

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

November 14, 2025

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

Land Board Members:

SUBJECT: Renewal of an Adopt-A-Harbor Agreement with Mā'alaea Village Association, for Landscape Beautification Purposes at Mā'alaea Small Boat Harbor, Mā'alaea, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-8-014:027 (por.); And

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

**BACKGROUND:**

The Adopt-A-Harbor program was established by the Department of Transportation, Harbors Division ("DOT"), and has since been implemented by the Division of Boating and Ocean Recreation ("DOBOR") at Kahana Bay and Honokōhau SBH. The program is designed to increase the awareness of the importance of Hawaii's harbors, while helping to keep the harbors' land and waterways clean and healthy. Volunteers are encouraged to "adopt" one, or a section of one of the 18 State of Hawaii recreational boat harbors on O'ahu, Kaua'i, Maui, Moloka'i, Lana'i, and Hawaii Island.

Jurisdiction of the Mā'alaea Small Boat Harbor was transferred from DOT to DOBOR by Act 292, Session Laws of Hawaii, 1991 and was set aside to DOBOR by E.O. 4383.

Mā'alaea Village Association ("MVA") was formed by a small group of committed Mā'alaea property owners after the demise of the Mā'alaea Community Association, which served the Mā'alaea community from 1988-2016. MVA received its federal 501(c)3 nonprofit corporation status in August 2017. The purpose of MVA is to protect the unique community of Mā'alaea Village; improve communication between stakeholders; and educate the Mā'alaea/Maui communities and elected officials on the need to preserve our rural, ocean-oriented lifestyle.

In 2022, MVA approached DOBOR with the request to beautify the entrance to the harbor by removing kiawe trees and brush along DOBOR's fence line on Hau'oli Street and replacing it with bougainvillea and native ground cover. Staff suggested entering into an

**Item J-2**

Adopt-A-Harbor Agreement to accomplish this. See **Exhibit A-1 & A-2**, for site location. At its meeting on May 13, 2022, as item J-3<sup>1</sup>, the Board approved the Adopt-A-Harbor Agreement with MVA, for landscape beautification purposes for the period of June 2, 2022, to June 30, 2023.

At its meeting on November 08, 2024, as item J-5<sup>2</sup>, the Board approved a new Adopt-A-Harbor Agreement with MVA, for landscape beautification purposes for the period of December 1, 2024, to November 30, 2025.

The MVA has performed the following under the Agreement:

- MVA excavated and removed the kiawe trees and brush between the harbor storage lot fence and the sidewalk.
- MVA has planted bougainvillea, and a variety of native plants and plumeria trees between the harbor storage lot fence and the sidewalk. MVA also added cinder for enhanced appearance and to inhibit weed growth.
- MVA has verbal agreement with the neighboring Mā‘alaia Mermaid Association of Apartment Owners for access to water so that volunteers can water the plants as needed. The selection of specific plants prioritizes drought tolerance and low maintenance, ensuring minimal water requirements.
- The garden is now thriving and enjoyed by the community. See attachments **Exhibit B-1**, before photos and **Exhibit B-2** after photos.

The Mā‘alaia Village Association would like to continue the Adopt-A-Harbor program and continue performing the following under the Agreement:

- MVA will maintain the area as needed, including trimming the plantings, pulling weeds, and picking up litter. It is anticipated that maintenance will be required 2-4 times annually.
- MVA will seek approval prior to any activities not listed above.
- MVA will continue to maintain the property until this agreement is cancelled, in writing, by either party with 30 days’ notice.
- MVA will maintain a General Liability insurance policy in the amount of \$1,000,000 naming the State of Hawai‘i as additional insured.
- All MVA activities will occur outside the harbor lot fence line.

The term of the renewed Adopt-a-Harbor Agreement will be one (1) year, beginning on December 1, 2025, and ending on November 30, 2026.

The applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and

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<sup>1</sup> The written submittal provided by DOBOR staff in connection with the May 13, 2022 Board meeting’s agenda Item J-3 is publicly available via the Board’s website, at <https://dlnr.hawaii.gov/wp-content/uploads/2022/05/J-3.pdf>

<sup>2</sup> The written submittal provided by DOBOR staff in connection with the November 8, 2024 Board meeting’s agenda Item J-5 is publicly available via the Board’s website, at <https://dlnr.hawaii.gov/wp-content/uploads/2024/11/J-5.pdf>

conditions.

#### CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawai‘i Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred 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, “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing,” Part 1, Item No. 26, which states, “Maintenance of existing landscaping, including planting, trimming, mowing, and irrigation” and Item No. 27, which states, “Maintenance of lands and waters to remove weeds, brushes, grass and other unwanted vegetation.”

#### PUBLIC TRUST ANALYSIS:

Dispositions of ceded lands must be consistent with the public trust. To make such a determination, the Board must consider the following:

1. Presumption in favor of public use;
2. Consideration of practicable alternatives;
3. Clear articulation of the decision.

As the action contemplated here is a renewal of an adoption agreement under the Adopt-A-Harbor program, it does not involve a disposition of ceded lands, staff believes is not subject to the public trust analysis mentioned above. However, staff would like to highlight that the agreement neither conveys rights nor limits public access, but instead establishes a cooperative stewardship arrangement with MVA, a nonprofit dedicated to beautifying the area, and staff believe that the agreement’s purpose, protecting the harbor environment aligns with the values of the public trust, and implementation of the adoption agreement will benefit the public's use of the area.

#### RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Approve the Issuance of an Adopt-A-Harbor Agreement with MVA, 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 Adopt-A-Harbor Agreement, 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; and

- c. Authorize the Chairperson to renew the Adopt-A-Harbor Agreement with the Mā'alaēa Village Association for successive one-year terms for good reason.

Respectfully Submitted,



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MEGHAN L. STATTS, Administrator  
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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DAWN N.S. CHANG, Chairperson  
Board of Land and Natural Resources

Attachments:

- A-1 Site Location
- A-2 Site Location
- B-1 Site Before Beautification
- B-2 Site After Beautification

### EXEMPTION NOTIFICATION

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

Project Title:	Renewal of an Adopt-A-Harbor Agreement with Mā'alaēa Village Association, for Landscape Beautification Purposes at Mā'alaēa Small Boat Harbor, Mā'alaēa, Wailuku, Maui, Hawai'i, Tax Map Key: (2) 3-8-014:027 (por.)
Project / Reference No.:	N/A
Project Location:	Mā'alaēa Small Boat Harbor, Mā'alaēa, Wailuku, Maui, Hawai'i, Tax Map Key: (2) 3-8-014:027 (por.)
Project Description:	Renewal of an Adopt-A-Harbor Agreement with Mā'alaēa Village Association, for Landscape Beautification Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s).:	In accordance with Section 11-200.1-15, Hawai'i Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred 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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 26, which states, "Maintenance of existing landscaping, including planting, trimming, mowing, and irrigation" and Item No. 27, which states, "Maintenance of lands and waters to remove weeds, brushes, grass and other unwanted vegetation."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	None. The actions will not be different from what is already existing.
Action May have Significant Impact on Particularly Sensitive Environment?	The requested area is a portion of the Maalaea Small Boat Harbor that is visited by the community, tourists, and commercial operators and is impacted by human activity. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.
Analysis:	Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.
Consulted Parties:	Land Division, OCCL – Land Division concurs with the EA Exemption and OCCL does not think concurrence is necessary.
Recommendation:	It is recommended that the Board find that 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 A-1**  
**Site Location**  
**Ma'alaea Small Boat Harbor**



Location of  
Adopt-A-Harbor  
Area

**Exhibit A-2**  
**Site Location**  
**Ma'alaea Small Boat Harbor**





**Exhibit B-1**  
**Site Location (Before Photos)**  
**Ma'alaea Small Boat Harbor**





**Exhibit B-2**  
**Site Location (After Photos)**  
**Ma'alaea Small Boat Harbor**





**Exhibit B-2**  
**Site Location (After Photos)**  
**Ma'alaea Small Boat Harbor**



*Photos of volunteers and their families enjoying the garden. Provided by Ma'alaea Village Association with permission to use.*