

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

January 8, 2021

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

PSF No.: 12MD-139

MAUI

Rescind Prior Board Action of January 13, 2017, Item D-5, *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.*

Cancellation of Governor's Executive Order No. 3006 and Reset Aside to County of Maui, Department of Environmental Management for Sewage Treatment Plant Purposes, Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001:188 and seaward of 188.

Grant of Perpetual, Non-Exclusive Easement to the County of Maui, Department of Environmental Management, for Wastewater Force Main Purposes, Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001: portion of 119.

CONTROLLING AGENCY:

County of Maui, Department of Public Works.

APPLICANT:

County of Maui, Department of Environmental Management.

LEGAL REFERENCE:

Sections 171-11 and -95 Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Sewage treatment plant: Portion of Government lands situated at Kahului, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-001:188 and seaward of 188, as shown on the attached map labeled **Exhibit A**.

Encroachment: Portion of Government lands situated at Kahului, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-001: seaward of 188. The location of the encroachment as shown on the attached maps labeled **Exhibits A & B**.

Wastewater force main: Portion of Government lands situated at Kahului, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-001:119, as shown on the attached map labeled **Exhibit A-1**.

AREAS:

Sewage treatment plant: 18.755 acres, more or less, under Executive Order 3006, which is to be cancelled and reset-aside.

Encroachment: Addition of approximately 0.534 acre to: 18.755 acres, for a revised total area of: **19.289 acres, more or less**.

Wastewater force main easement: 8,666 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Maui CZO:	Airport

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
Section 5(b) lands of the Hawaii Admission Act (easement portion)
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Tax Map Key: (2) 3-8-001:188: Governor's Executive Order No. 3006 setting aside 18.755 acres to the County of Maui, Department of Public Works for Sewage Treatment Plant Purposes.

Tax Map Key: (2) 3-8-001:119: Governor's Executive Order No. 2358 to County of Maui for public beach park.

PURPOSE OF SET ASIDE:

Sewage Treatment Plant purposes.

EASEMENT CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove sewer force main transmission pipeline over, under and across State-owned land.

EASEMENT TERM:

Perpetual.

EASEMENT COMMENCEMENT DATE:

To be determined by the Chairperson.

EASEMENT CONSIDERATION:

Gratis (government project).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," and Part 1, Item 36 that states, "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order." See **Exhibit C**.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
- 2) Adhere to comments by DOFAW and OCCL. See **Exhibit F**.

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 (WKWWRf), located on a parcel identified as TMK (2) 3-8-001:188 (**Exhibit A**). An Executive Order No. 3006 (EO 3006) was signed by the Governor on April 9, 1980, transferring management of the parcel to the County of Maui, Department of Public Works. 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 Environmental Management agreed to resolve the encroachment.

On January 13, 2017, under agenda item D-5, the Board approved the addition of 0.534 acre, more or less, of submerged land to the area encumbered by EO 3006 to the County of Maui for sewage treatment plant purposes. A copy of the approved Board submittal is attached as "**Exhibit E**". The area of the set-aside is a portion of the revetment extending past the seaward boundary. The set-aside will cure an encroachment issue with the County of Maui.

REMARKS:

Based on the Board's approval of January 13, 2017, agenda item D-5, staff submitted a request to the Department of the Attorney General to prepare the executive order adding 0.534 acre to EO 3006. However, the AG noted that the entity holding EO 3006 (County of Maui, Department of Public Works) is different from the entity the to hold the executive order for the additional 0.534 acre (County of Maui, Department of Environmental Management). Therefore, EO 3006 needs to be cancelled and the larger area (18.755 acres plus 0.534 acre of additional lands equals a revised total area of **19.289 acres, more or less**) needs to be set-aside to the County of Maui, Department of Environmental Management via new executive order.

The encroaching portion of the structure has existed and remained intact and unaltered since its construction by USACE in 1979. Staff 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.

With respect to the grant of easement, this action is required because the AG advises that the State no longer creates easements through an executive order. Rather, easements must be established by a separate grant of easement document. The easement will be appurtenant to the site of the sewage treatment plant. Additionally, the easement is

appropriate as it is located on a separate parcel from the sewage treat plant itself, TMK (2) 3-8-001:119, that is already encumbered by Governor's Executive Order No. 2358 to County of Maui for public beach park purposes.

A draft of this submittal was disseminated to agencies listed below with the results indicated:

Agency	Comment
Department of Health	No comments
Division of Forestry and Wildlife	Comments received (see Exhibit F)
Office of Conservation and Coastal Lands	Comments received (see Exhibit F)
State Historic Preservation Division	No objections to the subject request
United States Army Corps of Engineers	No comments
Office of Hawaiian Affairs	No response by suspense date
County of Maui Planning Department	No objections
County of Maui Environmental Management	No response by suspense date
County of Maui Public Works	No comments
County of Maui Department of Water Supply	No comments

There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Rescind its prior Board action of January 13, 2017, agenda item D-5.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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.
3. Approve of and recommend to the Governor issuance of an executive order cancelling Governor's Executive Order No. 3006 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

- C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Approve of and recommend to the Governor the issuance of an executive order resetting-aside the subject lands to the County of Maui, Department of Environmental Management, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term/perpetual non-exclusive easement to the County of Maui, Department of Environmental Management covering the subject area for sewer force main transmission pipeline purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current term/perpetual easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 3-8-001:188, provided however, it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the termination or abandonment of the easement;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

BLNR -Rescind Prior Board Action
Cancel EO 3006 and Reset-Aside
To County of Maui, Department of
Environmental Management

Page 7

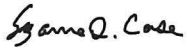
January 8, 2021

Respectfully Submitted,



Edward T. Paa
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

ENCROACHMENT AREA
3-8-001: Seward of 188

SUBJECT
TMK: 3-8-001:188

EXHIBIT A

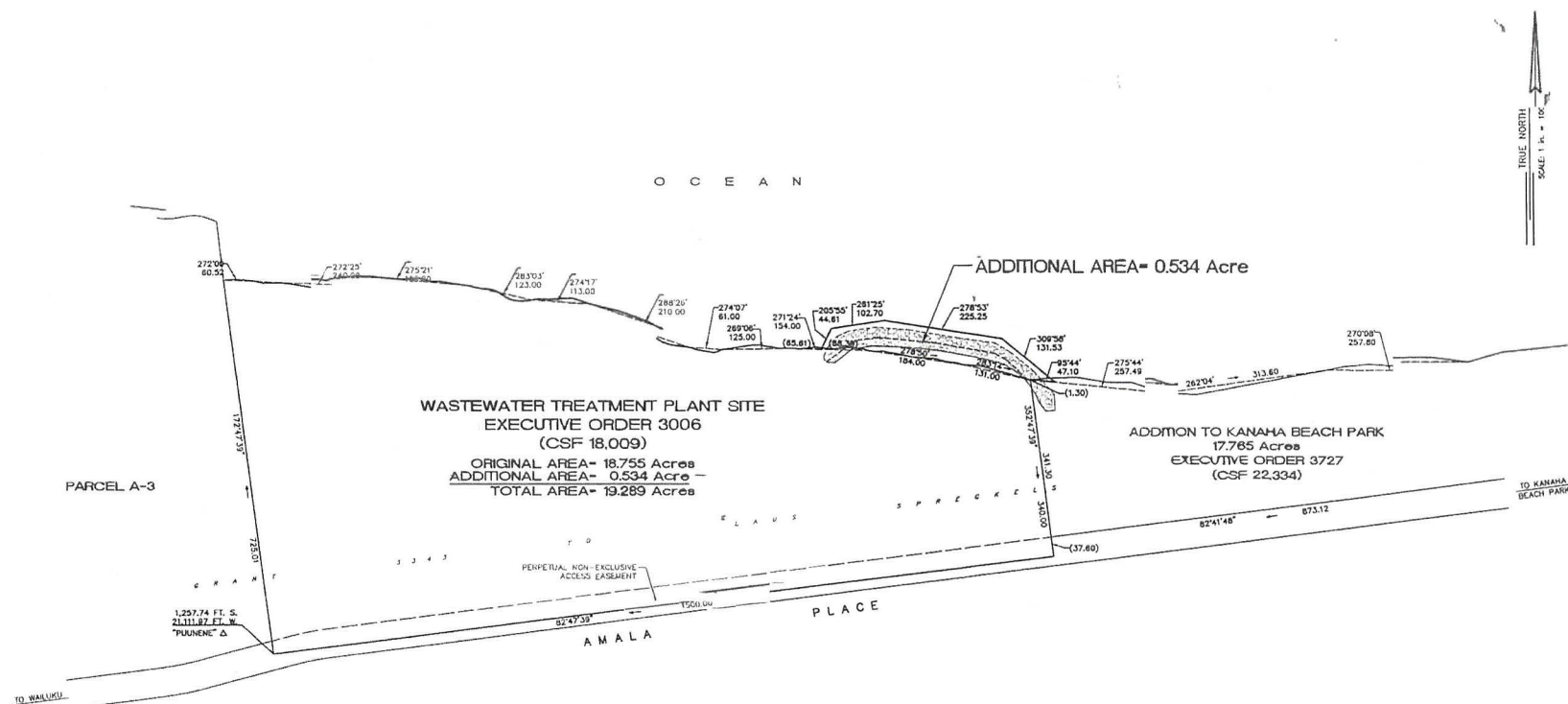




Easement
Wastewater Force Main
TMK: (2) 3-8-001: Portion of 119

EXHIBIT A-1

EXHIBIT B



WASTEWATER TREATMENT PLANT SITE
REDESIGNATION OF WASTEWATER TREATMENT PLANT SITE LOT TO ACCOMMODATE EXISTING
ROCK REVETMENT ADJACENT TO GOVERNOR'S EXECUTIVE ORDER NO. 3006
(C.S.F. 18,099)

BEING A PORTION OF GRANT 3343 TO CLAUSSPRECKELS
AT KAHULUI, WAILUKU, MAUI, HAWAII



R. T. TANAKA ENGINEERS, INC.



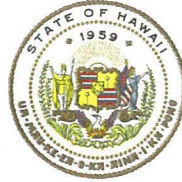
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

KIRK T. TANAKA
DATE

REVISED: AUGUST 2011

JOB NO. 11-002

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 8, 2021

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title: Cancellation of Governor's Executive Order No. 3006 and Reset Aside to County of Maui, Department of Environmental Management for Sewage Treatment Plant Purposes, Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001:188 and seaward of 188.

Grant of Perpetual, Non-Exclusive Easement to the County of Maui, Department of Environmental Management, for Wastewater Force Main Purposes, Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001: portion of 119.

Project / Reference No.: PSF 12MD-139

Project Location: Portion of Government lands situated at Kahului, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-001:188 and seaward of 188; and Tax Map Key: (2) 3-8-001: portion of 119.

Project Description: A Cancellation and a Resetting Aside of State Lands for Sewage Treatment Plant purposes.

Grant of Perpetual, Non-Exclusive Easement for Wastewater Force Main Purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to

EXHIBIT C

General Exemption Type 1, Part 1, Item 36, that states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order."

Cumulative Impact of
Planned Successive
Action in Same Place
Significant:

No, there is no significant cumulative impact since there are no successive actions in the same place.

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

No, there is no particularly sensitive environment in this location. that would be significantly impacted.

Analysis:

No plans for the project are known that will have a significant effect upon the environment. The lands are already developed with a revetment and improvements, and the withdrawal and reset-aside of the lands to County of Maui, Department of Environmental Management for Sewage Treatment Plant Purposes along with Grant of Perpetual, Non-Exclusive Easement for Wastewater Force Main Purposes will result in negligible or no expansion or change of the use of area.

Consulted Parties:

County of Maui Planning Department, County of Maui Environmental Management, County of Maui Public Works Department, County of Maui Department of Water Supply, Office of Hawaiian Affairs, United States Army Corp of Engineers, Office of Conservation and Coastal Lands, State Historic Preservation Division, Division of Forestry and Wildlife, Department of Health, Department of Transportation.

Recommendation:

It is recommended that the Board find that this project will probably have minimal or no significant effect upon the environment and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT C

Executive Order No. 3006

Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 171-11, Hawaii Revised Statutes, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

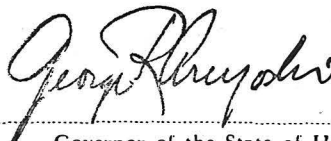
FOR SEWAGE TREATMENT PLANT PURPOSES, to be under the control and management of the County of Maui, Department of Public Works, and being designated the Wastewater Treatment Plant Site, containing an area of 18.755 acres, more or less, and Easement 10, containing an area of 8,666 square feet, more or less, situate at Kahului, Wailuku, Maui, Hawaii, said land being more particularly described in Exhibit "A" and delineated on Exhibit "B", both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 18,099 and dated April 26, 1978.

SUBJECT, HOWEVER, to the following:

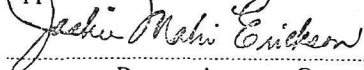
1. Unrestricted access to the easement area by members of the staff of the Department of Land and Natural Resources and the Department of Transportation.
2. Disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed.

Done at the Capitol at Honolulu this 9th day of April, Nineteen Hundred and 80


Governor of the State of Hawaii

Approved as to form:


Deputy Attorney General

Dated: MAR 6 1980

EXHIBIT D



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

April 26, 1978

C.S.F. No. 18,099

WASTEWATER TREATMENT PLANT SITE
AND
EASEMENT 10

Kahului, Wailuku, Maui, Hawaii

Being a portion of Grant 3343 to Claus Spreckels
conveyed as follows:

- (a) Portion of Parcel 1 of the former Naval Air Station at Kahului, conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299 and modified by instrument dated August 11, 1965 (Land Office Deeds 16432 and S-18727).
- (b) Quitclaim Deed dated November 7, 1968, releasing Easement 2 reserved for railroad purposes, from Alexander and Baldwin, Inc., successor to Hawaiian Commercial and Sugar Co., Ltd. to the State of Hawaii, recorded in Liber 6301, Page 402 (Land Office Deed S-24630).

WASTEWATER TREATMENT PLANT SITE:

Beginning at the southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE" being 1257.74 feet South and 21,111.97 feet West, thence running by azimuths measured clockwise from True South:-

1. 172° 47' 39" 725.01 feet along the remainder of Parcel A, Kahului Airport (Governor's Executive Order 2427);

Thence along highwater mark at seashore as of November 22, 1977, for the next eleven (11) courses, the direct azimuths and distances between points along said highwater mark at seashore being:

2. 272° 00' 60.52 feet;
3. 272° 25' 240.00 feet;
4. 275° 21' 156.00 feet;
5. 283° 03' 123.00 feet;
6. 274° 17' 113.00 feet;

April 26, 1978

7. 288° 26' 210.00 feet;
8. 274° 07' 61.00 feet;
9. 269° 06' 125.00 feet;
10. 271° 24' 154.00 feet;
11. 278° 50' 184.00 feet;
12. 283° 14' 131.00 feet;
13. 352° 47' 39" 340.00 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427);
14. 82° 47' 39" 1500.00 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427) to the point of beginning
and containing an AREA OF 18.755 ACRES.

EASEMENT 10: Non-exclusive easement (15-foot wide) for wastewater force mains.

Beginning at the northwest corner of this easement, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU NENE" being 1336.30 feet South and 21,515.95
feet West, thence running by azimuths measured clockwise from True South:-

1. 262° 44' 09" 532.24 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427);
2. 172° 44' 09" 26.73 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427);
3. 262° 47' 39" 15.00 feet along the Wastewater Treatment Plant
Site;
4. 352° 44' 09" 41.72 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427);
5. 82° 44' 09" 554.48 feet along the remainder of Parcel A,
Kahului Airport (Governor's Executive
Order 2427);

C.S.F. No. 18,099

April 26, 1978

6. 198° 30' 16.66 feet along the remainder of Grant 3343 to
Claus Spreckels to the point of beginning
and containing an AREA OF 8,666 SQUARE
FEET.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: James Chrystal, Jr.
James Chrystal, Jr.
Land Surveyor

Compiled from maps by
Wright-Harvey & Wright
dated Jan. 29, 1972, Reg.
Map 4132 and Govt. Survey
Records.

fb

EXHIBIT D

State of Hawaii

Office of the Lieutenant Governor

This is to Certify That the within is a true copy of Executive Order No. 3006
setting aside land for public purposes, the original of which is on file in this office.

In Testimony Whereof, the Lieutenant Governor of the
State of Hawaii, has hereunto subscribed his name
and caused the Great Seal of the State to be affixed.

DONE in Honolulu, this day of
....., A.D. 19.....

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 14 10 35 AM '80

Executive Order No. 3006

Setting Aside Land for Public Purposes

Land
Purpose
Date

EXHIBIT D

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 (WKWWRP), 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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

January 13, 2017 Go

D-5

EXHIBIT E

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

RECOMMENDATION: That the Board:

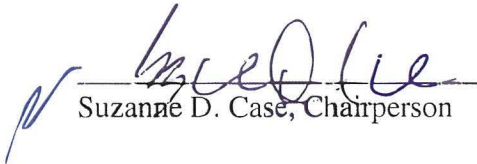
1. Approve the addition of 0.534 acre to the area encumbered by Governor's Executive Order 3006 through an option as described above, as determined to be most appropriate by the Department of the Attorney General.

Respectfully Submitted,



Ian Hirokawa
Special Projects Coordinator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT E



Esri, HERE, DeLorme, Mapbox, OpenStreetMap contributors, and the GIS user community
GeoBys, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the G

EXHIBIT E


 Tor Map Key (2) 3-B-01 : 100
 871 KOLU STREET, SUITE 201
 WAILUKU, MAUI, HAWAII 96793



JOB NO. 11-002

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE, MAUI
685 HALEAKALA HIGHWAY
KAHULUI, HAWAII 96732

March 17, 2020

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

ROBERT K. MASUDA
FIRST DEPUTY

KALEO L. MANUEL
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

Memorandum

TO: Edward Paa, Land Division
Land Agent

FROM: Scott Fretz, Division of Forestry and Wildlife
Maui Branch Manager

A handwritten signature in blue ink, appearing to be "Scott Fretz", is written next to the "FROM:" line.

Subject: Request for comments on proposed reset aside of lands at Kahului to County of Maui, Tax Map Key (2) 3-8-001:118.

Thank you for the opportunity to comment on this proposed set aside. The shoreline fronting the affected lands supports a breeding colony of native seabirds protected under state and federal law. A few years ago, numerous seabird burrows were destroyed and seabirds killed by construction activities at the site when additional revetments were being installed. The Division plans to manage and monitor the remaining seabird population at the site and requests that the set aside to the county provide assurances that DOFAW will have access to the site for the purpose of monitoring and managing the protected species present on site.

Please do not hesitate to contact me at (808) 984-8107 if require additional information.

EXHIBIT F

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
ROBERT K. MASUDA
FIRST DEPUTY
M. KALEO MANUEL
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
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:RB

Correspondence: MA-20-131

MEMORANDUM

FEB 28 2020

TO: Edward T. Paa, Land Agent
Land Division

FROM: Sam Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Request to Rescind Prior Board Action of January 13, 2017, Item D-5, Addition of 0.534 Acre, More or Less, of Submerged Land to the Area Encumbered by Executive Order 3006 to the County of Maui and Cancellation of Governor's Executive Order No. 3006 and Reset Aside to County of Maui, Department of Environmental Management for Sewage Treatment Plant Purposes.

Request Grant of Perpetual, Non-Exclusive Easement to the County of Maui, Department of Environmental Management, for Wastewater Force Main Purposes.

The Office of Conservation and Coastal Lands (OCCL) has reviewed the request to rescind above referenced Board Action, cancel Governor's Executive Order 3006 and reset aside to the County of Maui, Department of Environmental Management for TMK (2) 3-8-001:188 and seaward of 188. Additionally reviewed was the request to grant of perpetual, non-exclusive easement to the County of Maui, Department of Environmental Management, for wastewater force main purposes for TMK (2) 3-8-001: portion of 119. The OCCL would like to note that both TMKs are in the Limited subzone of the Conservation District. The portion of TMK (2) 3-8-001:188 that is seaward is in the Resource subzone of the Conservation District.

The Kahului Sewage Treatment Plant was approved by the Board of Land and Natural Resources on October 13, 1978 under Conditional District Use Permit (CDUP) MA-1074. Subsequent correspondence and permits have been issued from OCCL on this property; more specifically, the OCCL would like to remind the applicant that Condition #5 of CDUP MA-3688 states that, "the permittee shall implement a decommissioning plan for the Wailuku-Kahului Wastewater Reclamation Facility by June 30, 2064 and restore the shoreline to the best possible natural condition as practical."

EXHIBIT F

The OCCL has no immediate comments on the proposed action but will remind the applicant that this area is at high risk for coastal hazards and sea level rise, as evidenced by the seaward erosion of 0.534 acres of TMK (2) 3-8-001:188. Additionally, please note that since both TMKs are in the Conservation district any proposed land use may require permitting from the OCCL.

EXHIBIT F