TO: The Honorable Gary Gill, Director
Office of Environmental Quality Control

FROM: Michael D. Wilson, Chairperson
Board of Land and Natural Resources

SUBJECT: NEGATIVE DECLARATION FOR MANELE BAY PASSENGER REST STOP
AT MANELE BOAT HARBOR, ISLAND OF LANAI (TRILOGY CORPORATION) - TMX: 4-9-17:06

In accordance with Act 241, SLH 1992, we have completed the formal environmental assessment 30-day review period for the subject development. Responses have been made to the comments that were received from the public and government agencies and copies are appended to the Final Environmental Assessment.

We have determined that no environmental impact statement will be required for the development. Based on the foregoing, we are filing this Negative Declaration.

Enclosed are the original and four copies of the Final Environmental Assessment and a completed OEQC form for publication in the OEQC Bulletin.

Should you have any questions, please contact Larry Cobb, Property Manager, at 587-1978.

Attachments
Final Environmental Assessment

Trilogy Corporation's
Manele Bay Passenger Rest Stop
Manele Bay, Lana'i, Hawai'i

Prepared for:
Mr. James Coon, President
Trilogy Corporation
P.O. Box 1118
Lahaina, Maui, Hawaii 96761

Prepared by:
Chris Hart & Partners
1955 Main Street
Wailuku, Maui, Hawaii 96793
Ph. 242-1955 (bus.) 242-1956 (fax.)

May, 1995
Final Environmental Assessment

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May, 1995
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APPENDIX A - COMMENTS AND RESPONSES
I. PROJECT OVERVIEW

Applicant: Trilogy Corporation
Mr. James Coon, President

Planning Consultant/Agent: Chris Hart & Partners
1955 Main Street
Wailuku, Hawaii 96793

Land Owner: State of Hawaii

Tax Map Key (TMK): 4-9-17: 06

Accepting Agency: Division of Boating and Recreation
Dept. of Land and Natural Resources
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

A. PROJECT LOCATION, EXISTING USE, AND LAND OWNERSHIP

The proposed project is located within Manele Bay Small Boat Harbor on the island of Lanai’s south coast, County of Maui, Hawaii (see Figure 1). The parcel, which is leased to the applicant by the State of Hawaii, comprises an area of 18,436 square feet and is identified as a portion of Tax Map Key No. 4-9-17:06. Manele Bay Small Boat Harbor is owned and operated by the State of Hawaii. The immediate vicinity of the proposed project is in harbor-related use. The project site is currently used as a rest stop and assembly area for the applicant’s charter groups and passenger. Existing improvements consist of a temporary structure made of a galvanized pipe frame and shade cloth.

B. PROJECT NEED

At present, there is no permanent rest stop facility in the harbor area for harbor users. In recognizing the desirability of providing such an amenity, the State of Hawaii, Department of Land and Natural Resources, Division of Boating and Ocean Recreation, has authorized the applicant to develop a passenger rest stop and harbor service center. The passenger rest stop will provide an area in which the applicant’s customers may assemble to be served.
meals, engage in recreational activities, entertainment activities, organize excursions, re-group for departure, etc. The facility could also service other tour operators, sea transit passengers and the general boating community using harbor facilities. In addition, the service center would provide refreshments and amenities for harbor users.

C. PROPOSED IMPROVEMENTS

The proposed project involves the construction of a passenger rest area pavilion with a basement for the harbor service center and storage as well as landscape improvements (see Figure 2). The pavilion would be mostly open except for the northeast section which would be enclosed and contain a sink and counter space as well as restroom facilities. The pavilion's total floor area would be 2400 square feet. The finish floor of the pavilion would be at approximately the same elevation as the existing natural grade (approximately 15.5 ft. above mean sea level). The basement would be built in an excavated area beneath the pavilion. The harbor service center will be located in a portion of the basement, and will consist of a small convenience/snack shop selling food and beverages, sundry items, fishing tackles, lures, ice and bait, etc.. The other portion of the basement will be used for storage.

D. PROJECT ALTERNATIVES

The following alternatives were considered during formulation of the proposed project plans described above.

No action. This alternative involves making no improvements to the existing passenger rest area. At present, existing facilities consist of a temporary structure made of galvanized pipe frame and shade cloth. A significant portion of the 18,436 sq. ft. area which is currently leased is not landscaped and consists of original tailings from harbor dredging activities. A primary goal of the proposed action is to improve the visual character of the area by providing a permanent replacement of the existing facilities and a landscape planting plan. Another primary objective is to provide basic
MANELE BAY PAVILION CONCEPT
for: TRILOGY
4-13-94

Harbor Service Center & Passenger Rest Stop.
REVISED 12-20-94

FIGURE 2
services for harbor users. The no action alternative would not meet these two primary objectives.

**Alternative site within Manele Small Boat Harbor.** An alternative site within the northeast section of the harbor was considered. This alternative was proposed by the Manele Harbor Advisory Committee and preliminarily agreed to by Trilogy Corporation, however, the State Division of Boating and Recreation's (DOBOR's) administrative offices rejected this site because it would not be centrally located for harbor users. The objective of the DOBOR is to provide a harbor service center which is accessible to the harbor users. The northeast section of the harbor is on the opposite side of the harbor from the boat ramp and mooring areas. This alternative would violate accepted best management practices for small boat harbors and marinas regarding siting of service facilities.

**Passenger Rest Stop Pavilion without the Harbor Service Center.** The inclusion of the Harbor Service Center in the project plans was in response to a Lana'i boaters survey conducted by DOBOR. Results of the survey are included as an appendix to the Manele Harbor Master Plan. The following percentage of survey respondents felt the associated services or improvements should be provided at Manele:

- 40.6% Fuel
- 25.0% Ice
- 62.5% More Park Area
- 40.6% Want Manele Harbor enhanced
- 65.5% Want fast food

Thus, DOBOR felt that inclusion of the harbor service center at Trilogy's passenger rest area was important and included it as a requirement of the lease agreement.
Alternative Site Plan. An earlier site plan had located the pavilion closer to the east (makai) property line, with the harbor service center along this east elevation. In this alternative, the harbor service center would be easily accessible and visible to harbor users and would be situated in a more open and friendly environment. In response to recommendations from the Manele Harbor Advisory Committee, however, the pavilion was moved to the rear (west) of the site and the harbor center moved to the north elevation, out of direct view from harbor users.

II. DESCRIPTION OF THE EXISTING ENVIRONMENT

A. PHYSICAL SETTING

1. Surrounding Land Use

   The proposed project is located within the Manele Bay Small Boat Harbor. As such, surrounding land use relates to typical harbor functions. Berthing facilities for small boats and vehicular parking are located near the proposed pavilion.

2. Climate

   Temperatures in the Manele area range from the upper 50s to low 60s in the early morning in winter to the low 90s during summer days. Rainfall tends to be associated with passing winter storms. Average rainfall at the project site is less than 15 inches per year.

3. Topography and Soil Characteristics

   The site is slightly sloping with elevation ranging from approximately +6 feet to +16 feet MSL. Soil type in the vicinity is identified in the Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii as Sandy alluvial land (rSL). It consists of recent stream deposits, and is subject to flooding during the rainy season. The soil association in the project area is Very stony land-Rock land association, characterized by gently sloping to steep rocky and stony land types. The project site itself is located
entirely atop material dredged from Manele Bay Small Boat Harbor. This “fast land” is composed primarily of silt and calcareous material.

4. Flood Hazard

The U.S. Federal Emergency Management Agency, Federal Insurance Administration has not prepared a flood insurance map of Lana‘i, thus there is no flood hazard classification of the project vicinity. An improved drainage channel and silt basin exist to the north of the project site, this facility was constructed in order to lessen flooding and erosion impacts on the harbor.

5. Flora and Fauna

According to the Manele Golf Course and Golf Residential Project Environmental Impact Statement, the vegetation cover type within the vicinity of project site is kiawe-ilima forest. Kiawe ilima scrub is characterized by widely scattered kiawe trees and a well-developed shrub layer of ilima. The herb layer associated with this vegetative zone is primarily pili grass with sub elements of feather fingergrass, buffelgrass and hairy merremia. The project site itself is located within a landscaped area consisting of bermuda grass, kiawe and coconut palms.

Common urban and field birds have been recorded in the Manele Hulopo‘e area. The axis deer is also found in the area.

6. Marine Environment

The exceptional quality of marine communities within the Manele and Hulopo‘e bays has been acknowledged through the State of Hawaii’s designation of the area as Manele Hulopo‘e Marine Life Conservation District. As such, the waters are managed by the State Department of Land and Natural Resources.
7. Archaeological Resources

The site is located on material dredged from the harbor in 1960 and 1969, thus essentially eliminating the potential of encountering significant cultural resources.

8. Air Quality

Air quality on the island of Lana'i is generally considered good. Blowing dust from unpaved roads and other unvegetated areas comprises the only potentially significant air quality problems. Locally, exhaust from boats and motor vehicles may impact air quality.

9. Noise Characteristics

Surrounding noise levels in the vicinity of the project site are considered relatively low. Background noise levels are attributed to natural (e.g. wind) conditions, and harbor vehicular and boating traffic.

10. Visual Resources

The proposed project is located within an active harbor area. The existing picnic/rest stop facilities are provided by shade cloth on a galvanized pipe frame. The visual impact is minimal due to the low picnic area profile and surrounding landscaping. Views from the site include berthing facilities, the harbor breakwater, car and trailer parking. Landscaping within the harbor provides visual relief from the parking and storage harbor functions. Manele Bay itself offers exceptional vistas of the coastal environment.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Population

The population of the County of Maui has exhibited relatively strong growth over the past decade with the 1990 population estimated to
be 100,374, a 41.7% increase over the 1980 population of 76,847.
Growth in the County is expected to continue, with resident
population projections to the years 2000 and 2010, estimated to be
123,900 and 145,200, respectively (DBED, 1990).

According to estimates by the State Department of Business,
Economic Development, and Tourism, the estimated 1989
population of the Island of Lana'i was 2200.

2. Economy

The Lana'i economy is in transition from an agricultural base to one
based on tourism. While the 1981 Lanai Community Plan
recommended maintaining pineapple as the primary economic
activity, pineapple has subsequently been phased out completely.
New employment is provided by two upscale resorts opened in

C. PUBLIC SERVICES

1. Police And Fire Protection

The Maui County Police Department has one police station on
Lana'i, located within Lana'i City, with a police force of seven
officers.

The Maui County Fire department has one fire station on Lana'i
with a crew of four firemen.

2. Solid Waste

The only landfill on Lana'i is located one mile south of the airport
access road. That landfill is currently being improved by Kewitt
Pacific under contract to the County of Maui. Once completed,
improvements will extend the life of the landfill by ten years by
accommodating refuse vertically. Solid Waste collection for the
project site is handled by a private collection company hired by the Trilogy Corporation.

4. Recreational Facilities

Hulopo‘e Beach Park and Manele Bay Small Boat Harbor are important recreational facilities in the vicinity of the proposed project. Neighboring Hulopo‘e Beach Park is the most popular shoreline recreation site on Lanai for both residents and visitors.

Manele Bay Small Boat Harbor is used for various recreational and commercial boating activities. Both fishing and pleasure cruises originate from the harbor. Commercial tour boats from Lahaina visit the area on a day-trip basis.

D. INFRASTRUCTURE

1. Roadways

Access to Manele Bay Small Boat Harbor is provided via Kaumualapau Highway to the intersection of Manele Road, and along Manele Road to the Harbor. Manele Road is a state highway with two lanes within a 19 foot wide pavement with 6 foot shoulders. Portions of the roadway surface are badly deteriorated and in need of resurfacing.

2. Wastewater

Manele Bay Small Boat Harbor is serviced by individual cesspools. The applicant has an approved septic tank for the containment and disposal of gray water from the existing picnic rest area.

4. Drainage

A major drainage channel which empties into the harbor is located to the North of the project site. A silt basin has also been constructed in this facility in order to lessen the impacts of soil erosion and sedimentation within the boat harbor. Drainage on the project site sheet flows into a system of unimproved swales which convey flows into the harbor.
5. Electrical

Maui Electric Company, which owns electric power generation units and transmission facilities on Lana'i, does not provide services to Manele Bay Small Boat Harbor. Harbor electrical needs are met by generators.

III. POTENTIAL IMPACTS AND MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Surrounding Uses

The proposed project site is currently in use by the applicant as a rest stop area for charter groups. The proposed improvements therefore will not change land use in the area, and are not anticipated to impact surrounding land uses.

2. Topography/Landform

The site will be excavated approximately 10 ft. in order to provide for the basement and basement access way. Once construction of the retaining walls and pavillion floor are complete the area will be regraded to approximately the same level as the existing natural grade. Some additional grading and filling will be necessary for the remainder of the site for landscape purposes. As the site is located on fast lands comprised of dredged material, and since the majority of the site will be regraded to closely match the existing grade, the environmental impacts to topography or landform are not expected to be significant.

3. Flora and Fauna

Some vegetation removal will be necessary in order to grade, construct and landscape the proposed project. This will result in short-term impacts to the site, however, none of the existing plant species are considered significant resources. Long-term impacts to flora are expected to be beneficial as the site will be landscaped with attractive drought and wind tolerant plants.

-9-
4. Marine Resources

Negative impacts to the Manele Hulopo‘e Marine Life Conservation District are not expected to occur. During the construction phase the mitigation measures listed above will be implemented in order to mitigate potential impacts to the waters of Manele Bay:

1) Minimize the time of construction.
2) Establish ground cover as early as possible after grading and excavation activities are complete.
3) Use temporary berms, cut off ditches and silt curtains where needed to prevent soil erosion into Manele Bay.
4) Perform all grading operations in conformance with the applicable provisions of the Water Pollution Controls and Water Quality Standards of Public Health Regulations of the State of Hawaii, Department of Health and chapter 20.08, Maui County Code.

Over the long term, the project will provide vegetative landcover over a portion of the site which is presently exposed harbor tailings. This should reduce the potential for sediment from storm runoff from entering the harbor.

In addition, development of restrooms in the rest area pavilion would lessen the load on the State Restroom facilities which are serviced by a cesspool. The wastewater flows will be handled via an existing septic tank system in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 62, Hawaii Administrative Rules). The potential for negative impacts from a cesspool are considered much greater than from a properly functioning septic tank system.

5. Archaeological Resources

As the site has is located on material dredged from the harbor, there is no likelihood of encountering archaeological resources. Thus there is no anticipated effect on such resources.
6. Air Quality

Air quality in the immediate vicinity of the project is anticipated to be affected over the short term by construction activities. Proper emission control devices and dust control measures, such as regular watering, will minimize these potential impacts.

On a long term basis, the project will not generate adverse air quality conditions.

7. Noise

Ambient noise conditions will be affected over the short-term by construction activities. Construction equipment would be dominant source of noise during the construction period. Construction is anticipated to be limited to daylight hours only and will be minimized through proper adherence to Department of Health requirements.

There are no anticipated adverse long-term impacts to air quality as a result of the proposed action.

8. Visual Resources

The existing picnic/rest stop facilities are provided by shade cloth on a galvanized pipe frame. The construction of the permanent pavilion and landscape improvements will improve the visual character of the area. The pavilion design, which includes a roof pitch reflecting traditional Hawaiian architectural character and the landscape improvements will provide an attractive feature in the Harbor area. Since the basement will be constructed below the existing and finish grade the pavilion will be viewed as a single story structure. The open walls of the pavilion and surrounding kiawe trees will also serve to mitigate the visual impact of the structure.
B. SOCIO-ECONOMIC ENVIRONMENT

1. Population and Local Economy

On a short term basis, the project will support construction and construction-related employment.

Although the applicant currently employs approximately 40 full time employees on Lana'i (three at the project site), the proposed project will not have a direct impact on job creation since the improvements will not lead to an intensification of existing operations. Therefore, the employment related impacts of the project upon public service needs, such as police, medical facilities and schools are not considered significant.

C. INFRASTRUCTURE

1. Roadways

The proposed project is not anticipated to have any long term impacts on roadways. Most of the people utilizing the rest stop will be arriving by boat rather than the roadway system.

2. Water

An existing water meter currently provides water to the site and is mostly used for irrigation purposes as well as washing of eating and cooking utensils. These water uses will remain the same and are not anticipated to create a significant increase in average daily water demand.

3. Drainage

There will be a slight increase in runoff water due to the increase in impervious surface (pavilion roof). Runoff from the roof will be diverted to landscaped areas in order to lessen the amount of storm runoff entering the harbor. Given the extremely low level of annual rainfall for the area, drainage impacts are not considered to be significant.
4. Wastewater

There should be no net increase in wastewater generation at the harbor since the proposed action would not result in an intensification of use in the area. Development of restrooms in the rest area pavilion would lessen the load on the State Restroom facilities which are serviced by a cesspool. The wastewater flows will be handled via the existing septic tank system on-site in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 62, Hawaii Administrative Rules).

IV. RELATIONSHIP TO GOVERNMENT PLANS, POLICIES AND CONTROLS

A. STATE LAND USE DISTRICTS

The Hawaii Land Use Law, Chapter 205, Hawaii Revised Statutes, establishes four major land use districts in which all lands in the State are placed. These districts are designated "Urban," "Rural," "Agriculture," and "Conservation." The subject property is located within the "Conservation" District Limited ("L") Subzone classification.

The objective of the conservation district "Limited" subzone is to limit uses where natural conditions suggest constraints on human activities. Areas encompassed by this district include land susceptible to floods and soil erosion and lands undergoing major erosion damage requiring corrective attention by the county, state, or federal governments. Much of the lands around the coast of Lanai have been placed in the conservation district because of their severely eroded condition. Lands mauka of Manele Bay were major contributors to non-point source pollution via soil erosion, and as a result a siltation basin was constructed just north of the project site. Lands within the immediate vicinity of the harbor are relatively flat, consisting of fill from harbor dredging activities. The semi-improved nature of the harbor area, it's relatively flat topography, the presence of fill or vegetation and lack of exposed or severely eroded areas, distinguish the harbor area from
lands immediately mauka of the bay and around the coastal portions of the Lanai.

The unvegetated portion of the project site is considered susceptible to erosion, however, the landscape improvements included in the proposed project should reduce this potential significantly. In addition, mitigation measures noted above will be implemented during construction to minimize the potential for soil erosion.

In sum, the project site does not appear to suggest any constraints due to natural conditions which characterize the surrounding area and appropriate measures will be implemented to protect sensitive marine ecosystems from non-point source pollution during the construction phase.

The State land at Manele Bay Small Boat Harbor was set aside "For construction, operation and maintenance of a Small Boat Marina and appurtenant facilities. . . " by Governor's Executive Order (E.O.) No. 2141 dated June 2, 1964. The use by the applicant of a portion of the harbor for a picnic/rest stop is in conformance with the purposes set forth in the E.O., and as such a Conservation District Use Permit is not required.

B. GENERAL PLAN OF THE COUNTY OF MAUI

The General Plan of the County of Maui (1990 update) provides long term goals, objectives and policies directed toward the betterment of living conditions in the county. Addressed are social, environmental, and economic issues which influence future growth in Maui County. The following General Plan objectives are addressed by the proposed project:

Objective: To encourage exceptional and continuing quality in the development of visitor industry facilities.
Objective: To provide high-quality recreational facilities to meet the present and future needs of our residents of all ages and physical abilities.

The provision of a passenger rest stop and harbor service center is consistent with the above objectives.

C. LANA'I COMMUNITY PLAN

Nine (9) community plan regions have been established in Maui County. Each Region's growth and development is guided by a Community Plan which contains objectives and policies in accordance with the County General Plan. The purpose of the Community Plan is to outline a relatively detailed agenda for carrying these out.

The proposed project is located within Project District I (Manele) identified in the proposed Lana'i Community Plan (June 1994). In reference to this project district, the Lana'i Community Plan states, "Limiting commercial use to the hotel, golf clubhouse and Manele Bay Small Boat Harbor areas will compliment the objectives of the Manele Hulopo'e Marine Conservation District."

The Community Plan also notes that "daily visitor traffic from Maui is manifested in employment opportunities for Lana'i residents, as well as environmental concerns related to visitor-related activities."

The Community Plan supports the implementation of "adequate landside support areas for small boating facilities in accordance with the recommendations of the Manele Boat Harbor Advisory Committee."

The applicant presented the proposed project to the Manele Boat Harbor Advisory Committee in April, 1994. The Committee recommended various design modifications which have been incorporated into the project plans. These include the following: moving the building toward the west property line, moving the entrance to the basement to the northwest elevation, providing that all hardscape improvements will be located within the subject leased
property, and providing a double pitch roof which more closely resembles plantation style architecture.

D. COASTAL ZONE MANAGEMENT PROGRAM

The proposed project is within the Special Management Area (SMA) and will require a SMA permit from the Lana'i Planning Commission. This section addresses the project's consistency with the Coastal Zone Management program objectives as established by the Rules and Regulations of the Lana'i Planning Commission and Chapter 205A, Hawaii Revised Statutes (§ 205A-2).

1) Recreational resources;
   (A) Provide coastal recreational opportunities accessible to the public.

Manele Bay Boat Harbor currently provides coastal recreation opportunities to the public. The establishment of the harbor service center is intended to provide amenities for harbor users. The passenger rest stop is intended to provide improvements to Trilogy's existing rest stop and picnic area. The proposed facilities are considered modest improvements to the harbor and would further promote recreational use of the harbor.

2) Historic resources;
   (A) Protect, preserve and, where desirable, restore those natural manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

There are no known archaeological resources at the project site and there is no anticipated impact on such resources.
(3) Scenic and open space resources;
(A) Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.

A significant portion of the project site is currently unimproved and consists of exposed harbor tailings from harbor dredging activities. The proposed landscape improvements are intended to improve the quality of this area and would decrease the potential for sediments from storm runoff entering the harbor. The existing picnic/rest stop facilities are provided by shade cloth on a galvanized pipe frame. The construction of the permanent pavilion and landscape improvements will improve the visual character of the area. The pavilion design, which includes a roof pitch reflecting traditional Hawaiian architectural character and the landscape improvements will provide an attractive feature in the Harbor area. Since the basement will be constructed below the existing and finish grade the pavilion will be viewed as a single story structure. The open walls of the pavilion, proposed landscape plantings and the existing kiawe trees will also serve to mitigate the visual impact of the structure.

(4) Coastal ecosystems;
(A) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

Negative impacts to Manele Bay are not expected to occur. During the construction phase the following mitigation measures would be implemented:

1) Minimize the time of construction.
2) Establish ground cover as early as possible after grading and excavation activities are complete.
3) Use temporary berms, cut off ditches and silt curtains where needed to prevent soil erosion into Manele Bay.
4) Perform all grading operations in conformance with the applicable provisions of the Water Pollution Controls and Water Quality Standards of Public Health Regulations of the State of Hawaii, Department of Health and chapter 20.08, Maui County Code.

Over the long term, the project will provide a vegetative landcover over an area which is presently exposed harbor tailings. This should reduce the potential for sediments from storm runoff from entering the harbor.

In addition, development of restrooms in the rest area pavilion would lessen the load on the State Restroom facilities which are serviced by a cesspool. The wastewater flows will be handled via an existing septic tank system in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 62, Hawaii Administrative Rules). The potential for negative impacts from a cesspool are considered much greater than from a properly functioning septic tank system.

(5) Economic uses;
(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The proposed project is intended to provide improvements to Manele Small Boat Harbor in order to better accommodate existing users of the facility. The proposed location is preferred because of its centrality and convenience to the general boating community as well as Trilogy Corporation.

(6) Coastal hazards;
(A) Reduce hazard to life and property from tsunami, storm waves, streams flooding, erosion, subsidence and pollution.

The proposed project has been designed (and will be constructed) to minimize the potential for erosion, subsidence, pollution and damage from storm waves, flooding or tsunami.
(7) Managing development;
   (A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

The proposed project is subject to the public disclosure and review through the environmental impact review process established through Chapter 343, HRS, as well as the SMA permit process which involves a public hearing before the Lana'i Planning Commission. In addition, prior to the initiation of these formal review processes, the applicant presented early conceptual designs to the Manele Harbor Advisory Committee. The Committee recommended various site design and architectural modifications which have been incorporated into the project. These include: moving the building toward the west property line, moving the entrance to the basement to the northwest elevation, providing that all hardscape improvements will be located within the subject leased property, and providing a double pitch roof which more closely resembles plantation style architecture.

(8) Public participation;
   (A) Stimate public awareness, education, and participation in coastal management.

The Division of Boating and Recreation is committed to public participation and involvement in the management and long range planning of its facilities. On Lana'i, the Manele Harbor Advisory Committee, set up and staffed by DOBOR, has provided valuable input and recommendations regarding the Harbor facility and was instrumental in developing the Master Plan for the Manele Small Boat Harbor.

(9) Beach protection;
   (A) Protect beaches for public use and recreation.

The proposed project will not have a direct impact on public beaches or the shoreline. The project area does not abut the shoreline and the
proposed structure is setback towards the rear (west) of the leased area.

E. REQUIRED PERMITS

As noted above, the project will require a SMA permit from the Lana‘i Planning Commission. In addition, the project will require a building permit from the County of Maui and septic system approval from the State Department of Health.

V. FINDINGS AND CONCLUSIONS

The proposed Manele Bay Pavilion will provide a passenger rest stop and harbor service center. This facility will replace the shade cloth covered picnic area currently utilized by the applicant as well as provide food, drink and sundry sales. It will service tour operators, hotel guests, Lanai residents, sea transit passengers, and the boating community using the harbor facilities.

The proposed project will involve earthwork and construction activities. In the short term, these activities may generate temporary nuisances normally associated with construction activities. The potential for soil erosion during construction will be minimized through appropriate mitigation measures. All construction activities are anticipated to be limited to normal daylight working hours. Impacts generated from construction activities are not considered significant.

From a long-term perspective, the proposed project is not anticipated to result in adverse environmental impacts. The proposed project is not anticipated to have an adverse effect upon public service needs, such as police, medical facilities and schools. In addition, the impact upon roadways, water, wastewater, drainage and other infrastructure systems are not considered significant. The rest stop and harbor service center represent an continuation of existing land use, and are consistent with surrounding harbor-related activities.

In light of the foregoing findings, it is concluded that the proposed action will not result in any significant impacts.
VI. AGENCIES CONSULTED IN THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT

The following agencies were consulted in preparing this environmental assessment:

County of Maui:
   Department of Planning
   Department of Public Works

State of Hawaii:
   Department of Land and Natural Resources
   Division of Boating and Recreation
   Manele Boat Harbor Advisory Committee

VII. PUBLIC COMMENT

The following individuals and agencies provided comments on the Draft EA. The comment letters and responses can be found in Appendix A. This Final EA has been amended where appropriate based on the comments received.

Office of Environmental Quality Control
Office of State Planning
Manele Bay Harbor Advisory Committee
Mr. Ron McOmber
Ms. Patricia Tummons
REFERENCES


Letter from Keith Ahue, Director, Department of Land and Natural Resources to Ron McComber, Manele Harbor Advisory Committee, September 27, 1993.


Appendix A -
Draft EA Comments and Responses
Mr. David P. Ige
Director, Division of Planning and Budget
March 14, 1995

Dear Mr. Patafia:

Subject: Draft Environmental Assessment for the Kailua-Bay Shoreline Access Improvement Project

The proposed project involves the construction of a passenger ferry terminal at the location of the Kailua-Bay Shoreline Access Improvement Project. The proposed project site is currently used as a parking lot and is located within the boundaries of the State of Hawaii's Division of State Parks. The proposed project is expected to be completed by the year 2000 and is estimated to cost $5 million.

We have reviewed the Draft Environmental Assessment for the Kailua-Bay Shoreline Access Improvement Project and have found that it meets the requirements of the State of Hawaii's Coastal Management Act. The proposed project is expected to have a minimal impact on the surrounding environment.

Please let us know if you have any questions or concerns regarding the proposed project.

Sincerely,

[Signature]
Director, Division of Planning and Budget
As stated in the Draft EA, the leases will utilize the
bar area in the same manner and intensity as is presently
occurring. The majority of activity typically occurs during
lunch time hours (11:00 a.m. to 3:00 p.m.). It is important
to note that normal customer levels fluctuate throughout the
year and are dependent on weather, the tourism industry and
special charter group needs. During busy months (January
through April and July through August), typical number of lunch
customers range between 120 and 150 per day, Monday through
Friday. Slower months see typical numbers of around 70 to
90 customers. Guests are usually fed during these sittings
and weekends are usually slower than weekdays. (Paying
customers are not taken to Balboa Beach on weekends).
Again, these levels are averages and fluctuate during any
given week and throughout the year.

A slight increase in activity at the project area is
expected to occur with the addition of the harbor service
center; however, given the low level of traffic at Hanae
Harbor, this is expected to be minimal. The provision of
the harbor service center is intended to accommodate the
existing level of users at the harbor and is not anticipated
to stimulate additional boating activity at the harbor.

The following alternatives have been considered:

**No Action.** This alternative involves making no improvements
to the existing passenger area. As presented, existing
facilities consist of a temporary structure made of
galvanized pipe frames and shade cloth. Approximately half
of the 19,454 square feet area which is currently leased is
not landscaped and consists of original fillings from harbor
dredging activities. A primary goal of the proposed action
is to improve the visual character of the area by providing
a permanent replacement of the existing facilities and a
landscape planting plan. Another primary objective is to
provide basic services for harbor users. The no action
alternative would not meet these two primary objectives.

**Alternative Site** within Hanae Boat Harbor. An alternative
site within the northeast section of the harbor was
considered. This alternative was proposed by the Hanae
Boat Harbor Advisory Committee and preliminarily selected
by the State. This alternative was rejected by the State
because it was not centrally located for the harbor users.
The objective of the Division of Boating and Ocean Recreation
(SBOR) is to provide a harbor service center which is
accessible to the harbor users. The northeast section of
the harbor is on the opposite side of the harbor from the

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Gary Gill
June 7, 1995
Page 2

The Honorable Gary Gill, Director
Office of Environmental Quality Control
220 South King Street, Fourth Floor
Honolulu, Hawaii 96813

Dear Director Gill:

Subject: Hanae Bay Passenger Rest Stop Draft Environmental Assessment, Hanae Boat Harbor, Island of Lanai

Thank you for providing comments on the Hanae Bay Passenger Rest Stop Draft Environmental Assessment (EA). This letter will respond to your comments which addressed issues related to the Draft EA.

The following responses are presented in the order they were presented in your letter dated March 24, 1995.

1. The proposed project is within the Special Management Area (SMA) and will require a SMA permit from the Lane's Planning Commission. A section will be added to the Final EA addressing the Coastal Zone Management program objectives as established by the Rules and Regulations of the Lane's Planning Commission. A copy of this analysis is attached here.

2. The provisions of Boating Leases No. B-93-2 do not require the lessee to provide areas for boating use. The lease does not state the need to landscape over 16,000 square feet of the premises and allows them to provide tables, benches, trash receptacles, etc. for use by their customers and the general public. Installation of signage on the premises is not required, and the improvements and appurtenant equipment and must conform to the sign ordinance of the County of Maui and be approved by the State.

3. The estimated construction cost of the project is approximately $250,000.00. It is anticipated that construction would take approximately six months.
boat ramp and mooring areas. This alternative was determined to be a violation of accepted best management practices for small boat harbors and marinas regarding siting of service facilities.

Passenger Rest Stop Pavilion without the Harbor Service Center. The inclusion of the Harbor Service Center in the project was in response to a Lani'i boaties survey conducted by OHR and the Advisory Committee. Results of the survey are included as an appendix to the Manele Harbor Master Plan. The following percentage of survey respondents felt the associated services or improvements should be provided at Mano-a:

- 40.9% Fuel
- 25.9% Ice
- 62.5% More Park Area
- 40.9% West Manele Harbor enhanced
- 65.9% More fast food

Thus, we felt that inclusion of the Harbor Service Center at Trilogy's passenger rest area was important and included it as a requirement of the lease agreement.

Alternative Site Plan. An earlier site plan had located the pavilion closer to the eased (maloa) property line, with the Harbor Service Center along this easement. In this alternative, the Harbor Service Center would be more visible and accessible to harbor users, and would be situated in a more open and friendly environment. In response to recommendations from the Manele Harbor Advisory Committee, however, the pavilion was moved to the rear (waste) of the site and the Harbor Service Center was moved to the north elevation, out of direct view from harbor users.

5. Negative impacts to Manele Bay are not expected to occur. During the construction phase, the following mitigation measures would be implemented in order to mitigate potential impacts to the waters of Manele Bay:
   a. Minimize the time of construction.
   b. Establish ground cover as early as possible after grading and excavation activities are complete.
   c. Use temporary barriers, cut off ditches and soil curtains where needed to prevent soil erosion into Manele Bay.

   d. Perform all grading operations in conformance with the applicable provisions of the Water Pollution Control Regulations of the State of Hawaii, Department of Health and chapter 26.08, Maui County Code.

   Over the long term, the project will involve providing vegetative land cover over an area which is presently exposed harbor tailings. This should reduce the potential for sediment from storm runoff from entering the harbor.

   In addition, development of restrooms in the rest area pavilion would lessen the load on the State comfort station facilities which are serviced by a cesspool. The wastewater flows will be handled via an existing septic tank system in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 63, Hawaii Administrative Rules). The potential for negative impacts from a cesspool are considered much greater than from a properly functioning septic tank system.

I hope the foregoing adequately addresses the concerns you have regarding this project. If you have any questions, you or your staff may call Larry Cobb, Property Manager, at Ext. 7-7176.

Very truly yours,

[Signature]
David I. Fursich
State Boating Administrator
Attachments
Mr. Gary Gil, Director  
Office of Environmental Quality Control  
220 South King Street, 4th Floor  
Honolulu, Hawaii 96813

Dear Mr. Gil:

Subject: Draft Environmental Assessment for the Manae Bay Passenger Rest Stop

Thank you for providing comments on the Manae Bay Passenger Rest Stop Draft Environmental Assessment (EA). This letter will respond to your comments which addressed issues related to the Draft EA. The Department of Land and Natural Resources (DLNR) will respond to you directly regarding Conservation District Use Application (CDUA) requirements and lease issues.

The following responses are presented in the order they were presented in your letter dated March 24, 1995.

1. The proposed project is within the Special Management Area (SMA) and will require a SMA permit from the Lanai Planning Commission. A section will be added to the Final EA addressing the objectives of the Conservation District and Coastal Zone Management program objectives as established by the Rules and Regulations of the Lanai Planning Commission. A copy of the SMA analysis is attached herein. (The issue of CDUA requirements to be addressed by DLNR.)

2. [Issues relating to lease terms and conditions will be responded to by DLNR.]

3. The estimated construction cost of the project is approximately $250,000. It is anticipated that construction would take approximately six months.

As stated in the Draft EA, Trilogy Corp. does not expect a significant increase in use after project completion. As with any normal business, Trilogy Corp. anticipates modest growth, however, this is dependent on the health of the tourism industry and will not be directly affected by the proposed project.

Estimates of anticipated use are based on existing activity. It is important to note that normal customer levels fluctuate throughout the year and are dependent on weather, the tourism industry and special charter group needs. The majority of activity typically occurs during lunch-time hours, although the applicant also accommodates special functions of the community and the hotel periodically.

During busy months (January through April and July and August) typical number of lunch customers range between 120 and 150 per day, Monday through Friday. Slower months see typical numbers of around 70 to 90 customers. Guests are usually fed during these sittings and weekends are usually slower than weekdays. (Pay customers are not taken to Hulopoe Beach on weekends.) Again, these levels are averages and fluctuate during any given week and throughout the year.

A slight increase in activity at the project area is expected to occur with the addition of the harbor service center, however, given the low level of traffic at Manae Harbor, this is expected to be minimal. The provision of the harbor service center is intended to accommodate the existing level of use at the harbor and is not anticipated to stimulate additional boating activity at the harbor.

4. The following alternatives have been considered:

No action. This alternative involves making no improvements to the existing passenger rest area. At present, existing facilities consist of a temporary structure made of galvanized pipe frame and shade cloth. A significant portion of the 18,436 sq. ft. area which is currently based is not landscaped and consists of original fillings from harbor dredging activities. A primary goal of the proposed action is to improve the visual character of the area by providing a permanent replacement of the existing facilities and a landscape planting plan. Another primary objective is to provide basic services for harbor users. The no action alternative would not meet these two primary objectives.

Alternative site within Manae Small Boat Harbor. An alternative site within the northeast section of the harbor was considered. This alternative was proposed by the Manae Harbor Advisory Committee and preliminarily agreed to by Trilogy Corporation, however, the State Division of Boating and Recreation's (DOBOR) administrative offices rejected this site because it would not be centrally located for harbor users. The objective of the DOBOR is to provide a harbor service center which is accessible to the harbor users. The northeast section of the harbor is on the opposite side of the harbor from the boat ramp and mooring areas. This alternative would violate accepted management practices for small boat harbors and marinas regarding sting of service facilities.

Passenger Rest Stop Pavilion without the Harbor Service Center. The inclusion of the harbor service center in the project plans was in response to a Lanai boater's survey conducted by DOBOR. Results of the survey are included as an appendix to the Manae Harbor Master Plan. The following percentage of survey respondents felt the associated services or improvements should be provided at Manae:

- 40.0% Fuel
- 29.0% Ice
- 62.5% More Park Area
- 40.0% Want Manele Harbor enhanced
- 65.0% Want fast food

Thus, DOBOR felt that inclusion of the harbor service center at Trilogy's passenger rest area was important and included it as a requirement of the lease agreement.

LANDSCAPE, ARCHITECTURE AND PLANNING
1495 TOMkins STREET, SUITE 200 - HONOLULU, HAWAII 96817 - PHONE: 537-2780 - FAX: 537-7776
Alternative Site Plan. An earlier site plan had located the pavilion closer to the east (makai) property line, with the harbor service center along this east elevation. In this alternative, the harbor service center would be easily accessible and visible to harbor users and would be situated in a more open and friendly environment. In response to recommendations from the Manele Harbor Advisory Committee, however, the pavilion was moved to the rear (west) of the site and the harbor center moved to the north elevation, out of direct view from harbor users.

5. Negative impacts to Manele Bay are not expected to occur. During the construction phase the mitigation measures listed above will be implemented in order to mitigate potential impacts to the waters of Manele Bay:

1. Minimize the time of construction.
2. Establish ground cover as early as possible after grading and excavation activities are completed.
3. Use temporary berms, cut off ditches and silt curtains where needed to prevent soil erosion into Manele Bay.
4. Perform all grading operations in conformance with the applicable provisions of the Water Pollution Controls and Water Quality Standards of Public Health Regulations of the State of Hawaii, Department of Health and chapter 20.08, Maui County Code.

Over the long term, the project will provide vegetative landcover over a portion of the site which is presently exposed harbor tidings. This should reduce the potential for sediment from storm runoff from entering the harbor.

In addition, development of restrooms in the real area pavilion would lessen the load on the State Restroom facilities which are serviced by a cesspool. The wastewater flows will be handled via an existing septic tank system in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 62, Hawaii Administrative Rules). The potential for negative impacts from a cesspool are considered much greater than from a properly functioning septic tank system.

Thank you for reviewing and commenting on the Draft EA. If there are any questions, please contact Mr. Rory Frampton of my office.

cc: DOEOR
Triple Corp.
Maui Planning Dept.
In addition, a Conservation District Use Application (CDUA) may be required, given that the project is situated in the conservation district limited (L) subzone. This classification allows the building of structures and accessory uses only if they are consistent with the purpose of the conservation district, which is to limit uses where natural conditions suggest constraints on human activities. This relationship is not discussed.

As a valuable coastal resource, Maua Bay is also protected under the CZM law, Chapter 205A, HRS. A legally enforceable objective of the CZM law is to preserve the quality of coastal resources, by protecting unique coastal ecosystems from disruption and minimizing potential adverse impacts. Given the environmental and ecological value of Maua Bay, we believe that the concept of a fast food and harbor service center is incompatible with the natural environment. If adverse environmental and ecological impacts result, the project would violate the CZM law. This matter needs to be addressed.

In addition, the project site is in the Special Management Area (SMA) and therefore may require an SMA permit from the Kailua Planning Commission. This permit ensures that development is designed to avoid the loss or degradation of valuable resources, and to provide for adequate public access to beaches, recreation areas, and natural reserves.

The environmental assessment should address and discuss the potential impacts of the proposed project. The project is expected to have a positive impact on the water quality in Maua Bay due to the introduction of additional landscaping and resulting decrease in run-off into harbor.

The fast food and harbor service center project is expected to have a positive impact on the water quality in Maua Bay. The project site is in the Special Management Area (SMA) and therefore may require an SMA permit from the Kailua Planning Commission. This permit ensures that development is designed to avoid the loss or degradation of valuable resources, and to provide for adequate public access to beaches, recreation areas, and natural reserves.

The environmental assessment should address and discuss the potential impacts of the proposed project. The project is expected to have a positive impact on the water quality in Maua Bay due to the introduction of additional landscaping and resulting decrease in run-off into harbor.

The fast food and harbor service center project is expected to have a positive impact on the water quality in Maua Bay. The project site is in the Special Management Area (SMA) and therefore may require an SMA permit from the Kailua Planning Commission. This permit ensures that development is designed to avoid the loss or degradation of valuable resources, and to provide for adequate public access to beaches, recreation areas, and natural reserves.

The environmental assessment should address and discuss the potential impacts of the proposed project. The project is expected to have a positive impact on the water quality in Maua Bay due to the introduction of additional landscaping and resulting decrease in run-off into harbor.

Thank you for your memorandum of March 24, 1995 and comments pertaining to the subject Environmental Assessment. After discussions with my staff, I would like to offer the following responses to the questions you raised.

The lessor and its consultant contend that the Final Environmental Assessment must be amended to include a discussion of alternatives, mitigation measures and compliance with the objectives of the Coastal Zone Management program. The lessor's plan provides a draft of the amendments for the final EA, a copy of which is enclosed for your information.

The mitigation measures that will be included in the final EA address the impacts on the aquatic ecosystem in the Marine Life Conservation District. Over the long term, this project is expected to have a positive impact on the water quality in Maua Bay due to the introduction of additional landscaping and the resulting decrease in run-off into harbor.

The Hana Bay Boat Harbor was established by Governor's Executive Order No. 2141. "For construction, operation and maintenance of a Small Boat Marina and appurtenant facilities..." The land was subsequently classified as Subzone "L" of the Conservation District of October 1964 with the structures and uses specified by the E.O. being recognized as existing nonconforming uses.

Trilogy Corporation has been conducting commercial boating operations at the harbor for over twenty years. Its use of a portion of the harbor for this purpose is considered to be in conformity with the E.O. The additional uses were identified by the county in consultation with a survey distributed in connection with the development of the Master Plan for the Hana Bay
Gregory G. Pali
June 7, 1995
Page 2

Boat Harbor. The enclosed Appendix II to the Manale Boat Harbor Master Plan reflects the complete results of that survey. Since the subject project is consistent with the purpose of the 900-1000-foot Conservation District, the application was not required. Enclosed for your information is a copy of the memorandum dated May 12, 1995, from Roger C. Evans, Administrator, Office of Conservation and Environmental Affairs, and the letter dated September 27, 1995, from former Land Board Chairman Keith W. Aka, disclaiming the basis for the position that a CBA is not required for this project.

The project's impact on the marine waters of the Coastal Zone Management area was previously discussed under the mitigation measures. As mentioned, no negative impact on the marine waters is expected. Pertaining to the construction of improvements or the on-going operations. Rather, the project promotes the objectives described in Chapter 255K-7, and by enhancing the recreational value of the harbor facility and is consistent with the CBA recognition of the need for economic development.

Trilogy Corporation is a significant economic factor for the Island of Oahu. It provides jobs and income to over forty families and helps diversify the island's narrow economic base.

The terms of Leasing Lease No. B-94-2 require the Lessee to apply for a Special Management Area permit, prepare an Environmental Assessment and stipulates that the Lessee shall "comply with all applicable laws, regulations, building codes, and rules and regulations. The Environmental Assessment is a requisite for the SMA permit application that will be submitted to the Land Use Planning Commission.

I hope the foregoing adequately addresses the concerns you have regarding this project. If you have any questions, you may call Larry Endo, Boating Division Property Manager, at Ext. 7-1578.

Attachments

---

Gregory G. Pali, Ph.D., Director
Office of State Planning
P.O. Box 3540
Honolulu, Hawaii 96813-0540

May 16, 1995

Dear Dr. Pali:

Subject: Manale Bay Passenger Rest Stop Draft Environmental Assessment
(Manale Bay, Lanai, Hawaii) OBP Ref. No. C-1110

Thank you for responding to the above referenced Draft Environmental Assessment (EA). The following responses addresses your comments in the order they were presented.

1. A discussion of the alternatives considered will be included in the Final EA. For your information they are presented below.

No action. This alternative involves making no improvements to the existing passenger rest area. At present, existing facilities consist of a temporary structure made of galvanized pipe frame and shade cloth. A significant portion of the 49,439 sq ft area which is currently leased is not landscaped and consists of original fillings from harbor dredging activities. A primary goal of the proposed action is to improve the visual character of the area by providing a permanent replacement of the existing facilities and a landscape planting plan. Another primary objective is to provide basic services for harbor users. The no action alternative would not meet these two primary objectives.

Alternative site within Manale Small Boat Harbor. An alternative site within the northeast section of the harbor was considered. This alternative was proposed by the Manale Harbor Advisory Committee and preliminarily agreed to by Trilogy Corporation, however, the State Division of Boating and Recreation's (DSOR) administrative office rejected this site because it would not be centrally located for harbor users. The objective of the DSOR is to provide a harbor service center which is accessible to the harbor users. The northeast section of the harbor is on the opposite side of the harbor from the boat ramp and mooring area. This alternative would violate accepted best management practices for small boat harbors and marinas regarding siting of service facilities.

Passenger Rest Stop Pavilion without the Harbor Service Center. The inclusion of the Harbor Service Center in the project plans was in response

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wastewater flows will be handled via an existing septic tank system in conformance with the State Department of Health rules and regulations regarding wastewater disposal (Chapter 62, Hawaii Administrative Rules). The potential for negative impacts from a cesspool are considered much greater than from a properly functioning septic tank system.

In reference to the compatibility of the service center with the MLCD, the proposed facilities are considered modest improvements to the harbor and would promote recreational use of the harbor and Manele Bay in approximately the same manner as is presently occurring. Thus, the proposed project will be ancillary to the normal harbor operations and will not be incompatible with the MLCD.

4. The objective of the conservation district "Limited" subzone is to limit uses where natural conditions suggest constraints on human activities. Areas encompassed by this district include susceptible to floods and soil erosion and lands undergoing major erosion damage requiring corrective action by the county, state, or federal governments. Most of the lands around the coast of Lanai have been placed in the conservation district because of their severely eroded condition. Lands near the Manele Bay were major contributors to non-point source pollution via soil erosion, and as a result a situation basin was constructed just north of the project site. Land within the immediate vicinity of the harbor are relatively flat, consisting of fill from harbor dredging activities. The semi-improved nature of the harbor area's, it's relatively flat topography, the presence of fill or vegetation and lack of exposed or severely eroded areas, distinguish the harbor area from lands immediately mauka of the bay and around the coastal portions of the Lanai.

The unvegetated portion of the project site is considered susceptible to erosion, however, the landscape improvements included in the proposed project should reduce this potential significantly. In addition, mitigation measures noted above will be implemented during construction to minimize the potential for soil erosion.

In sum, the project site does not appear to suggest any constraints due to natural conditions which characterize the surrounding area and appropriate measures will be implemented to protect sensitive marine ecosystems from non-point source pollution during the construction phase.

(The issue of a CDUA requirement will be addressed by DLNR.)

5. We are unaware of any adverse environmental or ecological impacts which would provide you the basis for making the statement that the "concept of a rest stop and harbor service center is incompatible with the natural environment." As noted above, negative impacts to Manele Bay are not anticipated. The project has been contemplated and designed in order to be compatible with the natural environment.
The Final EA will provide additional documentation that there will be no adverse environmental or ecological impacts to the natural environment by adding a new section addressing potential impacts to the marine environment and identifying specific mitigation measures where appropriate.

6. The proposed project is within the Special Management Area (SMA) and will require a SMA permit from the Natural Planning Commission. A section addressing the Coastal Zone Management Program objectives and policies as established by the Rules and Regulations of the Natural Planning Commission will be added to the Final EA and is enclosed hereinafter for your review.

Thank you for reviewing and commenting on the Draft EA. If there are any questions, please contact Mr. Rory Frampton of my office.

Sincerely,

[Signature]

Landscape Architect - Planner

end.

cc: DOBOR
    Trilogy Corp.
    Maui Planning Department

Manele Harbor Advisory Committee

March 23, 1995

Mr. Mike Wilson
Chairman
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Mr. Larry Cobb
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
79 South Haina Highway
Honolulu, HI 96813

Mr. James Coon
Trilogy Corporation
P.O. Box 1118
Lahaina, Maui, Hawaii, 96761

Chris Hart & Partners
1995 Main Street
Wailuku, Maui, HI 96793

Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, HI 96813

Re: COMMENTS FROM MEMBERS OF THE MANELE HARBOR ADVISORY COMMITTEE REGARDING THE "DRAFT ENVIRONMENTAL ASSESSMENT. TRAVEL CORPORATION'S MANELE BAY PASSENGER PORT STOP, MANELE BAY, I'A".HAIWAI."

In the last paragraph of Section IV. C the applicant states that it "... presented the proposed project to the Manele Harbor Advisory Committee ..." and that the Committee recommended various design modifications which have been incorporated into the project plan."

The statements in this paragraph are accurate. However, they present only one small part of the story. In fact, they seem intended to imply that the Committee has reviewed, approved and concurred in all phases of this project. The Committee strongly objects to this implication. They particularly object to secretive and underserved manner which in which the lease was negotiated, approved and signed.

Since the Committee first became aware that lease negotiations were "in progress" between the Division of Boating and Ocean Recreation and Trilogy Corporation, most of its members have strongly objected to the location of the lease parcel at the threat of the harbor's"land entrance."
In addition, the Committee has consistently been kept in the dark with regard to the status and the terms and conditions of the lease. The 'Division of Boating and Ocean Recreation' (which was just being completed after two and one-half years of work, see Attachment 1) had recommended that the planned private commercial area adjacent to the harbor be developed for commercial operations. This recommendation should be shifted to another area, limited to the harbor for public use. Private signs and structures should not be permitted within the harbor area.

The Committee's (which I agreed with) recommendation, that the project be moved to the northeast portion of the harbor area.

The requirement to open the new commercial operation (i.e., a convenience store) is included.

Only when the Board of Land and Natural Resources had approved a lease at the threat of the land entrance to the harbor area was the Committee told that approval had already been obtained. Then after the lease had been signed was it revised with the Committee's recommendation. The lease was too late to do anything except take down to court.

The project was first brought to the attention of the Committee at their May 27, 1993 meeting (see Attachment 3). At this meeting:

Larry Cobb, Property Manager Boating and Division of Boating and Ocean Recreation, informed the Committee that the lease was approved and that it would be pursued.

Larry Cobb presented his 'need' for a commercial area on State Property to generate funds...

Jim McCon, Superintendent of the Department of Land and Natural Resources, indicated that he would like to have 1,500 to 2,500 sq. ft. of land for a commercial operation to meet hotel standards, and whatever was needed by the State for a long-term lease.

Derrick Arruda expressed the feeling of other Committee members when he said, "Let's talk straight! I have come to every meeting and now what is going on? Why does Larry come after he (have) finished the lease plan? He decided a long time ago to move commercial operations to private land (and) now I hear about a yacht shop, fuel dock, car rental and a privately run boat storage area. What is really wanted?"

Harold Campbell, Maui District Manager, DOT, suggested that we might "possibly relocate a commercial operation to another place in the harbor because of the (the) possible long term impact."

Trilogy was charged to prepare and "present a proposal of what is needed, land size required, conceptual drawing, services provided to the public and the extent that it is to be used for private usage."

At the June 24, 1993 meeting (see Attachment 3):

Randy Coon, represented Trilogy:

He did not have a site/lease plan as promised at the previous meeting. Therefore, Trilogy was once again charged with presenting a site/lease plan at the next meeting.

He again agreed to relocate the Trilogy project to some other place in the harbor.

He proposed to change the Master Plan to include a 16,000 sq. ft. lease. This was to include a "600 sq. ft. building, a 2400 sq. ft. roofed picnic area (and) 16,000 sq. ft. landscaped buffer area."

The August 26, 1993 session was an open public meeting (see Attachment 4):

Trilogy still did not have the requested site/lease plan.

David Parsons, State Boating Manager stated that he had gotten "... approval from the Land and Natural Resources Board to convert Trilogy's permit into a long-term lease with conditions."

"The discussion became heated with regard to the location of Trilogy. Mr. Parsons noted that this area would spread commercial over the entire area. He did not think this was the best use."

Harold Campbell "stated that the project must go out for bid." He also "... stated (that) if the concept was to locate Trilogy ... on the trailer storage area ..." Both of these statements were clearly false from David Parsons's positions.

Larry Cobb said "The Land (and Natural Resources) Board (had) approved a thirty-five year lease for the Trilogy operation. We have the approval, but we don't have a written lease yet, ..."

At the September 13, 1993 meeting (see Attachment 5):
Trilogy did not have a site/uses plan to show the Committee. It was beginning to appear that they had no intention of developing one.

Trilogy again agreed to move their project to the northeast section of the harbor. This agreement was reflected in the amendment to the minutes prior to their approval at the October 26, 1993 meeting (see Attachment 5).

"Mr. Campbell noted that the Committee had not been permitted to see ... the Land (and Natural Resources) Board submittal." A copy was provided to be reproduced and provided to the members of the Committee. It should be noted that:

The submittal was dated June 10, 1993, three months before it was reluctantly provided to the Committee.

In spite of Trilogy's agreement to move the project to the northeast portion of the harbor it has called for lease of 14,016 sq. ft. right at the throat of the harbor's land entrance.

At the October 28, 1993 meeting (see Attachment 6):

Trilogy did not have the site/uses plan which they had promised to provide.

"Mr. Campbell informed the Committee ... that the lease is currently at the attorney general's office for review."

Ron McNab, noted (as Harold Campbell had stated at August 26, 1993 meeting) that the project should be "...open for bid since the project is a new commercial operation. Ron suggested a letter be sent to the Attorney General questioning the grant of a commercial operation without a public hearing. This letter was signed by six of the Eight Island community representatives on the Committee (see Attachment 7).

At the November 30, 1993 meeting (see Attachment 8):

Jim Coon "... explained that he was still willing to move the Trilogy operation to the northeast section as agreed to with the Committee (in May). However the State Boating Manager, DNR, DLNR vetoed the plan, apparently without hearing from or informing the Committee."

"(Larry) Cobb agreed that the initiative for repudiating the recommendation of the Committee had not come from Coon but from the State Boating Manager. He stated that the lease has now been signed and that 1 was now to late to do anything except take DNR to court." He then briefly reviewed the terms and conditions of the lease.

Trilogy once again did not have the site plan which the Committee had been requesting since the May 27, 1993 meeting. Charles Pangue, Maui District Manager, DLNR, said "When the State Boating Manager vetoed the proposed move Trilogy decided they had better stay where they were and work on the layout was abandoned."

It is obvious to many of the members of the Manele Harbor Advisory Committee that the Division of Boating and Ocean Recreation has had a closed mind. It has withheld information from the Committee and has had no interest in and no intention of listening to input from the community which might not agree with its predetermined plan of action.

If you would like to discuss their objections to this Draft Environmental Assessment with any of the members of the Manele Harbor Advisory Committee, Mr. Charles Pangue, Maui District Manager can get in touch with any of us.
June 7, 1995

Manoile Harbor Advisory Committee
P. O. Box 493
Lana‘i City, HI 96763

Subject: Draft Environmental Assessment, Trilogy Corporation, Manoile Harbor, Island of Lana‘i

Thank you for your letter of March 23, 1995 and comments on the Draft Environmental Assessment submitted by Trilogy Corporation in connection with the development of the Passenger Best Stop and commercial facilities at Manoile Harbor. After discussions with my staff, I offer the following responses.

The goals and objectives of the Advisory Committee and Master Plan must be consistent with State policy. A Master Plan that places harbor facilities outside the jurisdiction is unacceptable. It is our position that harbor services and ancillary uses be on state land whereby the use of such lands would be subject to the necessary controls. In addition, certain details, such as the optimal location of the leased premises and the lease terms, were included in the Master Plan in an effort to satisfy the advisory committee and the lessee.

The lease process was initiated by the State based on the policy of the previous administration to convert monthly revocable permits to leases. When Trilogy Corporation agreed to the conversion, David Parsons and Larry Cobb attended meetings with the Manoile Bay Advisory Committee and the community to receive input and provide information pertaining to the lease process. The lease document was structured to accommodate the Manoile Best Stop and Advisory Committee recommendations. The lease was prepared in accordance with Chapter 171, Hawaii Revised Statutes. Under certain circumstances, it is appropriate to enter a lease by direct negotiations. It was the position of the Department and the Attorney General's office that the lease in question met that criteria. The Board of Land and Natural Resources approved the issuance of a lease by direct negotiation at its meeting on June 10, 1993 (item 3-1).
Mr. Wilson
DLNR.

23 March 1995

Dear Mr. Wilson,

I would like to respond to the Draft E.A. from the Trilogy Corp. on the Manele Bay Passenger Rest Stop.

I first would like to know why the Community of Manele didn’t have a chance to see this document before the deadline was just two weeks away? If we had not received a copy from the Hawaii Thousand Friends we would not have seen it at all. For that reason alone this makes this whole E.A. not worth the paper it was written on.

The Harbor Advisory witch formed to help the State come up with a long range plan for the harbor area was left completely out of this process.

While Mr. Coon was coming to the advisory meetings he was also dealing behind their backs with Mr. Parsens and Larry Cobb to sign a contract which he knew would supersede any agreements he (Mr. Coon) might have had with the Harbor Advisory Group.

I think you’ll also find that the State Map on Flood Zones that Manele is in a Sub Zone “C” which is zone subject to flooding. On page 3 number 4 the E.A. that there is no flood hazard classification. I don’t believe this is a true statement.

On page 12 the E.A. also talks about the Community Plan for Manele. The C.A.C. of which I was the Co-Chair, did address the Harbor concerns. The C.A.C. met for six months and Mr. Coon never came to one of our meetings to tell us what his plans were for the future. We knew that the Harbor Advisory had completed their recommendations to the State and we felt that their finished document should be the driving force when it came to the harbor area. And that is why you need to look at and ask them now they feel about this E.A.

From the early days of dealing with Mr. Coon it has been at the very best a sordid situation. Mr. Coon made promises as to what he would do while using the beach park area. To this date his promises have become very, very, shallow indeed. He promised in a letter to this community that he would do certain things and stay only for certain hours. But as time has gone by things have been ignored. For instance Mr. Coon said he would not come to Manele on week ends or use the beach area on week ends or company holidays. Not only has he not kept that promise but now he has taken over almost half of the beach every day during the week.

There are many concerns with what Mr. Coon is asking for with this project and given his past record the real question is will he keep his promises.

The E.A. gives you the idea that this is just a old contract that Mr. Coon had for a long time and now he wants to build a new building. This is not the case as a matter of fact there never has been a commercial operation at that site before. My question then is why didn’t this site go out to bid and let other operators have a chance to open a business at that site? Why was Mr. Coon given the exclusive right to that site?

Please give some consideration to the questions I have raised.

Sincerely,

[Signature]

Ron McEachen
Box 2160
Maunaloa, Hi. 96763

C/C: Trilogy Corp.
Mr. Chris Hart
Q.E.C.
Mr. Larry Cobb
Subject: Draft Environmental Assessment, Trilogy Corporation, Manoal Boat Harbor, Island of Lani'i

Thank you for your letter of March 23, 1995 and comments on the Draft Environmental Assessment submitted by Trilogy Corporation in connection with the development of the Passenger Ass Stop and commercial facilities at Manoal Boat Harbor. After discussions with my staff, I offer the following response.

The Environmental Assessment is a requirement of the development process and must be submitted as part of the Special Management Area permit application. It is my understanding that the proposed development was discussed extensively by the Lani'i Community and the Draft Environmental Assessment should have been anticipated by anyone concerned with this project.

The lease process was initiated by the State based on the policy of the previous administration to convert owned movable permits to leases. When Trilogy Corporation agreed to the conversion, David Parsons and Larry O'Neill attended meetings with the Manoal Bay Advisory Committee and the community to provide information pertinent to this process. The lease document was structured to incorporate the Manoal Bay Harbor Master Plan and Advisory Committee recommendations. Certain details, such as the optimal location of the piers, was an administrative decision beyond the authority of the Advisory Committee and leases.

We are aware of the Submersible classification of the Conservation District. As you were advised in the September 30, 1994 letter from former Chairperson Keith A. O'Neill, additional structures may be permitted as long as they are used for marine-related purposes in compliance with the purposes of the Executive Order for the harbor. The Final Environmental Assessment will address the flood hazard condition of Manoal Boat Harbor and eliminate the ambiguity reflected in the Draft EA.

For your information, we did receive comments from the Manoal Boat Harbor Advisory Committee on the Draft E.A. Our response to the issues raised will be incorporated into the Final Environmental Assessment.

The lease was prepared in accordance with Chapter 171, Hawaii Revised Statutes. Under certain circumstances, it is appropriate to enter a lease by direct negotiation. It was the position of the Department and the Attorney General's office that the lease in question met those criteria. The Board of Land and Natural Resources approved the issuance of a lease by direct negotiation at its meeting on June 10, 1995 (Item 3-1).

We appreciate your interest in preserving Manoal's Best resource. I hope the foregoing adequately addresses your concerns. If you have further questions regarding this matter, you may contact David Parsons at 887-1566 in Honolulu.

Very truly yours,

Michael B. Wilson
Chairman of the Board of Land and Natural Resources
May 19, 1995

Mr. Ron McElroy
Box 2180
Lanai, HI 96763

Dear Mr. McElroy:

This letter will respond to comments in your letter dated March 23, 1995, which addressed issues related to the Draft Environmental Assessment (EA) for Trilogy Corporation's Manele Bay Passenger Rest Stop. The Department of Land and Natural Resources (DLNR) will respond to you directly regarding lease issues.

1. Public Review. The Draft EA was prepared and processed in accordance with Chapter 342, Hawaii Revised Statutes and Chapter 300, Environmental Impact Statement Rules, of the State of Hawaii Department of Hawaii's Administrative Rules. Pursuant to Chapter 342, the notice of availability of the Draft EA for public review was published in the Hawaii State Bulletin. The MHAC was provided an opportunity to review the project in April, 1994 and provided comments and suggestions which were incorporated into the project plans. In addition, the MHAC was informed by Mr. Jim Goon at its January meeting that the Draft EA was being sent to OEOC and would be available for public review.

2. Flood Maps. Your statement that Manele is in Subzone L on the "the State map on Flood Zones" apparently refers to the State Conservation District Subzone Maps which designate Manele area as being within the "Limited" subzone. According to the Land Use and Codes Division at the County of Maui, no Federal Insurance Rate Maps have been prepared for the island of Lanai.

3. MHAC Review. The MHAC was provided an opportunity to review the proposed project in April, 1994. The Committee recommended various design modifications which have been incorporated into the project plans. These include the following: moving the building toward the west property line, moving the entrance to the basement to the northeast elevation, providing that all landscape improvements will be located within the subject leased property, and providing a double pitch roof which more closely resembles plantation style architecture.

If there are any questions on this matter please contact Mr. Rory Frank at my office.

Christopher H. Hart
Landscape Architect

cc: DORR
Trilogy Corp.
Maul Planning Department

LANDSCAPE ARCHITECTURE AND PLANNING
1705 MAIN STREET, SUITE 200 - WAIKIKI, HAWAII 96826 - PHONE 808-348-9095 - FAX 808-348-9516

1370 Hokuori Street
Maui, HI 96720

March 13, 1995

Mr. David Parson
Division of Boating and Ocean Recreation, DLNR
333 Queen Street, Suite 300
Honolulu HI 96813

Dear Mr. Parson:

Subject: Draft Environmental Assessment for Trilogy Corporation's Manele Bay Passenger Rest Stop

I wish to comment on this Draft EA. Before I get into the substance of my remarks, let me say that I have no position at this time on the appropriateness of this project. At first glance, the project appears reasonable (although I reserve any final decision on its suitability should even preparation of an acceptable environmental assessment). Rather, my comments are directed more at the way the project is being handled.

I. Conservation District Concerns

First, I wish to register my objections to the fact that both your office and the applicant believe that there is no need to regard this proposed use as subject to Conservation District rules. Clearly, the land is in the Conservation District Limited subzone. The Draft EA acknowledges this. Yet your office has stated repeatedly, to me and, apparently, to the planner who prepared this document, that this project is grandfathered by virtue of the fact that the land in question was part of an executive order setting aside the Manele Small Boat Harbor that pre-dated the land's inclusion in the Conservation District. As such, you claim, the use is grandfathered.

Had the use been in existence, it might be considered to be legitimately grandfathered. Yet this use - a convenience store, snack shop, and picnic pavilion - was not even contemplated, much less built, at the time the land was placed in the Conservation District.

You have claimed that the use is "necessary" to a harbor, and thus exempt from review as a Conservation District land use. Inasmuch as the Manele Small Boat Harbor has existed for more than twenty years without the services of a convenience store and snack shop, it is difficult to make the argument that such services are a necessary component of, or accessory to, the Manele harbor facility.

I have reviewed Hawaii's Administrative Rules Title 15 Chapter 5 to find out on what grounds you base your claim of an exemption from Conservation District rules. These rules do make allowance for "nonconforming use," but the definition would seem to exclude what the applicant wants to do and refers only to uses that have been "established" before October 1, 1964 or such time as the land was placed into the Conservation District. ("Nonconforming use" means the lawful use of any building, premises, or land for any trade, industry, residence or other purpose which is the
since as and no greater than that established immediately prior to October 1, 1964, or prior to the inclusion of the building, premise, or land within the conservation district.) For many years, Conservation District rules allowed "prospecture" uses to be grandfathered; this was the source of much trouble, as you probably know, and the decision was made, when the rules were revised last year, to eliminate this provision. This change, in the end, by the way, was precipitated by a change in statute, in other words, the Legislature itself has come down squarely in opposition to the view that "prospecture" uses should be subject to the strictures of grandfathering.

The failure of your office to hold this project up to the same standards as would be required of a Conservation District application is a serious matter. By processing it as an exempt project (although with no ground act forth for that exemption), you have essentially nullified the public scrutiny that this project would otherwise be subject to. This scrutiny would include, although not be limited to, a public hearing (as a commercial use in the Conservation District) and review by all appropriate state and county agencies, including the County of Maui (responsible for compliance with the state Coastal Zone Management Act), such state (DLNR) agencies as the Office of Conservation and Environmental Affairs, the Division of Aquatic Resources, Historic Preservation Division, and the Division of Forestry and Wildlife, and the Department of Health (with respect to the protection of surface and water quality and the efficiency of the existing septic system).

Finally, I am extremely worried that your efforts to circumvent public review of this project will continue to granting it administrative approval, without bringing it before the Board of Land and Natural Resources for decision making at a public meeting. In discussions I have had with Larry Cobb of your division, I have been told that there is no need to seek Land Board approval since the Land Board already approved the project when it approved the lease.

I have reviewed the lease, however, and must take exception to this view. Exhibit C to the lease, where previously this pre-approval is stated, states only that the lease shall be submitted to provide "the authority to construct certain improvements." Given the immateriality of this provision (what it means to authorize someone to provide authority is beyond my ken), I would argue that no meaningful permission can be derived from the language in this exhibit. And, in any event, Paragraph 3 of that exhibit states: "The Lessee shall submit all construction and improvement plans and specifications to the License for review and approval prior to any construction or improvement." The Initial paragraphs of the lease establish the fact that the Lease is in the State of Hawaii by its Board of Land and Natural Resources -- and not, as you have claimed, the Division of Boating and Ocean Recreation.

For these reasons, I contend that your Division does not have the authority to grant approval to this project. I have not found any document that would authorize DLNR to approve plans as the Land Board's agent, nor have you told me that any such document exists.

Mr. David Parsons
DOBOR
Page Two
March 13, 1995

Mr. David Parsons
DOBOR
Page Three
March 13, 1995

II. Special Management Area Concerns

I do not see anything addressed in this document a discussion of the Special Management Area or, more generally, application of the Coastal Zone Management Act. It may be that it is the applicant's position that this project is exempt from SMA requirements in much the same way that it is the applicant's (and DOBOR's) position that the project is exempt from Conservation District requirements.

At the very least, this document must discuss the reasons for taking such a view.

III. Other Concerns

A) Will this project need the approval of the Land Use Planning Commission? Will it require a grading permit? Should there be included in this document a listing of the permits required?

B) The Office of Environmental Quality Control regularly publishes, in its Bulletin, its guidelines for preparing environmental assessments. Listed below are just a few of the required elements of environmental assessments that are missing from this draft:

An adequate site map (the one provided in the draft EA is practically unreadable and not drawn to scale);
A discussion of alternatives, including no action;
Proposed mitigation measures (especially during construction).

C) The draft EA fails to identify the approving agency, referring instead to the Division of Boating and Ocean Recreation as the "accepting agency." Given the concerns I've noted above about what I perceive to be efforts to circumvent public review as well as Land Board review, I believe this is an important element that must be included.

D) We are not given an idea as to the total square footage of the building. Rather, we are told what its footprint will be (3,000 square feet). Will addition of the basement double this area? Or is the basement going to extend only partway under the pavilion area?

V. Conclusion

This draft Environmental Assessment fails to meet the standards set in Chapter 341. It improperly describes the project as exempt from Conservation District rules. It does not disclose mitigation measures that will be taken to offset identified harms, such as runoff during construction. It does not describe the way the project fits into the state's Coastal Zone Management Program (Chapter 203A) or the county's Special Management Area rules.
Mr. David Persson, DOBOR  
March 15, 1995  
Page Four

For these reasons, I suggest that the document be substantially revised. Should the applicant wish to carry through with this project, I suggest it be done in accordance with all applicable Conservation District rules.

Yours truly,

[Signature]

Patricia Tummons

cc:  
Doug Tom, Office of State Planning
Gary Gill, director, Office of Environmental Quality Control
Michael Wilson, chairman, Board of Land and Natural Resources
Christopher Yuen, Land Board member
Roger Emoto, administrator, Office of Conservation and Environmental Affairs, DLNR
Robin Miller, Maui County Planning Director

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June 7, 1995  
RGN-9900169.95

Patricia Tummons  
187-C Hahului Street  
Hilo, HI 96720

Dear Ms. Tummons:

Subject: Draft Environmental Assessment, Trilogy Corporation, Lana'i Boat Harbor, Island of Lana'i

We are in receipt of your letter of March 15, 1995 and comments on the Draft Environmental Assessment submitted on behalf of Trilogy Corporation in connection with the development of the Passenger Boat Stop and commercial facilities at Lana'i Boat Harbor. The following response represents the Department's position on the questions you raised.

State lands were set aside "for construction, operation and maintenance of a Small Boat Marina and appurtenant facilities..." by Governor's Executive Order No. 2141 (hereinafter referred to as the "E.O.") dated June 2, 1964. The land was subsequently classified as "Submerged Land in the Conservation District" in October 1964, with the structure and uses specified in the E.O. being recognized as existing nonconforming uses. Since the subject project is consistent with the purpose of the E.O., a Conservation District use application is not required. This issue was raised at an open meeting of the Advisory Committee pertaining to the subject project. A copy of the response to a letter from Mr. Ron McGee is enclosed for your information.

The permitted use of the premises under existing Lease No. B-93-2 (hereinafter referred to as the "Lease") include a convenience store, snack bar, passenger boat stop, pavilion and landscaping provision. Trilogy Corporation has been conducting commercial boating operations at the harbor for over twenty years. Its use of a portion of the harbor for this purpose was considered to be in conformance with the E.O. The additional uses were
Identified by the boating community responding to a survey
distributed in conjunction with the development of the Master Plan
for the Manana Boat Harbor.

The basis for the position that the use of the facility is
"grandfathered" is set forth in the provisions of Chapter 171-11,
Hawaii Revised Statutes. This provision is carried from
Title 13, Chapter 5, Hawaii Administrative Rules with respect to
use of State lands set aside by Executive Order.

This project has been presented to the Manana Harbor Advisory
Committee and the community at several meetings in 1993. The
provisions of the lease, of which you were provided a copy,
require Trilogy to apply for a Special Management Area permit,
prepare an Environmental Assessment and stipulates that the
lessor shall "comply with all applicable laws, statutes,
regulations, building codes, and rules and regulations." The EA
and SMA have provisions for public review.

The provisions of the lease further provide that the final plans
must be submitted for review and approval by the Department prior
to commencement of construction. In addition, the Department is
the approving authority for the EA.

During discussions with the lessor and its consultants, it was
agreed that the final Environmental Assessment will be amended to
address the proposed project as it relates to the Coastal Zone
Management program objectives, including expanded discussion of
mitigation measures, including a listing of permits required for
the project and an improved site plan, as well as a discussion of
alternatives.

I hope the foregoing adequately addresses the concerns you have
regarding this project. If you have any questions, you may call
Larry Cohn, Property Manager, at 587-1975.

Very truly yours,

[Signature]
State Boating Administrator

enclosures
II. Special Management Area

The proposed project is within the Special Management Area (SMA) and will require a SMA permit from the Lanai Planning Commission. A section will be added to the Final EA addressing the Coastal Zone Management program objectives as established by the Rules and Regulations of the Lanai Planning Commission, a copy of this analysis is attached herein.

III. Other Concerns

A. As noted, a SMA permit will be required from the Lanai Planning Commission. A grading and building permit will also be required. The Environmental Impact Statement Rules do not require a listing of permits for EA's, however, one will be included in the Final EA.

B) An improved site map, discussion of alternatives and specification of mitigation measures during construction will be included in the Final EA.

C) (DLNR will address your concern regarding the approving agency.)

D) The proposed basement will encompass approximately 2,400 sq. ft., however, the majority of this area will be used for storage.

IV. Conclusion

The Final EA has been amended to include additional mitigation measures; a discussion of alternatives, and an assessment of the project's compliance with the objectives of the Coastal Zone Management Act. It is our position that the Final EA meets the requirements set forth in Chapter 343, Hawaii Revised Statutes and Chapter 200 of the Department of Health's Administrative Rules.

Thank you for reviewing and commenting on the Draft EA. If there are any questions, please contact Mr. Rory Frampton of my office:

[Signature]

CHRISTOPHER L. KARI
Landscape Architect - Planner

end.

cc: DOBOR

Trilogy Corp.

Mail Planning Dept.
Appendix B -
EXECUTIVE ORDER NO. 2141
Executive Order No. 2141
March 18, 1964

Setting Aside Land for Public Purposes

By virtue of the authority in me vested by Act 52, Session Laws of Hawaii 1962, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be and the same is hereby set aside for the following public purpose:

FOR construction, operation and maintenance of a Small Boat Marina and appurtenant facilities, to be under the control and management of the Department of Transportation.

LOT 745-M, area 8.525 Acres, as shown on Map 1 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862 (amended) of Hawaiian Pineapple Company, Limited, and being all of the land described in Transfer Certificate of Title No. 89,708 issued to the State of Hawaii.

SUBJECT, HOWEVER, to the following:

(1) To those certain old Government Roads and trails as shown on Map 1 filed with Land Court Application No. 862 (amended), as set forth by Land Court Order No. 19032, filed May 24, 1962, and mentioned in Transfer Certificate of Title No. 83,913 to which reference is hereby made.

(2) To all building and improvement requirements as to design, material and construction, as set forth in that certain Deed made by Sole Corporation to the State of Hawaii, dated October 20, 1962, filed in the Office of the Assistant Registrar of the Land Court as Document No. 301159 to which reference is hereby made.

SUBJECT to disapproval by the Legislature by a Concurrent Resolution 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 __________ day of ______________, Nineteen Hundred and ____________.

[Signature]
Governor of the State of Hawaii

Approved as to form:

[Signature]
Attorney General

[Signature]
Secretary of State

21-1
State of Hawaii
Office of the Lieutenant Governor

This is to certify That the within is a true copy of Executive Order No.______
setting aside land for public purposes, the original of which is on file in this office.

In Testimony Whereof, the Lieutenant Governor of the
State of Hawaii, has hereunto subscribed his name
and caused the Great Seal of the State to be affixed.

William Richardson

DONE in Honolulu, this ______ day of
______, 19__ A.D.