MEMORANDUM

TO: Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OECB BULLETIN - ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE APPLICATION MA-5/2/91-2341 to Subdivide State-owned submerged lands in order to establish a Governor's Executive Order for harbor purposes to Lahaina Small Boat Harbor, Lahaina, Maui TMK: 4-6-1: 2

The above mentioned Chapter 343 Document was reviewed and a negative declaration was declared based upon the environmental assessment provided with the CDUA.

Please feel free to call me or Cathy Tilton of our Office of conservation and Environmental Affairs, at 548-7837, if you have any questions.

Entrace Channel Lahaina Small Boat Harbor: After the Fact Cura
December 18, 1990

To: William W. Paty, Chairperson
   Board of Land and Natural Resources

From: Edward Y. Hirata, Director
   Department of Transportation

Subject: CONSERVATION DISTRICT USE APPLICATION FOR THE ENTRANCE
        CHANNEL AT LAHAINA SMALL BOAT HARBOR, LAHAINA, MAUI

We are submitting the following information and documents as requested in your letter of November 9, 1990, (File No. DA-2431), to clarify and supplement our Conservation District Use Application of September 26, 1990.

1. The purpose of our Conservation District Use Application is for the subdivision of the submerged lands at Lahaina Small Boat Harbor in order to establish a Governor's Executive Order to permit DOT to have permanent management responsibilities for the Entrance Channel (subdivision map submitted with application dated 9/26/90).

   A check of $50.00 (Check #7071) for public hearing fee is enclosed.

   Maintenance dredging at the Entrance Channel is required every 9 to 10 years to maintain safe egress and ingress to Lahaina Small Boat Harbor.

2. Enclosed is a copy of Contract No. 4302 dated September 9, 1954 for the project "Dredging in Approach Channel to Lahaina Boat Harbor". This contract indicates that the Entrance Channel was constructed prior to 1955, hence, after-the-fact CDUA may not be required.

3. The following maintenance projects and dates of construction are also provided as requested:
(a) Job H. C. 4025 - Feb. 1974
Replace Channel Markers

(b) Job H. C. 4054 - Feb. 1977
Maintenance Dredging at Entrance Channel

(c) Job H. C. 4129 - March 1988
Maintenance Dredging at Entrance Channel

4. Lahaina Small Boat Harbor is located on the northwestern coast of Maui, 23 miles northeast of Cape Hanamanioa and 22 miles from Wailuku. The harbor entrance channel is marked with buoys and lighted range. Channel depth is 8 to 10 feet with mud bottom.

Periodic maintenance dredging of the Entrance Channel will temporarily disrupt the use of the harbor but only for a short duration during the dredging operation. It will not significantly change or disrupt the present use of the area.

The maintenance dredging will not:
(a) Generate controversy;
(b) Alter the character of the harbor use;
(c) Cause the displacement of any person;
(d) Affect any rare, threatened, or endangered species of animals, plants, or habitats;
(e) Involve any irrevocable commitment to loss or destruction of any natural or cultural resources, except for the labor and materials related to the improvements;
(f) Curtail the beneficial uses of the environment;
(g) Conflict with the State’s long-term environmental policy goals, or guidelines; and
(h) Degrade the environmental quality.

The maintenance dredging operation, utilizing dragline/clamshell type of equipment mounted on a barge, will cause increased turbidity of the harbor
waters due to the suspension of silt, organic detritus and nutrients. However, the turbidity increase will be of short duration since the material should quickly settle out and restore the waters to the original level of turbidity. Disposal of the dredged materials will be on land at an approved dump site.

No action would result in a hazardous ingress and egress to Lahaina Small Boat Harbor.

Provisions will be made to control and minimize the temporary adverse effects of the maintenance dredging operation.

5. Copies of Executive Order Numbers 2054 and 2400.

6. Lahaina Boat Harbor is used for boat tour and recreational and commercial fishing operations. These operations are consistent with the objectives of the Conservation District (R) subzone.

Please contact Emilio Barroga, Jr. at 548-2505 if you have any question.

Enc.
CONTRACT

This Agreement, made this 9th day of September, 1924, by and between the TERRITORY OF HAWAII, by the Board of Harbor Commissioners, through its Chairman, party of the first part, and HAWAIIAN DREDGING CO., LTD., party of the second part:

Witnesseth, that for and in consideration of the payments hereinafter mentioned, the party of the second part hereby covenants and agrees with the party of the first part to furnish and pay for all of the labor, materials, tools and equipment necessary to dredge, and to dredge complete as is enumerated on the plans and in the proposal, specifications and general conditions for DREDGING IN APPROACH CHANNEL TO LANAIKA BOAT HARBOR, LANAIKA, MAUI, H.I., omitting Item No. 1, 2, 3, 5 and 7 of the proposal,

in accordance with Plans No. 0, 6, 922, on file in the office of the Board of Harbor Commissioners and proposal, specifications and general conditions hereto annexed which plans and proposal, specifications and general conditions including any and all additions thereto or deductions therefrom are hereby made a part hereof, and to complete the same on or before the 30th (30) working days from date of issuance of notice to proceed or on or before such later date as may be fixed in accordance with the general conditions.

For and in consideration of the covenants, undertakings and agreements of the party of the second part herein set forth and upon the full and faithful performance thereof by the party of the second part, the party of the first part hereby agrees to pay to the party of the second part the sum of Fifteen thousand three hundred twenty-one and 23/100 ($15,321.23) Dollars, in lawful money, such payments to be made, however, in the manner and at the times provided in the proposal, specifications and general conditions hereto annexed and made a part hereof, and subject to such additions thereto or deductions therefrom heretofore or hereafter made in accordance with the provisions of such proposal, specifications and general conditions and this agreement.

In Witness Whereof, the party of the first part has caused this agreement to be executed on its behalf by its Board of Harbor Commissioners, and the party of the second part has caused this contract to be signed by its proper officer duly authorized so to do

at Honolulu, Territory of Hawaii, on the day and year first above written.

THE TERRITORY OF HAWAII

By: [Signature]
Chairman, Board of Harbor Commissioners.

HAWAIIAN DREDGING CO., LTD.

By: [Signature]
Contractor.
Executive Order No. 225

DIRECTOR'S OFFICE

Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 108A-11, Revised Laws of Hawaii 1955, as amended, and every other authority in me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

FOR ADDITION TO LAHAINA SMALL BOAT HARBOR, to be under the control and management of the Department of Transportation.

ADDITION TO LAHAINA SMALL BOAT HARBOR

Pa Pelekane, Lahaina, Maui, Hawaii

Being a portion of the underwater area off Pa Pelekane.

Beginning at the east corner of this underwater area on the northwest boundary of United States Lighthouse Site (Presidential Proclamation 1527, dated March 6, 1916) and on the south boundary of Lot 6-A as shown on Map 2 of Land Court Application 190, the true azimuth and distance to a Street Monument at Wharf and Hotel Streets being 304° 50' 10" 156.84 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 8658.01 feet South and 3598.61 feet West, as shown on Government Survey Registered Map 2487, thence running by azimuths measured clockwise from True South:

1. 56° 53' 7.41 feet along United States Lighthouse Site (Presidential Proclamation 1527, dated March 6, 1916);

2. 61° 13' 391.61 feet along Lahaina Small Boat Harbor (Governor's Executive Order 2054);

3. 151° 13' 100.00 feet;
4. 241° 13' 401.41 feet;

5. 332° 36' 99.47 feet along Lot 6-A as shown on Map 2 of Land Court Application 190 to the point of beginning and containing an AREA OF 40,018 SQUARE FEET.

SUBJECT to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.

Done at the Capitol at Honolulu this \texttt{13\textsuperscript{th}} day of \texttt{August}, Nineteen Hundred and \texttt{68}.

\texttt{John A. Burns}  
Governor of the State of Hawaii

Approved as to form:

\texttt{\underline{Deputy, Attorney General}}

\texttt{Dated: 7/13/68}

\texttt{Proofed by:}
Executive Order No.

Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by Article IV of the Hawaiian Organic Act, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, following public purposes;

FOR Lahaina Small Boat Harbor, to be under the control and management of the Department of Transportation.

LAHAINA SMALL BOAT HARBOR

Waianae, Puako and Pakala, Lahaina, Maui, Hawaii

Comprising the following:

a. Portion of Lot 6-A, as shown on Map 2 of Land Court Application 190 and covered by Owner’s Certificate of Title 1123, issued to the Territory of Hawaii (Land Office Deed 2137).


d. Portion of L.C.AW. 10806, Part 77 to Kanamahana III conveyed to the Territory of Hawaii by C. D. Lufkin by deed dated February 10, 1919 and recorded in Liber 667, Pages 53-56 (Land Office Deed 1878).


g. Portion of the underwater area.

Beginning at the north corner of this parcel of land, and on the west corner of United States Lighthouse Site (Presidential Proclamation 1527, dated March 6, 1916), the true azimuths and distance to a Street Monument at Wharf and Hotel Streets being 302° 22' 15" 159.77 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station.
"LAINA" being 8662.06 feet South and 3604.82 feet West, as shown on Government Survey Registered Maps 2487 and 2697, thence running by azimuths measured clockwise from True South:

1. 331° 33' 25.00 feet along United States Light-
   house Site (Presidential Proclamation 1527, dated
   March 6, 1916);

2. 236° 53' 21.34 feet along United States Light-
   house Site (Presidential Proclamation 1527, dated
   March 6, 1916) and along the westerly side of Wharf
   Street (portion of Lot 6-A of Land Court Application
   190);

3. 331° 13' 462.54 feet along the southwesterly side
   of Wharf Street (portion of Lot 6-A of Land Court Ap-
   plication 190), along Public
   Park (Governor's Executive Order 80) and along the west
   end of Canal Street;

4. 240° 26' 51" 49.33 feet along the southeasterly side
   of Canal Street;

5. Thence along Kamohamema III School Lot (Governor's Ex-
   ecutive Order 222), on a curve to the left with a radius of
   50.00 feet, the chord azimuth and distance being: 15° 49'
   55.5" 70.23 feet;

6. 331° 13' 188.13 feet along Kamohamema III School
   Lot (Governor's Executive Order 222);

7. 61° 13' 5.08 feet along Kamohamema III School
   Lot (Governor's Executive Order 222);

8. 331° 19' 109.14 feet along Kamohamema III School
   Lot (Governor's Executive Order 222);

9. 341° 37' 96.80 feet along Kamohamema III School
   Lot (Governor's Executive Order 222);

10. 341° 18' 93.34 feet along Kamohamema III School Lot;
This is to certify that the within is a true copy of Executive Order No. 54 setting aside land for public purposes, the original of which is on file in this office.

Lieutenant Governor

In testimony whereof, the Secretary of the Territory of Hawaii, has hereunto subscribed his name and caused the Great Seal of the Territory to be affixed.

DONE in Honolulu, this 16th day of A.D. 1942

6/14/42
STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 521
HONOLULU, HAWAI'I 96809

DEPARTMENT MASTER APPLICATION FORM

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
   (If State land, to be filled in by Government Agency in control of property)

   Name ____________________________
   Address ____________________________

   Telephone No. ____________________________

   SIGNATURE ____________________________
   Date ____________________________

II. APPLICANT (Water Use, omit if applicant is landowner)

   Name ____________________________
   Department of Transportation
   Harbors Division
   Address 79 S. Nimitz Highway
   Honolulu, Hawaii 96813
   Telephone No. 548-5840

   Interest in Property To permit DOT to permanently control and manage the entrance channel.
   (Indicate interest in property; submit written evidence of this interest)

   *SIGNATURE ____________________________
   Date ____________________________

   *If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

   (X) A. State Lands
   (X) B. Conservation District Use
   ( ) C. Withdraw Water From A Ground Water Control Area
   ( ) D. Supply Water From A Ground Water Control Area
   ( ) E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

   District Lahaina
   Island Maui
   County Maui
   Tax Map Key 4-6-01:2
   Area of Parcel 7.3275 Acres
   (Indicate in acres or sq. ft.)
   Term (if lease) ____________________________

February 1983

FOR DLNR USE ONLY
Reviewed by ____________________________
Date ____________________________
Accepted by ____________________________
Date ____________________________
Docket/File No. ____________________________
180-Day Exp. ____________________________
EIS Required ____________________________
PH Required ____________________________
Board Approved ____________________________
Disapproved ____________________________
Well No. ____________________________
V. Environmental Requirements

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. The Environmental assessment shall include, but not be limited to the following:

(1) Identification of applicant or proposing agency;

(2) Identification of approving agency, if applicable;

(3) Identification of agencies consulted in making assessment;

(4) General description of the action's technical, economic, social, and environmental characteristics;

(5) Summary description of the affected environment, including suitable and adequate location and site maps;

(6) Identification and summary of major impacts and alternatives considered, if any;

(7) Proposed mitigation measures, if any;

(8) Determination;

(9) Findings and reasons supporting determination; and

(10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)
V. ENVIRONMENTAL REQUIREMENTS

(1) Identification of applicant or proposing agency:
   Department of Transportation
   Harbors Division
   79 S. Nimitz Highway
   Honolulu, Hawaii 96813

(2) Identification of approving agency:
   Department of Land and Natural Resources

(3) Identification of agencies consulted in making assessment: None

(4) General description of the action's characteristics:
   The intent of this after-the-fact application is to permit the Department of Transportation to have
   permanent control and management responsibilities for Lahaina Small Boat Harbor's entrance channel through a
   Governor's Executive Order.

(5) Summary description of the affected environment:
   The Lahaina Small Boat Harbor's entrance channel is located over and across State-owned submerged lands,
   designated as being within the boundaries of a conservation district by the State Land Use Commission.
   The entrance channel is 12 to 20 feet deep, 200 feet wide and 1,625 feet long.

(6) Identification and summary of major impacts and alternatives considered: N/A, the entrance channel is
    existing.

(7) Proposed mitigation measures: N/A

(8) Determination: The action has no impact on the submerged conservation lands.

(9) Findings and reasons for supporting determination: N/A.

(10) Agencies to be consulted in the preparation of EIS: N/A

VI. Summary of Proposed Use:
   The after-the-fact Conservation District Use Permit is required before the entrance channel can be formally set
   aside and placed under the permanent control and management for the Department of Transportation through a Governor's
   Executive Order.
INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

A. Existing structures/Use. (Attach description or map).

B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).

C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).

D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).

E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).

F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).

G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.).

H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

III. Commencement Date: __________________________

Completion Date: __________________________

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

1. Permitted Use (exception occasional use): DLNR Title 13, Chapter 2, Section ______; Subzone ______.

2. Accessory Use (accessory to a permitted use): DLNR Title 13, Chapter 2, Section ______; Subzone ______.

3. Occasional Use: Subzone ______.

4. Temporary Variance: Subzone ______.

5. Conditional Use: Subzone ______.
INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel
   A. Existing structures/use - channel marker buoys within the existing entrance channel.
   B. Existing utilities - Since the area is a submerged land, this item is not applicable. However, utilities are available at the adjacent land parcel.
   C. Existing access - Access to the harbor are from various streets. See plan.
   D. Vegetation - N/A, submerged lands.
   E. Topography - The depth of the entrance channel varies from 12 feet to 20 feet. The channel is 200 feet wide and 1,625 feet long.
   F. Existing covenants - None.
   G. Shorelines - N/A, subject areas are submerged lands.
   H. Historic sites affected - None.

II. Description

   The entrance channel to Lahaina Small Boat Harbor was constructed under Job H.C. 922.1 dated May 3, 1955. The entrance channel has been managed and maintained by the Department of Transportation pursuant to Chapter 266, HRS, although it was inadvertently excluded when Executive Order Nos. 2054 and 2400 were issued on June 4, 1962 and August 13, 1969, respectively. The intent of this application is to permit the Department of Transportation to have permanent control and management responsibilities for the entrance channel through a Governor’s Executive Order.

III. Commencement Date: N/A.
     Completion Date: N/A

IV. Type of use requested

   1. Permitted Use (exception occasional use);
      DLNR Title 13, Chapter 2, Section 13C.1; Subzone R.
Area of Proposed Use: 7.3275 Acres

(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark

Wailuku, 22 miles

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone: Resource
County General Plan Designation: Urban

V. FILING FEE

1. Enclose $50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawai‘i.

2. If use is commercial, as defined, submit additional public hearing fee of $50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans: (All plans should include north arrow and graphic scale).

A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.

B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.

C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.

D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.

E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.

F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).
DATE: 02/20/90

Prepared by: DOT Harbors Division

The document is a (check all that apply)

X Chapter 205A Document

X Negative Declaration

X Chapter 343 Document

X EIS Preparation Notice

NEPA Document

X Draft EIS

Final EIS

Acceptance Notice

Is the document a supplemental EIS? Yes ( ) No ( X )

Title of Proposed Action or Project: After-the-fact Conservation

District Use Application for the Entrance Channel, Lahaina Small Boat Harbor, Lahaina, Maui

Location: Island Maui District Lahaina

Type of Action (check one): Applicant ( ) Agency ( X )

Name of Proposing Applicant or Agency: DOT Harbors Division

Name of Contact: Emilio Barroga, Jr.

Address: 79 S. Nimitz Highway

City: Honolulu State: Hawaii Zip Code: 96813

Phone: (808) 548-2505

Name of Preparer or Consultant: Same as above

Name of Contact: 

Address: 

City: 

State: 

Zip Code: 

Phone: 

Accepting Authority: Department of Transportation

Estimated Project Cost: 

Federal Funds $ 

State Funds $ 

County Funds $ 

Private Funds $ 

TOTAL $

Document Preparation Cost: 

Neg Dec/EA $ 

Draft EIS $ 

Sup Draft EIS $ 

Sup Final EIS $

TOTAL $

EA Trigger (check all that apply)

X Use of Conservation District Lands

X Use of Historic Site or District

X Use of Lands in the Waikiki Special District

X Use Requiring an Amendment to a County General Plan

NOTE: For answers to any question on Page 10 or 11, please contact the Office of Environmental Quality Control at (808) 548-6915.

[OEQC Form 89-01 (1/89) Page 1 of 2]
( ) Use Requiring the Reclassification of Conservation Lands
( ) Construction or Modification of Helicopter Facilities
( ) Other

Brief Description of the Proposed Action or Project which will be Published in the OEQC Bulletin (limit of 500 words or less):

The Entrance Channel was constructed under Job No. H.C. 922.1 dated May 3, 1955. It has been managed and maintained by the Department of Transportation pursuant to Chapter 266, HMS, although it was inadvertently excluded when Executive Order Nos. 2054 and 2400 were issued on June 4, 1967 and August 13, 1968, respectively.

An after-the-fact Conservation District Use Permit is required before the Entrance Channel can be formally set aside and placed under the permanent control and management of the Department of Transportation through a Governor's Executive Order.

(Continue on another sheet if necessary)

Tax Map Key(s): 4-6-01:2  

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FOR OEQC USE ONLY

Date of Submission:  
Date of Publication: OEQC # Planner:
Last Day for Consulted Party Request:
Comment Period Ends:
Acceptance Date:
Publication Date of Acceptance:

[OEQC Form 89-01 (1/89)  
Page 2 of 2]