

October 30, 1978

Ref: OA-7/24/78-1073  
180-Day Exp. Date: 1/20/79

Mr. J. E. Walther, Chief-Real Estate  
Division  
U. S. Army Corps of Engineers  
Building 230, Fort Shafter  
Honolulu, Hawaii 96858

Dear Mr. Walther:

Conservation District Use Application  
for Government Facility Use  
at Waikiki, Oahu, Hawaii

We are pleased to inform you that the Board of Land and Natural Resources at its meeting of October 27, 1978, under agenda Item H-8, approved your application subject to the following conditions:

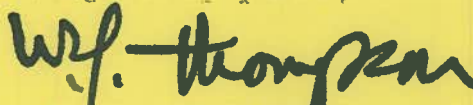
1. The applicant shall comply with applicable provisions of Section 6 of Departmental Regulation No. 4;
2. Inclusion of hold harmless condition for all work to be awarded by contract;
3. That the applicant obtain appropriate authorization through the Division of Land Management, DLNR, for the use of State lands, since this approval is for the use of conservation lands only;
4. In the event that unanticipated historical or archaeological remains are encountered by the effectuation of the proposed use, the applicant shall immediately contact the Historic Preservation Office at 548-6408;

Mr. J. E. Walther  
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5. Precautionary measures shall be taken to prevent pollution of coastal waters by accidental spillage of petroleum products, debris, or other construction related products during construction;
6. No materials shall be placed on or taken from conservation districts outside the project area;
7. All areas disturbed by work and work related activities shall be restored to acceptable conditions; and
8. Appropriate measures shall be taken to minimize inconveniences and hazards to adjoining properties and the public in general.

Should you have questions on any of these conditions, please contact our Planning Office at 548-7837.

Very truly yours,



W. Y. THOMPSON  
Chairman of the Board

cc: Oahu Board Members  
Oahu Land Agent  
U. S. Fish and Wildlife  
U. S. Coast Guard  
Department of Health  
Department of Transportation  
Office of Environmental Quality Control  
Environmental Quality Commission  
Department of Land Utilization

bcc: Land Management  
DOWALD  
Fish and Game  
Historic Sites

~~EX~~:tkb  




DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF LAND MANAGEMENT

P. O. BOX 621

HONOLULU, HAWAII 96809

FILE NO.: OA-7/24/78-1073  
180-Day Exp. Date: 1/20/79

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

Gentlemen:

Conservation District Use Application  
for Government Facility Use  
at Waikiki, Oahu, Hawaii

APPLICANT: J. E. Walther  
U. S. Army Corps of Engineers  
Building 230, Fort Shafter  
Honolulu, Hawaii 96858

USE REQUESTED: Government Facility Use

LOCATION: Fort DeRussy, Waikiki

SUBZONE: Resource

AREA OF PARCELS: Submerged lands in front of Fort DeRussy

AREA OF USE: 400 square feet

DESCRIPTION OF AREA:

The proposed project is located in Waikiki on Duke Kahanamoku Beach seaward of Paoa Place between Fort DeRussy and the Hilton Hawaiian Village Hotel. The work site extends approximately 35 feet inland and 50 feet seaward of the MLLW line.

Waikiki is a developed tourist destination area characterized by high rise hotels, tourist shops, restaurants, entertainment places and traffic. Fort DeRussy, which is located along the western portion of Waikiki, is a 20 acre recreation site for military personnel. The beach along Fort DeRussy, which is approximately 1750 linear feet of sand and coral, accommodates swimming, sunbathing, snorkeling, boating, fishing and other passive beach related activities.

PROPOSED USE:

Presently, the existing storm drain, as shown on Exhibits A, B and C, is backing up during heavy rains because of sand which has entered the outlet and clogged it. As a result, the applicant is requesting the use of submerged State-owned conservation zoned lands to extend the existing drainage outfall 40 feet further seaward. This use will improve the

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drainage by extending the outlet beyond the immediate shoreline minimizing the possibility of it being plugged.

COMMENTS RECEIVED:

The U. S. Coast Guard, Historic Sites, and DOWALD have no objections to the proposed use of conservation lands.

U. S. Fish and Wildlife Service: No objection to the proposed work provided the following conditions are made a part of the permit to safeguard fish and wildlife resources:

1. Extreme care be taken to insure that no debris, petroleum products, or other deleterious materials be allowed to fall, flow, leach, or otherwise enter the water.
2. All project activities in the water be done so as to minimize disturbances to the bottom and control turbidity.
3. Water quality standards will be maintained in accordance with Federal and State water quality regulations.

Department of Health: The outfall should be located such that the occurrence of wastewater reaching the shoreline is minimized.

Department of Transportation: Projects undertaken by Federal government agencies do not require Shore Waters Construction Permits from the Water Transportation Facilities Division. Since the Corps of Engineers will be performing the work on both of the subject projects, no approval of the applications is required.

Department of Land Utilization: No comments, as the area lies makai of the shoreline, therefore beyond jurisdiction.

Fish and Game: All construction activities associated with the proposed project should be conducted in a manner that will safeguard the marine environment and insure least disruption of recreational fishing activities known to occur near the project location (see site inspection report). Precautionary measures to prevent introduction of debris, petroleum products, or any other construction-related materials into the water should be exercised to minimize any disturbance to the bottom and reduce turbidity.

Land Management: Permit for right of entry to State submerged land for construction purposes may be incorporated in CKUA recommendation with standard conditions as to liability, etc. Also, the applicant to provide the description of the easement and documentation of grant of easement for processing by Land Management Division.

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ANALYSIS:

By letter dated July 24, 1978, the applicant was notified that:

1. The proposed use is a permitted use in the Resource (R) subzone of Departmental Regulation No. 4, as amended as the benefits derived from the project will outweigh the detrimental impacts to the environment;
2. No public hearing, pursuant to Chapters 183-41, Hawaii Revised Statutes (HRS), will be required since the proposed use is of a non-commercial nature;
3. A negative declaration for the proposed action has been determined in accordance with Section 1:30 of EIS Regulations.

By letter dated August 9, 1978, this Department was informed by the Department of Land Utilization of the City and County of Honolulu that a Special Management Area permit would not be required.

The requested use of submerged conservation lands will enable the applicant to construct storm drainage improvements to eliminate back up and flooding during heavy rains. In the past, the clogged drainage system has caused floods along Paoa Place and adjacent areas at Fort DeRussy and Hilton Hawaiian Village Diamond Head Towers Hotel, which has resulted in damages to hotel shops. In addition, the flooding had led to health hazards associated with stagnant storm water ponding by creating mosquito habitats.

During periods of high runoff, the stagnated water drains into nearshore waters, creating short-term but severe water pollution. Offensive odors following seepage were reported by people working in the vicinity.

Consequently, the assigned use of submerged conservation lands to extend the outlet of the existing drainage system will serve to accomplish the following:

1. Minimize public health problems, e.g., water pollution, sanitation, odors, and mosquitos;
2. Improve drainage in the vicinity;
3. Minimize the threat of damages to hotel shops caused by flooding; and
4. Provide a more enjoyable and safer recreational experience for those that use the area.

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Staff is of the opinion that this use of conservation lands will improve the overall quality of the immediate area which is highly frequented by visitors and military personnel. Staff, therefore, recommends as follows:

RECOMMENDATION:

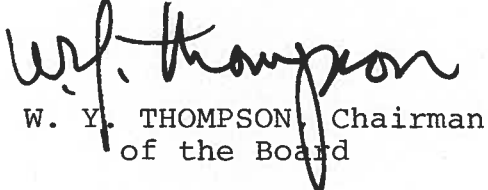
Approval subject to the following conditions:

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2. Inclusion of hold harmless condition for all work to be awarded by contract;
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8. Appropriate measures shall be taken to minimize inconveniences and hazards to adjoining properties and the public in general.

Respectfully submitted,

  
KEITH NITTA  
Staff Planner

APPROVED FOR SUBMITTAL:

  
W. Y. THOMPSON, Chairman  
of the Board