

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

February 10, 2017

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

O'ahu

**Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11,
Chapter 200, Hawaii Administrative Rules**

**Issuance of Right-of-Entry Permit to Benevolent and Protective Order of ELKS,
Honolulu Lodge 616, for Maintenance and Repair of Seawall Walkway,
Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 3-1-032:006**

The Division of Boating and Ocean Recreation ("DOBOR") is requesting that the Board of Land and Natural Resources ("Board") declare the issuance and use of a Right-of-Entry Permit ("ROE"), exempt from the requirements of Hawaii Revised Statutes, Chapter 343 to prepare an Environmental Assessment ("EA"), regarding the following:

The Benevolent and Protective Order of ELKS, Honolulu Lodge No. 616 ("ELKS") has requested and DOBOR intends to issue, a ROE for maintenance and repair of a seawall walkway.¹ The anticipated start of the project is March 1, 2017. The duration of the ROE shall be for five (5) working days, from March 1, 2017 to March 7, 2017. The ROE may be extended for good cause (weather, unforeseen conditions) to accommodate the completion of work.

The non-exclusive ROE shall be for the right, privilege and authority to enter in and occupy, construct, use, maintain, and repair the seawall footing(s) and walkway over, under, and across approximately 220 square feet, more or less, of State-owned submerged land adjacent to and immediately seaward of the ELKS property in Waikiki, Honolulu, Hawaii, O'ahu, TMK: 3-1-32:006, (identified and more particularly shown on the attached maps Exhibits A and B), to ensure that the ELKS and the public have a safe means to enter and exit the ocean at the ELKS seawall.

In accordance with Hawaii Administrative Rule Section 11-200 and the Exemption List for the Department of Land and Natural Resources ("DLNR"), approved by the Environmental Council on June 5, 2015, this project is exempt from the preparation of an EA pursuant to the following exemptions:

¹ DOBOR has been delegated the authority to issue ROE on State lands and facilities under the its jurisdiction, as approved by the Board, December 12, 2014, Item J2, "Delegation of Authority to Issue Right-of-Entry Permits on State Lands and Facilities under the Jurisdiction of the Division of Boating and Ocean Recreation."

Exemption Class No. 1, Item Nos. 1 and 28: Under Class No. 1 “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing,” Item 1 states: “Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources”; and, Item 28 states: “Repair and maintenance of historic and archaeological sites to maintain the integrity of historic structures, archaeological features and sites.”

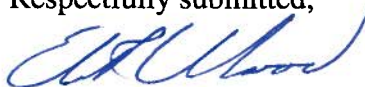
Pursuant to Chapter 343, HRS, and Chapter 11-200, HAR, the attached Exemption Notification labeled Exhibit C was prepared. Also attached are the applicant’s request for the ROE, labeled Exhibit D, and the DLNR, Office of Conservation and Coastal Lands (OCCL) review letter, labeled Exhibit E.

RECOMMENDATION:

That the Board:

Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case
Chairperson

Attachments: “Exhibit A” - Map of parcel TMK (1) 3-1-032:006
“Exhibit B” - Enlargement map TMK (1) 3-1-032:006
“Exhibit C” - Exemption Notification
“Exhibit D” - Elk’s Honolulu Lodge No. 616 ROE Request
“Exhibit E” - DLNR:OCCL:NF Letter 10/6/16

Public Land Trust Information System

Map Help About the PLTIS

Advanced Query

Layers and Rendering

Base Maps

Imagery with Labels

Render parcels by

Default Symbology

Legend

PLTIS Parcels

Parcel Map Layers

Honolulu County Parcels

Maui County Parcels

Hawaii County Parcels

Kauai County Parcels

Reference Map Layers

Honolulu County Zoning

Maui County Zoning **Draft**

Hawaii County Zoning



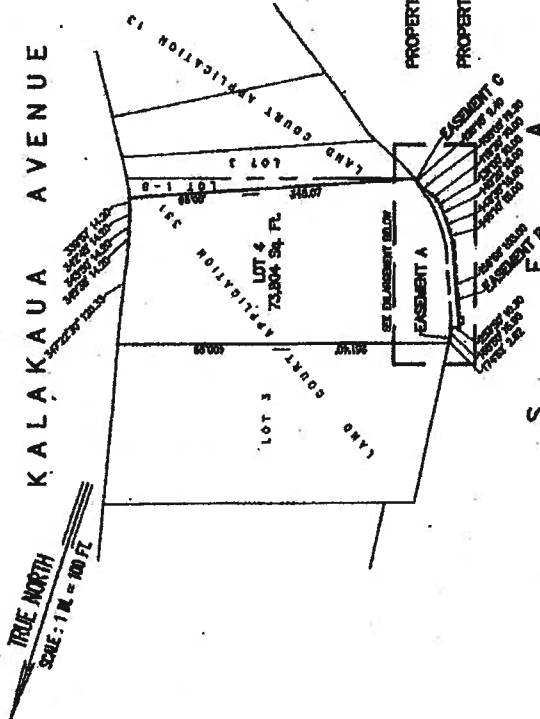
**MAP SHOWING
PROPOSED EASEMENTS A, B AND C FRONTING
LOT 4, LAND COURT APPLICATION 351
AT WAIKIKI, HONOLULU, OAHU, HAWAII**

SCALE: 1 IN. = 100 FT.
NOVEMBER 8, 2008 WALTER P. THOMPSON, INC.

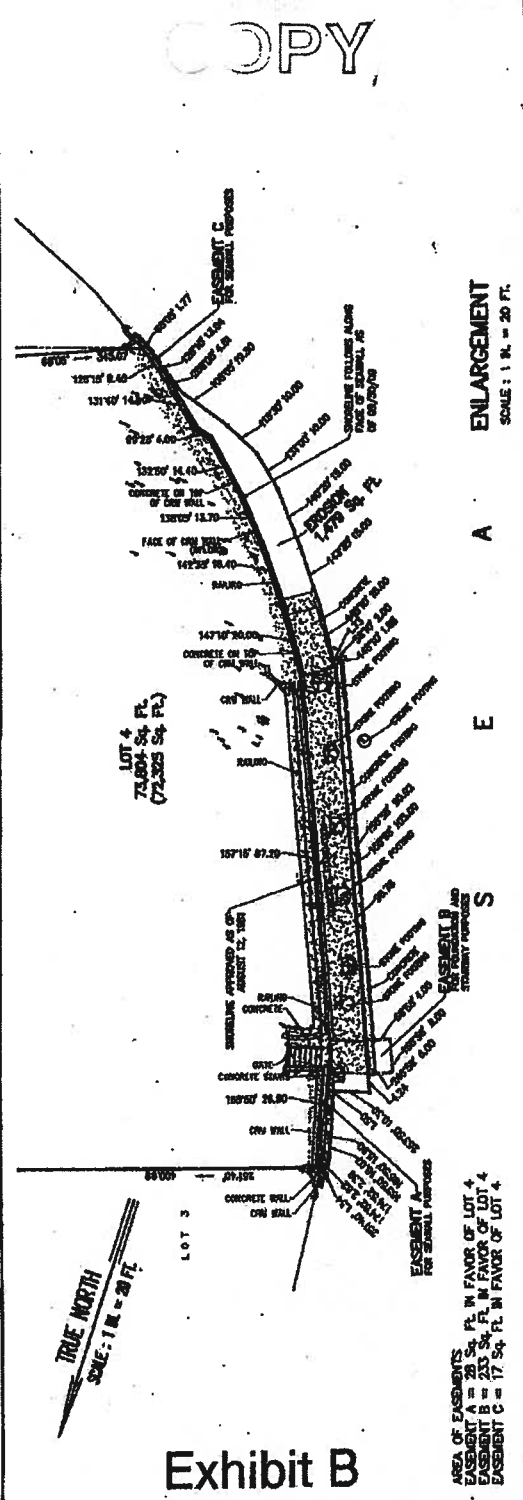


THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
DATE: 11/8/08

PROPERTY ADDRESS: 2933 KALAKAUA AVENUE
HONOLULU, HAWAII 96815
PROPERTY OWNER:
ELKS B P O R HONOLULU
2933 KALAKAUA AVENUE
HONOLULU, HAWAII 96815



TRUE NORTH
SCALE: 1 IN. = 100 FT.



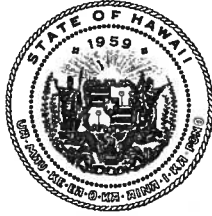
TRUE NORTH
SCALE: 1 IN. = 20 FT.

Exhibit B

AREA OF EASEMENTS:
EASEMENT A = 20 Sq. Ft. IN FAVOR OF LOT 4
EASEMENT B = 233 Sq. Ft. IN FAVOR OF LOT 4
EASEMENT C = 17 Sq. Ft. IN FAVOR OF LOT 4

ENLARGEMENT
SCALE: 1 IN. = 20 FT.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, F.E.
DEPUTY DIRECTOR - WATER


AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Exhibit C: EXEMPTION NOTIFICATION

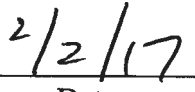
Regarding the preparation of an environmental assessment pursuant to Hawaii Revised Statutes Chapter 343, and Hawaii Administrative Rules Chapter 11-200.

Project Title	Maintenance and Repair of existing Seawall Walkway, Elks Lodge no.616
Project Number	None
Project Description	Seawall walkway repair by The Benevolent and Protective Order of ELKS, Honolulu Elks Lodge no. 616, for property located at TMK (1)3-1-032:006. The repair includes, but is not limited to, the seawall footing(s) and walkway over, under, and across approximately 220 square feet, more or less, of State-owned submerged land adjacent to and immediately seaward of the ELKS' property. The repair is being done because the original beach rock foundation supporting the concrete walkway has begun to erode away, and its collapse would close access to the ocean from the property.
Consulted Parties	Office of Conservation and Coastal Lands, DLNR, has issued a letter (October 6, 2016, Exhibit E) which describes this project in detail, and considers it "minor in scope and may be considered an exempt action under State environmental laws under HAR 11-200-8 and as provided in the approved exemption list for the DLNR, Exemption Class 1." DOBOR believes this project is also exempt under HRS Chapter 343. Exemption classes and items are noted below.
Exemption Class & Description	Exemption Class 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.
Exemption Item Number and Description	Exemption Item number 1 (Class 1). Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources; and Exemption Item number 28 (Class 1). Repair and maintenance of historic and archaeological sites to maintain the integrity of historic structures, archaeological features and sites.
Date of Agency Exemption List	Environmental Council, June 5, 2015

I have considered the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson



Date



HONOLULU LODGE NO 616

Benevolent and Protective Order of Elks

OF THE UNITED STATES OF AMERICA, INC

October 12, 2016

Mr. Edward Underwood, Administrator
Division of Boating and Ocean Recreation
Department of Land and Natural Resources
4 Sand Island Access Road
Honolulu, Hawaii 96819
Attn: Mr. Underwood

Subject: Updated Right of Entry
Maintenance and Repair of Seawall Walkway
Elks Lodge 616

Aloha Mr. Underwood,

We are completing the design and specifications for the maintenance and repair of our Seawall Walkway. As you know, we have been working on this Project and Sea Ladder with your Division for the past six years. The Board of Land and Natural Resources on September 9, 2010 granted a Non-Exclusive Easement for these submerged lands associated with the Seawall Walkway, attached. The 2010 Shoreline Survey which details the Easement areas is also attached.

On September 15, 2011, your Division provided a Right of Entry to "enter into and occupy, construct, use, maintain, and repair portions of 220 square feet, more or less, of State-owned land, attached.

In consultation with the Office of Coastal and Conservation Lands, see attached letter dated October 6, 2016; a Revised Right of Entry from your Division would be needed for the Maintenance and Repair of the Seawall Walkway. Therefore, we are requesting an Updated Right of Entry.

It is our understanding the State Surveyor Office has completed the documentation for the Non-Exclusive Easement. We would appreciate your assistance in processing the Easement for the 2017 Legislative Session.

If you have any questions, please do not hesitate to contact me or our Elks Representative Jim Dittmar at 294-0996.

Mahalo,

A handwritten signature in black ink, appearing to be 'Byron Apo', written over the printed name.

Byron Apo
Board Chairman-Honolulu Elks 616

Cc: OCCL
Jim Dittmar

DAVID Y. IGE
GOVERNOR OF
HAWAII



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DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:NF

Correspondence OA-17-17

OCT - 6 2016

Byron A. L. Apo
Honolulu Elks Lodge No. 616
2933 Kalakaua Avenue
Honolulu, Hawaii 96815

SUBJECT: Proposed Honolulu Elks Lodge Seawall Walkway Repair Project Located at 2933 Kalakaua Avenue, Honolulu, Oahu; Tax Map Key (1) 3-1-032:006.

Dear Mr. Apo,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter dated September 13, 2016 regarding the proposed seawall walkway repair project for the subject property located at Tax Map Key (1) 3-1-032:006. Previous correspondence from our office dated August 1, 2016 requested more details of the proposed project.

According to your letter, the original beach rock foundation supporting the concrete walkway has begun to erode away near the northern corner leaving an undermined void with a volume of 31 cubic feet. The seawall walkway provides access to the ocean for members and guests of the Honolulu Elks Lodge. You are concerned that collapse of the walkway would close access to the ocean from your property. You note the walkway was built in 1898.

The proposed work involves installing concrete grout filled fabric bags in the existing void beneath the northern corner of the existing concrete walkway. Prior to placement of the grout bags, all loose material, debris, and sharp objects will be removed from the location of the work and properly disposed of. You estimate approximately four or five grout bags measuring four-feet long by three-feet wide by one-foot tall will be placed by hand in the existing void. The finished dimensions of the grout bags will be determined by the volume of the void space in which they occupy. You note the grout bags are made of dual wall, 100% nylon fabric and designed to create cast-in-place concrete blocks for underwater repairs. You note the bags material functions as a form and filter to prevent the discharge of grout into the surrounding environment. An injection pump will be secured tightly at the point of injection and filled using a grout pump capable of delivering at least ten gallons per minute. The fine aggregate concrete (grout) will be injected through a self-sealing inlet valve and be allowed to cure.

You intend to install a fiber roll barrier around the staging area on the subject property as a Best Management Practice (BMP) to prevent runoff from leaving the staging area. The staging area will be used for setup of construction equipment, including a grout mixer and pump, and to stockpile construction materials. You also intend to install a silt curtain as a BMP to separate the work zone from the open water so that any water quality disturbance caused during debris removal is contained. The silt curtain will be placed approximately five feet seaward of the concrete walkway. You note that the grout bags are a BMP, as the self-sealing valve prevents grout discharge to open water during filling. You also note that if grout is spilled, the silt curtain will provide isolation of the spill site and allow prompt clean up. You will leave the silt curtain in place for one day after the work has been completed.

The OCCL has no objections to the proposed seawall walkway repair project located seaward of the subject property. The proposed project is an identified land use pursuant to HAR §13-5-22, P-8 Structures and Land Uses, Existing (A-1), *Minor repair, maintenance, and operation to an existing structure, facility, use, land, and equipment, whether it is nonconforming or permitted, that involves mostly cosmetic work or like-to-like replacement of component parts, and that results in negligible change to or impact to land, or a natural and cultural resource.*

In addition, the proposed project is minor in scope and may be considered an exempt action under State environmental laws under HAR §11-200-8 and as provided in the approved Exemption List for the DLNR, *Exemption Class 1: 1. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources and 28. Repair and maintenance of historic and archaeological sites to maintain the integrity of historic structures, archaeological features and sites.*

Terms and Conditions

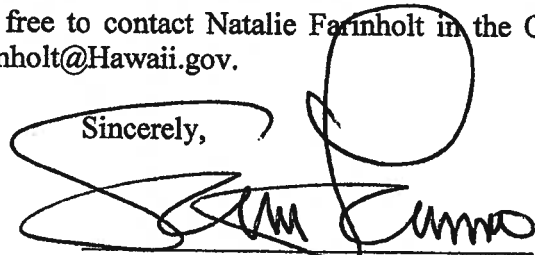
The OCCL has no objections to the proposed seawall walkway repair project located seaward of the subject property, at TMK (1) 3-1-032:006, provided that you adhere to the following Terms and Conditions:

1. The applicant shall contact DLNR Department of Boating and Ocean Recreation at (808) 587-1966 to secure a Right of Entry Permit incorporating the most current terms and conditions for the use of State lands, prior to entering onto State lands for this project;
2. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments;
3. The applicant, 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;
4. The applicant shall comply with all applicable Department of Health administrative rules;

5. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or ocean conditions;
6. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project. All barriers shall be removed once the project is complete to allow full public access laterally along the walkway;
7. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel; fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
8. All material and equipment shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;

Should you have any questions, please feel free to contact Natalie Farinholt in the OCCL at (808) 587-0399 or via email at Natalie.A.Farinholt@Hawaii.gov.

Sincerely,



SAMUEL J. LEMMO, Administrator
Office of Conservation and Coastal Lands

Cc: DOH, CWB
USACE, Honolulu District
SHPD
LAND
DOBOR
C&C, DPP