

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

October 13, 2017

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

OAHU

Request for Closure of a Portion of Moanalua Stream from October 23, 2017 to November 17, 2017 pursuant to HAR Section 13-221-4 for Reasons of Safety and Welfare of Persons and Property, State Unencumbered Lands at the Mauka Side of the Nimitz Highway Viaduct, in the vicinity of Moanalua, Honolulu, O`ahu; TMK (1) 1-1-064:002.

BACKGROUND:

The Hawaii Department of Transportation (“HDOT”) is proposing to clean the areas under the Nimitz Viaduct and to close access to these areas after the encampments are cleaned. There are about 180 people whose campsites and cars need to be removed.

HDOT has decided to clean-up under the viaduct because the growing homeless encampment is posing health and safety risks to both themselves and the surrounding communities, including the following issues:

- Theft of copper and electric wires affects lighting on the H-1 freeway.
- Fires under the viaduct can get out of control, especially during the dry season.
- Ensure the safety of the new Kahaukiki Village.
- Address the complaints of surrounding business owners regarding theft and break-ins.

All of the people in the viaduct area will be encouraged to seek shelter and services, although past experience indicates that many will seek alternative camp sites or try to return to the viaduct.

CLOSURE JUSTIFICATION

Closing the waterways ensures the public health and safety in the following ways:

1. Ensure that people cannot float themselves and their personal belongings to another site. This becomes a particular concern as the storm season approaches. Last year during flooding events debris from homeless camps floated out of both Moanalua and Kalihi streams causing debris to accumulate in Honolulu Harbor and at Keehi Lagoon. The debris which included a houseboat and mounds of trash elevated bacterial counts in Keehi Lagoon and forced a closure of the Lagoon.

2. Ensure that people are not allowed on the water to re-access the viaduct area during clean-up operations, which could pose safety risks to themselves, clean-up crews, and or outreach workers in the area.

### IMPLEMENTATION OF THE CLOSURE

The entire closure area will run from makai of the viaduct to mauka of the viaduct (see **Exhibit A**). City and County of Honolulu areas are already closed and have signs noting the closure. HDOT will close their areas for the same period as requested in this submittal.

Signage will be posted along the shore on the DLNR side of the stream. Access to the subject location from the opposite shore, TMK (1)-1-1-006:013, is prohibited by the City and County of Honolulu. Signs will be posted at intervals no less than three signs to a mile. In areas with mangroves, we will not be able to post signs along the shore, but we will post on fast lands. Signage will also be posted in the HDOT closure areas.

Outreach workers will start outreach to the people under the viaduct on October 16. Notices to vacate will include the dates of closure for the waterways and a map of the closure areas.

During clean-up operations HDOT will work with DOT-Harbors to install floating booms marking the closed areas.

The portion of the Moanalua Stream that is the subject of this request consists of unencumbered public lands. Pursuant to §13-221-4, Hawaii Administrative Rules regarding Unencumbered Public Lands (cited below), staff recommends the Board authorize the closure of the portion of Moanalua Stream as described above.

"Closing of areas. The board or its authorized representative may establish a reasonable schedule of visiting hours for all or portions of the premises and close or restrict the public use of all or any portion thereof, when necessary for the protection of the area or for the safety and welfare of persons or property, by the posting or appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours."

### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which states, "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 42, "actions that are intended to maintain or support the sustainability of those natural resources under the jurisdiction of the Department, including law enforcement, regulation compliance, resources and

environmental monitoring, debris or property removal, and other administrative and management measures." See **Exhibit B**.

RECOMMENDATION: That the Board

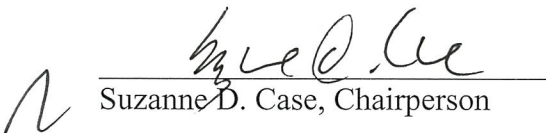
1. Declare that, after considering the potential effects of the proposed action as provided by Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the closure of a portion of the Moanalua Stream at the Mauka Side of the Nimitz Highway Viaduct, in the vicinity of Moanalua, Honolulu, O`ahu; TMK no. (1) 1-1-064:002, from October 23, 2017 to November 17, 2017 pursuant to the Board's authority in accordance with Hawaii Administrative Rules, §13-221-4.

Respectfully Submitted



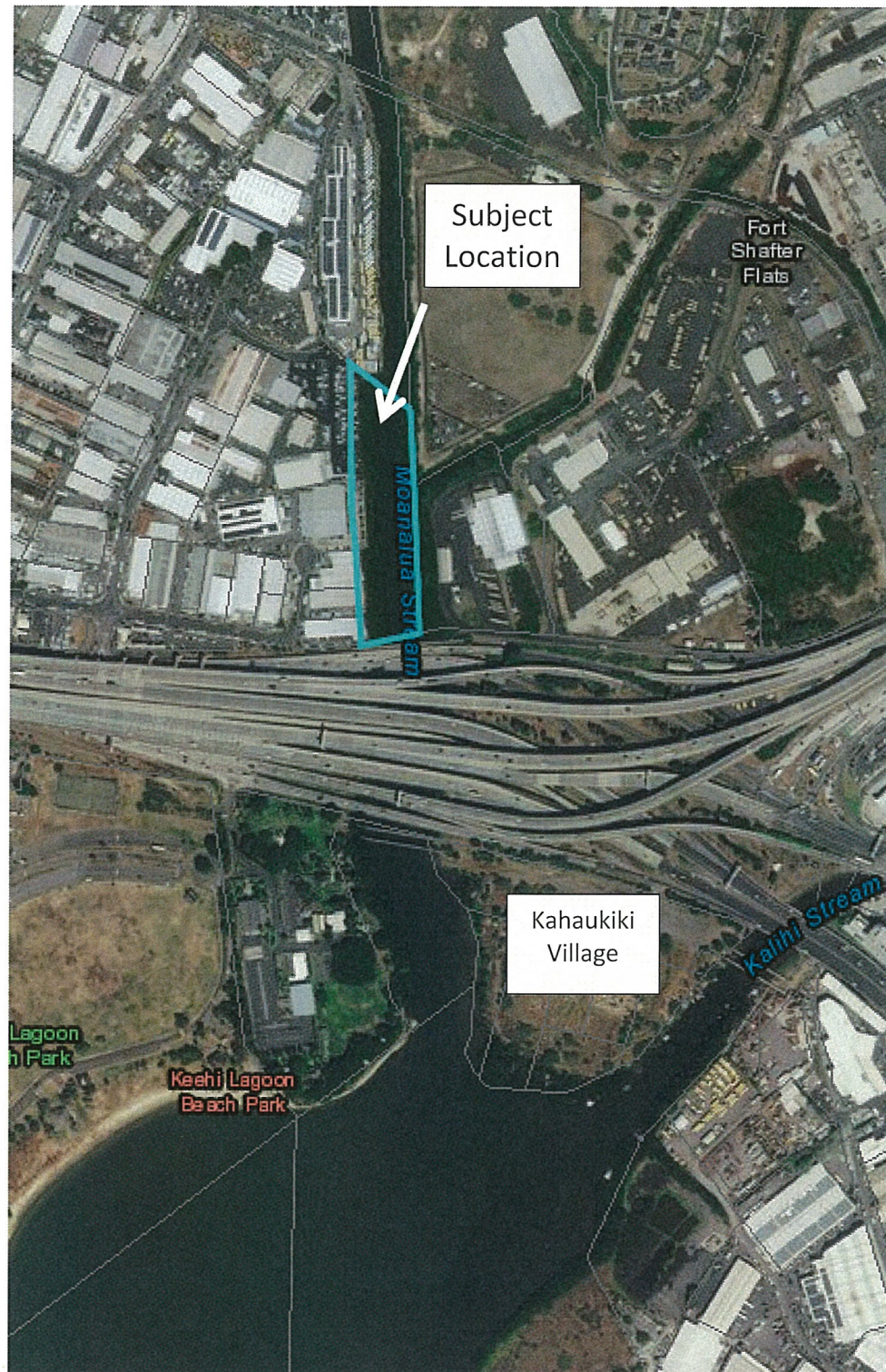
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL



Suzanne D. Case, Chairperson





TMK (1) 1-1-064:002

**EXHIBIT A**

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

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|--------------------------|--|
| Project Title:           | Closure of a Portion of Moanalua Stream from October 23, 2017 to November 17, 2017   |
| Project / Reference No.: | Not applicable   |
| Project Location:        | Portion of Moanalua Stream, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:002   |
| Project Description:     | Support cleanup operation of the nearby Nimitz Viaduct to be conducted by the Department of Transportation.  |
| Chap. 343 Trigger(s):    | Use of State Land  |
| Exemption Class No.:     | <p>In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 42, "actions that are intended to maintain or support the sustainability of those natural resources under the jurisdiction of the Department, including law enforcement, regulation compliance, resources and environmental monitoring, debris or property removal, and other administrative and management measures."</p> <p>The subject request is necessary to allow the law enforcement perform the law enforcement activities during the clean-up operation.</p> |
| Consulted Parties        | Department of Transportation, State Homeless Coordinator Office, Division of Conservation and Resources Enforcement, Division of Boating and Ocean Recreation, and Division of State Parks.  |
| Recommendation:          | That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.   |

**EXHIBIT B**