

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

July 8, 2022

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

Land Board Members:

SUBJECT: Withdrawal of Portions of State Lands from Governor's Executive Order No. 1314 and Re-Set Aside and Issuance of Immediate Management Right-of-Entry to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Mala Wharf and Ramp, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-004:011.

And

Declare the Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

CONTROLLING AGENCY:

County of Maui

APPLICANT:

Department of Land and Natural Resources (DLRN), Division of Boating and Ocean Recreation (DOBOR)

LEGAL REFERENCE:

Sections 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Lahaina, Maui, identified by Tax Map Key: (2) 4-4-004:011 (por) as shown on attached **Exhibit A**.

AREA:

21,900 square feet, more or less, as agreed upon by the County of Maui, DLNR and DOBOR.

ZONING:

State Land Use District: Urban
Hawaii County Zoning: R-2 Residential

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Vacant/Unused

PURPOSE OF SET ASIDE:

Parking for the Mala Wharf and Ramp

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (“HAR”) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred in by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, No. 38, that states, “Acquisition of land or interests in land.”

BACKGROUND:

The parcel was set aside to the County of Maui by Governor’s Executive Order (GEO) No. 1314 (**see Exhibit B**) for the Ala Moana Pumping Plant Site and Easement at the request of the county Board of Supervisors by its Resolutions No. 316 and 317 adopted at its meeting held on December 18, 1948.

The county constructed its sewer pumping plant on the adjacent parcel – TMK: (2) 4-5-004:063 – with the intention to expand the plant to the subject parcel.

The county has informed staff that the subject parcel is surplus to its needs and has no objection to this submittal.

The southeast corner of the property encroaches on the sewer pumping plant's driveway, so will not be withdrawn from the GEO.

REMARKS:

Increased tourist activity and population growth in the Lahaina area has placed a great deal of stress on ramp operations and parking at Mala Wharf.

This submittal seeks to address the lack of parking at the facility by withdrawing a portion of unused lands encumbered by Governor's Executive Order No. 1314 and resetting aside to DLRN, DOBOR.

DOBOR, at its soles cost and expense, will procure a survey for the purpose of determining the boundaries of the area to be withdrawn from the executive order in consultation with the County of Maui.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. 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.
2. Approve of and Recommend to the Governor an executive order withdrawing portions of Governor's Executive Order No. 1314, 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.
3. Approve of and Recommend to the Governor the issuance of the issuance of an executive order resetting aside portions of the lands situated at Lahaina, Maui formerly encumbered by Governor's Executive Order No. 1314 to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

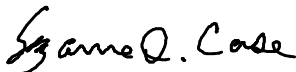
- a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - b. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following 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.
4. Grant an Immediate management right-of-entry to DLNR, DOBOR over the subject lands, 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 management and construction right-of-entry form, as may be amended from time to time; and
 - b. The right-of-entry shall be effective upon acceptance and shall terminate in one year or upon issuance of the executive order, whichever shall first occur, provided that the Chairperson may extend the right-of-entry for additional one year periods for good cause shown.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments:

Exhibit A – Site Map

Exhibit B – GEO 1314

The main image is an aerial photograph of a coastal area. A triangular plot of land, outlined in red, is highlighted in the center-right. This plot is situated between a residential area with many houses and a larger, more open area with trees and a parking lot. To the left of the plot is a body of water with a pier and some boats. The inset map in the top right corner shows the island of Maui with various locations labeled, including Kapala, Kahului, and Hana. A red square on the map indicates the location of the plot in the central-eastern part of the island.

Exhibit A

The main image is an aerial photograph of a coastal area. In the foreground, there is a body of water with a sandy beach. A road runs along the coast, and a triangular plot of land is highlighted in red. The plot is situated between a road and a larger area of trees and vegetation. In the background, there are residential buildings and a parking lot. An inset map of Maui is located in the top right corner, showing the location of the plot in the central-eastern part of the island. The map labels various locations including Kapala, Ili-Honokowai, Kaanapali, Lahaina, Maunaloa, Kula, and Haleakala. A red dot on the map indicates the location of the plot.

Exhibit A

Setting Aside Land for Public Purposes

By this Executive Order: I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by paragraph q of Section 73 of the Hawaiian Organic Act, 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 Ala Moana Pumping Plant Site and Easement, to be under the control and management of the Board of Supervisors of the County of Maui, as requested by its Resolutions No. 316 and 317 adopted at its meeting held December 18, 1948.

**Being portion of the Government (Crown) Land of
Alamahi, Lahaina, Maui**

Beginning at the west corner of this parcel of land, being also the south corner of Puupihia Cemetery, Executive Order No. 1208, and on the northerly side of government road reserve, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LAIHA" being 4,686.14 feet South and 6,256.30 feet West, as shown on Government Survey Registered Map 3047 and running by azimuths measured clockwise from True South:-

- 1. 196° 32' 220.04 feet along Puupihia Cemetery, Executive Order No. 1208;**
- 2. 320° 25' 238.56 feet along Mala Wharf Parking Lot;**
- 3. 72° 50' 92.41 feet along the northerly side of government road reserve;**
- 4. 85° 10' 74.52 feet along the northerly side of government road reserve;**
- 5. 97° 05' 52.47 feet along the northerly side of government road reserve to the point of beginning.**

AREA 23,924 SQUARE FEET

Together with an easement (10 feet wide) for a sanitary sewer line, which crosses portion of the Mala Wharf Parking Area and the Road Reserve, said easement being described as follows:

Being a strip of land 10 feet wide extending 5 feet on each side of the following described centerline:

Beginning at the East end of this easement, on the southwesterly side of Mala Wharf Road, the true azimuth and distance from the Survey Street Monument on Front Street near Mala Wharf Road being $145^{\circ} 36' 68.79$ feet, and the coordinates of said street monument referred to Government Survey Triangulation Station "PUU LAIHA" being 4,688.58 feet South and 5,838.68 feet West as shown on Government Survey Registered Map 5047, and running by an azimuth measured clockwise from True South:-

1. $85^{\circ} 09' 30''$ 152.05 feet to the northeasterly boundary of Ala Moana Pumping Plant Site.

AREA 1,520 SQUARE FEET

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

Done at the Capitol at Honolulu this nineteenth day of

February, Nineteen Hundred and Twenty-Nine

Ingram McLean Cook

By the Governor:

Amos G. King
Secretary of Hawaii.

HP:js

Printshop-4406

Approved as to form:

Pauline Day Bakst
Deputy Attorney General.

Territory of Hawaii

Office of the Secretary

1314

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

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



DONE in Honolulu, this nineteenth day of
February, A.D. 1909

Executive Order No. 1314

Setting Aside Land for
Public Purposes

Land.....

Purpose.....

Date.....

