

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the	)	DOCKET NO. A78-449
Petition of the)	
	)	THE DEPARTMENT OF PLANNING
DEPARTMENT OF PLANNING AND	)	AND ECONOMIC DEVELOPMENT,
ECONOMIC DEVELOPMENT,	)	STATE OF HAWAII
STATE OF HAWAII,)	
)	
To Amend the Agricultural Land)	
Use District Boundary to)	
Reclassify Approximately)	
166 Acres at Barbers Point,)	
Honouliuli, Ewa District,)	
City and County of Honolulu,)	
Island of Oahu, into the Urban)	
Land Use District.)	
)	

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the	)	DOCKET NO. A78-449
Petition of the)	
	)	FINDINGS OF FACT, CONCLUSIONS
DEPARTMENT OF PLANNING AND	)	OF LAW, AND DECISION AND
ECONOMIC DEVELOPMENT,	)	ORDER
STATE OF HAWAII,)	
)	
To Amend the Agricultural Land)	
Use District Boundary to)	
Reclassify Approximately)	
166 Acres, TMK: 9-1-14:2 (por.))	
at Barbers Point, Honouliuli,)	
Ewa District, City and County)	
of Honolulu, Island of Oahu,)	
into the Urban Land Use)	
District.)	
)	

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND DECISION AND ORDER

The above-captioned land use boundary amendment proceeding was initiated by the petition of the Department of Planning and Economic Development, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure and the District Regulations of the Land Use Commission, State of Hawaii, to amend the Land Use District Boundary of certain lands (hereinafter referred to as the "subject property") situated at Barbers Point, Honouliuli, Ewa District, City and County of Honolulu, Island of Oahu, from the Agricultural to the Urban Land Use District, and the Commission, having heard and examined the testimony and evidence presented during the hearing held on March 20, 21, 28, 29; April 4, 5, 11, 12, 17, 18; and May 3, 1979, in Honolulu, Oahu, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The Petition was filed on December 29, 1978 by the Department of Planning and Economic Development, State of Hawaii, requesting the Land Use Commission to amend the Agricultural District Boundary at Barbers Point, Honouliuli, Ewa, Oahu, Hawaii, to reclassify approximately 166 acres to the Urban District for the construction by the Department of Transportation, State of Hawaii, of a deep draft inland harbor, certificate of service of the Petition being attached thereto.

2. Notice of the hearing scheduled for March 20, 1979, at 9:30 a.m. in Room 404, Queen Liliuokalani Building, 1390 Miller Street, Honolulu, Hawaii, was published in The Honolulu Star-Bulletin on February 16, 1979 and served by mail on the parties.

3. On March 5, 1979 an Application for Intervention was filed by the Waianae Land Use Concerns Committee and Environmental Law Center of the Pacific.

4. Intervenors were admitted as a party to the proceedings on March 20, 1979.

5. Requests to appear as public witnesses were received from Douglas Meller, representing Life of and Land and George K. Kekaula, President, Ewa Beach Community Association.

6. Douglas Meller was permitted to be a public witness.

7. Mr. Parsons was permitted to be a public witness representing the Ewa Beach Community Association in place of George K. Kekaula.

8. Two written statements from Elizabeth Stone, President, Environmental Citizens Against Progress, and F. C. Gross, Chairman, West Oahu Soil and Water Conservation District were made part of the record as exhibits of the Land Use Commission.

9. Intervenors made a motion on March 13, 1979 to change the time and place of the hearing. The request was for a 30-day continuance and for the hearing to be conducted in the Barbers Point area in the evening.

10. Intervenors' motion as to the 30-day continuance was denied on March 20, 1979.

11. Intervenors' motion as to the location of the hearing and its conduct during evening hours was partially granted.

12. At the hearing on March 20, 1979, a request was made by Mama Loa to appear as a public witness.

13. The seven-day notice requirement was waived and Mama Loa was allowed to appear as a public witness.

14. On August 16, 1979, the Department of General Planning, City and County of Honolulu, filed a Motion to Strike Petitioner's Response to Department of General Planning's Proposed Findings of Fact, Conclusions of Law and Decision and Order. The Motion was denied by the Commission on September 5, 1979.

15. On August 30, 1979, the Department of General Planning of the City and County of Honolulu filed a Motion to Strike Petitioner's Comments on Department of General Planning's Comments to Petitioner's Proposed Findings of Fact, Conclusions of Law and Decision and Order or in the Alternative to Allow Opportunity for Equal

Response to Petitioner's "Comments" and to Continue the Action Meeting. The Motion to strike Petitioner's comments on Department of General Planning's comments was approved by the Commission on September 5, 1979.

16. On August 30, 1979, the Department of General Planning, City and County of Honolulu, filed a Motion to Reopen the Hearing to Present Additional Evidence. The Motion was denied by the Commission on September 5, 1979.

17. On August 30, 1979, Intervenors Waianae Land Use Concerns Committee and the Environmental Law Center of the Pacific, filed a Joinder in Motion to Strike Petitioner's Response to Intervenor's Proposed Findings of Fact, Conclusions of Law and Decision and Order. The Motion was denied by the Commission's denial of September 5, 1979 of the Department of General Planning's Motion to Strike Petitioner's Response.

18. On August 30, 1979, the Intervenors filed a Motion to Reach Decision After Review of Findings of Fact and Conclusions of Law. The Motion was denied by the Commission on September 5, 1979.

19. On August 30, 1979, the Intervenors filed a Motion to Continue Final Decision. The Motion was denied by the Commission on September 5, 1979.

20. On September 4, 1979, the Intervenors filed a Motion to Strike Petitioner's Comments on Intervenor's Comments to Petitioner's Proposed Findings of Fact and Conclusions of Law and Decision and Order or to Allow Intervenor's Additional Time to Respond and To Continue the

Action Meeting. The Motion to Strike Petitioner's comments on Intervenor's comments was approved by the Commission on September 5, 1979.

21. On September 4, 1979, Intervenor's filed an Affidavit of Timothy S. Fitzpatrick. The Affidavit of Timothy S. Fitzpatrick was rejected by the Commission on September 5, 1979.

DESCRIPTION OF SUBJECT PROPERTY

22. The subject property is located at Barbers Point, Honouliuli, Ewa, Oahu, Hawaii, approximately 20 road miles from downtown Honolulu, and 15 miles due west of Honolulu Harbor.

23. The subject property consists of approximately 166 acres of land in the Agricultural District and is portion of a parcel identified as TMK: 9-1-14: 2. The subject property is a portion of the total 246 acre area being proposed for the development of the Barbers Point Deep-Draft Harbor, approximately 80 acres of which are presently within the Urban District.

24. The subject property abuts the Urban District on its western and northwestern boundaries. All other boundaries abut the Agricultural District.

25. The subject property is owned by the Estate of James Campbell and procedures are underway for the transfer of the land to the State of Hawaii. The petition includes written authorization from the Estate to the State for the filing of the petition with the Land Use Commission.

26. Approximately sixty-two percent (62%) of subject property is used for quarrying and thirty-four and four tenths percent (34.4%) is occupied by a kiawe forest. The remaining land is utilized by roads.

27. West of the subject property and within the total harbor development area is the existing privately owned barge harbor. It was constructed in 1961 by the developers of the industrial park to enable industries in the area to ship products directly to other islands. The barge harbor has limited use due to its small size and the existence of surge problems.

28. South of the subject property is the existing James Campbell Industrial Park consisting of approximately 1,300 acres.

29. The climate of the area is characterized by sunshine, persistent tradewinds, and moderate temperature and humidity.

30. The topography of the subject property is basically flat and composed of modified calcareous material with a hard but extremely permeable surface.

PROPOSAL FOR DEVELOPMENT

31. The urban development proposed in this petition is the construction of a deep draft harbor at the site of the existing barge harbor. The entire harbor will be located inland and will be accessible from the open sea by means of an entrance channel. The physical features of the project will include an entrance channel, basin, and shoreside facilities.

The Corps of Engineers will be responsible for the construction of the navigational facilities such as the entrance channel, basin, wave absorbers, etc. The State Department of Transportation will be responsible for the construction of the shoreside facilities.

An offshore entrance channel will be dredged approximately 3,300 feet from the shoreline to the ocean

contour, 42 feet below the mean lower low water datum. The channel will be 42 feet deep and 450 feet wide at the bottom, with side slopes of 1:1.

From the shoreline, the channel will extend another 1,000 feet inshore. Like this offshore channel, it will also be 450 feet wide at the bottom, but only 38 feet deep, with side slopes of 1.5:1.

The new channel will incorporate the existing channel to the barge harbor. It will, however, be about 2,300 feet further into the ocean. The existing as well as the new channel are in the Conservation District Subzone R (Resource).

For the new channel, approximately 1.3 million cy of coralline material will be dredged from an offshore area of 34.1 acres.

The basin and harbor facilities are completely located inland in an area of about 246 acres, of which 92 acres will be used for the basin and 154 acres for the harbor facilities. The basin will be about 2,000 feet long, 1,800 feet wide, and 38 feet deep.

Wave absorbers to prevent erosion and surge conditions will be constructed along the entrance and along the northwest and part of the northeast perimeters of the basin. The southwest, southeast, and northeast perimeters of the basin will be used for berthing spaces for barges and ships.

Approximately 1,807,900 cy of coralline material will be excavated above the waterline and 6,649,400 cy will be dredged from the basin. Another 10.5 million cy of coralline material will be dredged adjacent to the basin to provide berthing spaces for ships.

This deep draft harbor will accommodate transocean vessels carrying containerized and bulk cargo between

various ports from the Far East, the Pacific Basin, and the west and east coast ports of the United States. Although giant container and bulk carriers are used in today's world trade routes, it is anticipated that the largest carrier calling at Barbers Point would be the Enterprise class vessel (Matson Navigation Company). This vessel was, therefore, selected as the typical design vessel with the following features:

1. Design length 720 feet
2. Design beam width 92 feet
3. Design draft (loaded) 34 feet

Small petroleum tankers of the 28,000 DWT to 32,000 DWT class are expected to use this harbor, according to information from the oil firms operating in Hawaii. Honolulu Harbor, however, is expected to continue as the primary receiving port for refined petroleum products on Oahu. The large crude oil tankers presently unloading their cargo on the offshore buoys will continue to unload offshore. It is expected, however, that outgoing refined petroleum products will be shipped through the proposed Barbers Point Harbor as soon as necessary facilities are available.

Although the 10.5 million cy of coralline material will be dredged from the entrance channel and harbor, it will be stockpiled around the harbor area. Disposal of the coral will be in accordance with the Memorandum of Intent made between the State and the Estate of James Campbell wherein the State agreed to compensate the Estate with 89.82% of the proceeds from the sale of the coral and the State will receive 10.18%. This division

of the proceeds was based on the estimated quantity of coral to be dredged from the Estate's land and the offshore land owned by the State. These percentages may change when the exact quantities of dredged coral are determined more exactly.

The areas to be occupied by the stockpiles are on Campbell Estate land and are mostly in the Agricultural District. They are not included in the petitioned area. The 10.5 million cy (or 17.5 million tons) of coral to be dredged would cover a maximum area of about 370 acres, based upon a fill elevation of 30 to 35 feet. The entire quantity may be exhausted for commercial purposes in 17.5 years at a depletion rate of about a million tons a year. During this period, an extensive white "hill" will be visible from areas around the harbor. The stockpiled area will be landscaped to minimize adverse aesthetic impacts to the area.

The shoreside facilities will be constructed into three major phases that will cover a span of about 50 years. Preconstruction activities such as the preparation of construction plans and specifications for the incremental development of the facilities in Phase I will be programmed so that construction of berthing spaces and terminals can be started as soon as the dredging is completed. The initial construction will include the grading of all the useable land areas around the turning basin so that these can be used as marshalling yards and storage areas. It is planned that the entire 246 acres will be used in the next 5 years.

The development of the shoreside facilities are shown in the following three major phases.

Phase I: 1980-1994 (Construction from 1980 to 1982)

- a. Container terminal. Construction of an overseas container terminal, which will include a wharf, 27 acres of marshalling and storage areas, 10 acres of ancillary area, a container berth 1,000 feet long that will allow the berthing of one container ship, a container freight station, entry facilities with scales, a repair and maintenance shop, and an administration/operations building with a control center. A part of the container freight station would be used as a transfer shed for break bulk cargo, or alternatively another shed could be built.
- b. Neighbor island transshipment terminal (NITT). The NITT will be an all-barge operation. It will contain area for three barge berths totalling 1,000 feet in length that can be used for interisland roll-on/roll-off container, bulk, and break bulk barge operations. The bulk and break bulk yard will require 4 acres, and the container yard, 14 acres. Bulk cargo will consist of items such as cement for which onshore silos may be provided by others for storage. Break bulk cargo, on the other hand, consists of miscellaneous items, such as plywood and scrap iron, which can be palletized, bundled, or otherwise consolidated and requires only limited covered storage (transfer sheds).

- c. Overseas bulk and break bulk terminal. This is a general receiving terminal for transferring and storing general cargo brought in by both barge and ship from overseas. The length of berthing space that will be provided (approximately 1,000 feet) can accommodate one barge and one ship.
- d. Petroleum products terminal. The berth will be able to accommodate one tanker up to 700 feet. The terminal will be used for shipping out refined petroleum products. No provisions are made for oil storage and ballast treatment. These will be developed by private concerns outside of the harbor. A pipeline will be provided by either the State or private concerns from the terminal to the boundary of the harbor for connection to other lines.

Phase II. 1994 to Approximately 2010

- a. Overseas container terminal. The container berth will be expanded to 2,000 feet in length to accommodate two container ships. The container wharf is converted from what was previously the interisland barge wharf. The marshalling and storage areas will be expanded to 67 acres and the ancillary area to 23 acres. In addition, the repair and maintenance shop will be expanded.
- b. Neighbor island transshipment terminal. The barge berth will be expanded in an inland slip. It will be approximately 850 feet long by

350 feet wide. About 800,000 cy of coralline material will be dredged to construct the slip. The dredged material will be placed on one of the stockpiled areas allocated in Phase I. The container yard will be expanded to 26 acres while the bulk and break bulk areas will remain the same size.

- c. Overseas bulk and break bulk terminal. Two berths totalling 1,400 feet will be provided to accommodate two ships at a time, or one ship and two barges, or four barges. The area provided will be 16 acres for the bulk and break bulk terminals.
- d. Petroleum terminal. No change.

Phase III: Approximately 2010 to 2030

- a. Container terminal. A container berthing space of 2,900 feet long will be provided to accommodate three 720-foot container ships. Additionally, the container marshalling storage, and ancillary areas will be expanded to approximately 111 acres. The ancillary facilities will also be enlarged.
- b. Neighbor island transshipment terminal. An additional barge berth will be provided to accommodate the container yard. The container yard will be increased to 25 acres and the bulk and break area to 10 acres.
- c. Bulk and break bulk terminals. No change.
- d. Petroleum products terminal. A new inland slip will be dredged to relocate the old

petroleum products terminal. The relocation is necessary to accommodate expansion of the NITT. An alternate site for the petroleum berth or space for an additional berth is located on the northeastern side of the harbor.

32. The existing barge harbor is a privately-owned navigation improvement within the project area. It consists of a 9-acre barge basin measuring 520 feet wide and 700 feet long and a water depth of 21 feet. The entrance channel is 220 feet wide, 700 feet long and depth of 22 feet. The harbor was constructed in 1961 by the developers of the industrial park to enable industries in the area to ship some products directly by barge to other islands, thereby eliminating or reducing costs of trucking and transshipment to and from Honolulu. Use of the existing barge harbor has been limited by its size and surge problems. In 1974, the harbor handled a total of about 5,000 tons of cargo, primarily concrete products and petroleum. The west side of the basin and the approach channel will be incorporated with the proposed deep draft harbor. However, the east side would be used primarily as a tugboat and launch basin. It can also accommodate other uses such as the storage of pollution control equipment, limited industrial activities including the current LPG loading operation and a new small boat launching ramp.

33. The marine and navigational components of the harbor will be constructed under the direction of the Corps of Engineers. The estimated current cost is \$46,500,000 of which about \$2,000,000 or 4.4 percent will

be contributed by the State, with the balance funded by the Federal government. The State government will secure all the land, provide and maintain berthing areas, terminals and transfer facilities.

34. The United States Congress has appropriated \$5,500,000 in this current fiscal year to commence this project. Barbers Point Harbor is one of the few new start water projects approved by the President in all the nation. The President has included \$10,000,000 in his budget for the next fiscal year to continue the project.

35. The marine and navigational components are expected to be completed in 1982. Construction plans have been completed and the project can be advertised for construction as soon as the necessary State and County permits are obtained.

36. The shoreside facilities will be developed by the State in phases and increments over a period of several years. Phase I development increment one, estimated to cost \$3,500,000, will consist of facilities for berthing barges for both inter-island and overseas cargo.

37. Phase I development will also include incremental development of the back up areas to accommodate other types of cargo which require paving and separation as well as construction of a terminal building and administration office. Total cost of Phase I development to the State including State's cash contribution for the marine and navigational components is estimated at \$27,000,000.

38. During the period of 1995 to 2000, Phase II development is expected to include another slip

for inter-island barges, large boats, and a transshipment terminal, plus another lift-on/lift-off container berth. Phase II will require an additional 31 acres of land. Phase II development is estimated to cost the State \$26,000,000.

39. The ultimate conceptual plan or Phase III development for the harbor includes an expanded petroleum facility and will require the acquisition of additional land as necessary.

40. The State Legislature has authorized three appropriations for the harbor project, Act 195/65 - \$20,000 from revenue bond funds, Act 155/69 - \$200,000 from special funds and Act 68/71 - \$4,100,000 from revenue bond funds. The \$20,000 authorized Act 195/65 has been spent by the Department of Transportation for preliminary planning. The \$200,000 appropriation in Act 155/69 (as amended by Act 218/74, Section 18) is now being used for the archaeological studies of the proposed harbor area and other preconstruction activities including archaeological salvage work. The \$4,100,000 appropriated in Act 68/71 (amended by Act 218/74, Section 13) is still available for construction of the harbor.

41. State funding for the harbor development will not come from the general fund but from the Harbor's Special Funds thus the development of the facility will be paid for through user fees (accruing from wharfage, dockage, storage and rental properties), rather than direct taxes.

42. Projected revenues from wharfage, dockage, and port entry fees for the proposed Barbers Point harbor are

\$1,610,000 in the year 1985 and \$5,560,000 in the year 2000. Operating and maintenance costs total \$188,000 in 1985 and \$745,000 in the year 2000.

43. Initial state funding for Phase I of the proposed project has not yet been appropriated by the State Legislature.

44. Funding for Phase I construction of the proposed harbor will be by legislative appropriation of reimbursable general obligation bonds from the general fund to be paid back through harbor use fees and harbor special bonds.

45. In 1974, the Legislature passed Act 218, which changed the wording of Act 155/69, which made it possible for the State to negotiate with the landowners, using the dredged coral as the exchange medium.

46. On December 3, 1976, a Memorandum of Intent was signed between the Campbell Estate and the State Department of Transportation which provides for the State to condemn Campbell Estate land for harbor and harbor back up area use. In lieu of a monetary payment, the State is to acquire the property in exchange for the dredged coral material, subject to a sales contract covering all dredged and excavated material extracted from the property.

47. The dredged and excavated material extracted from the property will be comingled with the off-shore dredged material belonging to the State wherein the State agreed to compensate the Estate with approximately 90 percent of the proceeds from the sale of the coral. This percentage may change when quantities of dredged coral on and off-shore are defined more exactly at time of extraction.

48. Based on economic studies of the most probable market for the processed material, the 17.5 million tons of coral would be sold over a period of 17 and half years. After paying for processing and marketing and deducting the cost of sorting the material on Campbell Estate land, about 11 percent of the proceeds will accrue to the State.

NEED FOR GROWTH AND DEVELOPMENT

49. The Corps of Engineers design memorandum evaluation of present and future Hawaii Commerce shows that Honolulu Harbor will not be able to handle the demand of bulk and containerized vessels beyond the 1990-95 period. The State of Hawaii, through the Governor's Multi-Modal Task Force, which includes maritime and aviation officials, government officials and non-aligned invitees from business and community sectors, has reached similar conclusions.

50. Construction of a second harbor at Barbers Point is considered vital to assure the efficient and economical movement of waterborne commerce into and from Oahu, and it is considered essential to the orderly economic development of the entire State. Eighty percent of the goods needed in the State are imported, and 98 percent of these goods come in by water. The Department of Transportation considers that the development of the Barbers Point Harbor at this time is most advantageous to the people of Hawaii in terms of availability of the land, the high Federal participation, and the need for the harbor.

51. Economic cost-benefit analysis of the proposed Barbers Point Deep-Draft Harbor Project has determined that the harbor is needed. Update studies that were

done taking into account the changes in the value of the dollar, escalation of costs, and the II-f projections for the State have confirmed that the project is still justified.

52. Average annual benefits in excess of 3 million dollars are anticipated from net savings in overland haul cost, which account for about 75 percent of the annual benefits attributed to this project.

53. Barbers Point Harbor will serve the existing needs of industrial and warehousing activities that will move into this area. The harbor will result in substantial savings to its customers, not just by reducing congestion at Honolulu Harbor, and the City itself or by reducing in and out haul costs, but mostly by providing the additional economic justification to a large number of land intensive businesses to move away from the crowded high rent districts of Central Honolulu. A deep-draft harbor at Barbers Point would promote more efficient use of manpower and improve customer service. The community will benefit with less traffic congestion, improvement in highway maintenance (costs) and energy savings in terms of fuel and gasoline. Construction of a deep-water harbor at Campbell Industrial Park would also lower the cost of some raw material.

ALTERNATIVES TO PROPOSED DEVELOPMENT

54. Two alternative sites for a second deep-draft harbor examined were Pearl Harbor and Kaneohe Bay. Both were determined to be unsuitable for the development of a second harbor on Oahu. Another alternative is construction of a barge harbor of Keehi Lagoon.

55. Pearl Harbor was rejected because of hazards posed by the nearby Navy ammunition and explosive storage facilities, and conflicts with military vessel movement, security and common use of the access channel. In addition, there are adverse environmental impacts such as the destruction of valuable wetlands, the destruction of irreplaceable and valuable fishponds selected for preservation, the degradation of water quality, the loss of productive sugar land, the extensive sedimentation and maintenance dredging and the possibly of an adverse impact on the ground water aquifer.

56. Kaneohe Bay was rejected because of its lack of suitable land, excessive dredging and filling of reef areas which would destroy substantial amounts of the reef, conflict with land uses, significant environmental and social concerns and the economic penalty in overland haul costs.

57. Further expansion (over those already planned) at Sand Island is limited by lack of back-up areas which are presently occupied by a sewer plant, parks and other committed uses. The Keehi Lagoon area was rejected because of the resulting loss of pristine recreational land and loss of land set aside for a proposed fixed guideway system base-yard, and loss of area for an additional small boat harbor. In addition, restrictions in regard to height imposed by the Federal Aviation Authority would limit the effective use of the general area.

FEDERAL, STATE AND COUNTY PLANS

58. The project was authorized by Congress under Section 301 of the Rivers and Harbor Act of 1965 (PL 89-298). It is being implemented through authorization studies completed and published in Design Memorandum No. 1-Plan Formulation, dated July 28, 1976, and Design Memorandum No. 1-Phase II, Project Design, dated March 30, 1977.

59. The location of the harbor was reviewed in relation to the Air Installation Compatibility Use Zone (AICUZ) for the Barbers Point Naval Air Station. The review indicated that the harbor development is compatible with the requirements of the AICUZ.

60. The project is in accordance with the Harbor Master Plan to Year 1995, as recommended by the Multi-Modal Task Force on February 27, 1976. It is also in compliance with the appropriations and conditions as authorized by the State Legislature.

61. The proposed project is in conformance with the objectives and policies of the State General Plan and the Coastal Zone Management Act.

62. Portions of the harbor project, the channel entrance and offshore dredging areas, are within the State Conservation District. A Conservation District Use Permit was obtained from the DLNR on December 9, 1977.

63. The construction of the deep-draft harbor at Barbers Point is in accord with the policies contained in the City and County of Honolulu General Plan which encourage the development of a second deep-water harbor in Ewa.

64. The City and County of Honolulu Interim Zoning Control Ordinance for the area (Ordinance 77-9, effective February 1, 1977), shows the subject property designated as Industrial.

65. A portion of the subject property lies within the City and County of Honolulu Special Management Area and a Special Management Area Permit was approved by the City Council on December 12, 1978.

66. Portions of the harbor project area but not part of the subject property lies within the City and County of Honolulu Shoreline Setback area and are subject to the Setback Rules and Regulations of the City and County of Honolulu.

67. The City and County of Honolulu zoning designations for the area indicate that the harbor will occupy lands now zoned AG-1, I-2, and R-6. An application for rezoning to I-3 designation was filed with the Department of Land Utilization of the City and County of Honolulu on September 26, 1978. Action on the application is being held in abeyance subject to approval of the subject petition.

68. A Special Use Permit will be needed for stockpiling the dredged material on lands within the State Agricultural District.

RESOURCES OF THE AREA

Impact on Other Proposed Improvements at Barbers Point

69. The proposed harbor development is in conformity with the Campbell Estate's Master Plan for Honouliuli.

70. Proposed projects such as the Kahe Theme Park, Caneland, and the Fort Barrette Theme Park would

have minimal impact on the operations of the proposed harbor, nor would the harbor affect their operations because of the location of these projects relatively far from the proposed harbor area.

71. The master plan for the West Beach project shows the construction of a marina on the north side of the proposed harbor. The marina will be compatible with the harbor and would, in effect, serve as a buffer zone between the harbor and the West Beach development. There are, however, some concerns about possible conflicts due to joint use of the entry and exit channel. These concerns have been resolved in principal with the engineering consultants retained for the West Beach project. Further discussions will continue with developers of the marina to eliminate any conflicting uses of the area.

ECONOMIC IMPACT OF PROPOSED DEVELOPMENT

72. The primary economic impact of the harbor can be evaluated in terms of economic impact during construction and economic activity during its operation.

a. The construction of the proposed Barbers Point harbor is expected to create 280 total construction jobs during the first five years.

b. During the operations of the harbor, direct and support employment will increase to a total of 420 jobs by 1990. Operations should stimulate harbor related and indirectly related business enterprises, increase employment and aid leeward businesses, resulting in higher state tax revenues.

c. Overland haul costs which will be saved is estimated at an average annual savings of 3.2 million dollars. Savings in petroleum handling will also occur.

d. Revenues from harbor use charges and operating and maintenance costs are expected to occur.

73. The secondary economic impact of the harbor can be related to the increase of industrial and light manufacturing activity in areas surrounding the harbor development. The existence of a harbor at Barbers Point will increase the relocation of harbor related business from downtown Honolulu to leeward Oahu.

AGRICULTURAL AND AQUACULTURAL RESOURCES

74. The Land Study Bureau classifies soils of the subject property as type 115E. This land is rocky, with shallow, non-expanding, well-drained, soil, not suitable for machine tilling and with the lowest productivity rating.

75. The U.S. Soil Conservation Service classifies the soil in the project area as "coral outcrop."

76. The subject property is not suitable for cane cultivation, has no agricultural value, and Oahu Sugar Company has no plans to cultivate this area.

77. The subject property, and land in the vicinity are designated as secondary lands for aquacultural purposes in the report "Agriculture Development for Hawaii." The impact on aquaculture by the reclassification is negligible as there are many other areas in the State which are indicated as being suitable for aquaculture purposes.

NATURAL RESOURCES

78. The U.S. Geological Survey report states that the proposed harbor will not have an impact on the potable water supply, and a limited effect on development of the brackish caprock water as a supplementary water source. The net effect is that as much brackish water will

be available but the wells would have to be located further inland (away from harbor area). The Board of Water Supply, City and County of Honolulu, concurred that the proposed harbor will have no adverse impact on the basal groundwater sources.

79. The impact on bird/mammal population is considered to be minimal and short term because species recorded during a survey are not endangered or threatened and are highly adaptive. A rare specie of shrimp was found in the area. This shrimp is not in the Federal or State list of endangered species and has been previously reported to be at Puipo Bay, Puohika, Raupuna, Rowaena Rock, Kona and Kohala Coast on the island of Hawaii and Kaeikanao on Maui and Laie and Kailua on Oahu.

80. The shoreside facilities at the proposed harbor will require removal of the dense colony of Euphorbia skottsbergii var. (kalaeloana Sherff) at the south side of the facility. This plant is being considered for placement on the Federal list of endangered species. The U.S. Fish and Wildlife Service is presently conducting a field survey and study of Euphorbia to determine whether it should still be listed, and which area should be designated as critical habitat. Measures proposed to mitigate adverse impacts include realignment of the channel and basin to avoid the plant, and relocating the disposal stockpile area to avoid the plant. Efforts to propagate the plant from transplants and seedlings have been successful under nursery conditions. Efforts currently being undertaken to propagate plants under field conditions at Barbers Point, west of the Naval Air Station, appear to be successful. These planting areas will be fenced off and protected

until satisfactory results are obtained from the program to transplant the Euphorbia to more permanent areas. This program of mitigation is being coordinated with the U.S. Fish and Wildlife Service.

81. A survey of the Barbers Point area also located another potentially endangered species, Achyranthes splendens var. rotundata Hdb. None of these plants are located on the subject property and will, therefore, not be disturbed.

Coastal and Marine Related Sources

82. The location of the second harbor where one already exists will minimize impacts to coastal and marine related resources. The proposed inland orientation of the harbor will further reduce impacts. Dredging of the basin will be isolated and sedimentation during channel dredging will be partially mitigated by various methods which may include dredging curtains and the use of filtered hydraulic cutter head suction dredging. Appropriate monitoring and controls will be established to stop operations when water quality standards are exceeded.

83. In the event of oil spills, the inland configuration of the harbor would be more effective in containing spillages as compared with other possible harbor configurations. In addition, Coast Guard oil spill contingency plans would be put into effect. Mitigating measures for oil spills include use of floating oil booms, skimmers, and launches to take immediate steps to contain and remove pollutants.

84. Hydraulic model studies indicate that due to the orientation, shape, and size of the harbor, it will not be unusually affected by surge and waves. Further study

using newly developed techniques is being conducted to refine the harbor plans to minimize impact of tsunami waves.

Historic Resources

85. The archaeological and historic value of the project area has been documented and the area is eligible for inclusion in the National Register of Historic Places. Many surveys have been made and some are still in progress to identify areas of value. A program has been developed and is in progress, to salvage and extract information from known sites, to satisfy the eligibility criteria to the point where these sites are no longer necessary to be designated eligible for the register. This work will be completed prior to construction of the harbor. No problems are foreseen in the removal of these sites from eligibility once information has been salvaged. No problems are foreseen which could have a detrimental effect on the feasibility of the harbor project.

Paleontological Resources

86. Environmental surveys for the harbor project also revealed the paleontological significance of the area, particularly with respect to fossil birds. These fossils are being removed from the ground and what is not analyzed immediately will be stored for posterity, thereby insuring their protection.

Recreational and Aesthetic Resources

87. The construction of the inland harbor would have a temporary adverse impact on existing recreational use of the area. However, recreational opportunities

will increase when construction is completed. The project will enhance Oahu's coastal recreational potential by making available to the public, shoreline areas that presently have no public access. Development of a boat ramp facility and other park amenities are planned near the present barge harbor, if practicable. The location and boundaries of these improvements must be studied to insure the safety of its users and their compatibility with the efficient use of the commercial facilities. Inland fishing opportunities will be increased. There will continue to be waves suitable for surfing, and public access to the beach will create recreational opportunities such as scenic viewing, spear fishing, boating, swimming, and scuba diving.

88. The harbor will be constructed at the fringe of an industrial area and therefore will not conflict with adjacent oil refineries and cement plants. The dredged material will be stockpiled on the perimeter of the harbor. These hills will be vegetated with appropriate plants to control dust and lessen visual impact.

Air Quality, Noise, and Others

89. The main sources of air pollution will be interior traffic and emissions from ships. Anticipated concentrations due to traffic will not exceed State and Federal standards. If governmental regulations are followed, no air pollution problems are expected.

90. The harbor related activities of the project would generate noise levels approximately similar to those presently emitted at Honolulu Harbor. No adverse impacts are expected to industrial park areas. There are no planned schools, churches, or residential areas near enough to be affected. There are no noise conflicts between harbor and aircraft operations.

91. The height of proposed construction in the harbor area will not present a hazard to aircraft operations. The density of people working at the harbor is considered compatible with Barbers Point air operations and accident potential zones.

PUBLIC SERVICES AND FACILITIES

Fire Services

92. Fire flow requirements for the harbor facilities will be met on an interim basis by providing saltwater pumping equipment. A new fire station in the Campbell Industrial Park is planned for the fiscal year 1980. The new station will house an engine company and an aerial ladder company consisting of 33 fire-fighting personnel.

Police Services

93. Although there will be an increase of traffic and other calls for service, the police department does not anticipate any immediate need for additional police officers.

Public Utilities

94. The project area is within the service area of public utilities and facilities. Telephone and electrical lines are located on Malakole Road. All of these requirements can be accommodated without significant adverse impacts.

Solid Waste

95. Solid waste will be collected and hauled by the State and private collectors to Palailai landfill at Makakilo located approximately 1 1/2 miles away.

Roadways and Highways

96. The existing road facilities have sufficient capacity until about 1990, except for a one mile segment of the existing Malakole Road which will be widened in the early phases of harbor development. If predicted development at Campbell Industrial Park materializes, additional improvements to existing roadways and interchanges will be required. The Department of Transportation has requested that the access road to the harbor be placed on the Federal Aid Primary Road System. This request is being coordinated with the City and County of Honolulu and the Oahu Metropolitan Planning Organization.

Drainage

97. No stream or drainage canals will discharge into the harbor area. The discharge of local storm runoff from the harbor facilities is not expected to have a significant impact on the harbor basin. Water quality in the harbor is expected to be better than that of Honolulu Harbor. A regional drainage system is being proposed by Campbell Estate for the general area that will intercept runoff along the eastern and southern perimeters of the harbor. The project site will not be affected by stream flooding or erosion.

Sewage and Wastewater

98. An interim sewage disposal system will be designed and constructed for the project in accordance with State and City and County requirements. The principal alternative methods of sewage disposal system would be oxidation ponds or a package treatment plant followed by disposal of treated effluent via injection or leaching fields.

Water

99. The initial incremental development for the harbor facilities will require 20,000 gallons of potable water per day. Phase II when completed, will require 60,000 gallons per day. The Board of Water Supply has indicated that these modest requirements can be met with the existing system by tapping into the existing 20-inch main along Kalaeloa Boulevard. The source of water required for future harbor development as well as the anticipated Campbell Industrial Park and Ewa plain developments is being coordinated with the Board of Water Supply in accordance with a water master plan.

CONFORMANCE WITH ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS

100. The Corps of Engineers' Final Environmental Statement for the construction of the marine and navigational elements of the project was prepared in accordance with the National Environmental Policy Act (NEPA) and filed with the Council on Environmental Quality (CEQ) on December 7, 1976. It was published in the Federal Register on December 27, 1976 and became officially accepted on January 25, 1977. A supplement to the Final EIS was also circulated in January 1977.

101. The State Department of Transportation's Final Environmental Impact Statement for the project, prepared in accordance with Section 34-3, Hawaii Revised Statutes, was approved by the Governor on September 1, 1978.

Scatterization and Contiguity of Development

102. The subject property abuts the Urban District and approximately 80 acres of the 246 acres required for the project is already in the Urban District. The subject property is adjacent to the 1,300 acres of the developed portion of James Campbell Industrial Park and is located in the area yet to be developed as an expansion of the existing industrial complex. The subject property also abuts the proposed West Beach resort and residential development.

INCREMENTAL DISTRICTING

103. Although the development of facilities for the deep-draft harbor on the subject property will be accomplished in various phases and increments, the entire property will be used within the initial five years of development. The marine and navigational components will be completed in the year 1982. The shoreside facilities occupying the remaining portion of the subject property will be developed in increments over several years. The initial increment, which should be ready for use about the year 1985, will include the clearing, grading and compacting of the subject property in its entirety for use as marshalling and transit storage yards. Phase II of the shoreside facilities is expected to occur after 1995 and the ultimate conceptual plan or Phase III will be constructed if and when it is considered necessary.

CONFORMANCE WITH INTERIM STATEWIDE LAND USE
GUIDANCE POLICIES AND STATE LAND USE
DISTRICT REGULATIONS

The Petition for Reclassification meets the standards for Urban Districts and the Interim Statewide Land Use Guidance Policies in that:

104. The subject property is located in an area with "city-like" concentrations of people, structures, streets, and urban level of services and other related land uses.

105. The subject property is within the Ewa-Makakilo Secondary Urban Center and is in proximity to centers of trading and employment facilities.

106. The project is economically feasible.

107. The subject property is in reasonable proximity to basic services such as sewers, water, sanitation, police and fire protection.

108. The project is in conformance with long-term growth projections for the area contained in the City and County of Honolulu General Plan.

109. The subject property has satisfactory topography and drainage and is reasonably free from danger of floods, tsunami, and unstable soil conditions and other adverse environmental effects.

110. The subject property is adjacent to existing urban lands and the development is in conformity with the State Plan and City and County of Honolulu General Plan policies for the area.

111. The subject property is an appropriate location for new urban growth and conforms to areas designated for growth as indicated in the City and County of Honolulu General Plan.

112. The subject property does not include lands which would contribute towards scattered spot urban development or necessitate unreasonable investment in public supportive services.

113. The boundary amendment is reasonable, and is in conformance with Section 205-2, Hawaii Revised Statutes.

114. The boundary amendment is reasonably necessary to accommodate growth and development and will not have any significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

115. The land use amendment, for the development of a deep-draft harbor project, will provide permanent employment opportunities.

116. The harbor project is reflected in the City and County of Honolulu Interim Zoning Control Ordinance which is in full force and effect until such time as development plans for the area are adopted.

117. The land use amendment will not require any reclassification of conservation district lands.

118. The land use amendment will not have any impact on reclassification of urban lands which are incompatible with the Interim Statewide Land Use Guidance Policies, or which are not developed in a timely manner.

RULING ON PROPOSED FINDINGS

Any of the proposed Findings of Fact submitted by the Petitioner or the other parties, not already ruled upon by the Land Use Commission by adoption herein, or rejected by clearly contrary Findings of Fact herein, are hereby denied and rejected.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, the Rules of Practice and Procedure, and the District Regulations of the Land Use Commission, the Commission concludes that all the legal requirements of notice and hearing were complied with in the Petition for Reclassification of approximately 166 acres of land situate at Barbers Point, Honouliuli, Ewa District, City and County of Honolulu, Oahu, from Agricultural to Urban District, and the Commission having heard and examined all of the record, evidence, and arguments of counsel, concludes that the boundary amendment conforms to the standards established for the Urban Land Use District by the State Land Use District Regulations and is consistent with Chapter 205-2, Hawaii Revised Statutes, the Interim Statewide Land Use Guidance Policies established pursuant to Chapter 205-16.1 Hawaii Revised Statutes, and State Land Use District Regulation 6-1.

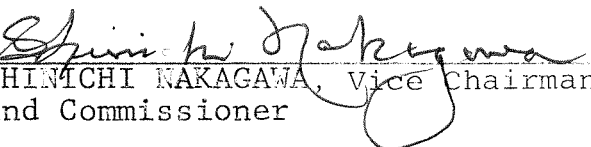
ORDER

FOR GOOD CAUSE appearing, it is hereby ordered that the property which is the subject of the petition in Docket Number A78-449, consisting of approximately 166 acres of land situated at Barbers Point, Honouliuli, Ewa District, City and County of Honolulu, Oahu, identified by TMK: 9-1-14: 2 (por.), be reclassified from the Agricultural to the Urban Land Use District.

DONE at Honolulu, Hawaii, this 20th day
of November, 1979, by motion passed by the Land
Use Commission on September 5, 1979.


LAND USE COMMISSION
STATE OF HAWAII

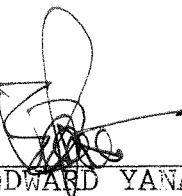
By 
C. W. DUKE, Chairman and
Commissioner


By 
SHINICHI NAKAGAWA, Vice Chairman
and Commissioner

By 
SHINSEI MIYASATO, Commissioner

By 
MITSUO OURA, Commissioner

By 
GEORGE PASCUA, Commissioner

By 
EDWARD YANAI, Commissioner

By 
WILLIAM YUEN, Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition	)	DOCKET NO. A78-449
of the)	
)	
DEPARTMENT OF PLANNING AND	)	THE DEPARTMENT OF PLANNING
ECONOMIC DEVELOPMENT,	)	AND ECONOMIC DEVELOPMENT,
STATE OF HAWAII	)	STATE OF HAWAII
)	
To Amend the Agricultural)	
Land Use District Boundary)	
to Reclassify Approximately)	
166 Acres at Barbers Point,)	
Honouliuli, Ewa District,)	
Island of Oahu, into the)	
Urban Land Use District)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the following documents were served to the parties listed by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

1. Order Denying Department of General Planning's Motion To Strike Petitioner's Response To Department Of General Planning's Proposed Findings Of Fact, Conclusions Of Law And Decision And Order And Intervenor's Joinder In Motion To Strike Petitioner's Response To Intervenor's Proposed Findings Of Fact, Conclusions Of Law And Decision And Order.
2. Order Denying Department of General Planning's Motion To Reopen The Hearing To Present Additional Evidence And Intervenors' Oral Motion To Join The Department of General Planning's Motion To Reopen The Hearing To Present Additional Evidence.
3. Order Denying Intervenors' Motion To Reach Decision After Review Of Findings Of Fact And Conclusions Of Law And Department Of General Planning's Oral Motion To Join The Intervenors' Motion To Reach Decision After Review Of Findings Of Fact And Conclusions Of Law
4. Order Denying Intervenors' Motion To Continue Final Decision And Department Of General Planning's Oral Motion To Join The Intervenors' Motion To Continue Final Decision.

5. Land Use Commission's Decision and Order.

HIDETO KONO, Director
Department of Planning and
Economic Development
State of Hawaii
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Honolulu, Hawaii 96813

ANNETTE CHOCK, Deputy Attorney General
Capital Investment Building
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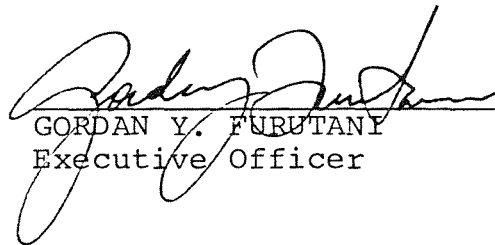
GEORGE MORIGUCHI, Chief Planning Officer
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E. COOPER BROWN
Suite 1100, Castle & Cooke Building
Financial Plaza of the Pacific
Honolulu, Hawaii 96813

Dated: Honolulu, Hawaii, this 21st day of November, 1979.


GORDAN Y. FURUTANY
Executive Officer