

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

October 27, 2023

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

PSF No.: 23MD-109

Maui

Issuance of Immediate Management Right-of-Entry and Authorization to Set Aside Lands to County of Maui for the Lahaina Wildfire Final Disposition Project; Olowalu, Maui, Tax Map Key No. (2) 4-8-003:007.

APPLICANT:

County of Maui, Department of Environmental Management, Solid Waste Division

LEGAL REFERENCE:

Sections 171-11 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Government Lands situated at Olowalu, Maui, Tax Map Key Nos. (2) 4-8-003:007 as shown on the attached map labeled Exhibit A.

AREA:

52.94 acres, more or less

ZONING:

State Land Use District: Agriculture.
County of Maui CZO: Agriculture.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and Unencumbered.

CHARACTER OF USE:

Wildfire Debris Landfill and Ancillary Purposes.

TERM OF RIGHT-OF-ENTRY:

Commencing upon Chairperson’s execution of a Board-approved immediate management right-of-entry permit (ROE) to the County of Maui that shall expire in one year or upon execution of the set-aside of government lands by Governor’s Executive Order for the Proposed Lahaina Wildfire Final Disposition Project site, whichever shall first occur. The Chairperson will be authorized to continue the ROE for additional one-year periods for good cause shown.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) §§ 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 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 negligible or no expansion or change of use beyond that previously existing,” Part 1, Item 36, “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.”

The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action. The County of Maui shall be responsible for compliance with Chapter 343, HRS, to the extent applicable to its project.

REMARKS:

Maui County sustained a catastrophic disaster on August 8, 2023 known as the Lahaina Wildfires that devastated Lahaina town on the west side of the island. The County of Maui is in the process of developing Temporary Debris Staging and Reduction (TDSR) sites that include the long-term disposition of debris from the wildfire. County of Maui’s Central Maui Landfill (CML) is the primary waste disposal site for the entire island however, debris coming from west Maui is located over 25 miles away which presents environmental and logistical challenges.

In discussions with State and County agencies, the County of Maui, Department of

Environmental Management, Solid Waste Division staff has suggested an alternative location to manage debris that provides many more advantages over CML. The State of Hawaii owns the subject property immediately next to the closed Olowalu Landfill where a TDSR and new debris landfill can be sited. The location is less than 5 miles from the Lahaina wildfire impact zone. The site would be utilized only for the debris from the disaster. The subject location has the following benefits over CML: Reduced traffic on Maui's major highways, reduced debris exposure and vehicle emissions as a result of reduced travel times, maintains the capacity of CML to receive domestic solid waste for another two years, and the Olowalu site offers the opportunity to develop a memorial on the west side of Maui to honor the remains of persons that may be contained in debris that will be disposed at the subject area.

By letter dated September 20, 2023, from Mayor Bissen to Governor Green, the County of Maui made a formal request to set-aside the subject area situate at Tax Map Key (TMK) (2) 4-8-003:007 to the County of Maui along with a request that the Governor's Emergency Proclamation be extended to include the development of the Olowalu facilities and memorial.

Development of the Lahaina Wildfire Final Disposition Project site at Olowalu for wildfire debris and ancillary purposes is the most practical option for disposal of debris from West Maui. It will not only protect the environment through a prescriptively lined disposal area, but also protect human health during recovery through reduced traffic incidents and minimum public exposure to debris versus CML.

On October 6, 2023, the County of Maui was issued an immediate ROE to allow work onsite, with its partner agency the United States Army Corps of Engineers (USACE), to conduct land survey and due diligence studies in order to prescribe the prudent use of government lands for its intended purposes. The plan is to develop approximately 12.3 acres of lined area located immediately east of the closed Olowalu landfill and approximately 1,000 feet mauka (north) of Honoapiilani Highway. The fill area is proposed to be located within the footprint of a former cinder quarry which will be excavated and graded to develop floor and slope grades suitable for installation of a proposed liner system.

The fill area will be designed and constructed in accordance with the requirements of the State of Hawaii, Department of Health (HDOH), Hawaii Administrative Rules, Title 11, Section 58.1; and 40 CFR Part 258 (Subtitle D). Fill placement operations in the lined area will begin after issuance of approval from the HDOH.

The total area required to develop the debris disposal facility is approximately 19.4 acres. The majority of the footprint for the facility will be located in property parcel TMK: 4-8-003:007 which is owned by the State of Hawaii. A small portion of the facility, the north end, will be located on property parcel TMK: 4-8-003:039 which is the location of the closed Olowalu Landfill already under County management.

Parcel 039 is also state-owned property that was set-aside to the County of Maui in 1979

via Executive Order No. 2972 for Sanitary Landfill Site purposes and includes Easement A, illustrated in CSF 16,281, that describes a 30-foot-wide perpetual access easement in favor of the State of Hawaii that connects Honoapiilani highway, along the shoreline, over a portion of former railroad easement encumbering lands disposed to Pioneer Mill. Co. via Grant No. 11073, to the upper elevations of parcel 039 leading toward the State's west Maui forest reserve.

Finally, under a separate Board recommendation, staff seeks approval to set aside a 1 acre vacant and unencumbered portion of parcel 008 to the County. Recommendations to set aside parcel 007 and a portion of parcel 008 were separated to better address the complexities related to future use of parcel 008 that need to be considered to maintain land use flexibility as the region evolves.

U.S. Army Corps of Engineers (USACE) and the Federal Emergency Management Agency (FEMA) are both in favor of this location as the final disposition site for the Maui wildfires disaster debris. The State DLNR Division of Forestry and Wildlife has been consulted and has no objections to the transfer of parcel 007 to the County of Maui. The County of Maui and its Federal partners are committed to work with HDOH permitting and closure requirements for the TDSR and debris landfill, Special Land Use Permitting or District Boundary Amendment, Environmental Assessment (EA)/ Environmental Impact Statement (EIS) and granting the County of Maui use and/or entry rights to State owned properties.

RECOMMENDATION: That the Board,

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 11-200.1-16, 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 as a de minimis activity.
2. Authorize the issuance of an immediate management right-of-entry permit to the County of Maui, covering the subject area 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 right-of-entry permit form, as may be amended from time to time; and
 - B. 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 an executive order setting aside the subject lands to the County of Maui 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.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



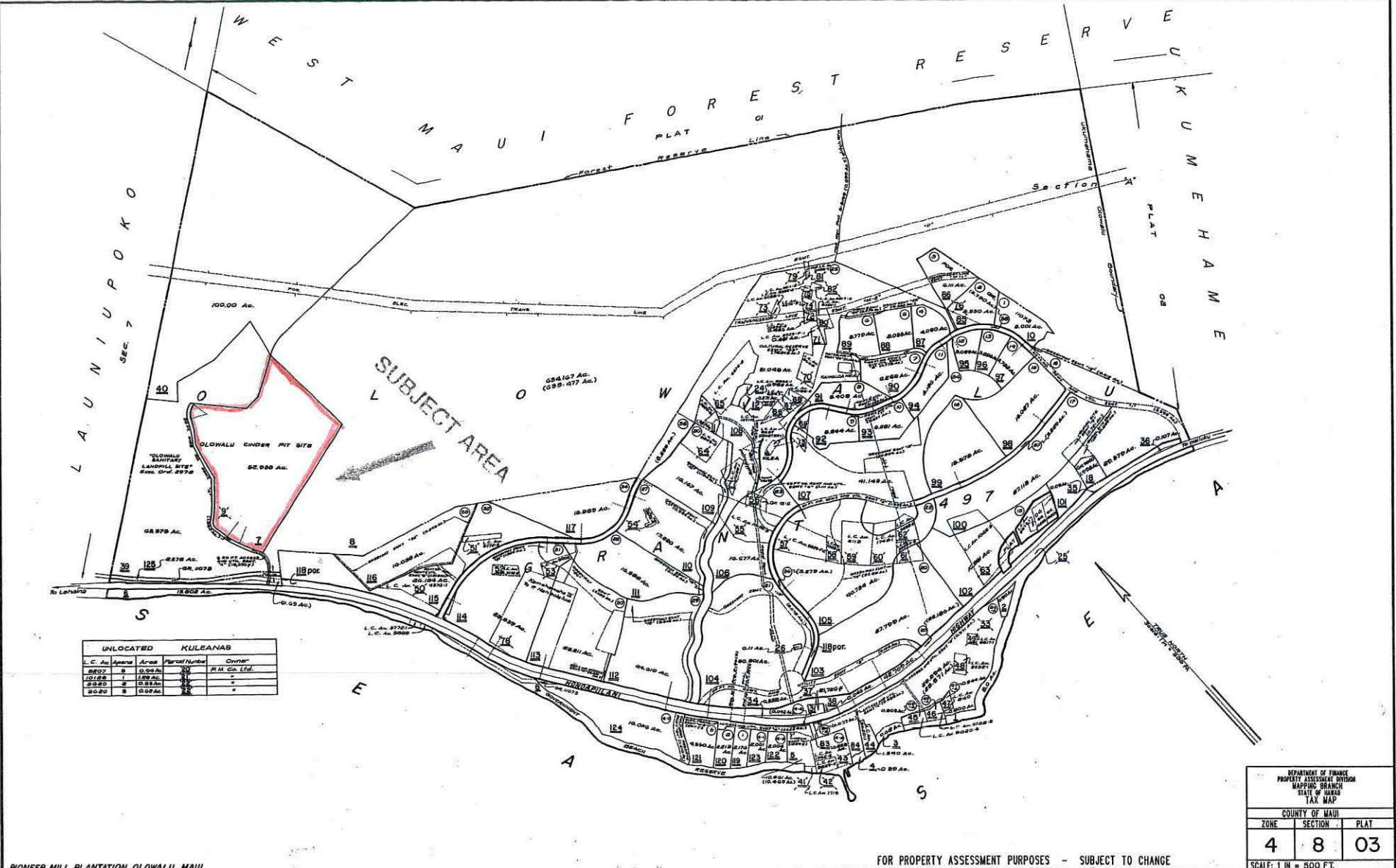
Dawn N. S. Chang, Chairperson

SURVEY TAX MAPS BUREAU & SURVEY DEPARTMENT

BY: JTE/ECB
DT: 1/01

REVISED APRIL 23, 2006
BY: JTE/ECB

REV. 8-1-2001



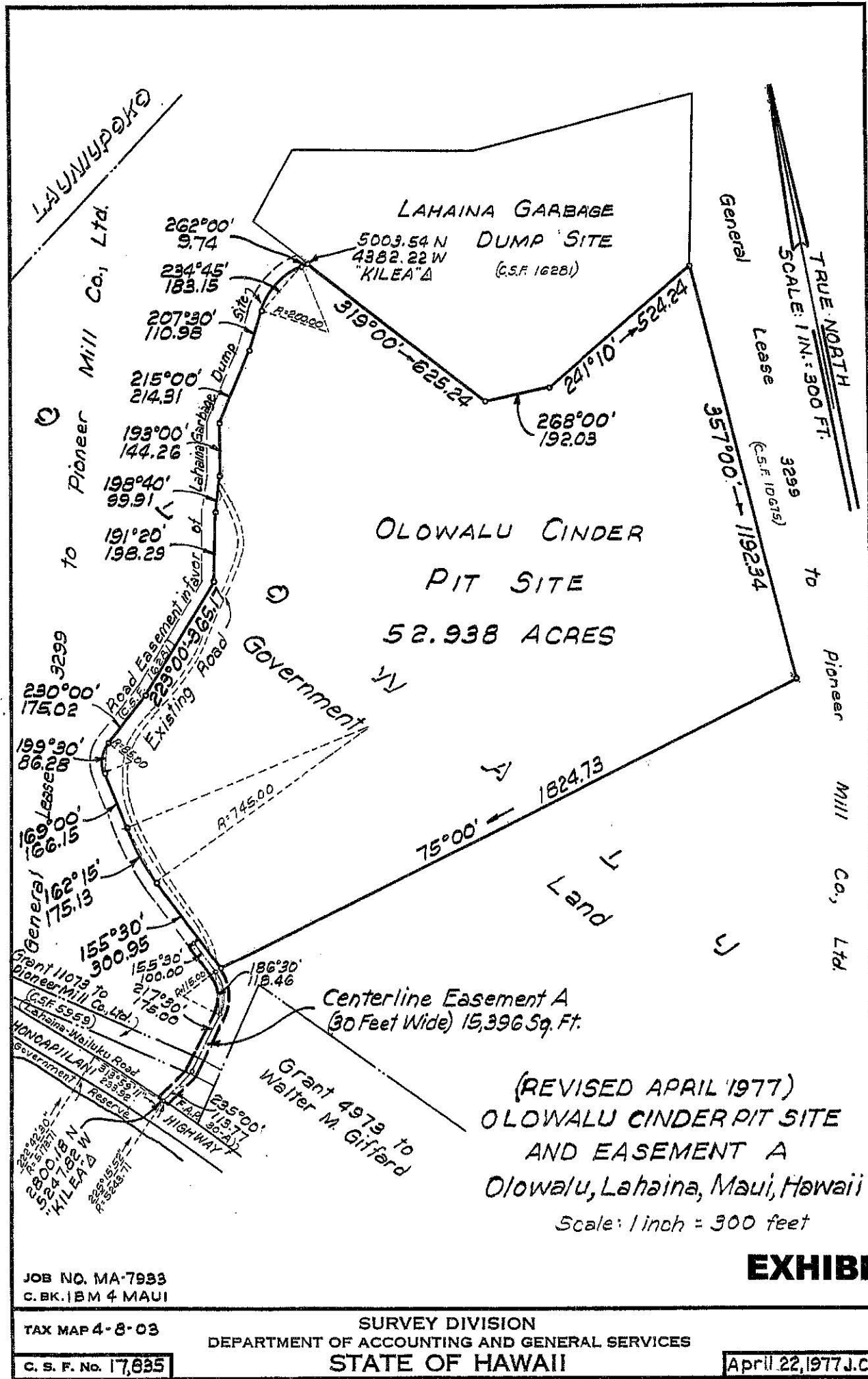
UNLOCATED		KULEANAS	
L.C. No.	Acreage	Parcel Number	Owner
0807	0.0000	118	P.M. Co. Ltd.
0108	1.0000	119	"
0820	2.0000	120	"
0020	0.0000	121	"

DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION MAPPING BRANCH STATE OF HAWAII TAX MAP		
COUNTY OF MAUI		
ZONE	SECTION	PLAT
4	8	03
SCALE: 1 IN = 500 FT.		

PIONEER MILL PLANTATION, OLOWALU, MAUI.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

EXHIBIT A-1



(REVISED APRIL 1977)
 OLOWALU CINDER PIT SITE
 AND EASEMENT A
 Olowalu, Lahaina, Maui, Hawaii
 Scale: 1 inch = 300 feet

JOB NO. MA-7983
 C. BK. IBM 4 MAUI

TAX MAP 4-8-03

C. S. F. No. 17,035

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

April 22, 1977 J.C.

EXHIBIT A-2

480030390000

STATE OF HAWAII
COUNTY OF MAUI
OLOWALU DUMP
65.38 Acres Value \$6,500

View: [Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

Potential TDSR
Site Option

480030070000

STATE OF HAWAII
OLOWALU
52.94 Acres Value \$2,064,600
Last Sale Date 9/14/1998

View: [Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

New lined debris
disposal cell

480030080000

STATE OF HAWAII
DLNR- DIVISION OF FORESTRY & WILDLIFE
OLOWALU
634.17 Acres Value \$3,987,700
Last Sale Date 12/31/2010

View: [Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

Exhibit B

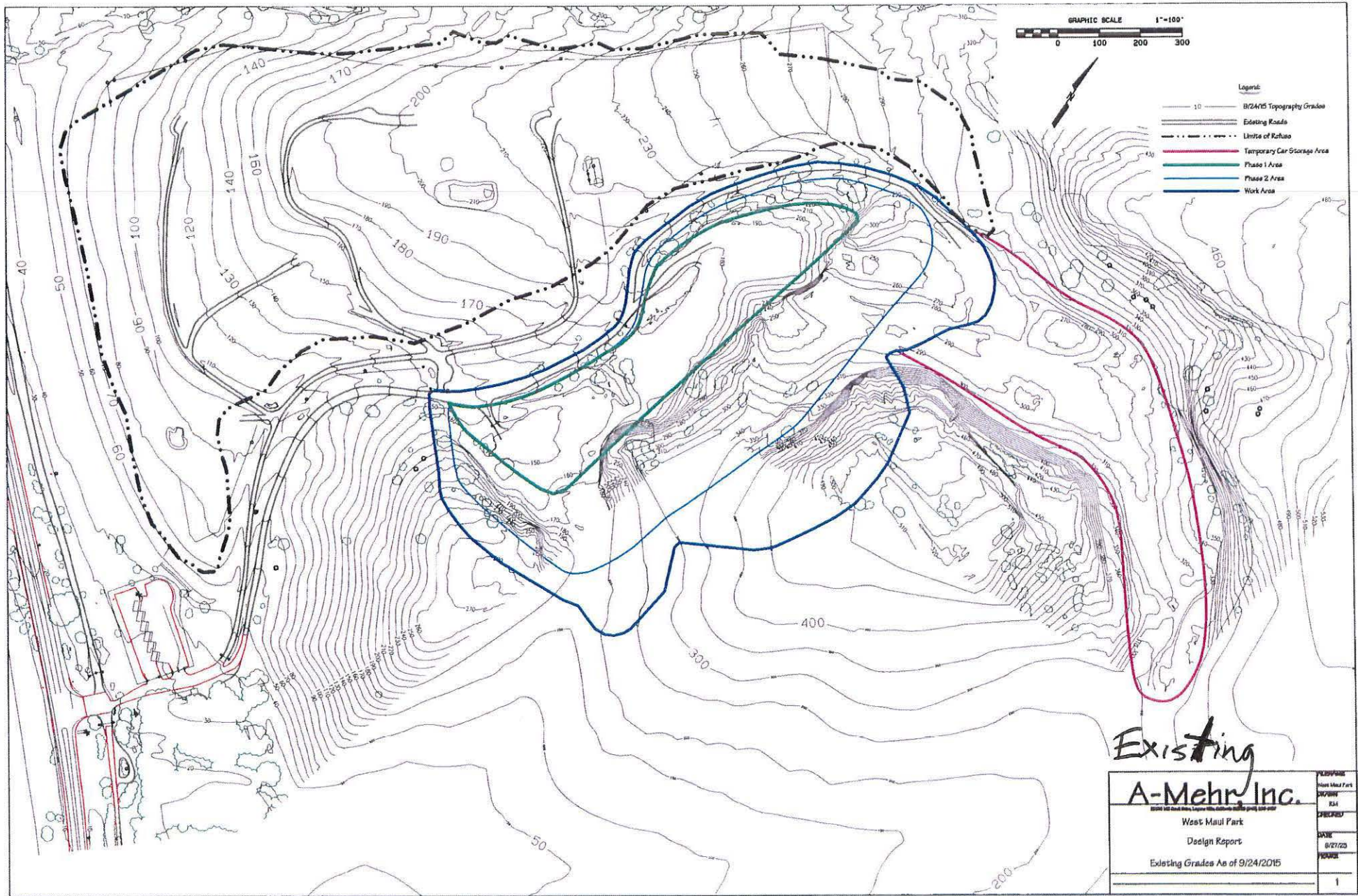
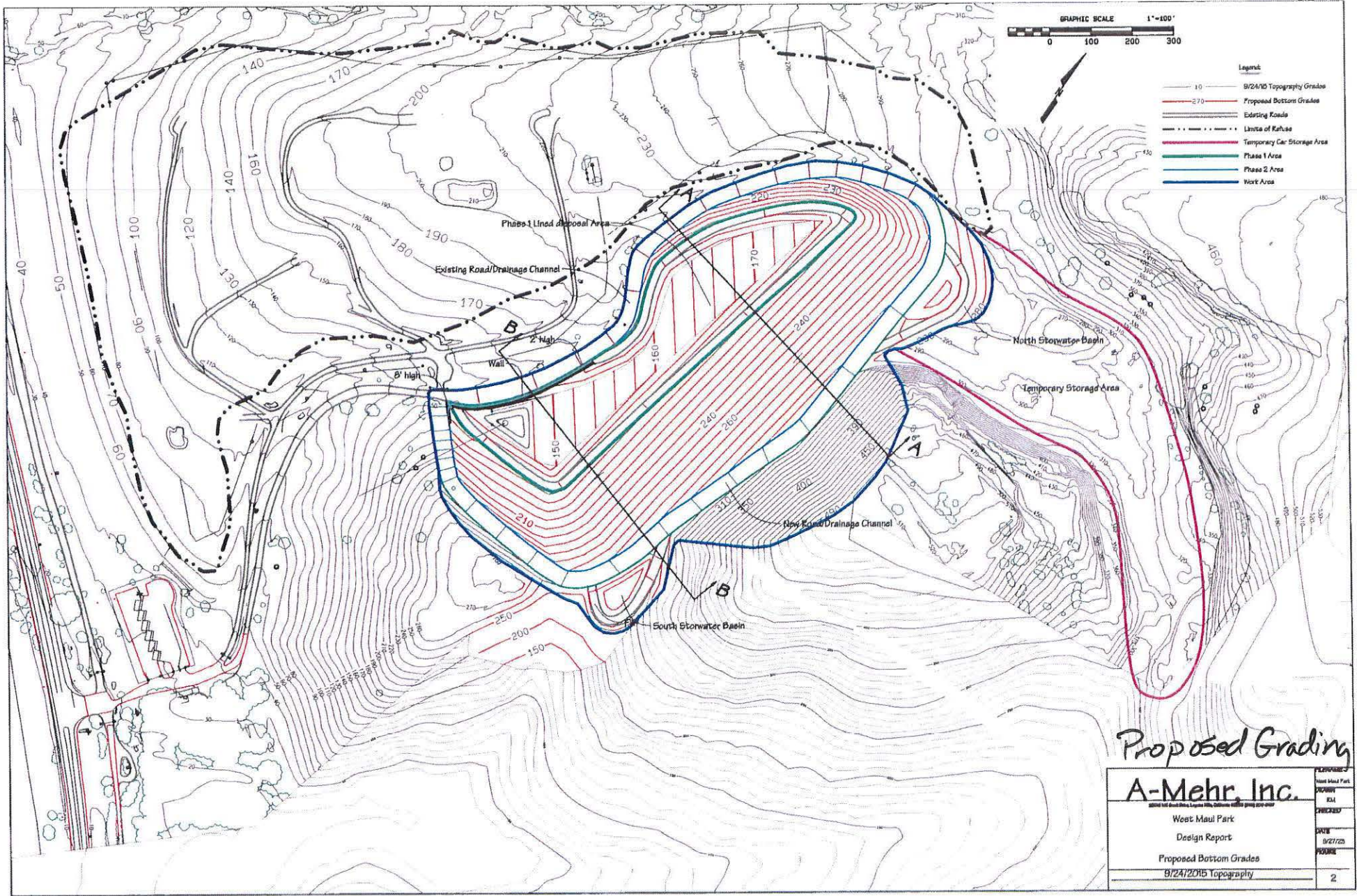


EXHIBIT "C-1"



Proposed Grading

A-Mehr, Inc.		PROJECT	West Maui Park
DESIGN		DRAWN	EM
CHECKED		DATE	8/27/20
DESIGN REPORT		FIGURE	2
PROPOSED BOTTOM GRADES			
8/24/2015 TOPOGRAPHY			

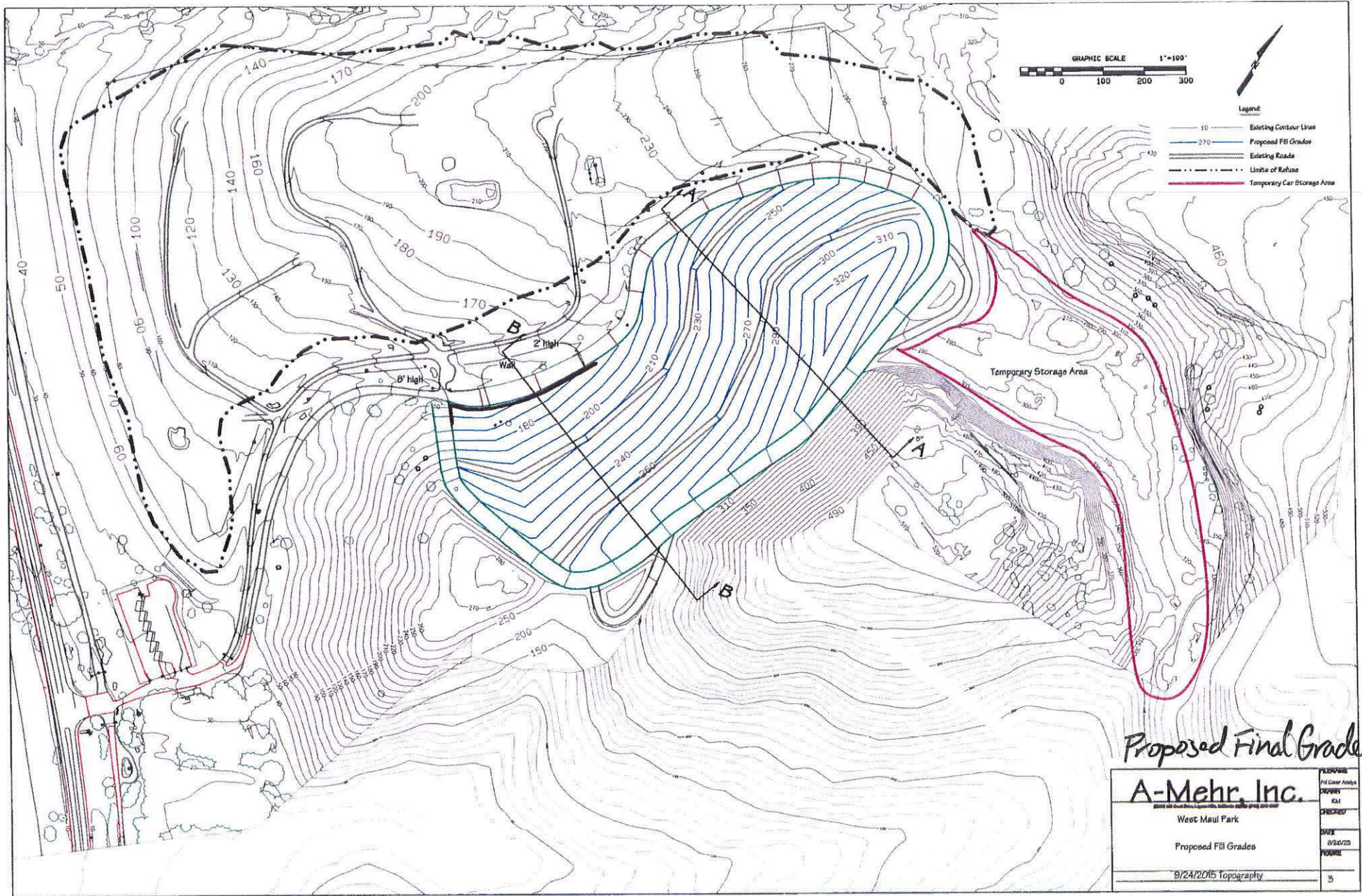


EXHIBIT "C-3"

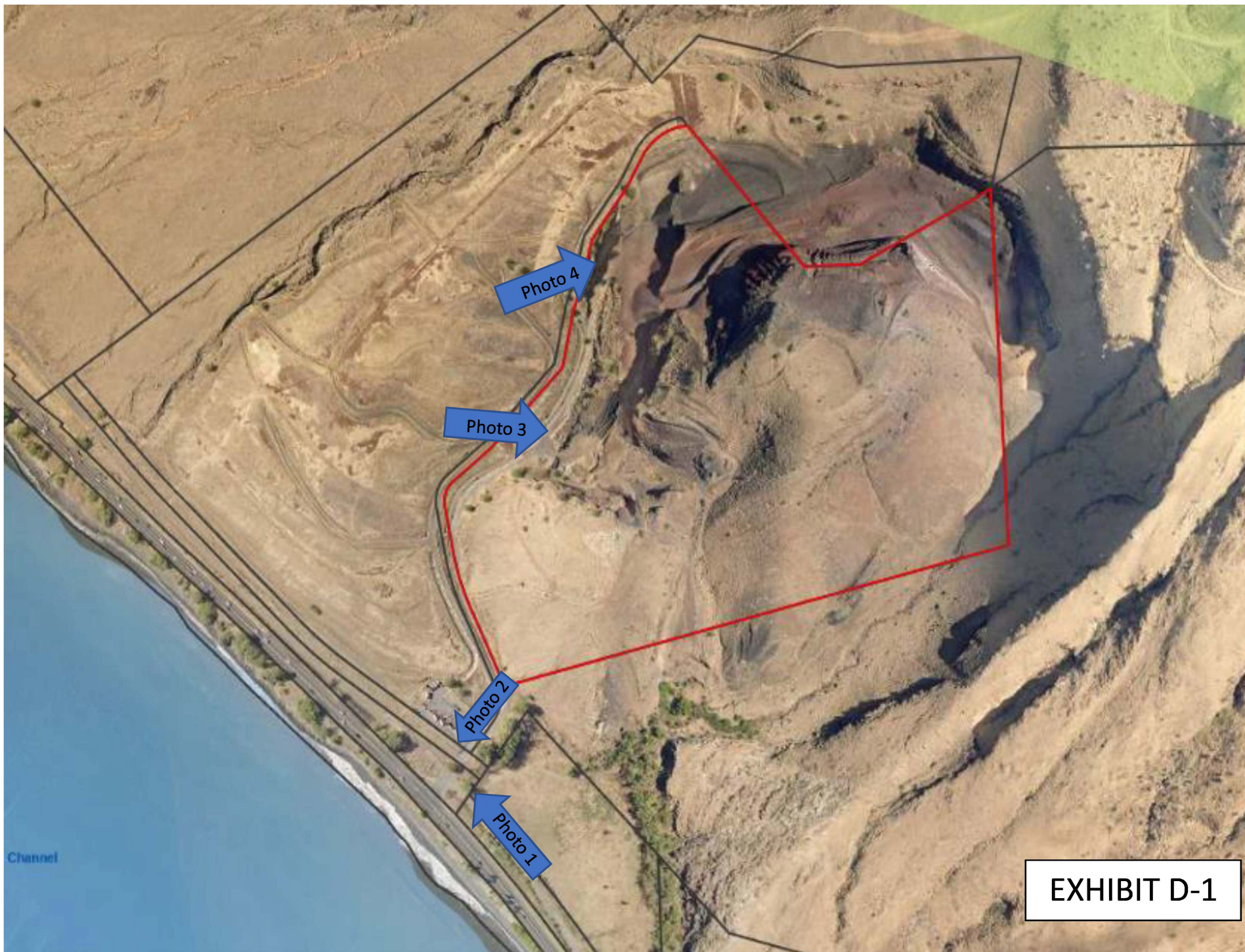


PHOTO REPORT: Lahaina Wildfire Final Disposition Project Site:
TMK (2) 4-8-003:007



Ingress / Egress Includes Existing Left Turn Storage Lane Heading South from Lahaina (Photo 1)



Secured Gate Near Entry onto Honoapiilani Highway (Photo 2)

PHOTO REPORT: Lahaina Wildfire Final Disposition Project Site:
TMK (2) 4-8-003:007



Proposed Lower Debris Land Fill Area at Parcel 007 (Photo 3)



Proposed Upper Debris Land Fill Area at Parcel 007 (Photo 4)

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

September 20, 2023

Honorable Josh Green, M.D., Governor
State of Hawaii
Executive Chambers
State Capitol
Honolulu, HI 96813
VIA EMAIL: transmit.docs@hawaii.gov

Honorable Governor Green,

SUBJECT: REQUEST FOR ASSISTANCE TO MANAGE 2023 WILDFIRE DEBRIS

The catastrophic disaster Maui sustained on August 8, 2023 will forever be immortalized as one of the most significant tragedies in Hawaii's history. Through this adversity the people of Maui remain strong, with the heart to recover, rebuild and move forward. This is not an easy path ahead. Though the hearts and souls of the people of Hawaii people remain steadfast, we need help and resources to recover. The County of Maui would like to thank the State of Hawaii for all the support during these dark days, but request further assistance with the wildfire disaster event.

Currently, the County of Maui is developing a Temporary Debris Staging and Reduction (TDSR) site at its Central Maui Landfill (CML) to receive debris, with CML planned as the final disposal site for the debris. CML is the primary waste disposal site for the island of Maui. This facility is designed to only manage day-to-day incoming refuse from the community. However, the majority of debris is coming from west Maui, approximately 25 miles away, which presents environmental and logistical challenges.

In discussions with my Department of Environmental Management team, there is an alternative location to manage debris that provides many more advantages over CML. The State of Hawaii owns property immediately next to the Closed Olowalu Landfill where a TDSR and new debris landfill can be sited. This location is approximately only 5 miles from Lahaina Town, would be utilized only for the debris from the disaster, and have the following benefits over CML:

- Significant Truck Traffic Reduction – Access from Lahaina to Central Maui is via Honoapiilani Highway, a two (2) lane road (one lane in each direction) from the southern end of Lahaina Town through the Pali area. Additional truck traffic transporting debris to Central Maui will have a

EXHIBIT "E"

significant impact on an already congested, high demand road struggling to meet peak traffic demands;

- Minimize Risk During Whale Watching Season – Another concern is the increase in distracted drivers on Honoapilani Highway during the months of October through March due to the Humpback Whale migration to the islands. Many drivers are easily lured into looking out at the water to see whales breaching and/or surfacing and increasing the risk for conflicts with large trucks hauling debris;
- Reduced Debris Exposure – The longer the debris is in the back of a dump truck during transport, the higher the potential for debris to mobilize into the air, exposing pedestrians and roadside homes to hazardous materials;
- Reduced Vehicle Emissions – With an anticipated thousands of truck loads needed to remove debris, there will be a significant amount of emissions caused by the truck traffic. If the distance each truck needs to travel is significantly reduced, then less emissions caused by this cleanup; and
- Memorial Site Development – The final disposition site for this material will be dedicated for the fire debris from the Lahaina area. Following the closure of the debris landfill, we would propose to use that site to develop a memorial for Lahaina residents to visit to remember loved ones and find closure.
- Central Maui Landfill Airspace – Currently, the County of Maui is in the process of expanding its disposal capacity at the Central Maui Landfill to receive its normal daily waste tonnages. The estimated volumes of debris from the wildfires are equivalent to about two years of landfill capacity at Central Maui Landfill. A separate debris landfill at Olowalu would alleviate those concerns of airspace reduction at the Central Maui Landfill.
- U.S. Army Corps of Engineers (USACE) and the Federal Emergency Management Agency (FEMA) are both in favor of this location as the final disposition site for the Maui wildfires disaster debris.

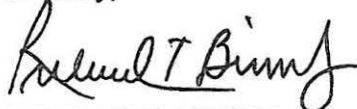
Development of the Olowalu Debris Landfill and TDSR is the most practical option for disposal of debris from West Maui. It will not only protect the environment through a prescriptively lined disposal area, but also protect human health during recovery through reduced traffic incidents and minimum public exposure to debris versus CML. If you and your Administration agrees, we would like to begin discussions to formally evaluate this option for an Olowalu debris landfill and memorial. We anticipate that we will need State assistance with Department of Health permitting and closure requirements for the TDSR and debris landfill, Special Land Use Permitting or District Boundary Amendment, Environmental Assessment (EA) / Environmental Impact Statement (EIS), and granting the County of Maui use and/or entry rights to State owned properties.

We also request that the Governor's Emergency Proclamation be extended to include development of the Olowalu facilities and memorial. We are requesting temporary exemptions under the Emergency Proclamation to allow the County of Maui to begin development of the TDSR and debris landfill as soon as possible. Any necessary permitting requirements that cannot be delayed will be completed as needed to expedite development and operation of the facilities and allow the County of Maui to later meet permitting requirements after-the-fact. Temporary exemptions should be in effect for the development, operation, and closure phases of the proposed Olowalu TDSR and debris landfill.

The Honorable Josh Green, M.D.
September 20, 2023
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Thank you for your time in reviewing our request for the Olowalu Debris Landfill and Memorial. We look forward in continuing the discussion with you and your staff, and please contact Mr. Shayne Agawa, Director of Environmental Management, at (808) 270-8230 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Richard T. Bissen, Jr." The signature is written in black ink and is positioned above the printed name.

RICHARD T. BISSEN, JR.
Mayor, County of Maui

EXHIBIT "E"