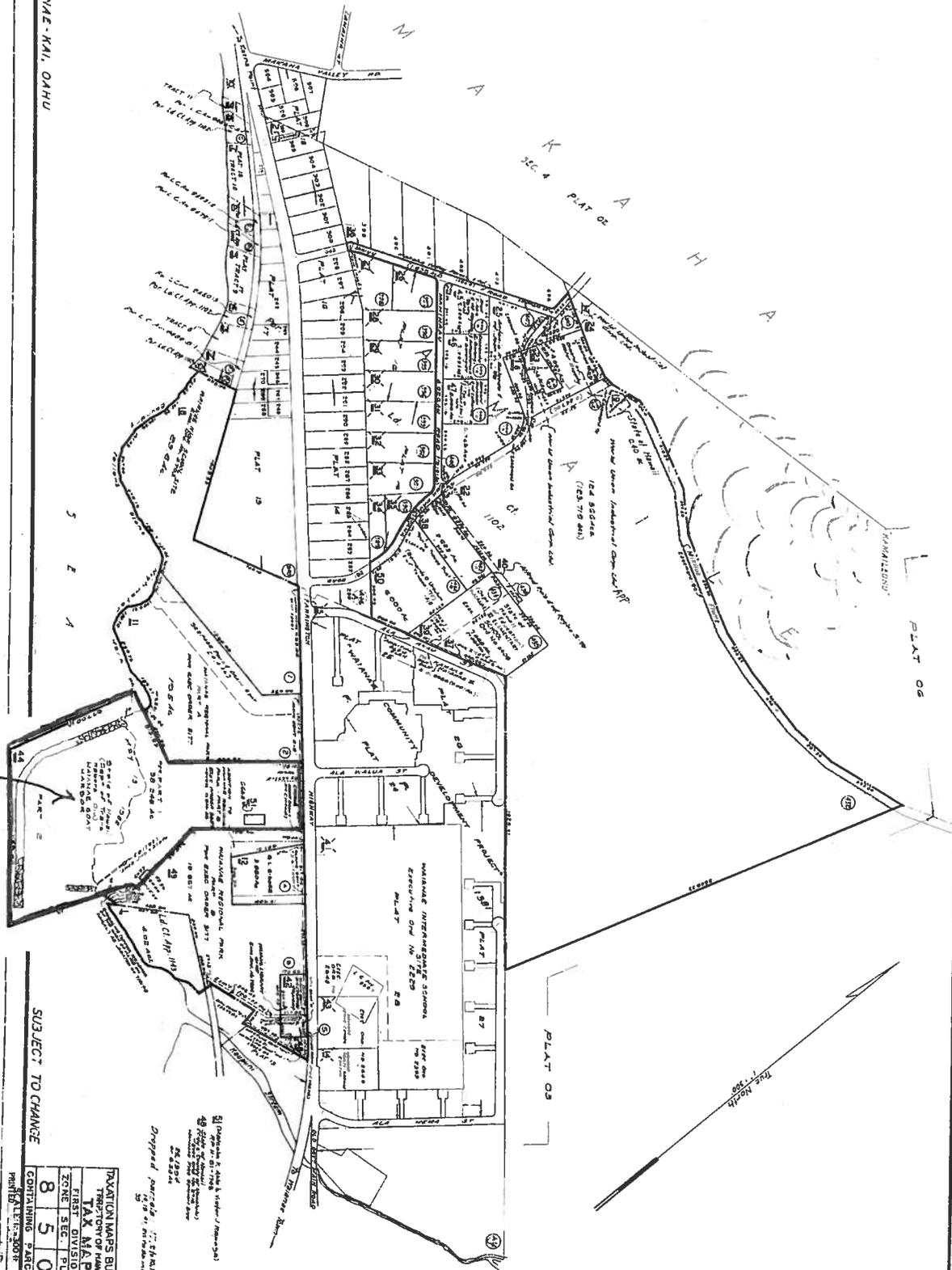
SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSION	
TAXATION MAPS BUREAU	
STATE OF HAWAII	
TAX MAP	
NO.	36013
DATE	1961
BY	[Name]
FOR	[Name]
APPROVED	[Signature]



Maalaea Small Boat Harbor

WAIANAЕ-KAI, OAHU



Waianae Small Boat Harbor

SUBJECT TO CHANGE

PLATON MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
FIRST DIVISION
ZONE I SEC. PLAT
8 5 02
CONTAINING PARCELS
PLAT 02-03-04

Dropped parcels: 17, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

## EXEMPTION NOTIFICATION

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

**Project Title:** Cancellation of Governor's Executive Order Nos. 1495, 216, 2605 and 3178 and Reset Aside to the Department of Land and Natural Resources. Division of Boating and Ocean Recreation, for Maalaea Small Boat Harbor and Waianae Small Boat Harbor Purposes, Waikapu, Wailuku, Maui, TMK: (2) 3-6-01: 02, 34, 41, 43, 47, 49, 50, and 51; and Waianae-Kai, Waianae, Oahu, TMK: (1) 8-5-02: 44, and 55.

**Project/Reference No.** 10MD-163 (Maalaea Small Boat Harbor)  
11OD-028 (Waianae Small boat Harbor)

**Project Location:** Waikapu, Wailuku, Maui (Maalaea Small Boat Harbor)  
Waianae-Kai, Waianae, Oahu (Waianae Small Boat Harbor)

**Project Description:** Cancellation of executive orders and issuance of executive orders resetting aside the land.

**Chap. 343 Trigger(s):** Use of State 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 and Recreation. The current use of the land is authorized and no changes are expected as a result of this set aside. The set asides are not part of a multi phase project and no significant cumulative impacts are expected.

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and the Board is recommended to declare this set aside to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
WILLIAM J. AILA JR.  
Interim Chairperson

\_\_\_\_\_  
Date