

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

July 8, 2016

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

Request for Approval of the Final Environmental Assessment for the Mālaekahana State Recreation Area, Kahuku Section Park Improvements, TMKs: (1) 5-6-001: 024, 025, 045 to 047, 049, 051, and 053 to 065, Lā'ie, Ko'olauloa, O'ahu; and

Request for Authorization to the Chairperson to Issue a Finding of No Significant Impact (FONSI)

BACKGROUND:

Mālaekahana State Recreation Area is comprised of two sections, the Kalanai Section and the Kahuku Section. The Kahuku Section was established in 1983, following the State's acquisition of 19 separate but contiguous parcels of land at the northern end of Mālaekahana Bay to Mālaekahana Stream comprised of 36+ acres (**Figure 1**). Camping and lodging accommodations at this section of the park have been operated by various nonprofit organizations through a series of revocable permits. Lanihuli Community Development Corporation doing business as Friends of Mālaekahana (FOM), was the last of the revocable permit holders.

Due to concerns from falling tree limbs and hazards in the Kahuku section, the department closed the entire section on November 20, 2014, and completed the tree hazard removal on December 5, 2014, where the Castle Beach area spanning the southernmost parcels was reopened for public use. Meanwhile, four large capacity cesspools (LCCs) within the FOM project site were brought into compliance to United States Environmental Protection Agency and State Department of Health (DOH) requirements. To further assure public health and safety, dilapidated recreational cabins and support structures in the FOM site were demolished and removed during December 2014 through February 2015. This coincided with the end of the FOM's tenure at the site. The FOM project site remained closed till April 2015.

Under a new lease effective April 1, 2015, the entire Kahuku Section of the park is currently under management by Mālaekahana Beach Campground, LLC (MBC), pursuant to a competitive Request for Qualifications/Request for Proposals (RFQ/RFP) process. MBC, in partnership with Kama'aina Kids, manages the project site under a 5-year lease. Subject to the lease terms and conditions, campground usage levels are held to no greater than what previously existed. Temporary, portable structures using wastewater holding tanks and ground-based wastewater systems previously approved by DOH that were built during the lease will remain the property of the lessee subject to certain restrictions. Guests are

ITEM E-1

expected to utilize common area sinks, showers, and portable bathroom facilities if they choose the plantation hut (“hale”) or the tent or vehicle campsites. Plantation suites have electricity and an indoor bathroom. Tutu’s Hale, consisting of five huts and a pavilion, has exclusive bathrooms and showers. No temporary structures are to be placed seaward of the shoreline setback. During this lease period, DOH allowed the use of portable toilets and other contained toilet systems as an interim measure to address the limited wastewater infrastructure facilities in the MBC project site and to augment the small comfort station facility at Castle Beach. In addition, DOH allowed two of the LCCs to be converted into seepage pits for the disposal of gray water or non-sewage effluent. In these cases, MBC is required to be in compliance with State Parks, DOH and other governmental approvals as applicable.

Upon expiration of the lease with MBC, State Parks will seek the Board’s approval for a long-term lease through a similar competitive format once Chapter 343, Hawaii Revised Statutes (HRS), requirements are met and permanent infrastructure is designed and/or implemented. The new lessee will be responsible for building additional cabins and other elements that are not completed by State Parks but are covered under this environmental assessment (EA). The lessee will be authorized to operate a commercial campground that includes cabin and portable structure rentals, pavilion rentals for various events, camping and beach equipment rentals and sales, food and beverage sales, educational and instructional programs including watersports activities and other recreational uses that are consistent with a coastal park campground.

The proposed improvements will include the replacement of the administration office, a security office, and seven cabins along with related infrastructure improvements such as the construction of a comfort station, satellite restroom facilities, permanent, individual wastewater systems (IWS), and new roadways. All sanitation facilities and IWSs will be reviewed and approved by DOH. Replacement structures and associated infrastructure will be sited in a manner that optimizes the functionality and spatial aesthetics of the park. Public access to beach areas will be improved with all structures outside of the shoreline area. Internal roadways and parking areas will be improved to include access for day use as well as for camping and lodging. The improvements are not intended to increase the density of the area nor increase the number of rental units within the park that were present prior to the demolition of the dilapidated recreational cabins and support structures. The primary objective is to balance the development of adequate recreational facilities with concerns about public beach access, increased traffic, and environmental resources.

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

Pursuant to Chapter 343, HRS and its associated Title 11, Chapter 200, Hawai‘i Administrative Rules (HAR), the proposed improvements will affect State of Hawai‘i lands, requiring an environmental assessment. An EA was prepared to evaluate potential project impacts and to provide for public participation as required and defined in the statutes.

Chapter 11-200-12, Hawaii Administrative Rules, lists the factors agencies should consider when determining whether an action will have significant effects:

1. *Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.* Park improvements, including the installation of new infrastructure (e.g. water, wastewater, and electrical/communication systems) and construction of a comfort station, satellite restroom facilities and internal roadways will not endanger any natural or cultural resources. In the event any unanticipated buried archaeological or cultural resources are encountered, the construction contractor shall stop work and contact SHPD immediately.

2. *Curtails the range of beneficial uses of the environment.*

As the structures and associated infrastructure will be sited to optimize the functionality and spatial aesthetics of the park, no beneficial uses of the environment will be curtailed as a result of the proposed project. Park improvements will represent a continuation of the beneficial uses of the site for a public purpose.
3. *Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.*

Chapter 344, HRS, sets forth the State's long-term environmental policies. The broad goals of this policy are to enhance the quality of life and conserve the natural resources. The project will be designed to minimize environmental impacts and will provide for the public's enjoyment of the natural environment.
4. *Substantially affects the economic welfare, social welfare, and cultural practices of the community or State.*

The project will create short-term jobs for people in design and construction and will not substantially or negatively affect the economic or social welfare and cultural practices of the community or the State.
5. *Substantially affects public health.*

Due to the implementation of construction best management practices (BMPs), temporary impacts such as fugitive dust, surface runoff, intermittent traffic, noise, solid waste, and potential disruptions to utility services will be minimized and are expected to cease upon completion of the improvements. The proposed project, when completed, will result in park structures and site infrastructure that are in conformance with applicable health and safety requirements, including standards for fire protection. The sanitation facilities and IWSs will comply with applicable Department of Health regulations.
6. *Involves substantial secondary impacts, such as population changes or effects on public facilities.*

The proposed site improvements represent a continuation of existing park uses and help to ensure the continued use of the project site by the public for daytime outdoor recreational activities and beach access. No substantial secondary impacts such as population shifts are anticipated.
7. *Involves a substantial degradation of environmental quality.*

The quality of the environment will not be degraded by this project.
8. *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.*

The proposed improvements represent a long-term commitment by the department to provide outdoor recreational opportunities for the public that will complement the natural setting and site characteristics. The proposed actions may be phased but are not related to additional activities within the region as to produce adverse cumulative effects or involve a commitment for larger actions.
9. *Substantially affects a rare, threatened, or endangered species, or its habitat.*

No species listed by the U.S. Fish and Wildlife Service or identified in the Endangered Species Act are expected to be significantly impacted by the proposed improvements. The contractor

will be instructed to incorporate the recommended BMPs from the USFWS that are identified in the EA for species avoidance and minimization of impacts for project construction-related activities.

10. Detrimentially affects air or water quality or ambient noise levels.

No adverse impacts to air or water quality are anticipated. Ambient noise impacts due to construction activities will be temporary, minimal, and timed to avoid impacts to faunal resources. The installation of replacement park facilities and associated infrastructure represent a continuation of current functions and activities at the project site.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

Environmentally sensitive areas such as flood hazard zones will not be affected as replacement park facilities and associated infrastructure will be sited to avoid such areas. The project will involve the installation of replacement park facilities that comply with current building standards and structures will be sited farther away from the shoreline.

12. Substantially affects scenic vistas and view planes identified in county or state plans or studies.

No view planes or scenic vistas will be obstructed or affected.

13. Requires substantial energy consumption.

As the proposed project represents a continuation of current park operations with no substantive change in user levels from what previously existed, any increase in energy consumption will be minor and is not expected to have adverse effects.

For the reasons noted above, the proposed improvements are not expected to have significant effects in the context of Chapter 343, HRS, and section 11-200-12, HAR

DISCUSSION:

Pursuant to Section 26-15, HRS, “the department of land and natural resources shall be headed by an executive board to be known as the board of land and natural resources... The board may delegate to the chairperson such duties, powers, and authority, or so much thereof, as may be lawful or proper for the performance of the functions vested in the board.”

Further, Section 171-6 identifies the powers of the Board: “Except as otherwise provided by law, the board of land and natural resources shall have the powers and functions granted to the heads, of departments and the board of land and natural resources under chapter 26. In addition to the foregoing, the board may . . . delegate to the chairperson or employees of the department of land and natural resources, subject to the Board’s control and responsibility, such powers and duties as may be lawful or proper for the performance of the functions vested in the board.”

REMARKS:

Delegation of Authority to Issue FONSI

The Division of State Parks requests that the Board delegate to the Chairperson authority to review EAs and to issue Findings of No Significant Impact (FONSI) for environmental assessments prepared pursuant to Chapter 343, HRS and submitted in connection with the division’s capital improvement

projects. The use of State lands is one of the triggers in Chapter 343, HRS that requires the preparation of an environmental assessment. As the 'approving agency,' the Board is responsible for environmental review and compliance, and the processing of environmental documents as required by that chapter. The process includes seeking agency and public review and comment, preparing responses to comments received and issuing, filing and maintaining records of FONSI.

Upon publication of the Draft EA, the accepting agency (in this case, DLNR is both the approving agency and the accepting agency) sends a notice of an Anticipated Finding of No Significant Impact (AFONSI) to the Office of Environmental Quality Control (OEQC). When all comments are addressed and the EA is finalized, the accepting agency makes a determination on whether to issue a FONSI, or in the case where the proposed actions are likely to have a significant impact, require that an environmental impact statement (EIS) be prepared.

For this project, a notice of an Anticipated Finding of No Significant Impact was sent to OEQC and the draft EA was published in the April 23, 2016 issue of *The Environmental Notice*. The statutory 30-day public review and comment period ended on May 23, 2016. Comments from the Department of Health, Environmental Planning Office and an email from the National Marine Fisheries Service were received and responses sent that are included in the final EA.

The proposed improvements will involve the installation of replacement park facilities and associated infrastructure for the continuation of current functions and activities at the project site. There will be no increase in the density of the area nor will there be an increase in the number of rental units within the park than that which existed previously. Accordingly, staff is now seeking the delegation of authority from the Board to the Chairperson to review EAs and to make FONSI determinations, when appropriate. Such delegation of authority will facilitate State Parks' operations without compromising the transparency of the EA process.

RECOMMENDATION: That the Board


1. Approve the Final Environmental Assessment for the Mālaekahana State Recreation Area, Kahuku Section Park Improvements and
2. Authorize the Chairperson to issue a Finding of No Significant Impact for this project

Respectfully submitted,



CURT A. COTTRELL
State Parks Administrator

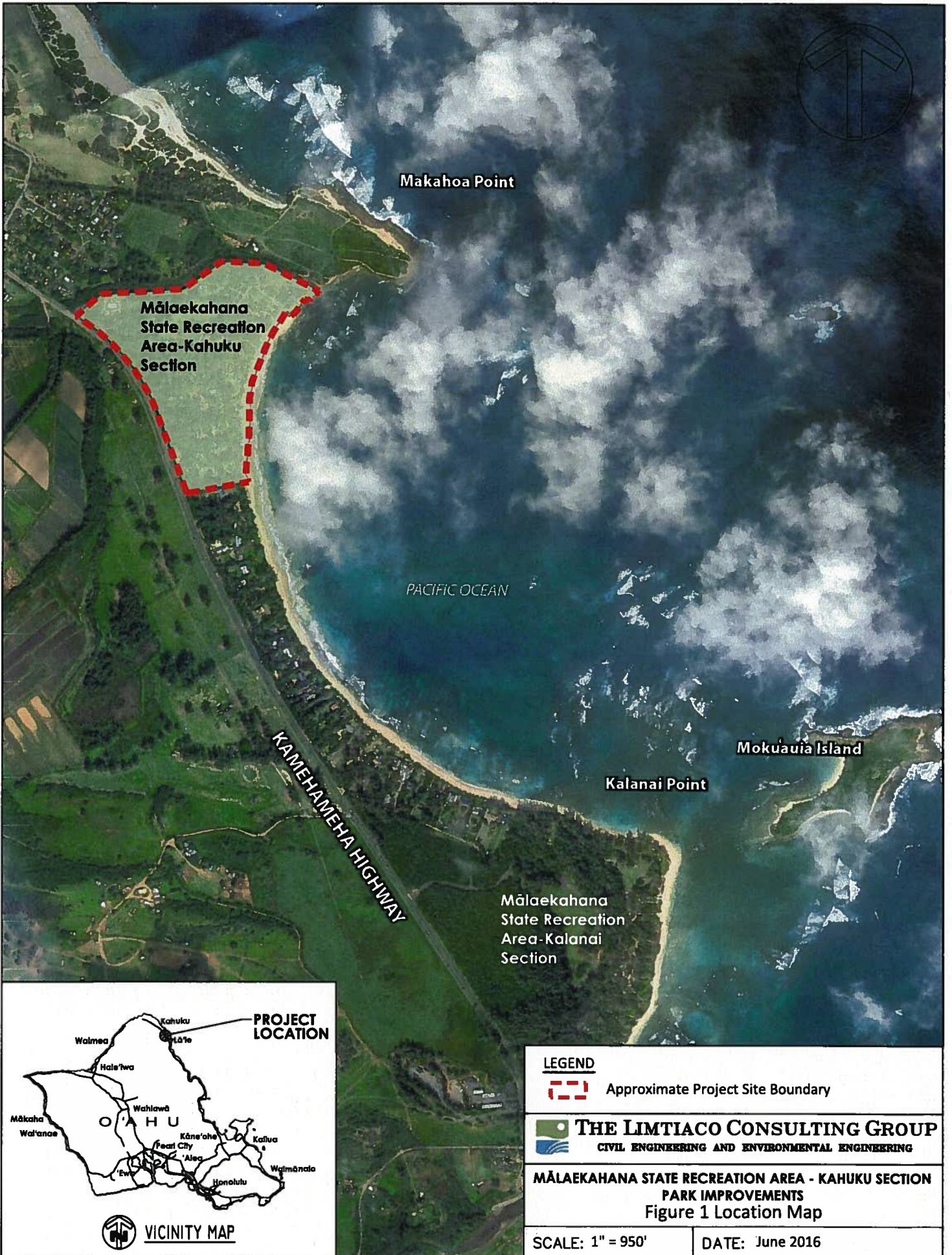
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Attachments

- A. Final Environmental Assessment for the Mālaekahana State Recreation Area,
Kahuku Section Park Improvements



Makahoa Point

Mālaekahana
State Recreation
Area-Kahuku
Section

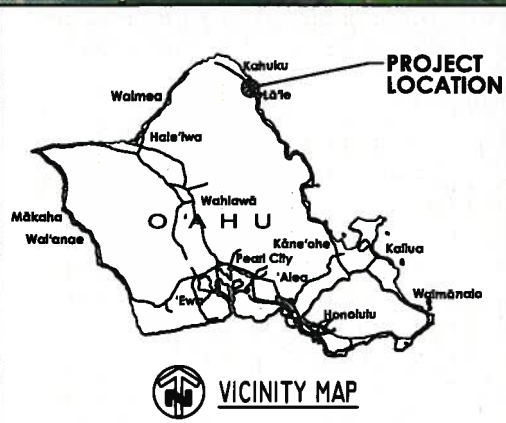
PACIFIC OCEAN

KAMEHAMEHA HIGHWAY

Mokuauia Island

Kalanai Point

Mālaekahana
State Recreation
Area-Kalanai
Section



PROJECT
LOCATION

LEGEND	
	Approximate Project Site Boundary
THE LIMTIACO CONSULTING GROUP CIVIL ENGINEERING AND ENVIRONMENTAL ENGINEERING	
MĀLAEKAHANA STATE RECREATION AREA - KAHUKU SECTION PARK IMPROVEMENTS Figure 1 Location Map	
SCALE: 1" = 950'	DATE: June 2016