

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

May 24, 2019

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

PSF No.: 10od-113

OAHU

Amend Prior Board Action of December 9, 2010, Item D-6, *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.*

The purpose of the amendment is to clarify the project area and add Governor's Executive Order Nos. 2170 and 2575 which were missed in the prior Board action.

BACKGROUND:

At its meeting of December 9, 2010, Item D-6, the Board approved the cancellation of multiple Governor's Executive Orders ("GEOs") in Ala Wai Small Boat Harbor and reset aside the same area to the Division of Boating and Ocean Recreation ("DOBOR") of the Department. The action was triggered by the transfer of similar facilities statewide from the Department of Transportation to the Department under Act 272, SLH 1991, now codified as Chapter 200, Hawaii Revised Statutes. A copy of the 2010 approved submittal is attached as **Exhibit 1**.

GEO 2170 and 2575

It is intended one single GEO to cover all the areas under the prior GEOs in the 2010 Board action. **Exhibit 2** is a map [HSS Plat 2169-A] showing the total set aside of 482.017 acres, both land and water, which will replace all the prior GEOs issued to the Department of Transportation and re-set aside to DOBOR pursuant to the 2010 Board approval.

In preparing the documents, staff noted that GEOs 2170 and 2575<sup>1</sup>, which were relevant to the request and described in the 2010 submittal, were not included in the Recommendation

<sup>1</sup> GEOs 2575 and 2170 were originally cited on pages 2 and 3 of the 2010 approval respectively.

Section in 2010. Further, the environmental assessment exemption declaration attached as Exhibit B to the 2010 submittal did not include GEO 2170. Staff believes that it was an oversight in preparing the 2010 submittal. The respective locations of GEOs 2170 and 2575 are shown on **Exhibit 3**.

Set-aside acreages

The subject acreage described on page 2 of the 2010 submittal was 599.917 acres while the proposed set aside area as shown on Exhibit 2 is 482.017 acres. Staff discussed the discrepancy with the Department of Accounting and General Services, Survey Division (“DAGS”), and noted that it is because of the double counting of acreages for GEOs 1786 and 1795. Therefore, staff recommends the Board adopt the latest acreages determined by DAGS.

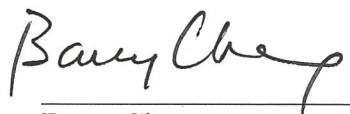
In view of the above-mentioned information, staff requests the Board amend its prior action by (1) revising the project acreages from 599.917 acres to 482.017 acres; (2) adding GEO 2170 to the environmental assessment exemption declaration attached in the 2010 action; and (3) replacing the 2010 Recommendation Section with the following, with GEO 2170 and 2575 properly inserted.

**RECOMMENDATION:** That the Board amend its prior Board action of December 9, 2010, under agenda item D-6 by:

- A. Revising the total acreages for the requested set aside to 482.017 acres.
- B. Adding GEO 2170 in the environmental assessment exemption declaration attached to the December 9, 2010 submittal.
- C. Replacing the entire Recommendation Section with the following:
  - “1. Approve of and recommend to the Governor issuance of an executive order canceling Governor’s Executive Order Nos. 1330, 1786, 1795, 2170, and 2575 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; and

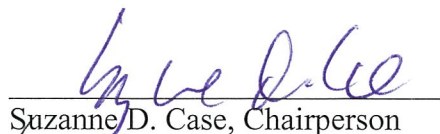
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order resetting aside the lands formerly encumbered by Governor's Executive Order Nos. 1330, 1786, 1795, 2170, and 2575, 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; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.”
- D. All terms and conditions listed in its December 9, 2010 approval shall remain the same.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



# EXHIBIT 1

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.: 100D-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,

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

December 9, 2010

D-6

EXHIBIT "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	<u>(3.045)</u>	
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	<u>2.071</u>	
Remainder of GEO No. 1795		122.935
GEO No. 1786:	496.000	
Withdrawn by GEO No. 2215	(22.464)	
Withdrawn by GEO No. 3934	<u>(0.407)</u>	
Remainder of GEO No. 1786		<u>473.129</u>
To be Reset Aside to DOBOR for Ala Wai Small Boat Harbor, Beach Control and Related Purposes		<u>599.917</u>

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 aside 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

December 9, 2010

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.

December 9, 2010

- 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

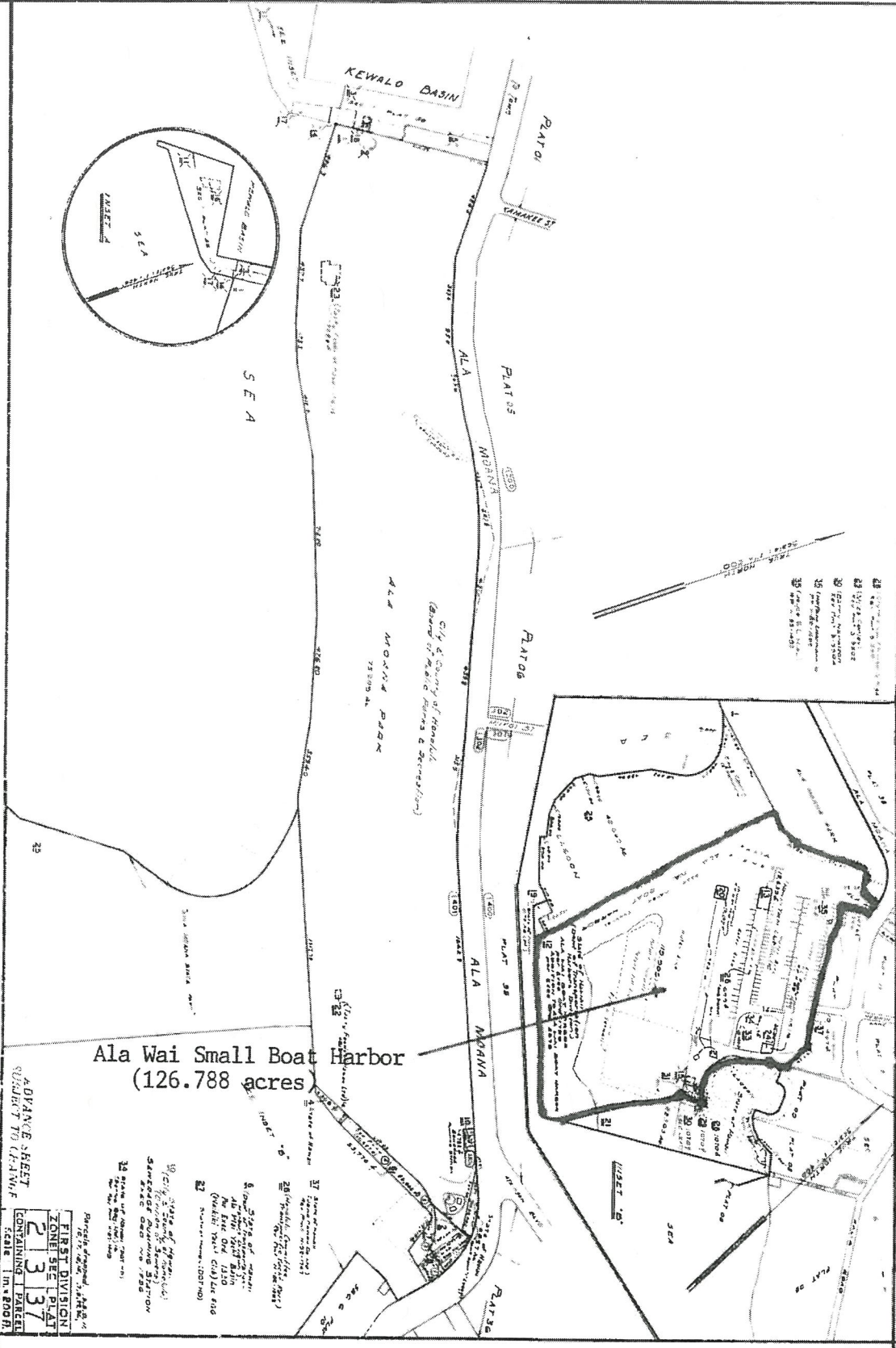
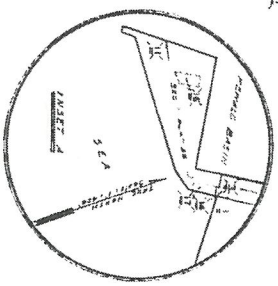
APPROVED FOR SUBMITTAL:



 Laura H. Thielen, Chairperson

Dwg No 655  
 By EX - I.K.H. A.M.M.  
 Scale Survey Dept.

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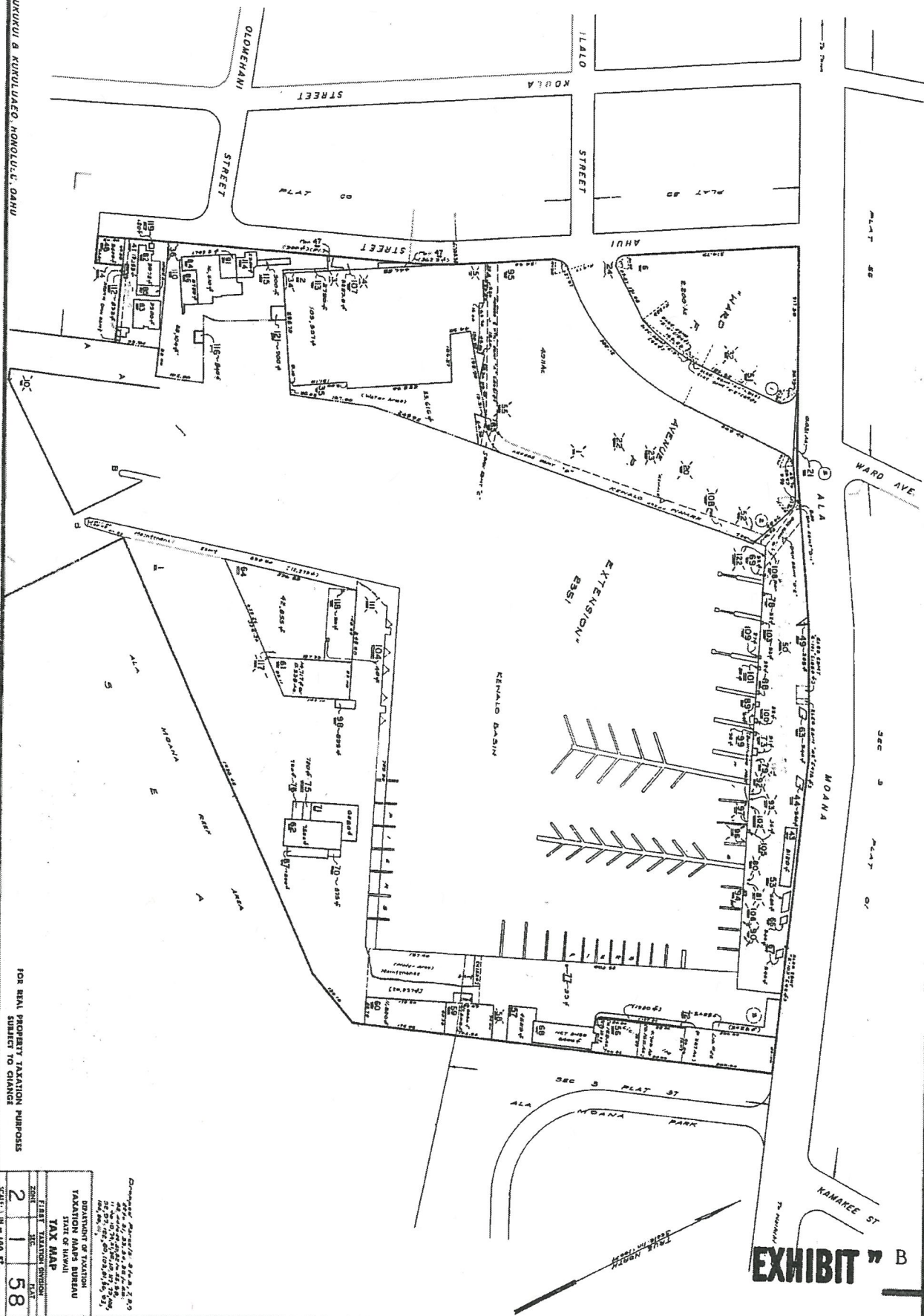


Ala Wai Small Boat Harbor  
 (126.788 acres)

ADVANCE SHEET  
 SUBJECT TO CHANGE  
 SCALE 1"=800'  
 1"=1 MILE

- 1. City of Honolulu
- 2. Board of Health
- 3. Planning & Development
- 4. Harbor Basin
- 5. Ala Wai Small Boat Harbor
- 6. (Water Table) CUL DE SAC
- 7. (Water Table) CUL DE SAC
- 8. (Water Table) CUL DE SAC
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FOR KAAHAKUKUKU & KUNULUAEO HONOLULU, C. HAWAII



FOR REAL PROPERTY TAXATION PURPOSES  
 SUBJECT TO CHANGE

DEPARTMENT OF TAXATION TAXATION MAPS BUREAU TAX MAP			
ZONE	SEC.	PLAT	DATE
2	1	58	
SCALE: 1" = 100 FT			

**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.

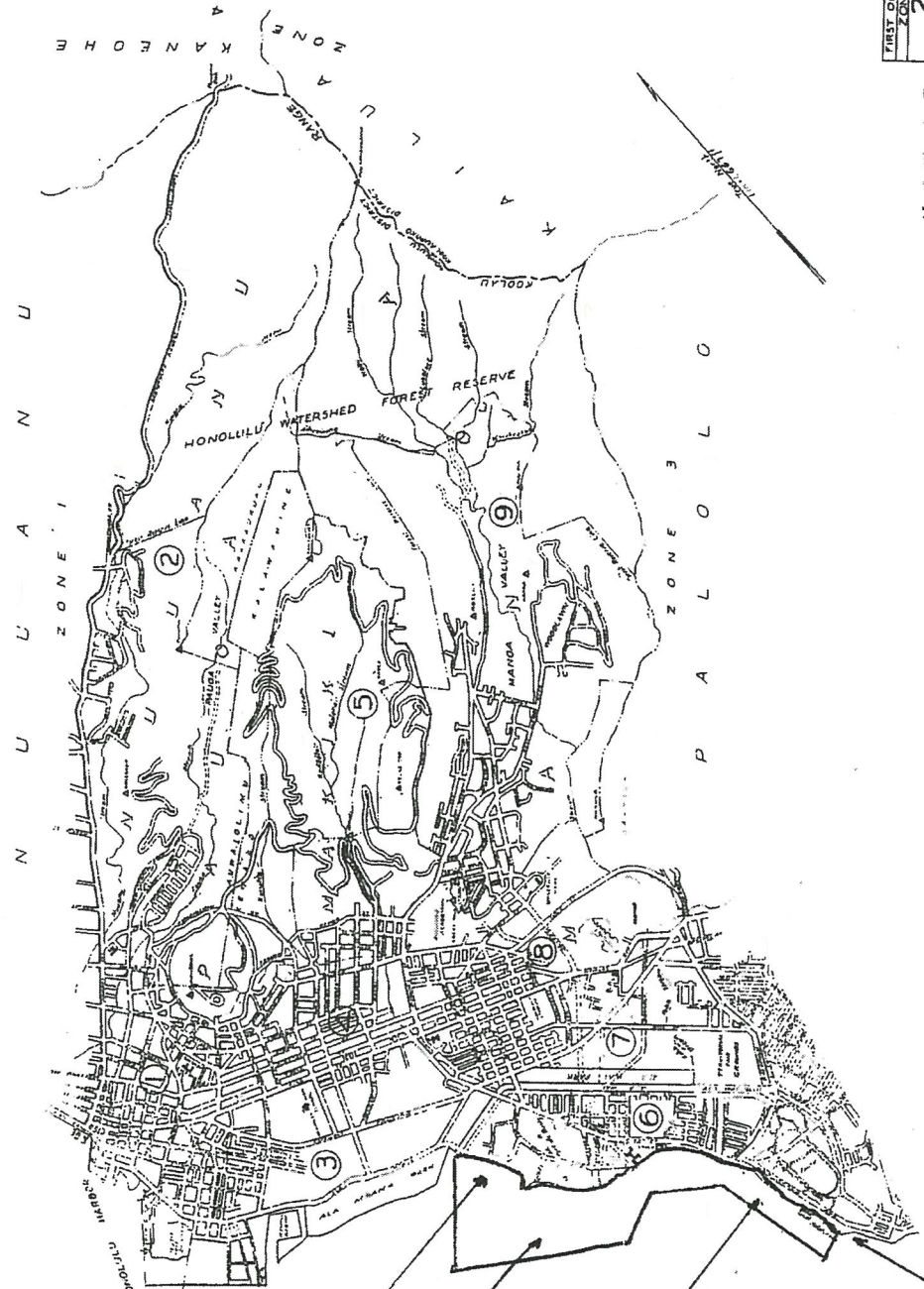
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Laura H. Thielen, Chairperson

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Date

FIRST DISTRICT  
 ZONE  
 213  
 CONTAINING 9 SEC.  
 AREA 17-10-213



ALA Wai Small Boat Harbor

Beach Control (473.129 acres)

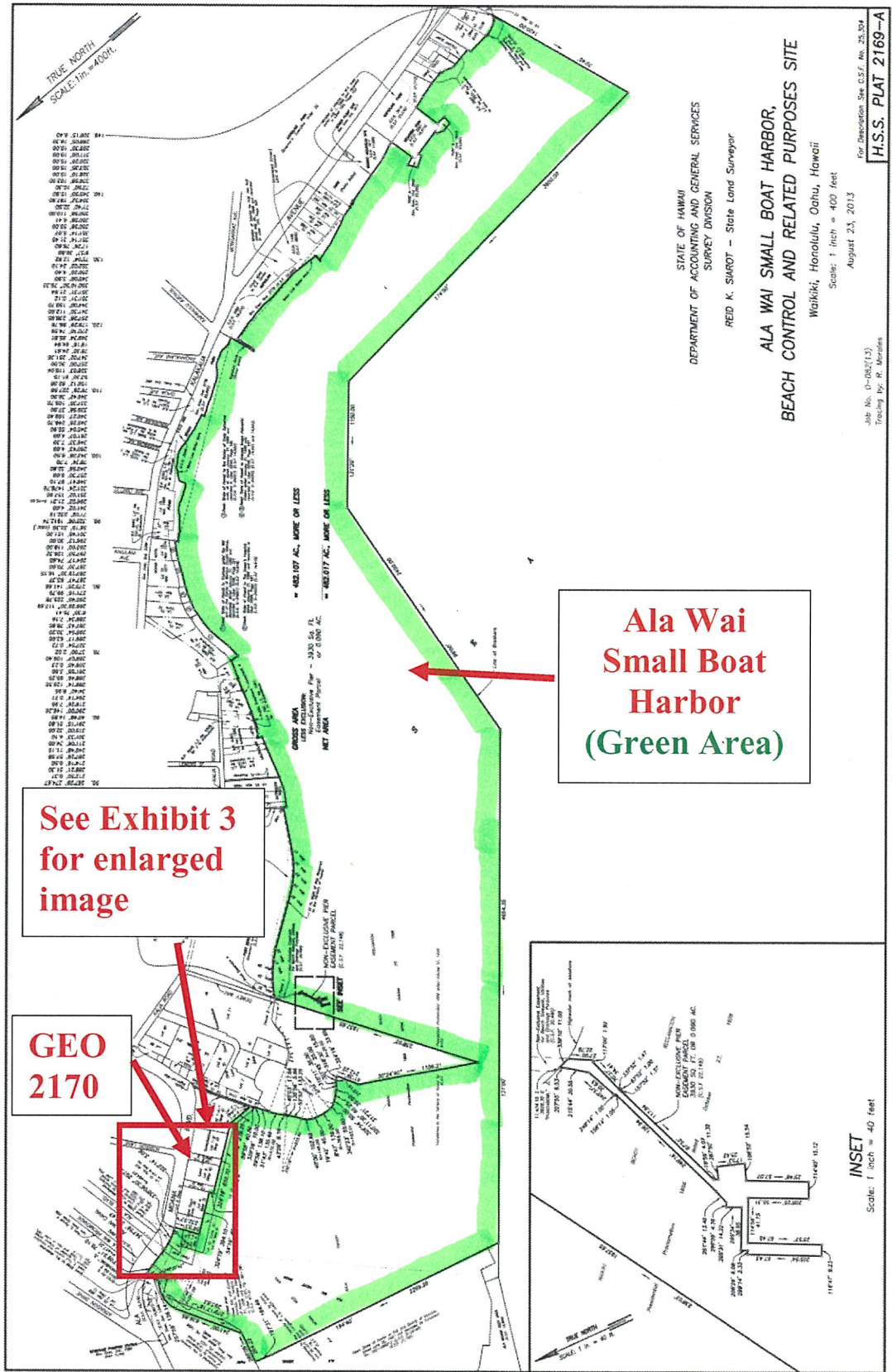
Elks Club

MEMBER SECTION OF HONOLULU

**EXHIBIT "D"**

# EXHIBIT 2

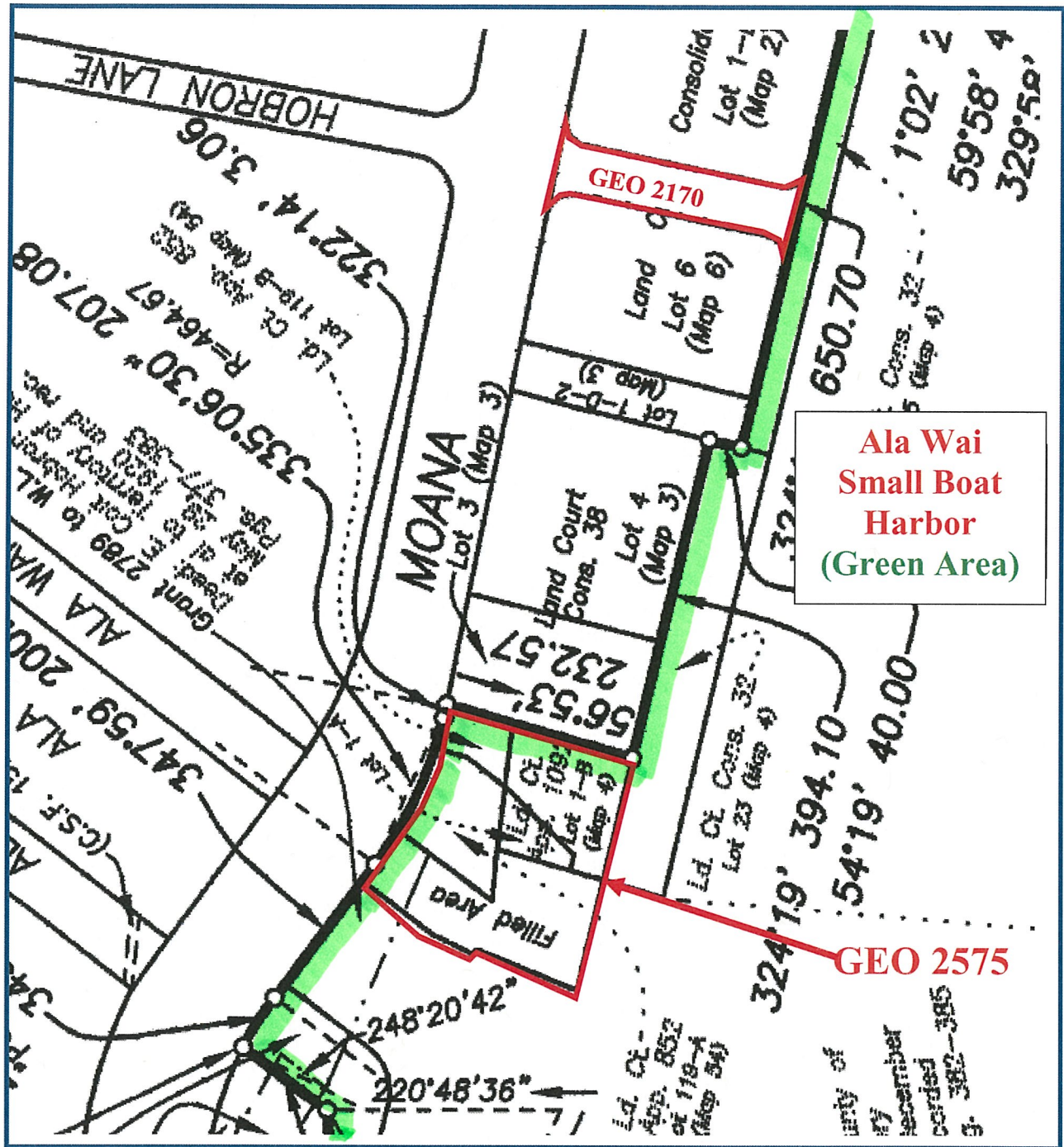




\*This map covers majority of the proposed set aside area, except GEO 2170 as noted.

# EXHIBIT 2

# EXHIBIT 3



- Enlarged image of portion of Exhibit 2
- GEO 2170 is outside the area in the 2010 submittal

### EXHIBIT 3