

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

October 24, 2014

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

MAUI

Approve in Concept a 35-Year Boating Lease and Pier Construction, to the National Oceanic and Atmospheric Administration at Maalaea Small Boat Harbor Situated at Waikapu, Wailuku, Maui, Identified As Tax Map Key: (2)3-6-01:2 Portion

APPLICANT:

National Oceanic and Atmospheric Administration (NOAA) Office Of National Marine Sanctuaries (ONMS), which serves as the trustee for a network of 14 marine protected areas including the Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary). The Sanctuary was created by Congress in 1992 and is managed jointly by NOAA through ONMS and the State of Hawaii through the Department of Land and Natural Resources

LEGAL REFERENCE:

Sections 171-53 and 95, Hawaii Revised Statutes

LOCATION:

Portion of submerged lands fronting Maalaea Small Boat Harbor situated at Waikapu, Wailuku, Maalaea, Island of Maui identified as Tax Map Key: (2)3-6-01:2 portion, as shown on the attached map labeled **Exhibit A**.

AREA:

1,200 square feet, more or less.

ZONING:

State Land Use District: Conservation- Resource Sub Zone
County of Maui CZO: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

Presently used on an ad hoc basis by Sanctuary vessel RV Kohola. See **Exhibit B**.

Item J-1

CHARACTER OF USE:

The proposed site for Sanctuary vessel(s), for partner vessels as appropriate, and for construction of a finger pier.

LEASE ANNUAL RENTAL:

Gratis.

COMMENCEMENT DATE:

November 1, 2014.

REMARKS:

The Sanctuary, which is managed jointly by the State of Hawaii through the Department of Land and Natural Resources (DLNR) and the NOAA, was established in 1992 to protect Hawaii's humpback whales and their habitat.

The Maui Nui waters are the most important habitat for humpback whale calving and breeding in the North Pacific. Due to the importance of this area to humpback whales, the Sanctuary began operating vessels out of Maalaea Harbor in 2002 to effectively respond to humpback whales in distress, conduct research and monitoring, and provide educational services. Maalaea Harbor is only 15 minutes away from the Sanctuary's Kihei office and provides the ideal location for the Sanctuary's vessel and the base of its time-dependent, on-water operations in Maui County.

Since beginning operation out of Maalaea in 2002, the Sanctuary and its network partners (Division of Aquatic Resources (DAR), Division of Conservation and Resource Enforcement (DOCARE), Division of Boating and Ocean Recreation (DOBOR), NOAA Fisheries, U.S. Coast Guard, tour industry, and others) have freed 20 large whales of life threatening entanglements, removing more than 8,000 feet of line and netting from the animals. Over 140 on-water responses have been mounted for these and other efforts – a majority by the Sanctuary's vessel and in Maui Nui waters. The success of the Maui Nui operations is a direct result of having a dedicated slip in Maalaea with easy access and rapid response capability.

In addition, the vessel is available to partners to support a range of marine resource research, monitoring, and response efforts such as:

- Collaborative research with the University of Hawaii to better understand threats, movement, behavior, health and acoustic environment of humpback whales;
- Logistical support for the Kahoolawe Island Reserve Commission, including passenger transport and diving platform, for marine resource monitoring;
- Field training for University of Hawaii, Maui Community College marine biology classes;
- Training exercises for the U.S. Coast Guard;
- Assessments of maritime heritage (historic ship and plane wrecks) resources in Maui;
- Benthic habitat mapping off of West Maui;
- Logistical support for the Fish and Wildlife Service, including transport to Molokini for seabird surveys;
- Marine mammal surveys off of Molokai for NOAA's Pacific Islands Fisheries Science Center;

- Marine resource monitoring for DLNR, DAR off Maui;
- Logistical support for Hokulea's World Wide Voyage, including providing escort from Maui to Hilo; and

The slip space proposed for lease is adjacent to the slip used by U.S. Coast Guard for their 40-foot patrol vessel. This proximity enhances coordination in response efforts as the Coast Guard provides in-air and on-waters support, and also allows for increased efficiency with respect to logistics and security.

In addition, if the lease were granted, the Sanctuary would propose to construct a finger pier for easier vessel access and safe use. Currently, access to the vessel and loading of equipment is conducted over a makeshift wooden board. A finger pier would allow mooring for Sanctuary vessels undertaking response, education, research, and monitoring activities and provide temporary and secure space for partner vessels when not in use by the Sanctuary. Furthermore, this pier would also allow the U.S. Coast Guard to tie their vessel between their existing pier and this new proposed pier providing more secure berthing.

RECOMMENDATION:

That the Board:

- A. Approve in concept the construction of a finger pier and a 35-year boating lease at no fee for submerged lands fronting Maalaea Small Boat Harbor situated at Waikapu, Wailuku, Maalaea, Island of Maui identified as Tax Map Key: (2)3-6-01:2 portion and further subject to the following:
1. Chapter 343, HRS review; and
 2. Review and approval by DOBOR;
 3. Review and approval by the Department of the Attorney General; and
 4. Such other terms and conditions as prescribed by the Chairperson to serve the best interests of the State.

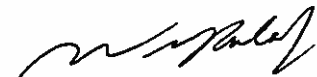
Respectfully Submitted,



Edward R. Underwood
Administrator

Attachments: Exhibit A
Exhibit B

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson

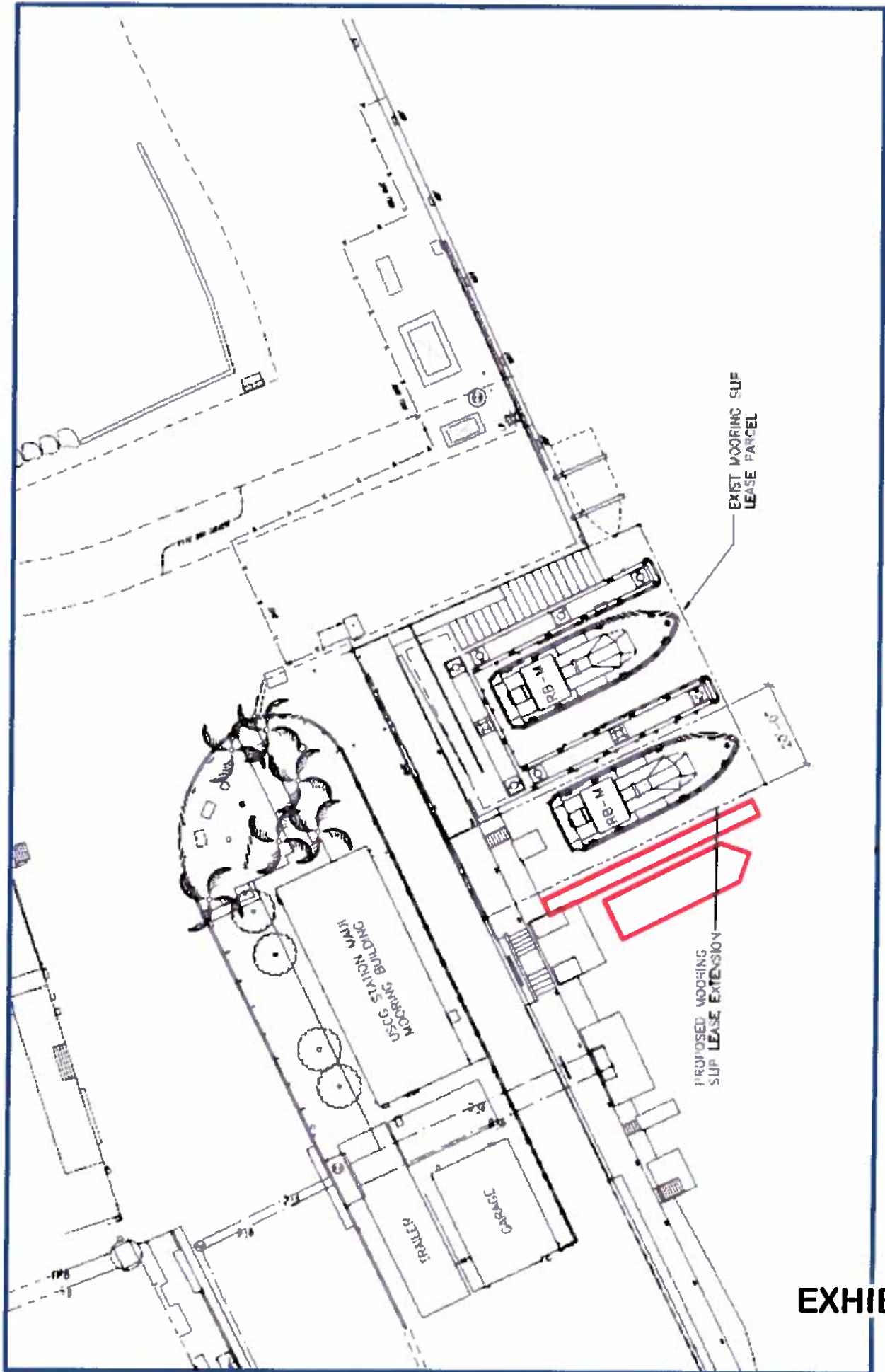


EXHIBIT A

Vessel Helps to Better Understand and Protect Humpback Whales



Photo: HIHWNMS, MMHSRP Permit #932-1489

Specially trained responders work to free a whale entangled in ropes.

The Mission

The Hawaiian Islands are important habitat for humpback whales (*koholā*) providing critical breeding grounds for the endangered animal. Up to 12,000 of the 20,000 humpback whales found in the North Pacific are found in Hawaiian waters every year from November to April where they breed, give birth and nurse their young.

Every year there are reports of whales that have become entangled in ropes or nets. Research by sanctuary staff estimate that in some regions over 50% of humpback whales have been recently entangled. Sanctuary staff have expertise in disentangling whales and work to understand the cause. The goal is to reduce the threat of entanglements, which is estimated to kill over 300,000 cetaceans worldwide every year.



Photo: HIHWNMS, MMHSRP Permit #932-1489

Underwater photo of a humpback whale being cut free from entangling rope.



Photo: Silver Ships

The new sanctuary vessel is designed specifically for working around 40-ton humpback whales.

A Specialized Vessel

This 11-meter vessel was specifically built and customized for large whale response, disentanglement and research for the Hawaiian Islands Humpback Whale National Marine Sanctuary. Based in the heart of the sanctuary, the vessel's homeport will be primarily in Maui at Mā'alaea Harbor near the sanctuary's Kihei facilities.

- True turn-key response boat ready to respond immediately.
- Built-in storage for 15-foot rapid deployment inflatable.
- Davit for lifting heavy equipment.
- Custom designed upper helm station provides the boat operator with excellent visibility for safe operation around whales.
- Multiple stations for observers.
- Versatile platform for tagging, observation, health assessment and response to marine mammals in distress.
- Support for research and monitoring of fish, corals and maritime heritage resources through dive ops by cooperating partners.

Specifications

Vessel Name:	<i>Koholā</i>
Builder:	Silver Ships Inc.
Delivery:	July 2011
Hull Material:	Aluminum, hybrid air and foam collar
Length:	38' - 1"
Beam:	10' - 4"
Draft:	3.80 ft
Engines:	Envinrude E-Tec
Propulsion:	Twin outboards
Maximum Speed:	25 knots
Range:	200 nautical miles
Accommodations:	1-2 crew, 9-10 passengers



The Hawaiian Islands Humpback Whale National Marine Sanctuary is jointly managed by the National Oceanic and Atmospheric Administration and the State of Hawai'i.

<http://hawaiihumpbackwhale.noaa.gov>

EXHIBIT B