

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 13, 2017

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

MAUI

Addition of 0.534 Acre, More or Less, of Submerged Land to the Area Encumbered by Governor's Executive Order 3006 to the County of Maui for Sewage Treatment Plant Purposes, situate at Kahului, Wailuku, Maui, Tax Map Key No. (2) 3-8-001:seaward of 188.

BACKGROUND:

In 1979, the U.S. Army Corps of Engineers (USACE) constructed an approximately 450 linear foot revetment structure along the shoreline fronting the Wailuku-Kahului Wastewater Reclamation Facility (WKWRF), located on a parcel identified as TMK (2) 3-8-001:188 (Exhibit A). An Executive Order 3006 was signed by the Governor on April 9, 1980, transferring management of the parcel to the County of Maui. On February 6, 2014, a site inspection of the shoreline area was conducted by the State Surveyor and Department staff pursuant to a certified shoreline application for the property. It was discovered that a portion of the revetment extended past the seaward boundary of the set aside area, encompassing an area of approximately 0.534 acre. A map of the encroachment is attached as Exhibit B. In order to obtain the certified shoreline, the County of Maui Department of Emergency Management agreed to resolve the encroachment.

REMARKS:

Executive Order 3006 currently contains an area of approximately 18.755 acres, and the additional 0.534 acres would set aside a total area of 19.289 acres to the County of Maui. Although the revetment was originally constructed by the USACE in 1979, the County of Maui has agreed to assume ownership of the revetment, including maintenance responsibilities, to which the USACE has concurred. As the encroaching portion of the structure has existed and remained intact and unaltered since its construction in 1979, the Department considers this action a housekeeping measure to correct the oversight of not including the outstanding encroachment area in the survey for the initial set aside. Therefore, no agency comments were solicited for this request.

Options to resolve the encroachment include a new executive order for the additional 0.534 acre area, or amending the original executive order to reflect the amended total

easement area. Staff will consult with the Attorney General to determine the appropriate instrument to resolve the outstanding encroachment.

RECOMMENDATION: That the Board:

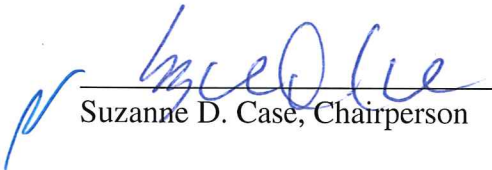
1. Approve the addition of 0.534 acre to the area encumbered by Governor's Executive Order 3006 through an option as described above, as determined to be most appropriate by the Department of the Attorney General.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ian M.", followed by a horizontal line.

Ian Hirokawa
Special Projects Coordinator

APPROVED FOR SUBMITTAL:

A handwritten signature in blue ink, appearing to read "Suzanne D. Case", followed by a horizontal line.

Suzanne D. Case, Chairperson



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EXHIBIT "A"

