

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCE
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i

180-Day Exp. Date: Aug. 24, 2015

July 24, 2015

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Use Application (CDUA) MA-3738: Trailered Vessel Facility

APPLICANT: Maui Dry Dock & Storage LLC

AGENT: Thorne Abbott, Coastal Planners LLC
3993 Ma'alaea Bay Place, Wailuku, Maui, 96793

LOCATION: Kahului Harbor West Breakwater, Wailuku District, Maui

OWNERSHIP: State of Hawai'i, placed under the jurisdiction of DLNR's Division of Boating and Ocean Recreation (DOBOR) by Executive Order #4282

TMK: (2) 3-7-001:023 and 021

AREA OF PARCEL: Breakwater: 20.98 acres (parcel 21) and 2.45 acres (parcel 23)
Boat Launch Ramp Site: 6.1 acres of parcel 21

AREA OF USE: 0.89 acres. 16,800 square feet (dry dock) & 21,600 square feet (parking)

SUBZONE: Resource

The applicant, a consortium of five Maui-based commercial vessel operators, proposes to build a trailered vessel facility on portions of two State-owned parcels on the Kahului Harbor West Breakwater. The parcels are under the jurisdiction of DLNR's Division of Boating and Ocean Recreation (DOBOR), and are in the Resource Subzone of the State Land Use Conservation District.

DESCRIPTION OF AREA

The Kahului West Breakwater is a flat, unpaved open area composed of fill from harbor dredging activities. It is accessed via Kahului Beach Road. Underground potable water and electric utility lines service the adjacent boat ramp and wash down area. A double-wide boat

ramp allows large vessels to be hauled out of the water. According to the applicant it is the only boat ramp on Maui that can accommodate boats larger than 58 feet in length.

Existing flora consists of a scattering of introduced and native trees, ground plants, shrubs, and weeds such as naupaka, Bermuda grass, and tree heliotrope. The soil is of poor quality and does not support significant vegetation. Some migratory birds have been documented on site, including the wandering tattler and ruddy turnstone. Feral cats are the only common mammal.

Kahului Harbor was constructed by the Kahului Railroad Company in 1900, and was originally composed of a berthing area, a dredged channel, and a 400-foot long breakwater on the eastern edge. The U.S. Army Corps of Engineers composed a 1950-foot long western breakwater between 1917 and 1919. In 1931 the Corps extended it to its current length of 2315 feet.

The western breakwater was augmented between 1960 and 1987 with an inner rock revetment. The area between the breakwater and revetment was used as fill for dredged material, creating the 23-acre "West Breakwater." 20.983 acres were set aside to the DLNR Land Division for a Kahului Harbor Park for future use by Maui County, and 2.451 acres were set aside for use as a boat launching site under the management of the Department of Transportation. These set-asides were memorialized by Governor Ariyoshi in 1977 by Executive Orders #3064 and 3066.

Although the County developed plans for the park, but were unsuccessful at implementing them. By 2004 a large homeless encampment had grown on the breakwater. The camp was eventually removed by the police.

In 2006, with the County's consent, Executive Order #3064 was cancelled and the land reverted back to DLNR. During the same period the Board of Land and Natural Resources (BLNR) recommended that the boat launch area be expanded. Executive Order #4282 expanded the boat-launch area to 6.1 acres, and placed it under the jurisdiction of DOBOR for boating and ocean recreation purposes.

That same year DLNR and the Corps of Engineers dredged the entrance channel and turning basin of the harbor, creating approximately 14,000 cubic yards of additional fill, as well as the large boulders that now circle the site. The project also involved the demolition and replacement of the existing breakwater and boat ramp.

Current users of the Breakwater include:

Food trucks. The trucks currently use the berm along the makai side of Kahului Beach Road. They leave at the end of the day. DOBOR has not issued any permits for the operation of food trucks on the State-owned parcel.

Island Ice Company. The company leases a .0046-acre area is leased to the Island Ice Company to operate an ice dispenser commissary.

Fishers. Fishing is a common activity here. The harbor is a Fisheries Management Area (FMA), and individuals must follow check-in and reporting procedures posted at the fisher check in station on site. There are fresh water springs near the boat ramp where mullet congregate. Recreational boaters generally fish outside the harbor.

Hale Kiawe. Maui's Senior Boaters Club has met on the site for over 25 years. Mayor Alan Arakawa granted the group a small area makai of the boat ramp, where they received

permission to build the Hale Kiawe clubhouse. The 70 members of the club have landscaped the surrounding area and set up several picnic tables under the shade trees on site.

Gathering. People gather limu from the near shore areas. The Maui Ocean Center has a permit to collect aquarium fish and other marine life from the bay. Private aquarium enthusiasts occasionally collect sand from specific locations in the harbor where they believe the sand has enhanced qualities for aquariums.

Maui Trailer Boat Club. The club hosts two fishing tournaments a year that use the boat ramp.

Ocean Recreation. Kayakers, surfers, and stand up paddles all use the harbor for their sports. The parking area becomes congested on weekends when water conditions are good for recreation. The harbor waters are often murky, making them unattractive to swimmers.

Outrigger Canoeing. Three clubs use the harbor for practice, and the area hosts regular competitions during the summer regatta season. The breakwater is occupied by canoe teams and their supporters during the races.

Rescue Operations. The Maui Fire Department and U.S. Coast Guard use the site for training exercises and as a launch site for ocean rescues.

Nearby land uses include Keopuolani Regional Park, the Maui Arts and Culture Center, two low-rise hotels, a low-rise residential and commercial neighborhood, an industrial area, and three retail centers inland of Ka'ahumanu Road.

Exhibit 1 shows the tax map key parcel, conservation zones, and neighboring land uses of the Kahului Harbor area. **Exhibit 2** is a Google Earth aerial view of the West Breakwater.

PROPOSED USE

The three main elements of the proposal are:

1. The creation of a vessel maintenance and inspection area (i.e. 'dry dock')
2. The creation of a fenced trailer boat parking and storage area along Kahului road, and
3. Improvements to the existing open public parking areas on the breakwater.

OCCL notes that this proposal has been modified from the original proposal in order to address community comments regarding the project's potential impact on public parking spaces, access to the public ramp, and maneuverability within the boat launching area. The original proposal contained a single fenced area within the 6.1 acre boat launch area. The modified proposal relocated the proposed parking area to an unused portion of the larger parcel.

Exhibit 3a contains the original site plan, and **Exhibit 3b** contains the modified preferred alternative.

Dry Dock

The applicant proposes to construct one concrete pad in the northeast corner of the parcel dedicated to vessel maintenance and inspection. The impervious surface will provide an appropriate space to conduct vessel maintenance and inspection, included the bi-annual inspections required by the Coast Guard.

The pads will be served by a subsurface storm and rainwater catchment and treatment system. The subsurface drainage system will include filter inlets and absorbents to capture, stabilize, and filter water runoff. Grassy swales will be constructed as an additional way to capture runoff.

Landscape plants will be placed around the perimeters of both the dry dock and the parking area. Preferred species are hardy and drought-tolerant plants; the area contains mineral poor soils and is exposed to salt spray, which limits the number of species that will be viable on site. The applicant proposes creating a hedge row of naupaka or green Natal plum, interspersed with taller hau trees. Once established through drip irrigation these arrangement should produce a four foot wide, eight foot tall hedge within eighteen months of planting. The plants will serve to beautify the site, shield the boats from wind, contain fugitive dust, and attenuate storm water runoff.

The site will be surrounded by a twelve-foot high vinyl-coated chain-link fence.

Irrigation and electric hookups will be trenched and submetered to the two developed sites from the existing utility connections.

The size of the complete dry dock facility, including landscaping and swales, will be 120 feet by 140 feet.

Fenced Trailered Vessel Parking Area

A secured parking area is proposed for an unused area along Kahului Road. This area is currently surrounded by concrete pilings which prohibit vehicle access. The applicant will need to grub and grade the area to remove weeds and make it suitable for parking. A strip of vegetation will be left in place between the site and Kahului Road.

The site will be 100 feet by 180 feet, and will be able to accommodate twelve to fifteen trailers or boats on trailers.

The gate access, fencing, and landscaping will be the same as that around the dry dock.

Public Parking Area Improvements

Adjacent to the fenced parking area the applicant proposes to grub and grade an additional area to create parking for 20 cars. This number is based on Maui County parking standards. This area will be unfenced, and continue to be under DOBOR's jurisdiction. The applicant is proposing to conduct these improvements in order to mitigate the loss of parking spaces due to the dry dock.

The applicant provided a number of reasons why they believe that the facility will benefit the local boating community:

Maui has launch facilities at both Kahului and Mā'alaea Harbors. However, boat operators need to leave their vessels unattended while they are at sea. A secured parking area will reduce the risk of break-ins and thefts while boaters are at sea.

A secured, 24-hour facility will reduce the number of vessels that are parked along neighborhood streets.

A secured facility near the harbor will benefit boaters who live far from the harbor or in upcountry areas, in that they won't have to tow their vehicles on Maui's highways and state roads.

Commercial catamarans and large vessels are required to undergo U.S. Coast Guard inspections twice a year. Currently the only sites for this are on O'ahu and at Honokōhau Harbor on the Kona coast of Hawai'i.

The dry dock will provide a regulated environment for boaters to conduct repairs and vessel maintenance. Currently Ma'alaea is the only location on Maui that provides for vessel haul out and repair; however, it cannot accommodate the larger commercial catamarans.

No price or rental period has been determined, but key cards are anticipated to be available for approximately \$100 to \$130 per month and are intended to help defray the facility's construction costs. The rate would be determined in consultation with DOBOR.

DOBOR does not anticipate conducting any new infrastructure improvements on the site.

The applicant will pursue a lease with the Department should they secure a Conservation District Use Permit (CDUP).

Exhibit 4 contains the proposed sequence of construction activities.

ANALYSIS

On February 25, 2015 the Department notified the applicant that:

1. The proposed use was an Identified Land Uses in the Limited Subzone, P-8 STRUCTURES AND LAND USES, EXISTING, (D-1) *Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit*, and that this use required a permit from the Board of Land and Natural Resources, who have the final authority to grant, modify, or deny any permit.

OCCL based this determination on the fact that the proposed lot is a new use at the existing harbor.

2. A public hearing would be required pursuant to HAR § 13-5-40 *Hearings*, (a) *Public hearings shall be held on (I) All applications for a proposed use of land for commercial purposes.*

The public hearing was held April 7, 2015 at the Pacific Whale Foundation in Ma‘alaea. Notice was published in the Honolulu Star Advertiser and the Maui News. It was also posted on OCCL’s website.

3. Pursuant to HAR §13-5-31 *Permit applications*, the permit required that an environmental assessment be carried out.

The Draft Environmental Assessment was published in the March 8, 2015 *Environmental Notice*. At the same time OCCL distributed the application for public and agency comments. The application and supporting documents were also made available on OCCL’s website, as well as the Wailuku Public Library.

On May 26, 2015 the applicant submitted their Final Environmental Assessment (FEA) for the project. The FEA contained written responses to all the comments that had been received. In addition, the project was modified based on concerns raised during the public hearing.

After reviewing the FEA DLNR determined that the proposal did not trigger the Significance Criteria outlined in Hawai‘i Administrative Rules Title 11 Chapter 200, ENVIRONMENTAL IMPACT STATEMENT RULES, and published a Finding of No Significant Impact (FONSI) on June 8, 2015.

4. It is the applicant’s responsibility to comply with the provisions of Hawaii’s Coastal Zone Management law (HRS Chapter 205A) pertaining to the Special Management Area (SMA) requirements administered by the various counties.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application to the following agencies for review and comment: O‘ahu Board Member; Office of Hawaiian Affairs; County Planning; DLNR- Land Division, DOCARE, Division of Aquatic Resources, DOBOR; Department of Transportation, Harbor’s Division; Maui County Department of Parks and Recreation; Maui County Department of Planning; US Army Corps of Engineers; US Coast Guard; Department of Health; and the Community Marine Management Areas network.

A notice of the application was placed in the July 8, 2014 edition of the Office of Environmental Quality Control’s *Environmental Notice*.

Copies of the application and EA were available for review at the Wailuku Public Library. They were also available on OCCL’s website.

OCCL held a public hearing on April 7, 2015 at the Pacific Whale Foundation in Ma‘alaea, with Maui Board Member Jimmy Gomes acting as Hearing Officer.

Written comments were received from the following individuals and agencies:

DLNR Division of Boating and Ocean Recreation

DOBOR notes that the Kahului launch ramp is approximately six acres in size, with a sizeable portion of fast land that is not being used. DOBOR was approached by a private party and a request was made to enter into direct negotiations for the purpose of building a haul-out facility. DOBOR supports the concept and feels that there is sufficient area within the facility to accommodate a dry dock. The Board of Land and Natural Resources approved the concept and direct negotiation for a lease subject to an EA and other necessary entitlements prior to entering into a long term lease.

DOBOR also noted that the project might not receive full public support at its current location. They recommend relocating the project onto DOT-Harbors land, or leaving the proposed dry dock in its current location and requesting additional land from DOT-Harbors to expand parking.

DOBOR's written testimony is attached as **Exhibit 5**.

Applicant's Response

The applicant looks forward to working collaboratively with DOBOR and the diversity of stakeholders to improve the small boat harbor facility and create benefits for users.

DLNR Division of Aquatic Resources, Maui Office

In Maui Office's original review they concluded that the potential environmental impacts had been mitigated. However, subsequent to that, they noted an increase in complaints regarding dry dock maintenance activities on the site, and it does not appear that these concerns were addressed in the draft Environmental Assessment. The complaints revolved around:

- Fugitive dust from sanding and grinding activities on fiberglass vessels,
- Excessive odors from paints and other solvents, and
- Paint overspray even when tarps were used around the area.

The Office notes that shop vacuums will be required to mitigate fugitive dust. However, they state that it is unlikely this will prevent all or even the majority of dust from entering the air. Of greater concern are paint overspray and solvent fumes. The EA states that barriers will be erected. Given the high winds in the area, the Maui Office does not believe this will be effective, and notes that they have received complaints even when vessels are surrounded by tarps.

The Office suggests that some sort of removable support pole for tarps could be built into the concrete pads to allow for the erection of more sturdy barriers during maintenance work.

Applicant's Response

The applicant will take all reasonable measures during construction and operation of the facility to contain and capture fugitive dust, as well as avoid, minimize and mitigate the

generation of airborne pollutants, fumes or odors through the implementation of best management practices, precautionary monitoring and facility design. For example, commercial vessel maintenance is anticipated to occur seasonally during the spring and fall and not during the summer or winter months. Sanding and painting activities may be limited to weekdays and normal business hours (i.e., 7:00 am to 4:00 pm), when individuals that may be sensitive to these types of activities are less likely to be in the vicinity.

Limiting the types of activities that would occur at the facility on extremely windy days, or conversely on very quiescent days, could also be an effective operational protocol.

The project would conform with applicable State of Hawaii, Department of Health, Clean Air Branch regulations. In particular, users of the facility would be required to use vacuum sanders, as opposed to merely shop vacuums, to contain fugitive emissions at the site. Low VOC paints and high pressure, low volume paint applicators would be used and bottom paints for vessels would be applied with rollers, rather than paint sprayers, to reduce the potential for paint overspray.

A stormwater capture, stabilization, treatment and retention system is proposed and would include bio-remedial grassy swales, connected to filter inlets with absorbent socks to capture and treat petroleum, oils and lubricants. These would be connected to sub-surface perforated pipes wrapped in geotextile fabric set within washed gravel to improve stormwater treatment at the site. The stormwater treatment system is anticipated to exceed County and State requirements and is intended to provide an effective filtration system to protect nearshore ocean waters. In addition, the project is located 253 feet inland of the shoreline.

The general project area has been used by a variety of boaters in an ongoing, ad-hoc basis for vessel repairs and maintenance since 2011. The applicant is proposing to create a more controlled situation, where use of the site has built-in environmental protections, such as impervious surface areas, storm water filtration and treatment systems, bio-swales, vegetative screening, wind breaks, containment systems and appropriate facility use requirements to avoid, minimize and reduce potential impacts to the environment, be it water, air or coastal.

Office of Hawaiian Affairs (OHA)

The breakwater did not exist prior to 1960, and the likelihood of encountering historic artifacts is low, and it does not appear that the proposal will adversely affect cultural resources or hinder the exercise of Native Hawaiian rights related to gathering, access, or other customary activities.

OHA notes that the parcel is listed as having 5(b) trust land status. OHA requests that the revenue generated from this project be included in the annual accounting of PLT receipts of revenue provided to the legislature by DLNR, as required by Act 178, SLH 2006.

Maui County Planning Department

The Department confirms that the project falls within the Special Management Area, but does not require a permit pursuant to Hawai'i Revised Statutes (HRS) 171-6.

The project has potential significant impacts to the environment, and recommends that the applicant incorporate mitigation best practices according to the assessment criteria presented in the *Special Area Management Rules for Maui Planning Commission*.

The Department requests that all effort be made to contain fugitive dust.

The Department requests that the applicant consider the capture of petroleum runoff through available effective filtration systems.

Applicant's Response

The applicant will take all reasonable measures during construction to comply with the County's grading ordinance. A minor grading permit and erosion control plan are anticipated to be submitted to the Maui County Department of Public Works for review and approval. Operations at the site will seek to contain and capture fugitive dust, as well as avoid, minimize and mitigate the generation of air borne pollutants through the implementation of best management practices and would conform with applicable State of Hawaii, Department of Health, Clean Air Branch regulations.

A stormwater capture, stabilization, treatment and retention system is proposed and would include bioremediation grassy swales, connected to filter inlets with absorbent socks to capture and treat petroleum, oils and lubricants. The stormwater treatment system is anticipated to exceed County and State requirements.

Maui Department of Parks and Recreation

Keopuolani Park is downwind from the site, and the Department is concerned with the potential impact of the project on park users and existing plant life. The Department requests that the applicant disclose how these concerns will be mitigated.

Applicant's Response

The applicant will revise the EA to discuss compliance with and implementation of best management practices.

State Department of Health, Clean Water Branch

The Department of Health submitted their list of standard comments taken from Hawai'i Administrative Rules (HAR) Section 11.

Applicant's Response

The applicant will comply with the agency's anti-degradation policy, designated uses, and water quality criteria pursuant to HAR, Section 11-54-1.1, 3, and 4 through 8. A jurisdictional determination by U.S. Army Corp of Engineers indicates that a Department of the Army permit is not required and no fill or discharges into nearshore waters are anticipated. An NPDES permit will be obtained, where applicable.

State Department of Health, Maui District Health Office

A National Pollutant Discharge Elimination System (NPDES) permit may be required for the project. It is strongly recommended that the standard comments found at the Department's website be reviewed and incorporated as applicable.

Applicant's Response

The applicant will obtain an NPDES permit, if applicable. The applicant has incorporated the Department of Health's recommendations for fugitive dust, storm water management, and community noise control.

Mark Tracy, President, Valley Isle Marine Center

Supports. The project will aid trailer boaters who do not want to trailer their boat, or who do not have suitable storage alternatives. This will cut down fuel emissions and wear and tear on vehicles and roads. Mr. Tracy commends DLNR for working with Maui Dry Dock and Storage.

Captain Martin Kirk

Supports. Traveling to Kona or Honolulu for inspections puts an undue burden on crew members' families, and takes revenue off of Maui. Creating a storage area will result in fewer boats being towed on Maui's roads.

Marc Turteltaub

Supports. There is a pressing need for a maintenance and inspection facility on Maui

Larry Stevens, Chair, Clean Water Committee, Maui Nui Marine Resources Council

It is not the Council's practice to endorse projects, and are not doing so in this case. However, the Council has no objections to the proposal.

Speaking personally, Mr. Stevens believes the project could be of substantial economic benefit to the boating community.

Applicant's Response

The applicant understands the group supports efforts to capture and treat stormwater, reduce discharge of pollutants, and minimize urban runoff. To that end, the applicant believes the proposal represents an improvement over the existing situation at the Kahului Small Boat Harbor facility. When purchasing a key card to access the site, user's would be required to sign an agreement to implement specific best management practices when using the facility to help avoid and minimize potential pollution.

Kaniloa Kamaunu

Opposes the project. The noise from the activities will kill the quiet found in the area when people are trying to eat and enjoy the surfers, fishermen, and turtles. Even with the highway nearby this is a tranquil area. This will affect parking, and impede access to the pier. This will impact air quality, and chemicals and dust will intrude on the public and the visitors at nearby parks, shopping centers, hotels, and the university.

Applicant's Response

The EA has been revised to include additional discussion on several topics:

- *A discussion on the impact of the proposal on other users of the area, particularly in terms of traffic flow, maneuverability of larger trailers outside the project area, and access to the existing public boat ramp;*
- *A discussion on how best management practices will be enforced;*
- *A more detailed description of the landscaping plans (Section 4.8)*
- *A more detailed description of the stormwater drainage management plan; and*
- *A more detailed explanation of the specific best management practices that would be implemented for specific uses of the maintenance and inspection pads.*

In addition, several additional alternative actions have been considered, including:

- *An analysis of alternate locations within the parcel of land managed DOBOR; and*
- *An analysis of alternative configurations for the proposed.*

As a result, the preferred alternative has been revised and reflects a reconfiguration within the parcel of land that is managed by DOBOR.

Emails

OCCL received 25 emails supporting the project that used a standard template.

OCCL also received a 0.75-inch stack of written testimony from employees of the commercial catamaran tours and their families. OCCL found that these were highly repetitive; there appeared to be a few standard templates, with individual employees signing six to eight letters each, all with similar or identical content and only a change in header. We have not summarized the form letters in this report.

Public Hearing

Sixty five people signed in at the public hearing, of whom thirty seven offered oral testimony. OCCL estimates that an additional twenty people attended without putting their names on the sign-in sheet.

The meeting was dominated by supporters of the project, many of whom worked for the companies of the proposing hui. Twenty-two people testified in support of the project, ten testified that they would support a modified project, and five were opposed.

David Barker

Opposes project as presented based on the issues of public safety, limited existing parking, and its impact on public users of the harbor. He noted that the 40-foot stalls in the original proposal were too short for use by most boaters. He would support the project if the dock were moved.

David Miyaki

Would support an alternative configuration.

Bobby Gomes

Opposed. Notes that it is a \$20,000 fine for violations. He goes to Honolulu with his boat. These guys had the money to buy their large boats, they have the money to go to Honolulu too. Also states that the public ramp will be blocked under the proposed configuration.

Tim Means

Supports. This has been in the plans for decades. It will offer economic benefits.

Jeff Strahw

Supports. Maui is the only island without a dry dock of this size.

Chris Walsh

Supports, but prefers an alternative configuration.

Peter Wood

Supports. Going off island takes money out of Maui. Sand Island is too small for catamaran pull-out. The lot is underused, and they often find condoms and needles on the ground.

Inca Robbin

Supports. People come here to enjoy nature, and we can share the facilities.

Luis Vera

Supports. It's not safe to travel inter-island with a boat that needs repairs.

Keith Dezelle

Supports. Doesn't like the crossing either.

Gabe Lucy

Supports. A crew member, he doesn't like spending six weeks away from his family while the boat is repaired in Kona.

Ming Shipy

Supports

Mark Tracy

Supports, but likes some of the alternative ideas presented. He agrees that the facility needs to be set far enough back that it doesn't interfere with other users. It costs a company a lot to fly and house crew on neighbor islands. Notes that ocean rescue operations will also use the dry dock.

Chris Kasper

Supports. The DLNR has said that the dry dock at Ma'ālaea wouldn't last. If so, then Kahului will be all that we have.

Jim Walsh

Supports. This will eliminate the safety issue regarding interisland crossings, and says that all boaters will benefit. Notes that for what boaters pay to DLNR harbors we should have gold faucets on site.

Zach Obrien

Supports

Matthew Paye

Supports

Keoni Laepa'e

Supports. He has kids. Interisland costs are hard on families, and hard on small companies.

Paul Vargas

Against. We need better infrastructure first: paving, bathrooms. The light bulbs need changing. Shame on the state. People are going to do their thing even with a dry dock.

Gabriel Garcia

Supports. This will be a great improvement.

Jacob Cordes

Supports. He hates change, but also hates being away from his family for two to three months. Notes that his kids also play at the park, and the need to make sure that dust is contained.

Laura Roof

Supports

Martin Kirk

Supports. Totally.

David "Bully" Kuhaulua III

Opposes. This is where we hang out, this is where the kids play.

Gary Vinge

Opposes. Boats get sandblasted here; you will need something to block the wind. The proposal seems to fence off a lot of the public area. This doesn't leave room for other boaters. The parking is not big enough for 35-foot boats – stalls will need to be at least 65 feet.

Doug Hunt

Supports, but applicant still needs to work out some of the particulars.

Timothy Bryan

Supports, but is concerned for the environment. Particulates need to be contained. Confirms that 40-foot stalls are not long enough. The harbor needs improvement; the breakwater currently looks like a blight, just a rocky barren plateau. Use Honoka'a as a model, it was done right.

Teena Rasmussen, Director, Maui Office of Economic Development

The Office supports the project. It is a good public-private partnership. This will urge the State to invest in creating a better place, not the travesty that happened at Ma'ālaea.

Blake Moore

Supports, but find a solution that works for everyone.

Phil Kasper

Support, but take another look at stall size. Likes the option to store boat.

Annie Alvarado

Supports. This will create jobs, but need to protect the environment.

John Crenshaw

Opposes. The breakwater is barely able to handle its current users, any encroachment on public space will make it more difficult for the public to use the site. The area is windy, and vacuums will not be able to control fugitive dust. Maneuverability is a major concern. The location will make it hard for anyone else to access the pier.

Riley Coon

Support if it is done right.

Jason Canter

Support. Keep the jobs here. Believes the issues can be resolved.

Gina Crenshaw

Opposes. This isn't a bad idea, but the breakwater needs infrastructure first - toilets first of all.

Basil Oshiro

Opposes. This is about the people of the moku, and the impact on our air and water. How will this affect the keiki? How much will flow into the ocean? The EIS hasn't even been completed yet. Doesn't think the hui consulted the people. They would reject this if they knew the truth. Where is ahu moku on this?

The following testimony was received after the public comment period on the draft environmental assessment ended:

Kanihoa Kamaunu opposes the project. The noise from the activities will kill the quiet found in the area when people are trying to eat and enjoy the surfers, fishermen, and turtles. Even with the highway nearby this is a tranquil area. This will affect parking, and impede access to the pier. This will impact air quality, and chemicals and dust will intrude on the public and the visitors at nearby parks, shopping centers, hotels, and the university.

Francis Philips of Maui registered a series of complaints regarding the project with DLNR's Public Information Officer. These include: there was no legal notice, that he has been violated because the state is taking public space illegally, that postcards should have been mailed to all the people, that the harbor is a bad location because it is heavily used and there aren't bathrooms, and requests that the Board move their decision-making meeting to Maui. States that there is a petition circulating that objects to this illegal taking.

John Crenshaw attended the public hearing and left with three concerns. First, the dry dock and storage facility will infringe on an already small maneuverability and wash down area. The area already is crowded at times; its size shouldn't be reduced. The parking lot does not provide the public adequate space to access the pier. Also, no one in their right mind would store their vessel in a high wind / high salt spray area. Second, there is no way to contain dust and contaminants in an open environment and no levels of air contamination are acceptable. The only viable option is to conduct maintenance in an indoor HVAC controlled environment. Third, he understands that the employees of the hui members felt pressure to testify in favor of the project, which reflects poorly on the ethical integrity of the hui.

Paul Hanada has questions and concerns regarding safety and the environment. Any airborne release of hazardous materials could blow directly into the park, and tarps do nothing to prevent releases. All work should be done in a building designed to capture 100% of whatever is released. And no effluent should percolate into the ground and allow to contaminate the ground water and nearby ocean ecosystem. He requests that a system be put in place to constantly monitor air and water quality, and that the department mandate strict record keeping. He notes that there is a lot of unused space on the breakwater, and this area should be used for parking instead. He also notes that this is public land, and wants to know why everyone wasn't given the opportunity to acquire the lease at the same price.

OCCL Comments

Based upon the public hearing and other comments received, OCCL asked that the applicant include the following in the final environmental assessment:

- A discussion on the impact of the proposal on other users of the area, particularly in terms of traffic flow, maneuverability of larger trailers outside the project area, and access to the existing public boat ramp;
- An analysis of possible alternate locations within the DOBOR-managed area;
- A discussion on how best management practices will be enforced;
- A more detailed description of the landscaping plans and the drainage management plans; and
- A more detailed explanation of what activities at the dry dock will trigger which best management practices (e.g., when will a canvas tarp be required for work? When will users be required to provide portable sanitation facilities? etc.).

Applicant's Response

The final environmental assessment will contain a complete discussion of each of the issues outlined by OCCL.

As shown in **Exhibits 3a** and **3b**, the applicant has modified the location of the proposed facility in order to reduce the impact on other users. The proposed parking area was relocated to an unused portion of the parcel. This should eliminate the issues regarding maneuverability on the breakwater and access to the launch ramp.

In addition, the applicant will grub and grade a new parking area that should accommodate twenty cars.

The applicant provided OCCL with a list of requirement for users of the facility. Commercial users will be required to post a minimum \$1000 security deposit, and private users a minimum \$500 deposit, in order to ensure compliance with these best management practices. This is attached to this report as **Exhibit 6**.

The applicant has revised the environmental assessment to include a more detailed description of the landscaping and drainage management plans.

HAR §13-5-30 CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in HAR §13-5-30.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

The proposed action will provide a convenient and managed space to conduct vessel inspections and repair in a managed environment. OCCL understands that these activities are currently happening on an ad-hoc and at times clandestine manner. A professional level dry dock will incorporate dust screens, filtration systems, and best management practices that mean these activities will be better managed and decrease the chances of them having a negative impact on the environment.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

Pursuant to HAR §13-5-14, the objective of the Resource Subzone *is to designate open space where specific conservation uses may not be defined, but where urban use may be premature.*

The proposed use is an Identified Land Uses in this subzone pursuant to HAR §13-5, P-8 STRUCTURES AND LAND USES, EXISTING. The parcel is on fill land and is part of the DOBOR-managed lands set aside for Harbor Purposes. OCCL feels that a dry dock and secured parking facility are uses consistent with other activities associated with harbors.

OCCL also notes that the use serves a public purpose via a public-private partnership, and that DLNR does not currently have the resources to improve infrastructure at Kahului Harbor without engaging in private partnerships.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The application is consistent with the following objectives of Chapter 205A:

Recreational resources. The proposed use should have a neutral effect on public access to recreational resources. Some current parking areas will be lost, but the project will also open up a new public area for 20 cars. The facility will be private, and will improve access to recreational resources for boaters who are willing to pay the required rental fees.

Historical resources. No historic resources have been identified at the site.

Scenic and open space resources. The area is currently barren. The proposed sites will be screened by landscaping plants.

Coastal ecosystems. The dry dock is composed of fill from the dredged harbor. It is mostly rocky and barren, with small pockets of scrubby non-native species and a few Norfolk pines. No trees will be removed.

Economic uses. The project will result in small increase in employment during the construction phase, and create new jobs for professional inspectors and cleaners. These activities will occur on Maui rather than being outsourced to O'ahu or Hawai'i. The project will be an economic benefit to commercial catamaran operators by eliminating the need for interisland trips for vessel maintenance and inspection, as well as the cost of housing workers off island.

Coastal hazards. The proposed use will not impact coastal hazards.

Public participation. The public was invited to comment on the proposal during the environmental review process and the application process. A public hearing was held in March on the proposal, and was attended by an estimated 80 members of the community. The applicant revised the proposal in order to address concerns raised during the hearing.

Beach protection. There are no sandy beaches adjacent to the Breakwater.

Marine resources. Control measures will be in place to mitigate the potential effects on marine resources. The dry dock will incorporate subsurface treatment to reduce runoff, and full containment will be required during sanding, painting, and/or fiberglass repair work.

The site is within the Special Management Area established by Maui County. However, pursuant to HRS 171-6(19) as amended on July 1, 2011, improvements to DOBOR facilities are not required to obtain a County SMA approval regardless of whether the action is initiated by a private entity or public agency, as noted below:

HRS §171-6 (19) Notwithstanding part II of chapter 205A to the contrary, plan, design, construct, operate, and maintain any lands or facilities under the jurisdiction of the division of boating and ocean recreation of the department without the need to obtain a special management area minor permit or special management area use permit;

In their October 2012 annual report to the federal Office of Coastal Resource Management, the State Office of Planning concurred that the amendment to exempt DOBOR facilities from SMA permitting is consistent with the Coastal Zone Management Program and thus consistent with Hawaii's state law.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The project would conform with applicable State of Hawaii, Department of Health, Clean Air Branch regulations. In particular, users of the facility would be required to use vacuum sanders, as opposed to merely shop vacuums, to contain fugitive emissions at the

site. Low VOC paints and high pressure, low volume paint applicators would be used and bottom paints for vessels would be applied with rollers, rather than paint sprayers, to reduce the potential for paint overspray.

A stormwater capture, stabilization, treatment and retention system is proposed and would include bio-remedial grassy swales, connected to filter inlets with absorbent socks to capture and treat petroleum, oils and lubricants. These would be connected to sub-surface perforated pipes wrapped in geotextile fabric set within washed gravel to improve stormwater treatment at the site. The stormwater treatment system is anticipated to exceed County and State requirements and is intended to provide an effective filtration system to protect nearshore ocean waters. In addition, the project is located 253 feet inland of the shoreline.

OCCL feels that the applicant has taken suitable caution to ensure that the project does not adversely impact the existing natural resources of the region.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

OCCL concurs with the members of the community who testified that the proposals original configuration was not appropriate to the physical conditions of the property, specifically in the way that it would interfere with access to the public launch ramp. The revised configuration should not interfere with traffic flow, and will open up new areas for both public and private parking.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The project is proposed for a barren expanse of gravel. A facility with landscaping will reduce the amount of open space, but add more green space. OCCL believes that this will improve

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The applicant will need to rigorously enforce best management practices among its members in order to comply with the State's Clean Air standards and to ensure that no run off enters the ocean. DOBOR, in turn, will need to be vigilant in monitoring the facility for signs of violation.

The project will be beneficial to the safety and welfare of the boaters who use the facility and to the employees of the companies that form the hui. Many have noted that an ocean crossing is dangerous in a vessel in need of repair. Others have testified as to the difficulty of having families be separated for six weeks at a stretch while the employees travel with the vessels to Kona or Honolulu. A facility on Maui will reduce the need for ocean crossings, and reduce the need to separate young families.

KA PA‘AKAI ANALYSIS

The West Breakwater was created by materials dredged from the harbor between 1960 and 1987. The site is composed of reclaimed filled land made up of coral fragments, bottom sediments, and dredge spoils. Given that the area was submerged prior to this, there would be minimal traditional or customary Native Hawaiian practices that occur within the proposed project area.

There are many cultural and recreational activities that take place in and around Kahului Harbor and on the Breakwater. However, the proposal will not impede shoreline access, gathering activities, or the free exercise of customary activities of Native Hawaiians or any other ethnic group.

Should cultural artifacts or remnants be encountered during ground altering activities work will be stopped and the State Historic Preservation Division will be contacted immediately.

The original proposal had the potential to limit access to the public boat ramp, which would have had a negative impact on ocean-based cultural activities. The modified plan has addressed these issues so that the project accommodates other users of the breakwater.

OCCL does not believe that the proposal as modified will hinder cultural practices in the area.

DISCUSSION

This project has received widespread attention from the community, and OCCL received a higher than average number of comments regarding the proposal.

The main arguments in favor of the proposal are:

- Maui does not currently have an area that can handle vehicle inspections and repairs for larger vehicles;
- The only two locations on Maui with launch facilities are Kahului and Mā'alaea. Kahului is the preferred location as there is more open space and the parcel is composed of barren fill land;
- The State does not have the resources to develop this facility on its own;
- Having a facility will reduce the need for dangerous ocean crossings in vessels that are in need of repair;
- Having a facility on island will benefit local businesses and ocean rescue operations by reducing costs, and will benefit their employees by eliminating the need for long periods of separation from their families;
- Repairs and maintenance are currently conducted on an ad-hoc basis, without oversight or environmental safeguards;
- A secured parking area will reduce the risk of break-ins and thefts while boaters are at sea;
- A secured, 24-hour facility will reduce the number of vessels that are parked along neighborhood streets; and
- A secured facility near the harbor will benefit boaters who live far from the harbor or in upcountry areas, in that they won't have to tow their vehicles on Maui's highways and state roads.

The main arguments against the proposal are:

- This area is heavily used for parking during regattas and on days with good surf, and any reduction in parking will be a burden on users of the harbor;
- The original configuration would impede public access to the pier;
- The harbor does not have the infrastructure to handle increased use;
- There are environmental risks from fugitive dust and solvent runoff, among others, and the State's current recommended best management practices are not effective;
- The noise from repairs will have an adverse on the tranquil nature of the breakwater;
- The community wasn't properly consulted; and
- The keiki play here.

BLNR has indicated their support in theory for the lease, pending the completion of an environmental assessment and approval of a Conservation District Use Permit.

OCCL has worked with the applicant to address the community concerns. The most significant change was a change in configuration to remove the parking area outside the current boat launch area. The proposed location of the dry dock remained, as it will be placed in the corner of the parcel furthest from the launch ramp and the park and area residences, and at the furthest point (235 feet) from the shoreline. The current preferred alternative and the original proposal are contained in **Exhibits 3a and 3b**.

To reduce the risk of runoff, a stormwater capture, stabilization, treatment and retention system is proposed and would include bio-remedial grassy swales, connected to filter inlets with absorbent socks to capture and treat petroleum, oils and lubricants. These would be connected to sub-surface perforated pipes wrapped in geotextile fabric set within washed gravel to improve stormwater treatment at the site. The stormwater treatment system is anticipated to exceed County and State requirements and is intended to provide an effective filtration system to protect nearshore ocean waters.

The total onsite retention system will have a total storage volume of approximately 357 cubic feet, which will accommodate more than double the increase in surface runoff, estimated to be 167 cubic feet, generated from a 50-year, 1-hour storm event on the maintenance and inspection concrete pad.

To mitigate concerns over fugitive dust and other solvents escaping into the air column, the applicant will screen the area with drought resistant trees and shrubs. In addition, certain best management practices would be required of users to ensure that they comply with Maui's clean air standards.

The complete list of practices was outlined in Section 3.12 of the projects Final Environmental Assessment. These are attached as **Exhibit 6: Requirements for Facility Use**. All boat owners and facility users will be required in writing to adhere to the following practices and standards of safe operation. In addition, commercial operators will be required to place a \$1000 security deposit prior to use, and private operators a \$500 deposit.

OCCL will recommend that the Board make full compliance with these practices be a condition of any permit issued.

In addition, OCCL asks that the Board include a condition stating that the permit holder will fully cooperate with DLNR and other State agencies in any investigations into user non-compliance with the listed best management practices.

Some community members have recommended either relocating the project to adjoining Department of Transportation (DOT) Harbors Division lands makai of the DOBOR-managed area. Cement barriers currently prohibit vehicular access to the DOT parcel.

OCCL notes that the DOT is not a signatory to this application, nor has our office received any communication from them indicating that these are options. This option is not being presented to the Board at this time. If the Board wishes that the applicant

pursue this option then OCCL believes that they must first **deny** this current permit application and ask that the applicant submit a new CDUA in cooperation with DOT.

he requirements OHA noted that the parcel has 5(b) trust land status, and requested that the revenue generated from this project be included in the annual accounting of PLT receipts of revenue provided to the legislature by DLNR, as required by Act 178, SLH 2006.

The applicant will need to return to the Board to seek a lease should the Board grant this permit. OCCL believes that OHA's request regarding revenue can be addressed at that point.

After carefully reviewing the proposal, OCCL concurs that a haul-out facility would serve a public benefit to the boating community, and that the environmental concerns will be addressed through compliance with the State's recommended practices. As discussed above, the proposal meets the conservation criteria outlined in HAR §13-5-30.

RECOMMENDATION

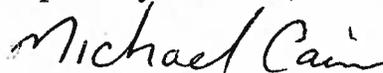
Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources **APPROVE** this application for a traveled vessel facility at the Kahului West Breakwater, Wailuku District, Maui, TMK (2) 3-7-001:023 and 021, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules;
5. ~~The single family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;~~
6. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
7. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to

- the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
8. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
 9. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
 10. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
 11. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
 12. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
 13. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
 14. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
 15. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
 16. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
 17. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
 18. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
 19. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across

- property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
20. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
 21. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
 22. All best management practices described in the application and the environmental assessment will be considered conditions of the permit;
 23. All users of the facility will confirm in writing that they will follow the required best management practices;
 24. The permittee will cooperate with DLNR and any other government agency in any investigation into non-compliance with these terms and conditions;
 25. Other terms and conditions as prescribed by the chairperson.
 26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,



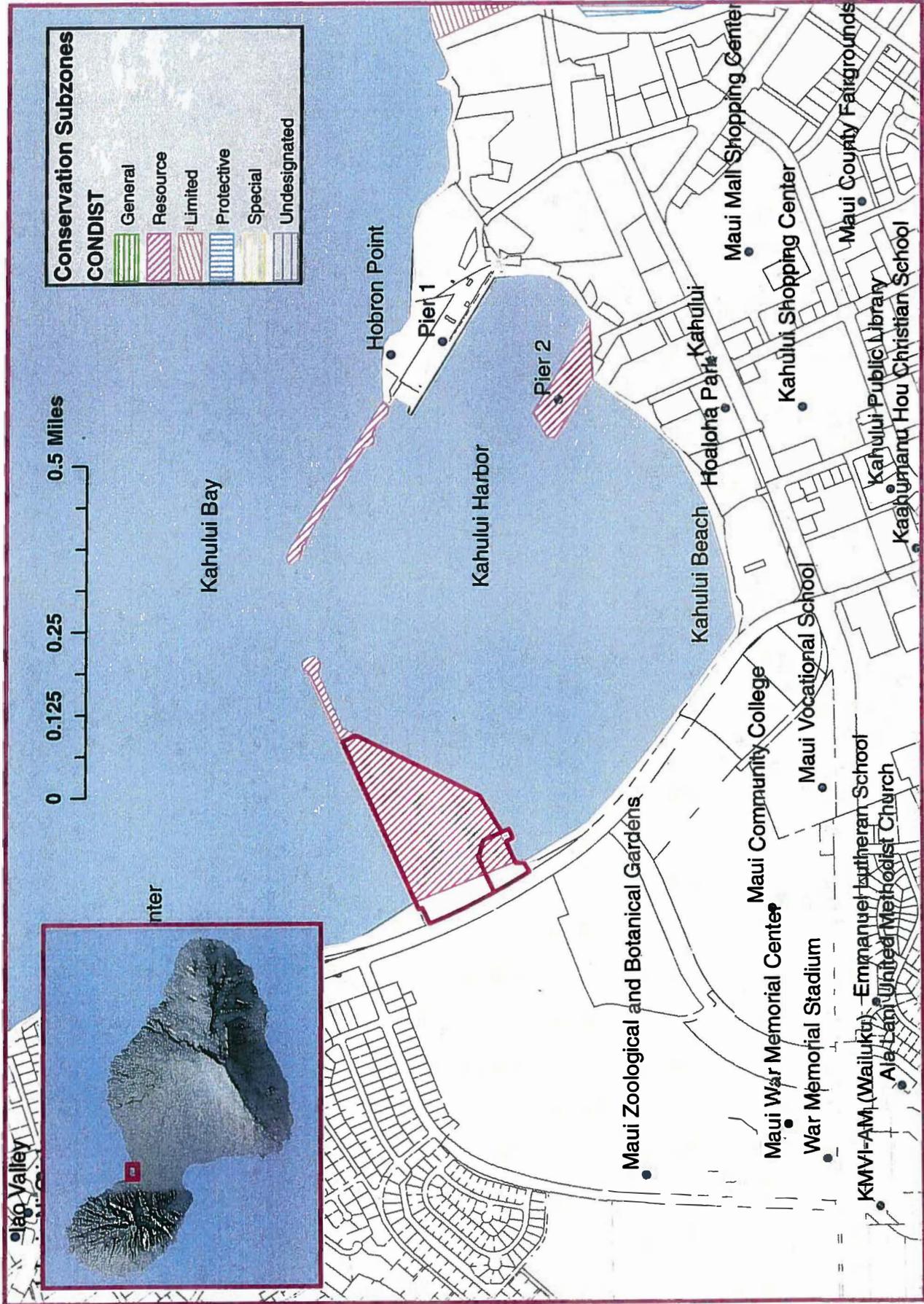
Michael Cain, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



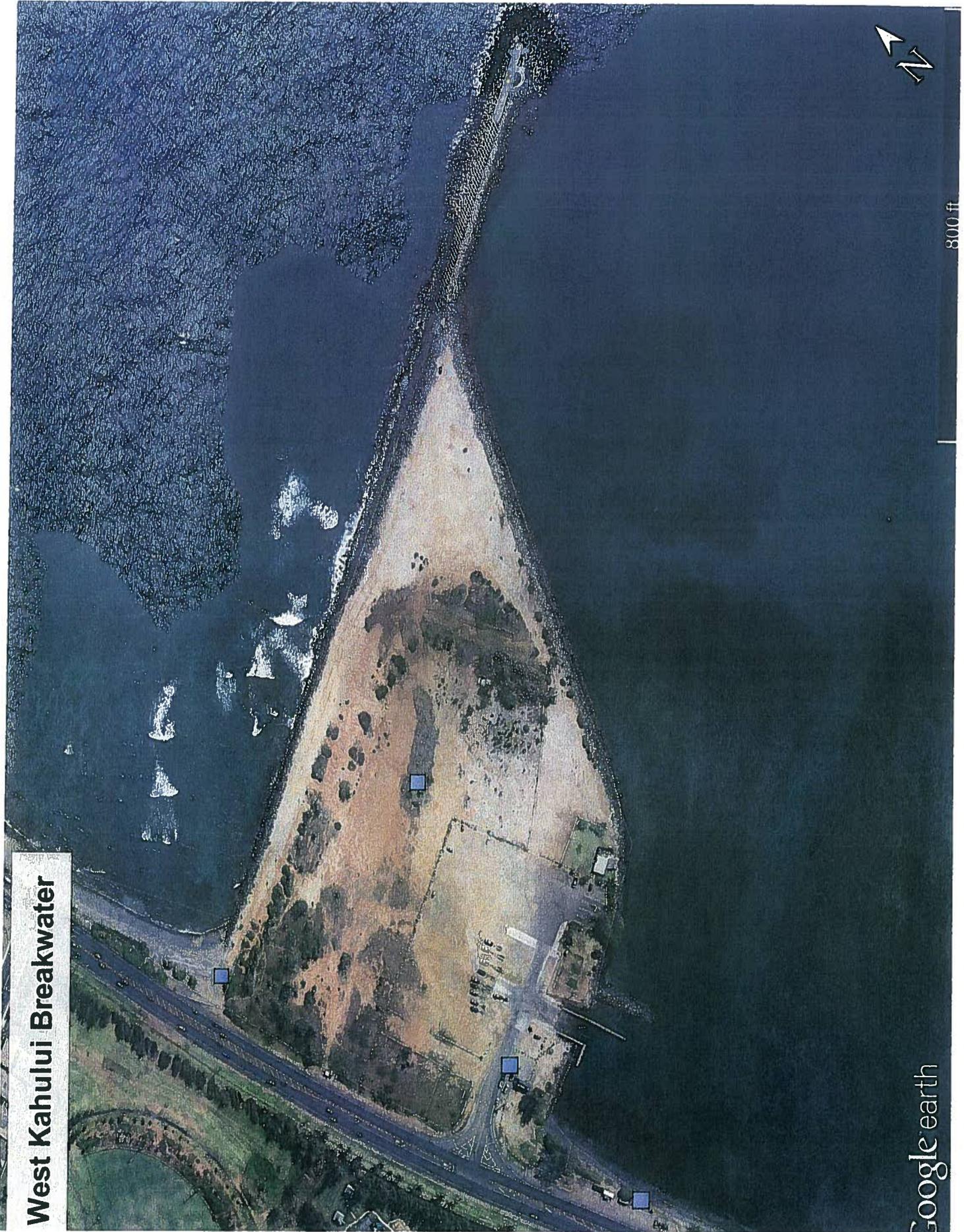
Suzanne D. Case, Chairperson
Board of Land and Natural Resources

TMK (2) 3-7-001:023 and 021. West Kahului Breakwater, Wailuku, Maui



Produced by Michael Cain @ OCCL July 7, 2015 All boundaries are approximate

West Kahului Breakwater



800 ft

Google earth



CDIIA MA-3738 Exhibit 3a: Modified site plan

PROJECT SEQUENCING

The proposed action would be constructed using an erosion control plan and other best management practices according to the following sequential activities:

1. Installation of sub-metered, underground water and electrical lines to the site.
2. Installation of a stormwater catchment and treatment system for the concrete pad consisting of two inlet filter screens with absorbent socks, leading to a 40 foot long, 2.5 foot diameter perforated pipe wrapped in geotextile fabric and surrounded by gravel.
3. Creation of vegetated areas that would capture runoff and have inlets leading to the subsurface stormwater treatment system. Both vegetated swales would be bordered by Naupaka.
4. Installation of drip irrigation lines for the initial propagation of landscape plantings of Hau, Green Carpet Natal Plam and Naupaka shrubs within a buffer 4 to 6 feet wide along and within the perimeter of fenced areas. The landscaping would provide vegetative screening, capture and attenuate storm water, add a security barrier, and serve as a wind break.
5. Installation of a chain link fence 12 feet high along approximately 520 feet of the perimeter of the maintenance and inspection area but within the aforementioned vegetative barrier. The fence would consist of vinyl coated galvanized wire with greater than 50% flow through and metal fence posts of sufficient size and anchored depth to retain the fence in an upright position. The fence would have mesh screening on its windward sides to help break the wind.
6. Grubbing portions of the vacant, currently inaccessible area near Kahului Beach Road to accommodate a secure trailer parking area and open public parking area.
7. Installation of a chain link fence less than 7 feet high around the perimeter of the secure trailer parking area and surrounding vegetation.
8. Installation of access gates for the secure trailer parking area and the maintenance and inspection area. The gates are anticipated to be comprised of electrically-powered rolling gates and appurtenant entry apparatus, such as a card reader or key punch entry, and a small motor to move the gates. The arrangement of the gates would facilitate ease of ingress and egress for vehicles towing trailered boats. During regattas and fishing tournaments, the gates could remain open to facilitate more efficient towed vessel movement.
9. Pouring of one concrete pad to facilitate dry boat maintenance and safety inspections of vessels, including commercial catamarans. The pad is estimated to be 8 inches thick, and would be about 100 feet wide by 130 feet long. The concrete pad would be located within the 120 feet wide by 140 feet deep (mauka to makai when viewed from the boat ramp) project site which includes landscaping and fencing. Given the site's flat topography, no grading is anticipated however minor ground preparations may be necessary to accommodate the concrete maintenance area pad, sub-surface stormwater system, and grassy swales.

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

RECEIVED BY HARDY
OFFICE OF CONSERVATION AND COASTAL LANDS
AND UNDERWOOD
ADMINISTRATOR
DIVISION OF BOATING AND OCEAN RECREATION

2015 JUL 10 P 12:18

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION
333 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813

MEMORANDUM

BOR 004.16

Date: July 9, 2015

To: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

From: Ed Underwood, Administrator *EU*
Division of Boating and Ocean Recreation

Subject: Request for DOBOR Input on Conservation District Use Application MA-3738 for a trailer Vessel Facility at the Kahului Harbor West Breakwater, Wailuku District, Maui, TMK: (2) 3-7-001:023 and 021

This is in response to your request for a written statement regarding DOBOR's position on the proposed Trailered Vessel Facility at the Kahukui harbor launch ramp area.

The Kahului launch ramp area is approximately six acres in size with a sizeable portion of fast land not currently being used. DOBOR was approached by a private party and a request was made to enter into direct negotiations for the purpose of building a haul-out facility so the commercial vessels on Maui would not have to travel to Hawaii or Oahu to haul out their vessels to do maintenance, repairs, and USCG inspections. The proposal also included a dry storage for recreational vessels as well as dry dock space. DOBOR supports the concept and feels that there is sufficient area within the facility to accommodate a dry dock. The Board of Land and Natural Resources approved the concept and direct negotiation for a lease subject to an EA and other necessary entitlements prior to entering into a long term lease.

During the EA and Conservation District Use Application process concerns were raised by the community that there was not sufficient room for a dry dock facility and that it should be relocated onto DOT-Harbors property. While DOBOR feels there is sufficient room in the existing area for a dry dock, we have had discussions with the Maui Mayor and members of the general public and have concluded that this project will not receive support unless it is relocated onto DOT-Harbors land.

DOBOR supports relocating the project onto DOT-Harbors land or leaving the proposed dry dock in its current location and requesting additional land from DOT-Harbors to expand parking.

REQUIREMENT FOR FACILITY USE

Users of the facility would be required to implement specific practices to minimize potential impacts on other users of the harbor and neighboring properties. All boat owners and facility users must agree in writing to adhere to the following practices and standards of safe operation:

1. Safety is the number one priority and this should guide the conduct of all facility users, boat owners and crew.
2. Work shall be conducted on the concrete area to avoid containment of debris. Worksite is to be clean and orderly at all times. Geotextile screening cloths and/or tarps must be used around and under the vessel to capture normal sanding, scraping debris and paint droplets, as well as screws, nails, and other solid materials. The area under and around the boat is to be swept up daily. All fiberglass dust and paint fragments are to be swept up immediately to avoid water runoff. Concrete areas must be swept, dust and debris collected and properly disposed of, and the concrete pad not washed down with water.
3. All sanders must be dustless vacuum sanders. No sanding is permitted in open, uncontained areas. All sanding and grinding will occur on concrete areas within the facility and within an enclosure. No wet sanding is allowed. The concrete work area must be swept and debris removed before any water usage for wash down or rinse activities.
4. Storage of open containers such as oil, thinners, paint or fuel is prohibited.
5. Avoid pressure washing except when located on the impervious concrete pad area. Running water is prohibited in the dry dock area. Washing, rinsing, filling of water tanks and wet sandblasting activities will not be allowed. However, water will be available for emergencies (i.e. emergency eye wash).
6. Spray painting will only be permitted if the vessel is located on the concrete area and is completely surrounded by a barrier which will contain the paint aerosol. Use a containment barrier when painting. Use high volume low pressure painting equipment to minimize any overspray and contain the area. Use brushes and rollers for painting (roll & tip technique). Do not paint on extremely windy days.
7. Grinding and/or sanding may only occur on the concrete areas. Owners/Users will be required to erect a screen or drop curtain to prevent the spread of any excessive dust from their work areas to other dry dock or parking areas.
8. Boats will not be launched until worksite is completely cleaned.
9. There shall be no haul-outs on weekends or during fishing tournaments. All dates must be communicated to the Maui Trailer Boat Club and must not interfere with Kahului Harbor day use. Appropriate cones and markers must be in place while towing a vessel on and off the launch ramp.
10. Minimize working times to 7 am to 7 pm.
11. Use a company like Unitek Supply to contain and dispose of any oils, waste, or chemicals etc. used.
12. Use, provide and service portable restrooms at the site. Commercial boating operators are required to provide and service porta-potties for the duration of their use of the facility. The comfort facilities are for the operators, staff, workers and any contractors associated with the

vessel's inspection and maintenance. The portable comfort facilities will be installed upon vessel haul out and removed when the work is completed and the boat returned to service.

13. Containment of fugitive dust is required during grinding of fiberglass, machine sanding, and spraying pain of any kind. Scaffolding should be erected around the vessel and shrink wrap applied around the vessel and/or scaffolding and vessel to contain dust. If the mast of the boat is left up, create a collar and use heat shrink tape to go around the collar twice very tightly. Full enclosures are created by heating the wrap material to firmly shrink around the boat and/or scaffolding and vessel. This creates an envelope along the sides and underneath the boat where sanding, fiberglass repair and painting can be conducted appropriately. Installing zipper doors for access, using perimeter "belly" bands to retain the enclosure tightly, and water-tube weights along the skirt of the material prevents dust or particulate matter from escaping the enclosure and prevents intrusion by wind. Instructions for full containment structures and their use would be provided to all facility users. Use of Dr. Shrink (<http://dr-shrink.com>) or similar brand industrial wrapping material is recommended.
14. Grassy swales and vegetated areas are not work areas and nothing is to be stored in these areas. PODS or shipping containers may be used for temporary storage of equipment and materials, provided that no highly combustible liquids or toxic materials are stored onsite, and provided further that the storage container is not visually obtrusive to users of the small boat harbor.
15. The stormwater system, including inlet filters and absorbents, is to be inspected and maintained prior to, and upon completion of, each vessel's maintenance by the vessel owner.
16. Users of the facility will be held responsible for any damage they cause to perimeter fencing, vegetated areas, and storm water systems.
17. Facility users will be held responsible for any violation of government regulations.
18. Initiate vessel haul outs using the public boat ramp to dawn or early morning hours and avoid haul outs when the boat ramp is in high use or demand. Ensure that emergency response vessels have adequate access to the public boat ramp when conducting and planning vessel haul outs or returning vessels to marine service.
19. All users are required to sign a facility conduct, procedures, and rules for use of the facility, which includes the above best management practices (BMPs).
20. Facility users are to park only in designated areas and without obstructing access gates. The requirements of the use listed above would be binding on all users, whether commercial or individual, and any contractor, crew, staff or person engaged in boat maintenance and/or inspection activities at the facility.

A security deposit of no less than \$1000 would be required for commercial operators to use the facility and \$500 for individual boater use. Similar to other boat yards, the deposit would be forfeited in the event of a violation. In addition, violators could incur fines of a minimum of \$100 per day until such time as an infraction is remedied.

In the event of a violation, the MDDS would reserve the right to terminate or deny privileges for continued or future use of the facility, since the