



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
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AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

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MEMORANDUM

To: Genevieve Salmonson, Director
Office of Environmental Quality Control

From: Dean Y. Uchida, Administrator *[Signature]*
Land Division, Department of Land and Natural Resources

Subject: Final Environmental Assessment (EA)/Finding of No Significant
Impact (FONSI) for the Kaneohe Bay Piers Project TMK: Various
Parcels, Kaneohe, Oahu

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on February 7, 2001, for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the May 8, 2001 OEQC Environmental Notice. ✓

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA for the project. Comments on the draft EA were sought from relevant county agencies, and were included in the final EA.

Please contact Traver Carroll of our Planning Branch at 587-0439 if you have any questions on this matter.

Enclosures

57

MAY 8 2001

FILE COPY

2001-05-08-0A-FEA-

FINAL ENVIRONMENTAL ASSESSMENT
FOR THE (KANEHOE BAY PIER) PROJECT

Pursuant to Chapter 343, Hawaii Revised Statutes, as amended,
And in accordance with Title 11, Chapter 200,
Hawaii Administrative Rules

Department of Land and Natural Resources
Land Division
May 2001

Y900 3111

TABLE OF CONTENTS

	Page
Summary information	1
Chapter 1 Introduction and Project Description	
1.1 Environmental Assessment Document	3
1.2 Identification of Proposing Agency	8
1.3 Identification of Approving Agency	8
1.4 Identification of Agencies, Citizens Groups, and Individuals Consulted	8
1.5 Description of the Proposed Action	8
Chapter 2 Description of the Affected Environment	
2.1 General Description of the Area	11
2.2 Land Use and Zoning	12
2.3 Water Quality	13
2.4 Geographic Features	14
2.5 Marine Environment	14
2.6 Historic, Archaeological, and Cultural Resources	15
Chapter 3 Summary of Impacts, Mitigation Measures, and Alternatives Considered	
3.1 Summary of Impacts	16
Existing Piers	16
Pier Maintenance	17
Beneficial Impacts	18
3.2 Proposed Mitigation Measures	18
3.3 Alternatives Considered	19
Chapter 4 Determination and Findings of No Significant Impact to the Environment (FONSI)	20
Chapter 5 List of All Permits and Land Use Approvals	24
Chapter 6 Comments and Responses to Early Consultation	25
Chapter 7 Comments to Draft EA and Responses	26
References and Exhibits	

SUMMARY INFORMATION

Applicant: Land Division, Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Contact Persons: Traver Carroll
Planning Branch of the Land Division
Phone No.: (808) 587-0439

Approving Agency: Land Division, Department of Land and Natural Resources

Proposed Action: Provide recreational boat pier owners in Kaneohe Bay with permits pursuant to Chapters 171 and 183C, Hawaii Revised Statutes (HRS), and Title 13, Chapter 5, Hawaii Administrative Rules (HAR).

Description of Project:

Inventory and survey approximately 200 existing piers, to determine their status as legal, nonconforming, or unauthorized. Provide owners with required permits to achieve compliance with the State's land use laws. Prepare and process a Master Conservation District Use Permit application to include all owners of unauthorized piers who have agreed to participate in an "Amnesty Program" wherein the Board will pardon the unauthorized pier use. This EA also is intended to cover the issuance of leases for the use of submerged land. [Note: This program does not include encroachments other than unauthorized piers, such as seawalls, fill, boats ramps, steps, etc. The State will continue to deal with these encroachments on a case-by-case basis.]

Project Area: Nuupia Pond (Kaneohe Marine Corps Base-Hawaii) to Waikane, Oahu

Tax Map Keys:

Various parcels within: (plats)

- (1) 4-4-07, 14, 16, 18, 21, 22, 37;
- 4-5-01, 06, 07, 47, 58, 104;
- 4-6-01, 03, 22, 23;
- 4-7-09, 10, 14, 17, 19, 24, 30, 41;
- 4-8-05; and 4-9-01, 03

CHAPTER 1

INTRODUCTION AND PROJECT DESCRIPTION

1.1 ENVIRONMENTAL ASSESSMENT DOCUMENT

In May 1998, the Board of Land and Natural Resources approved a plan to address the problem of unauthorized piers in Kaneohe Bay, island of Oahu. Many shorefront property owners who have ocean-related recreational interest such as boating, swimming, and fishing have constructed piers. Most of these piers lack proper authorization from the State and are therefore considered to be illegal. This problem has persisted for several decades without direct action by the State. Lack of staff resources has made the enforcement of the all of the State's established land use laws difficult.

The goal of this program is to provide owners of unauthorized piers with the required permits to achieve compliance with the State's land use laws and ultimately resolve the illegal pier problem in Kaneohe Bay.

To induce participation in the program from owners of these unauthorized piers, an "Amnesty Program" was created which essentially pardons individuals possessing an unauthorized pier. [Note: This program does not include encroachments other than unauthorized piers, such as seawalls, fill, boats ramps, steps, etc. The State will continue to deal with these encroachments on a case-by-case basis.]

It is not the intent of the Department to pardon "any" action that results in a violation of the State's land use laws. In this case, however, the Department decided that the pier problem was so extensive in Kaneohe Bay that it required a completely different solution than the conventional case-by-case approach to enforcement problems. The Department offered amnesty to unauthorized pier owners who were willing to participate and offered to prepare the necessary permits and environmental documents, in order to increase the likelihood of participation. Another factor considered by the Department was the environment in Kaneohe Bay, which is ideally suited for pier development. Marine and coastal conditions provide an ideal situation for pier development. The long barrier reef, which stretches from Kaneohe Marine Air Force Base northward along the windward coast, provides shelter and calm seas, which are necessary

conditions to maintain structures of these types. As such, from an environmental perspective, the Department feels that pier development is not inconsistent with conservation objectives.

To fulfill the objectives of the Kaneohe Bay Pier Project, the Department, on behalf of participants, will prepare the required documents for two permits: a Conservation District Use Permit (CDUA) establishing the land use for recreational boat piers in the Conservation District (Chapter 183C, Hawaii Revised Statutes, and Title 13, Chapter 5, Hawaii Administrative Rules), and a lease for the land disposition (Chapter 171, Hawaii Revised Statutes). These permits are required because Kaneohe Bay is considered State zoned Conservation land as well as State submerged land. The areas offshore of Kaneohe Bay are, therefore, under the jurisdiction of the Department of Land and Natural Resources.

The purpose of this EA is to identify cooperative individuals with unauthorized piers in Kaneohe Bay and then group them into one Master Conservation District Use Application (past practice for Kaneohe Bay has been to grant after-the-fact approvals on a case-by-case basis). It is the goal of the Department to provide a global solution to the pier dilemma in Kaneohe Bay for the reasons cited above. This is a complex matter due to the fact that there are both authorized and unauthorized piers in the Bay. In addition, there are individuals with unauthorized piers that have not yet come forward to participate in the process and several who have chosen not to participate. Nevertheless, the Department is willing to grant amnesty to those who are willing to work with the Department in bringing their piers into conformance by also agreeing to a land disposition. Those individuals who do not participate in the program will lose their piers.

Generally, if a property owner accepts a lease for a pier, this sets the terms of public liability insurance and rent for the use of the submerged land. As part of the comprehensive public liability insurance policy, an individual agrees to indemnify the State from and against all claims and demands for damages. The pier owner is then responsible for the maintenance of the pier structure and the State land on which it sits. The process ends with the collection of rents by the Department's fiscal office.

For the purposes of this project, a pier is defined as any structure built within the Conservation District on State Submerged Land. (The Conservation District was established on September 18, 1964. Piers built before this date would be considered legal nonconforming (grandfathered). These piers only require a lease agreement with the State. Piers built after this date require both a CDUA and Lease.)

Under the original action plan approved by the Board in 1998 for the Amnesty Program, a pier's status would be determined according to the date it was constructed and the kind of approval held by the landowner. All piers would then be placed into one of three categories: legal, nonconforming, or unauthorized.

A legal pier is pier built after September 18, 1964. For a pier to be considered a legal pier, the property owner would be required to possess a Revocable Permit and a Conservation District Use Application. A nonconforming pier is a pier built prior to September 18, 1964 for which the property owner has a Revocable Permit. An unauthorized pier is a pier built either before or after September 18, 1964 and has one permit but not the other, or no permits from any government authority. In all cases, supporting documentation is required to make a determination on the pier's legal status.

A 1992 photographic index of Oahu's shoreline compiled by the City and County of Honolulu was utilized to develop an inventory of more than 200 shoreline structures, including piers, docks, rocks, and ramps in Kaneohe Bay.

The project area includes the shoreline properties from south of Nuupia Pond (adjacent to the Kaneohe Marine Corps Base - Hawaii) and extends to Waikane, Oahu (Exhibits 1-2).

These structures were linked to the land parcel with which they were associated (Exhibit 3). TMKs were used to identify current property owners, and for recordation purposes each pier was assigned a case no. Pier files were subsequently filed according to TMK numbers.

The Department sent a certified letter to each of the 193 property owners identified in the initial inventory providing information about the Kaneohe Bay Pier Project and the "Amnesty Program" initiated by the Land Division (Exhibit 4). Since this time additional piers have been identified and the State has

made every attempt to contact all known pier owner by letter, meetings or other means.

A survey form was also enclosed (Exhibit 5). The survey requested information about the pier, including what year the pier was built, whether its construction had been authorized, and if the landowner would like to participate in the program. The information also served to confirm the existence of a pier adjoining an individual's property.

In addition to this, Land Division staff conducted an exhaustive search of CDUA files, Revocable Permit files and other source of potential material to obtain as much pertinent information as possible on piers in Kaneohe Bay. This information was compiled and placed in individual files according to TMK numbers. These files are available for review at the Land Division Office, Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii.

Of the approximately 200 letters and survey forms sent to pier owners initially identified in the inventory, 145 surveys were returned and 55 did not respond. 95 pier owners knew what year their pier was built, 90 asked to participate in the Amnesty Program, 3 did not know, 30 had no answer, others said the question was not applicable, and 7 said no, either because they had no pier, they will dismantle the pier or they had a current Revocable Permit for it. A telephone log was also kept. Since this time, the Department has received additional survey forms.

Survey responses revealed that the methodology for categorizing the piers would be problematic. Approximately two-thirds of the respondents to the pier survey did not know what year their pier was built, nor did they possess the documents to support the claim of when the pier was built. In some cases, a pier was built on reclaimed land, which had been disposed of, by sale or lease by the Department. In other cases, an owner had permission for the pier from one agency, such as the Army Corps of Engineers, but did not know if a CDUA and/or Revocable Permit were also required from the Department. There were many cases in which the respondent represented that they were unaware of the need for a CDUP.

To complete the inventory, staff from the Land Division inspected each pier and measured its length, width, and height above the water. Sketches were drawn to illustrate the shape of the structure and photographs were taken for documentation

purposes. A description of materials used for its construction and unique characteristics were also noted. These files are available for review at the Land Division Office, Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii.

Because current pier owners may not have records of their piers, the Department reviewed its files and identified every CDUP issued for piers in Kaneohe Bay. All Revocable Permits issued for a pier in Kaneohe Bay have also been compiled. In addition to the information submitted by respondents, and information compiled during site inspections, the Department has sufficient information about piers in Kaneohe Bay to proceed with this EA and Master Conservation District Use Application.

Another final round of letters was sent to all known pier owners in the study area to ascertain and/or confirm the pier owner's willingness to participate in the program and to glean any additional information to help the Department categorize its cases (Exhibit 6).

For those individuals that choose not to participate in the Amnesty Program, the Department will pursue a long-term program to remove the piers. Due to the cost of removal, the Department will investigate ways to recoup demolition expenses from the abutting landowners who refused to participate in the program. If an abutting landowner decides that they will remove the pier, they should notify the Department of their intentions and coordinate demolition with the State to ensure that natural resources are protected and the site is cleared of all debris. This might involve a follow-up site inspection by Land Division staff to also verify that the pier was removed.

In addition, this program does not include encroachments other than unauthorized piers, such as seawalls, fill, boats ramps, steps, etc. The Department will continue to deal with these encroachments on a case-by-case basis. As such, if a pier owner has other encroachments, the encroachments must be resolved individually, before the pier owner is issued a lease for the pier. However, if a pier owner who has other encroachments wishes to include their pier in the Master CDUA, they may do so by notifying the Department.

In addition to issues relating to permitting, the Department must develop an equitable lease rent for pier owners in Kaneohe Bay. Upon filing of the CDUA, a public hearing will be held to solicit public comments on the program. The matter will then be brought to the attention of the Board of Land and Natural Resources for decision-making. If the Board approves the permit, then lease documents will be prepared to start the land disposition process.

The Department of Land and Natural Resources will have accomplished its objective for the resolution of illegal piers in Kaneohe Bay. Owners of permitted piers will be able to make improvements to their piers and residence subject to other requirements related to shoreline certifications and County building code.

Section 1.2 Identification of Proposing Agency

The Land Division of the Department of Land and Natural Resources is the proposing agency for the actions described in this document.

Section 1.3 Identification of Approving Agency

The Land Division of the Department of Land and Natural Resources is the approving agency for the actions described in this document.

Section 1.4 Identification of Agencies, Citizen Groups, and Individuals Consulted

Federal, State and County Agencies

The U.S. Army Corps of Engineers, Pacific Ocean Division; the State Department of Transportation - Harbors Division; the State Office of Environmental Quality Control; the City and County of Honolulu - Department of Facility Maintenance, Department of Planning and Permitting

Section 1.5 Description of the Proposed Action

The Department of Land and Natural Resources wishes to resolve the unauthorized pier problem in Kaneohe Bay, which has persisted for several decades. There are approximately 200 piers in the Bay, many of which do not have proper government

authorization. To induce participation in the program from owners of these unauthorized piers, an "Amnesty Program" was created which essentially pardons individuals who possess an unauthorized pier, should they cooperate with the State to legalize the pier. [Note: This program does not include encroachments other than unauthorized piers, such as seawalls, fill, boats ramps, steps, etc. The State will continue to deal with these encroachments on a case-by-case basis.]

The ultimate goal of this program is to provide owners of unauthorized piers with the required permits to achieve compliance with the State's land use laws and ultimately resolve the illegal pier problem in Kaneohe Bay.

The following process for implementing the Amnesty Program was developed to meet its objectives to resolve the illegal pier problem in the greater portion of Kaneohe Bay, to establish equity in the use of public lands and to generate revenues for the State:

1. An inventory verifying the pier's existence, current owners and addresses of the adjoining property, the date of its construction, permits currently held and/or authorization from other agencies, and interest in participating in the Amnesty Program.
2. Ground proofing of the inventory by surveying each pier to provide documentation for the case files. The surveys consisted of measuring each pier and recording its length, width, and height above water, with rough sketches made to illustrate its shape, and photographs taken. Materials used for its construction and other existing structures were also noted. These files are available for review at the Land Division Office, Department of Land and Natural Resources, 1151 Punchbowl Street, Honolulu, Hawaii.
3. Preparation of a Master Conservation District Use Permit application pursuant to Chapter 183C, Hawaii Revised Statutes, and Title 13, Chapter 5, Hawaii Administrative Rules, and an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Hawaii Administrative Rules. A public hearing before the Board of Land and Natural Resources will be scheduled during the public review process.

4. Detailed survey data submitted by pier owners will be used by the State's Appraiser to establish the fair value of the lease payments for the use of submerged lands.
5. Letters to be sent to all owners affected by the project to verify their continued participation in the Amnesty Program and as to the status of the Master CDUA and EA.
6. Review by the Board of Land and Natural Resources of the Master CDUA and the request for issuance leases pursuant to Chapter 171, Hawaii Revised Statutes.

CHAPTER 2

DESCRIPTION OF THE AFFECTED ENVIRONMENT

2.1 General Description of the Area

Kaneohe Bay is the northernmost barrier reef in the world and the only barrier reef in the Hawaiian Islands, extending across the mouth of the Bay to include the northwest Mokolii Passage and the southeast Kaneohe Passage, also referred to as the Sampan Channel.

The surface area of Kaneohe Bay at mean sea level is approximately 11,000 acres, or about 8.0 miles long by 2.6 miles wide. There are five major islands in the Bay, Moku o Loe (Coconut Island), Mokoli'i (Chinaman's Hat), Kapapa, Ahu o Laka, and Kekepa (Turtle Back Rock).

Kaneohe Bay has three inshore to offshore zones: a fringing reef zone, a lagoon zone, and a barrier reef complex and three types of reef: fringing reefs, patch reefs, and a barrier reef. Fringing reefs are found in the inshore zone around the shoreline except in areas where freshwater streams enter the Bay or where dredging activities have modified them. Patch reefs are found in the lagoon zone with most of them concentrated near the two channels that bisect the barrier reef. These reefs are round to irregular in shape where coral grows off the inner floor of the Bay and reaches up near the surface.

Most of the recreational activity centers around the central barrier reef flat that extends across the mouth of the Bay and includes the channels at the southern and northern ends, the sand flat and Kapapa Island. The shallow portion of the barrier reef is approximately 3 miles long by 1.2 miles wide.

From 1939 to 1945, the U.S. Navy dredged Mokolii Channel to approximately 10 meters. From 1939 to 1940, the U.S. Navy also dredged a ship channel that extends the length of the Bay and connects the Kaneohe Marine Corps Base - Hawaii with the Mokolii Channel to provide deep draft ship access between the Bay and the open ocean.

The immediate shoreline area in the vicinity of the piers in Kaneohe Bay is generally composed of mudflats, with some thin terrigenous-based beach areas, generally inaccessible by foot to

the general public. Water quality is often impaired due to turbidity from sediments. Because of the generally flat broad terrain, the shoreline areas are either completely submerged at high tide, or dry.

The shoreline of Kaneohe Bay has been extensively altered over the past 100 years with seawalls, channels, dredging, small inlets, piers, jetties, and boat harbors.

Recreational beach resources in the Bay are poor to non-existent. The area is better suited towards boating activities, fishing and crabbing.

2.2 Land Use and Zoning

In the past 200 years, the Kaneohe Bay area has undergone dramatic changes and continues to change as urbanization progresses. The area was used for the cultivation of taro, followed by rice and pineapple, and ended with grazing for pasture purposes. The use of irrigation ditches and water diversions to central Oahu reduced stream flows and have contributed to the deforestation, erosion and siltation in the Bay.

From 1928 to 1945, 280 acres of the Bay was filled to expand Mokapu Peninsula and from 1939 to 1945, approximately 15 million cubic yards of reef material was dredged from the Bay to construct the Kaneohe Naval Air Station and for housing development. These activities were the primary contributor to its degradation.

From 1940 to 1988, the Kaneohe area changed from a rural to residential community. In 1940, the population was 5,387 and by 1988 it had increased to 54,903 requiring more houses, streets and sewers, creating more paved areas and less vegetated areas. The population of windward Oahu was estimated to be the largest during this time.

In addition to the dredging of channels, private inlets for moorings to provide small boat access to shoreline house lots have contributed to the changes in the original coastline. Portions of the shoreline are bordered by sea walls built to control erosion and provide moorings for small boats.

The State land use designation for the islands within Kaneohe Bay, the fishponds, and all submerged land is Conservation with both Protective and Resource subzone designations (See Exhibit 2).

Within the watershed, the Conservation lands are generally along the slopes and crest of the Koolau Mountains including some mauka valleys, and on the upper slopes of the other ridges. The northern portion which includes Waiahole, Waikane, Hakipuu, and Kualoa are in the agricultural district, and the remaining lands are designated Urban.

Federal, State, and local jurisdictions overlap in the land use regulations affecting coastal areas. The lack of adequate resources had made the implementation and enforcement of the State's established regulations and controls difficult. This is just one reason why the problem has persisted for so long.

2.3 Water Quality

Construction in the shoreline area is responsible for increased runoff and sedimentation particularly on the southeastern portion of the Bay. During heavy storms, large deposits of sediment and freshwater have negatively affected coral reef growth where fine sediment is kept in suspension, reducing the clarity of the waters. Much of the material that was removed from the patches and fringing reefs were used to fill in old fishponds along the shoreline or were dumped back into the deeper parts of the Bay. The cumulative impacts have resulted in a highly modified extant marine community leaving little of the original reef structures and shoreline as it was before 1920.

Until 1977-1978, sewage was discharged into the bay from the Kaneohe sewage treatment plant and continues to occur periodically through the outfalls as "bypasses" and as seepage from the aging sewer collection system in urban Kaneohe.

In addition, many streams in the southern portion of the watershed were lined with concrete channels to protect houses built on natural flood plains from periodic flooding causing a reduction of ground water recharge and increase in sediment and freshwater storm runoff flowing into the Bay.

The health of the Kaneohe Bay ecosystem depends chiefly on the water quality in the streams, estuaries, and the Bay. Urbanization of the watershed is the most significant factor affecting water quality. The Bay and its watersheds have served as a living laboratory to analyze the influence of land use on tropical marine resources. However the carrying capacity of the ecosystem for further urban development based on responses to specific parameters is unknown. Changes in reef community structure indicate the ecosystem may be approaching its adaptive limits. Conservative land use decisions controlling future urbanization may be needed.

2.4 Geographical Features

Based on physical characteristics and human activity, the Bay has three distinctive northern to southern geographic sections. In the southern section, commercial, residential, and industrial development and associated activities are far greater than in the north.

In the central section, because of easy access from Heeia Kea Harbor there is a significant amount of recreational activity and use of the central barrier reef flat and sand flat. The only major public boat ramp and harbor, Heeia Kea Harbor is the point of origin of most of the commercial and recreational fishing activities.

The most oceanic section of the Bay is the northeastern portion where there is a large influx of ocean water over deeper parts of the barrier reef and the Mokoli'i Channel. It is also the most rural both on land and water with people pursuing quieter activities such as fishing.

2.5 Marine Environment

Over the last 40 to 60 years, most of the shoreline and marine habitats have been heavily modified. The greatest changes resulted from the extensive dredging beginning in the late 1930's continuing through 1949. A lot of the material that was removed from the patch and fringing reefs were used to fill old fishponds along the shoreline or were dumped back into deeper parts of the Bay. In addition to the dredging and filling, much of the shoreline has been modified with the building of retaining walls, piers, and jetties.

Besides the structural modifications that degraded the marine habitat, urban growth has adversely impacted the marine community. Secondarily treated sewage was released into the southeast sector of the Bay from 1963 through 1978. This nutrient loading caused an increase in certain components of the marine fauna at the expense of others. The substratum characteristics of much of Kaneohe Bay combined with elevated nutrient loading and freshwater influences have favored the development of larger particulate-feeding animal species, such as sponges, tunicates, and barnacles.

In the past, the Bay had one of the largest estuaries on Oahu and has significant value as a marine and freshwater fish nursery area. At one time, there was a diverse population of reef fish in the Bay, including kumu, maomao, and hinalea. Open water fish such as akule, opelu, oio, mullet, nehu, weke, papio and omaka find their way into the southern portion of the Bay. In deeper waters, commercial fishing boats occasionally work the area to catch fish bait, or nehu.

The organisms found in the shallow southeastern reef areas are all species common to that portion of the Bay. None of these organisms are considered rare or endangered. Many of the shoreline species are forms that are tolerant of lowered salinities and are able to thrive in habitats of low environmental quality with minimal disruption.

2.6 Historic, Archaeological and Cultural Resources

Kaneohe Bay's significant historical and cultural features are its fishponds. In the Hawaiian cultural tradition, fishponds were primarily rock walls and used to cultivate fish. In the 19th century, there were 30 fishponds identified in Kaneohe Bay. From 1946 to 1948, 9 fishponds were filled to create land for housing development. Today, only five fishponds are considered intact. Four of the ponds are Kahuluu Fishpond, Heeia Fishpond, Molii Fishpond, and Kanohuluiwi Fishpond.

Most of the other historic, archaeological, and cultural areas of concern are found in the vicinity of coastal ponds and marshes. Nuupia Ponds, adjacent to the Kailua Regional WWTP, is an important wildlife habitat for the Hawaiian Stilt.

CHAPTER 3

SUMMARY OF IMPACTS, MITIGATION MEASURES AND ALTERNATIVES CONSIDERED

3.1 Summary of Impacts

The Kaneohe Bay Pier project does not involve the use of additional natural resources or State Lands. The purpose of the project is to provide owners of unauthorized piers with the required permits to achieve compliance with the State's land use laws and ultimately resolve the illegal pier problem in Kaneohe Bay. Therefore, any impacts resulting from the legalization of piers in Kaneohe Bay would have already occurred. This being said, the presence of existing piers does create some level of environmental impact and change to natural resources. In addition, future maintenance of boat piers could result in minor impacts to the environment, which should be disclosed, evaluated and mitigated.

Existing Piers

There are approximately 200 piers in Kaneohe Bay. Some of these piers were authorized and constructed under a Conservation District Use Application, but the majority were not.

The Department conducted site visits to verify the presence of piers as well as the type and size of the piers. This information is contained in files within the DLNR, Land Division.

Piers in Kaneohe Bay are constructed of different materials and come in a variety of shapes and sizes. Generally, wooden pier platforms are constructed on top of either wood or concrete pilings. Pier sizes vary, from small docks, abutting a seawall, to long shore perpendicular piers. Floating piers are also present in the Bay. In addition, some docks are made of fiberglass.

These piers impact the environment because they: 1) occupy public space (shore area), 2) introduce a visual element to the shore area, and 3) impact marine substrate and biota. [Note: Any impacts to marine substrate and marine biota would have likely occurred when the pier was constructed. These impacts are difficult or impossible to assess today.]

In terms of the impact to public space, the DLNR is of the opinion that such impacts are not significant since the shore area of Kaneohe Bay is not actively sought-out for beach recreation. Most of the recreational activity centers around the central barrier reef flat that extends across the mouth of the Bay and includes the channels at the southern and northern ends, the sand flat and Kapapa Island. The shallow portion of the barrier reef is approximately 3 miles long by 1.2 miles wide.

The immediate shoreline area in the vicinity of the piers in Kaneohe Bay is generally composed of mudflats, with some thin terrigenous-based beach areas, generally inaccessible by foot to the general public. Water quality is often impaired due to turbidity from sediments. Because of the generally flat broad terrain, the shoreline areas are either completely submerged at high tide, or dry.

Recreational beach resources in the Bay are poor to non-existent. The area is better suited towards boating activities, fishing and crabbing. The existing piers are not expected to impact fishing and crabbing activities.

Visual impacts are difficult to analyze due to the different ways people view the natural and built environments. A pier may be aesthetically appealing to some viewers and unappealing to others. The effect of building a pier on a pristine shoreline would certainly be negative. However, the shoreline of Kaneohe Bay has been extensively altered over the past 100 years with seawalls, channels, dredging, small inlets, piers, jetties, and boat harbors. Piers have become an integral feature along the Kaneohe Bay shoreline and their effect on the visual quality of the area is not presently a concern.

Pier Maintenance

If a Conservation District Use Application and land dispositions are finally issued to pier owners, it is anticipated that some pier maintenance work would be conducted. Impacts resulting from pier maintenance could involve increases in turbidity and disturbance of bottom sediments, if pier foundations are removed and replaced. In addition, impacts to the marine environment could occur from improper construction methods, resulting in the discharge of toxic substances and debris into the water.

Overall, impacts from pier repairs can be minimized with proper mitigation measures.

Beneficial Impacts

This program could have a positive environmental impact in two ways. First, pier owners would be able to repair existing dilapidated structures in the Bay. Secondly, monies generated from the leasing of piers in Kaneohe Bay would be dedicated to the State's Special Beach Restoration Fund. These monies would be used towards the improvement of degraded beach areas to the benefit of the general public.

It is the intent of DLNR to dedicate revenues received from pier lease rents in Kaneohe Bay to the Beach Restoration Fund.

3.2 Proposed Mitigation Measures

The approximately 200 piers in Kaneohe Bay are existing structures and for this program, no new structures are proposed. Any improvements that will be made to the existing piers will not cause adverse impacts to the environment.

For pier repairs, the following mitigation measures should be followed:

1. Fabrication and assembly of new decks should take place, as much as possible, on fast land.
2. Wooden and other parts treated with preservative, paint, varnish, antifoulant, or other protective coatings, or fabricated from volatile materials such as fiberglass resin, should be cured or dried for a least one week before they are placed in contact with the water.
3. Pier owners must prevent liquid and solid wastes, debris and rubbish from washing, blowing or blowing into the water.
4. Any filling of submerged land is prohibited expressly without separate approval.

5. Pier foundation replacement should be coordinated with the appropriate State and Federal agencies to ensure that impacts to marine substrate, coral, or other marine organisms is avoided or minimized.

3.3 Alternatives Considered

The alternatives considered to the proposed action were the "No Action" alternative and the "Removal" alternative.

The "No Action" alternative would be to do nothing, leaving the 200 structures unauthorized and illegal. However, this alternative is contrary to the intent of the Board in its approval of the action plan for the project.

The other alternative would be to remove the existing piers, an action likely to cause a greater disturbance to the ecological system (Studies have shown that piers provide a small contribution to habitat value by enhancing the fish population through the deliberate placement of hard substrate).

The preferred alternative, therefore, is to work with existing pier owners to bring them into conformance with State land use laws, resulting in the legalization of piers in Kaneohe Bay.

CHAPTER 4
DETERMINATION AND FINDINGS OF NO SIGNIFICANT IMPACT TO THE
ENVIRONMENT (FONSI)

In accordance with provisions set forth in Chapter 343, Hawaii Revised Statutes, and the significance criteria in Section 11-200-12 of the Department of Health Administrative Rules, it has been determined that, based on the fact that the purpose of the project is to provide owners of unauthorized piers with the necessary permits to bring them into compliance with State land use laws, the implementing actions described herein are not expected to result in significant social, economic, cultural, or environmental impacts. The proposed issuance will not have any significant adverse effects on the environment.

Although some minor, short-term impacts are expected to occur from pier maintenance, these impacts, if properly mitigated, would be negligible.

- 1) The project will not involve an irrevocable commitment to loss or destruction of any natural or cultural resource.

No loss or destruction of any resources will be involved as the land use is preexisting. No new structures are proposed and no alterations to the land will be made, except for routine maintenance. The project represents the State's commitment to preserve and enhance the natural, cultural, and recreational resources within Kaneohe Bay.

In addition, monies generated from lease rents could be utilized for beach restoration projects, which will enhance the beneficial use of the environment by replacing sections of lost beaches, and providing enhanced opportunities for recreation (beach use and access to the sea), cultural expression and ecological processes.

- 2) The project will not curtail the range of beneficial uses of the environment.

The approximate 200-shoreline structures are preexisting; therefore, there will be no additional environmental impacts resulting from implementation of this program. The Department expects that minor improvements will be made to individual piers after they are permitted. However, these improvements are not expected to result in adverse effects to the physical, social and cultural, and economic values for the area.

The restoration of the historical Kokokahi Pier at the Kokokahi YWCA is the only pier in which major construction work is proposed. It is severely deteriorated, consisting of concrete and steel pilings with a wood framed deck.

The loss and displacement of some marine life is expected, but the marine populations from adjacent areas may re-establish themselves within a period of time. Construction activity will cause turbidity and an increase in the nutrient will result in a temporary reduction of oxygen due to anoxic sediments impacting the surrounding marine environment.

Traffic noise from the heavy construction vehicles traveling to and from the site will comply with the noise control provisions in Title 11, Chapter 42, of the Health Department's administrative rules.

Any impacts associated with its restoration are expected to provide useful benefits to the public by giving access to the Bay's resources, for boating, fishing, swimming, and crabbing activities. Other impacts will be short-term and are not expected to result in significant adverse effects.

- 3) The project does not conflict with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, court decisions, or executive orders.

There is no conflict with the environmental policies, goals and guidelines of the State. In fact, the program seeks to enhance the efforts of the State to meet the responsibilities to protect and preserve the natural and biological values of the existing environment and shoreline structures.

- 4) The project will not substantially affect the economic or social welfare of the community or State.

Implementation of the project's action plan will not result in significant adverse impacts that will affect the community's social or economic welfare. After the permits are issued to the owners of the piers and improvements are completed, the economic value of the residential property and the larger community will be enhanced.

The collection of rental fees for the revocable permits will have positive economic impacts of statewide significance and for beach restoration.

- 5) The project will not substantially affect the public health.

Legalization of the piers will have a positive impact on the public's health and safety. The site inspections conducted identified a number of piers that are no longer safe for public use. In some cases, the owner is no longer interested in maintaining the pier and has left it to further deteriorate; in other cases, approval for a building permit could not be secured to make improvements to it.

- 6) The project will not involve substantial secondary impacts, such as population changes or have effects on public facilities.

Implementation of the Amnesty Program is not expected to have primary or secondary impacts as the use is preexisting.

- 7) The project will not involve substantial degradation of environmental quality.

The program's objective is to formally establish an existing land use and will not substantially degrade the environmental quality of the Kaneohe Bay area. It is expected that there will be little, if any, activity that will compromise the integrity of the marine environment and the surrounding residential community.

- 8) The project does not have a cumulative effect on the environment, nor does it involve a commitment for larger actions.

The Kaneohe Bay Pier Project and its component, the Amnesty Program seeks to provide owners of existing piers with an alternate method to obtain the land use permits. Any impacts associated with the existing pier structures are negligible. The project does not involve any commitment to the occurrence for larger actions.

- 9) The project does not substantially affect a rare, threatened, or endangered species, or its habitat.

There are no rare, threatened, or endangered species known to exist within the project area.

- 10) The project will not detrimentally affect air or water quality or ambient noise levels.

There is expected to be no major activities affecting air or water quality and noise levels. With the exception of the restoration of the Kokokahi Pier, no major improvements are proposed at this time.

- 11) The project is located within an environmentally sensitive area such as a flood plain and tsunami zone.

The project area is located within the Flood Emergency Management Agency (FEMA) hazard zone and within the Civil Defense Inundation Zone. The shoreline areas are subject to storm wave and tsunami inundation.

- 12) The project will not substantially affect scenic vistas and view planes identified in county or state plans or studies.

The views of Kaneohe Bay from Kaneohe Bay Drive are largely blocked by the residential development. No scenic views of ocean or mountain resources will be affected.

- 13) The project does not require substantial energy consumption.

Other than energy and resources for pier repairs, no additional energy requirements are foreseen.

Chapter 5

List of All Permits and Approvals Required

The Board of Land and Natural Resources is responsible for governing land use on all lands located in the Conservation District, whether publicly or privately-owned, and administering and exercising control over the public lands of the State.

Submerged lands are public State-owned lands within the Conservation District. Land use requests for conditional use of these submerged lands require the Board to act and decide as both the regulator of the Conservation District and the land manager of public lands. The authorization and documentation for a pier requires approval by the Board for a CDUA as well as the land disposition.

Recreational boat piers built after September 18, 1964, require Board approval of a Conservation District Use Permit and a lease for land disposition. Both permits are administered by the Department of Land and Natural Resources, pursuant to Chapters 171 and 183C, Hawaii Revised Statutes.

The Coastal Zone Management Act created special management areas (SMA). Any "development" within the SMA requires an SMA permit from the City and County of Honolulu's Department of Planning and Permitting. Piers are located seaward of the shoreline and are therefore, not within the County Special Management Area.

A U.S. Army Corps permit would be required for work within navigable waters of the United States of America. Pier foundation replacement would require consultation with the U.S. Army Corps District Engineer to determine applicable permit requirements.

If the U.S. Army Corps requires an individual permit for pier repairs, a permit (401 Water Quality Certification) would also be required from the State Department of Health, Clean Water Branch.

Chapter 6
Comments and Responses of Early Consultation

Federal, State and County Agencies

The U.S. Army Corps of Engineers, Pacific Ocean Division, the State Department of Transportation - Harbors Division; the State Office of Environmental Quality Control; the City and County of Honolulu - Department of Facility Maintenance, Department of Planning and Permitting; and the Division of Boating and Ocean Recreation and the Land Division of the Department of Land and Natural Resources were consulted during the preparation of this document.

Citizen Groups

Staff from the Land Division made informal presentations of the Kaneohe Bay Pier project and the Amnesty Program to the Kaneohe Neighborhood Board and the Kaneohe Regional Council.

To date, there are no written comments or responses received regarding the early consultation provisions of section 11-200-9(a)(1), Hawaii Administrative Rules.

Chapter 7
Comment Letters to Draft EA and Responses

RECEIVED
LAND DIVISION
PHONE (808) 594-1888

2001 FEB 28 P 1:19

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

February 22, 2001

Mr. Dean Y. Uchida, Administrator
Land Division
Department of Land and Natural Resources
P. O. Box 621
Honolulu, HI 96809

Subject: Conservation District Use Application (Board Permit) OA-3017B for
Kaneohe Bay Piers Project, Kaneohe, Oahu

Dear Mr. Uchida:

Thank you for the opportunity to comment on the above referenced project.

The Office of Hawaiian Affairs is concerned about the State's past failure to collect rent for the Kaneohe Bay Piers and supports this current effort to resolve the unauthorized pier problem.

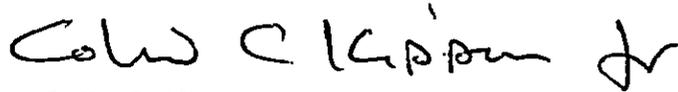
As you may be aware, the Public Land Trust consists of those lands acquired under Sections 5(f) of the Admission Act. Chapter 10-13.5, Hawai'i Revised Statutes, states:

"Twenty per cent of all revenue derived from the public land trust shall be expended by the office for the betterment of the conditions of native Hawaiians."

This project is located on state submerged lands which constitute "ceded" lands subject to the trust. Therefore, OHA is entitled to 20% of the pro rata share of the revenues generated from the rents from pier users. By failing to collect rent for the use of these lands, the State of Hawaii risks breaching the trust.

If you have any questions, please contact Sharla Manley, assistant policy analyst at 594-1944, or e-mail her at sharlam@oha.org.

Sincerely,

A handwritten signature in black ink that reads "Colin C. Kippen Jr". The signature is written in a cursive style with a small "jr" at the end.

Colin C. Kippen, Jr.
Deputy Administrator

CK: sam

cc: Board of Trustees
Randall K. Ogata



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Colin Kippen, Deputy Administrator
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 500
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B

Thank you for your letter dated February 22, 2001, commenting on the subject CDUA and Draft Environmental Impact Statement (DEIS). We offer the following responses in the respective order of your comments:

The Land Division has also been concerned about the State's past failure to collect rent for the Kaneohe Bay Piers. This CDUA and DEIS are part of an attempt to find a resolution to a problem, which has persisted for several decades.

The Land Division is aware of the fact that the project is located on "ceded" lands subject to the Public Land Trust, and fully expects that OHA will receive the pro rata share of the revenues, generated from the rents from pier users, to which it is entitled.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

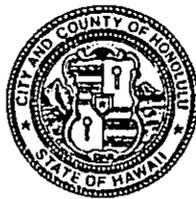
Dean Y. Uchida, Administrator
Land Division

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

RECEIVED
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: www.co.honolulu.hi.us

2001 MAR 12 A 10:59

JEREMY HARRIS
MAYOR



RANDALL K. FUJIKI, AIA
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

2001/CLOG-603(RY)

March 8, 2001

Mr. Dean Y. Uchida
Administrator, Land Division
Department of Land and Natural Resources
State of Hawaii
PO Box 621
Honolulu, Hawaii 96809

Dear Mr. Uchida:

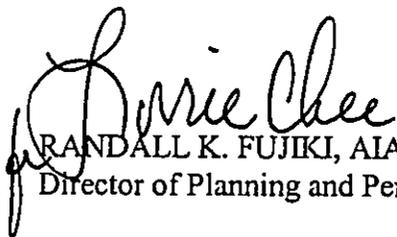
Subject: Conservation District Use Application (Board Permit)
For Kaneohe Bay Piers Project, Kaneohe, Oahu

We have the following comment for your consideration:

Affected pier owners should be notified that any portion of the piers located mauka of the certified shoreline may be within City jurisdiction, and if so, are subject to City permits and approvals not covered under the Conservation District Use Permit. Thank you for the opportunity to comment.

If you have any questions, please contact Raymond Young of our staff at 527-5839.

Sincerely yours,


RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:lh
7773



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Randall K. Fujiki, AIA
Director of Planning & Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated March 8, 2001, commenting on the subject CDUA and Draft Environmental Impact Statement (DEIS). We offer the following response to your comments:

Because a shoreline survey is an integral part of the Conservation District land leasing process, the Land Division and pier owners will automatically be made aware of any portions of piers that may be within City jurisdiction, and therefore are subject to City permits and approvals.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Y. Uchida".

Dean Y. Uchida, Administrator
Land Division

Suspense Date: March 3, 2001

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii

MEMORANDUM

To: William Devick, Administrator
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Permit OA-3017 (B)

Comments Requested By: Dean Uchida, Land Division

Date of Request: 2/7/01

Date Received: 2/9/01

Summary of Project

Title: Kaneohe Bay Piers Project

Proj.: DLNR

Location: Kaneohe Bay, Oahu

Brief Description:

The Department of Land and Natural Resources seeks to resolve the unauthorized pier problem in Kaneohe Bay, which has persisted for several decades. An "Amnesty Program" has been created to pardon the owners of the unauthorized piers with rental agreement for use of State land.

Comments:

If State leases are issued for these structures, we suggest that any construction or maintenance of these piers or submerged lands be submitted to the Department for review to protect the recreational values of surrounding waters and nearby baitfish utilized by the State's commercial fishing industry.

We also note that lease of submerged lands for pier purposes may require, pursuant to Section 171-36 (a) (9), HRS "a sign or signs be placed on the pier, clearly visible to the public, which indicates the public's right to use of such pier".



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
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CONVEYANCES
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LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

William Devick, Administrator
Division of Aquatic Resources (DAR)
1151 Punchbowl St., Room 330
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B

Thank you for your letter dated March 1, 2001, commenting on the subject CDUA and Draft Environmental Impact Statement (DEIS). We offer the following responses in the respective order of your comments:

The Land Division will refer any applications for CDUA amendments for maintenance or additional construction of piers to the DAR for review.

Regarding the placement of signs on the piers indicating the public's right to use the pier, this has been a condition of the presently issued Revocable Permits. The Amnesty Program will involve fifty-five (55) year leases with no "public pier" condition.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Y. Uchida".

Dean Y. Uchida, Administrator
Land Division

Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

February 9, 2001

MEMORANDUM

TO: Traver Carroll
Land Division

THRU: Dean Uchida, Administrator
Land Division

FROM: Michael G. Buck, Administrator 
Division of Forestry and Wildlife

SUBJECT: Request for Comments - CDUA OA - 3017B, Kaneohe Bay Piers
Project Oahu.

We have reviewed this CDUA application for the subject above and do not have any objections to the proposed project, as the inventory and survey of approximately 200 existing piers to determine their status as legal, nonconforming, or unauthorized along Kaneohe Bay will not impact any of DOFAW's management programs. Thank you for the opportunity to comment.

C: Oahu DOFAW Branch



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
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CONSERVATION AND
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Michael G. Buck, Administrator
Division of Forestry & Wildlife (DOFAW)
Department of Land & Natural Resources
1151 Punchbowl Street, Room 325
Honolulu, HI 96813

**SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project**

Thank you for your letter dated February 9, 2001. We acknowledge that you do not have any objections to the proposed project and that it will not impact any of DOFAW's management programs. Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

Dean Y. Uchida, Administrator
Land Division

DOCARE-18 DOCARE-18 File Number 3017B-OA

Applicant DEPARTMENT OF LAND & NATURAL RESOURCES

Contact TRAVER CARROLL, 587-0439

Location VARIOUS PARCELS, KOOLAUPOKO, OAHU

Project Summary PROVIDE RECREATIONAL BOAT PIER OWNERS IN KANEOHE BAY WITH PERMITS

Project Description LAND DIVISION PROPOSES TO INVENTORY AND SURVEY APPROX 200 EXISTING PIERS AND THEN PROVIDE OWNERS WITH THE REQUIRED PERMITS TO ACHIEVE COMPLIANCE WITH STATE LAND USE LAWS

Branch Assigned OAHU Date Referred 2/14/01 Date Due 2/28/01

Instructions REVIEW THE ATTACHED APPLICATION AND COMMENT WITH RESPECT TO DOCARE'S CURRENT AND FUTURE PROGRAMS. NO SITE INSPECTION IS NEEDED. IF NO RESPONSE IS RECEIVED, LAND DIVISION WILL ASSUME THAT THERE ARE NO COMMENTS.

Branch Report Number Officer Assigned

Date Assigned Date of Inspection

Has Work Been Initiated Yes No

Describe

Were Any Discrepancies Noted Yes No

Remarks

Is Approval Recommended Yes No

Notes

Final Disposition NO COMMENT - OAHU BRANCH [Signature]



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

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WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Gary D. Moniz, Administrator
Division of Conservation & Resources Enforcement
Department of Land & Natural Resources
1151 Punchbowl Street, Room 311
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated February 14, 2001. We acknowledge that you do not have any comments regarding the proposed project. Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

Dean Y. Uchida, Administrator
Land Division



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
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LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

February 9, 2001

Ref.: LD/BC

MEMORANDUM

TO: Dean Y. Uchida, Administrator, Land Division
ATTN: Traver Carroll
FROM: Barry Cheung, Oahu District Land Office
SUBJECT: Request for comments - CDUA Application
Kaneohe Bay Piers Project

I have no comment.

A handwritten signature in cursive, appearing to be "bc".



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 821
HONOLULU, HAWAII 96809

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CONVEYANCES
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LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Charlene E. Unoki, Supervising Land Agent
Oahu District Branch
Department of Land & Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated February 9, 2001. We acknowledge that you do not have any comments regarding the proposed project. Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Y. Uchida".

Dean Y. Uchida, Administrator
Land Division

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
JANET E. KAWELO
LINNEL NISHIOKA

RECEIVED
LAND DIVISION

2001 APR 17 A 11:11

DEPT. OF LAND AND NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE
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CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

April 12, 2001

MEMORANDUM

LOG NO: 27258
DOC NO: 0104EJ09

TO: Dean Uchida, Administrator
Land Division

FROM: Don Hibbard, Administrator
Historic Preservation

A handwritten signature in black ink, appearing to read "DH", is written over the name "Don Hibbard" in the "FROM" field.

SUBJECT: Chapter 6E-8 Historic Preservation Review – Conservation District Use
Application Kane`ohe Bay Piers Project
Kane`ohe, Ko`olaupoko, O`ahu
TMK: Offshore

According to the documentation, the Department wishes to resolve the unauthorized pier problem in Kane`ohe Bay. The goal of this action is to provide owners of unauthorized piers with the required permits to achieve compliance with the State's land use laws. Since no new structures are proposed and any improvements will be made to the existing piers, we believe that the approval of this permit will have "no effect" on significant historic sites.

Should you have any questions, please feel free to contact Sara Collins at 692-8026 or Elaine Jourdane at 692-8027.

EJ:jk



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 821
HONOLULU, HAWAII 96809

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STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Don Hibbard, Administrator
Historic Preservation
Department of Land & Natural Resources
Kakuhikewa Building, Room 555
601 Kapolei Boulevard
Kapolei, HI 96707

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated April 12, 2001. We acknowledge that you do not have any objections to the proposed project, because no new structures are proposed and that the permit will have no effect on significant historic sites. Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

Dean Y. Uchida, Administrator
Land Division

**DLNR-LAND DIVISION
ENGINEERING BRANCH**

Ref: PB:TC

COMMENTS

DLNR's objective of legalizing the existing piers in Kaneohe Bay to resolve the unauthorized pier problem does not affect our current projects.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Andrew M. Monden, Chief Engineer
Engineering Branch
Department of Land & Natural Resources
1151 Punchbowl Street, Room 221
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated March 20, 2001. We acknowledge that you do not have any objections to the proposed project and that it will not affect any of the Engineering Branch's current projects. Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Uchida".

Dean Y. Uchida, Administrator
Land Division



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FORT SHAFTER, HAWAII 96860-5440

RECEIVED
LAND DIVISION

February 27, 2001

2001 MAR -2 A 9:19

Regulatory Branch

Mr. Dean Y. Uchida
Administrator, Land Division
Department of Land and
Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Dear Mr. Uchida:

Thank you for providing a review copy of the Conservation District Use Application (CDUA, OA-3017B) and Draft Environmental Assessment (DEA) for the Kaneohe Bay Pier Project, Kaneohe, Oahu, which addresses the status of the approximately 200 existing piers in Kaneohe Bay. We have reviewed the documents with respect to the Corps' authority to issue Department of the Army (DA) permits under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

We will not require individual owners of the existing piers, who wish to retain them, to apply for and obtain Department of the Army (DA) permit authorizations for those structures. However, any new work in waters of the U.S., such as repair, modification, or removal of existing piers, or installation of new piers, may require a DA permit. Any individual or entity intending to conduct such work should first contact this office to obtain a determination of DA permit requirements for their planned activity.

Should you have questions regarding this response, please contact Mr. Peter Galloway of my regulatory staff at 438-8416 (fax 438-4060). File number 200100134 has been assigned to this project.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

George P. Young, P.E.
Chief, Regulatory Branch
U.S. Army Engineer District, Honolulu
Fort Shafter, HI 96858-5440

SUBJECT: Conservation District Use Application (CDUA) OA-3017B
Kaneohe Bay Piers Project

Thank you for your letter dated February 27, 2001, commenting on the subject CDUA and Draft Environmental Impact Statement (DEIS). We offer the following response to your comments:

The Land Division will require landowners seeking authorization to: a.) repair, modify, or remove existing piers; or b.) install a new pier; to contact your office to obtain a determination of Department of the Army requirements for their planned activity.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

Dean Y. Uchida, Administrator
Land Division

REFERENCES

City and County of Honolulu, Department of Design and Construction, and Department of Environmental Services. Final Environmental Impact Statement for the Kailua-Kaneohe-Kahaluu Facilities Plan prepared by Wilson Okamoto & Associates, Inc. February 2000.

State of Hawaii, Department of Land and Natural Resources, Planning Office. A Report on Regulation Compliance of Land Use in the State of Hawaii Conservation District: A Study of Piers in Kaneohe Bay. August 22, 1980.

State of Hawaii, Office of Planning. Kaneohe Bay Regional Council Evaluation conducted by the 1997 Kaneohe Bay Task Force. January 1998.

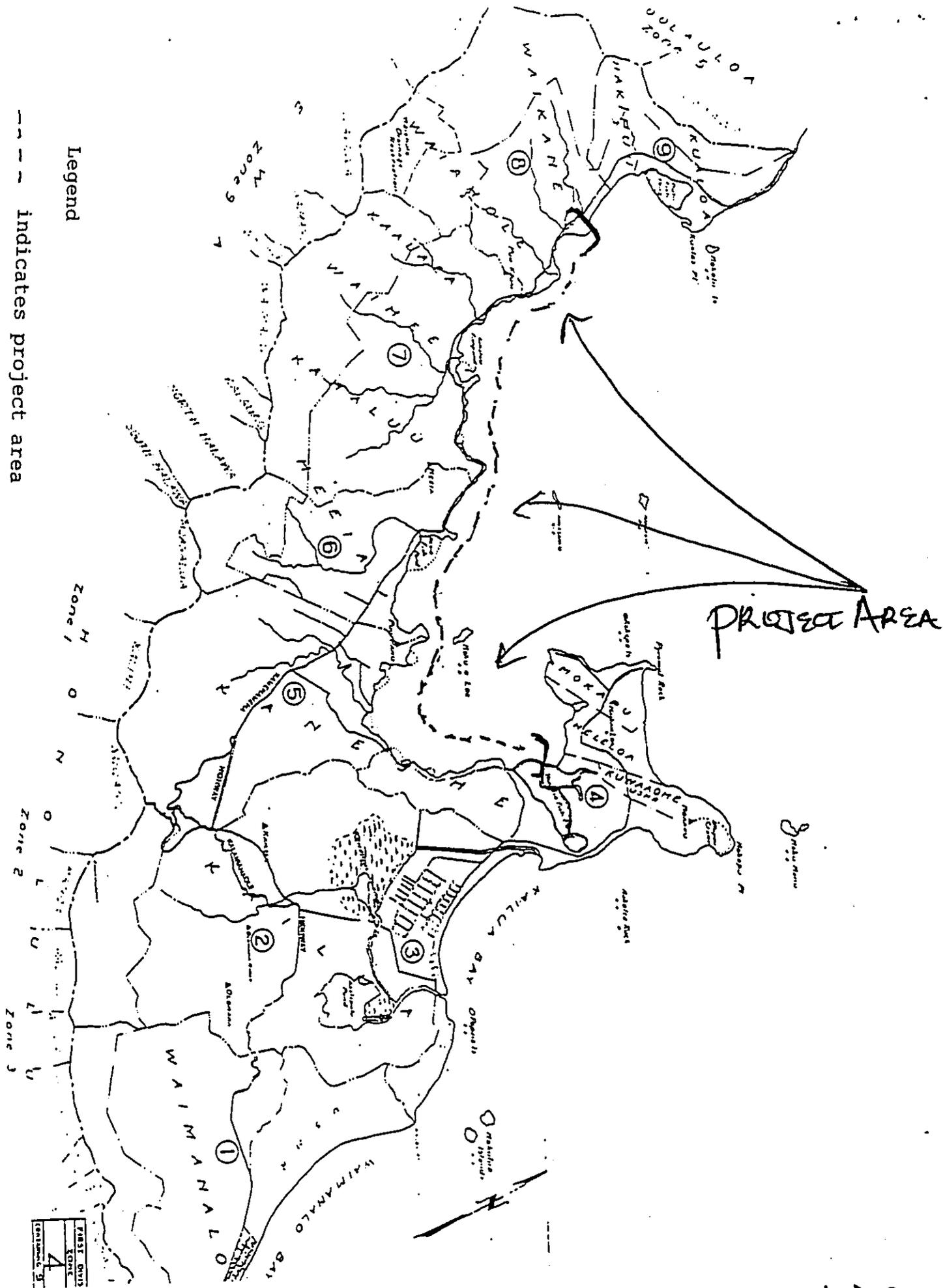
State of Hawaii, Office of State Planning. Kaneohe Bay Master Plan prepared by the Kaneohe Bay Master Plan Task Force. May 1992.

U.S. Army Engineer District, Honolulu. Kaneohe Bay Recreation Study of the Kaneohe Bay Urban Water Resources Study prepared by H. Mogi-Planning & Research, Inc. March 1977.

U.S. Army Corps of Engineers, Pacific Ocean Division. Oahu Coastal Zone Atlas representing the Hawaii Coral Reef Inventory Island of Oahu, Part C prepared by AECOS Inc. 1981.

KOHI AUPOKO - 04/11/11

1191

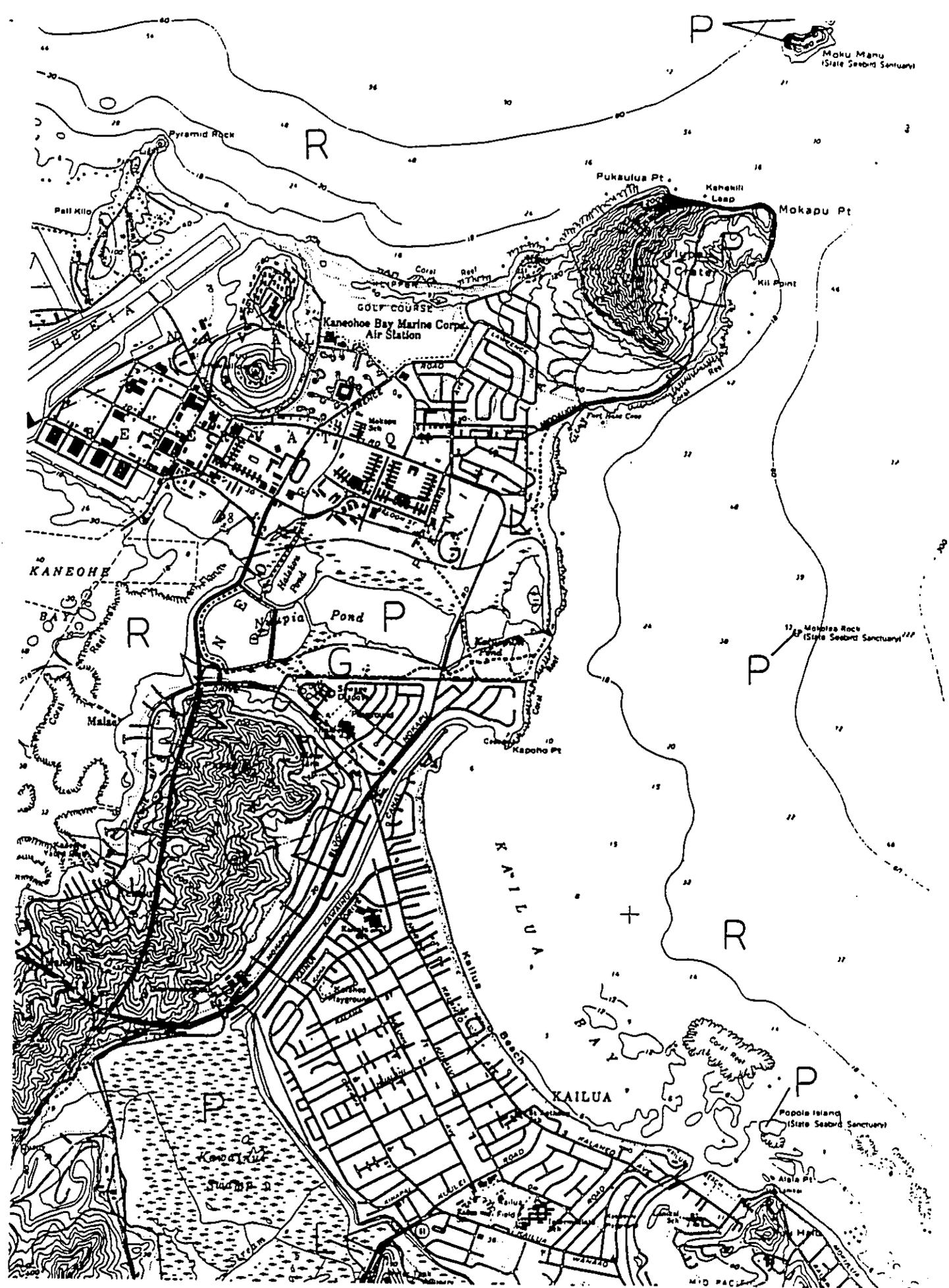


Draft Environmental Assessment for the Kaneohe Bay Pier Project

Exhibit 2

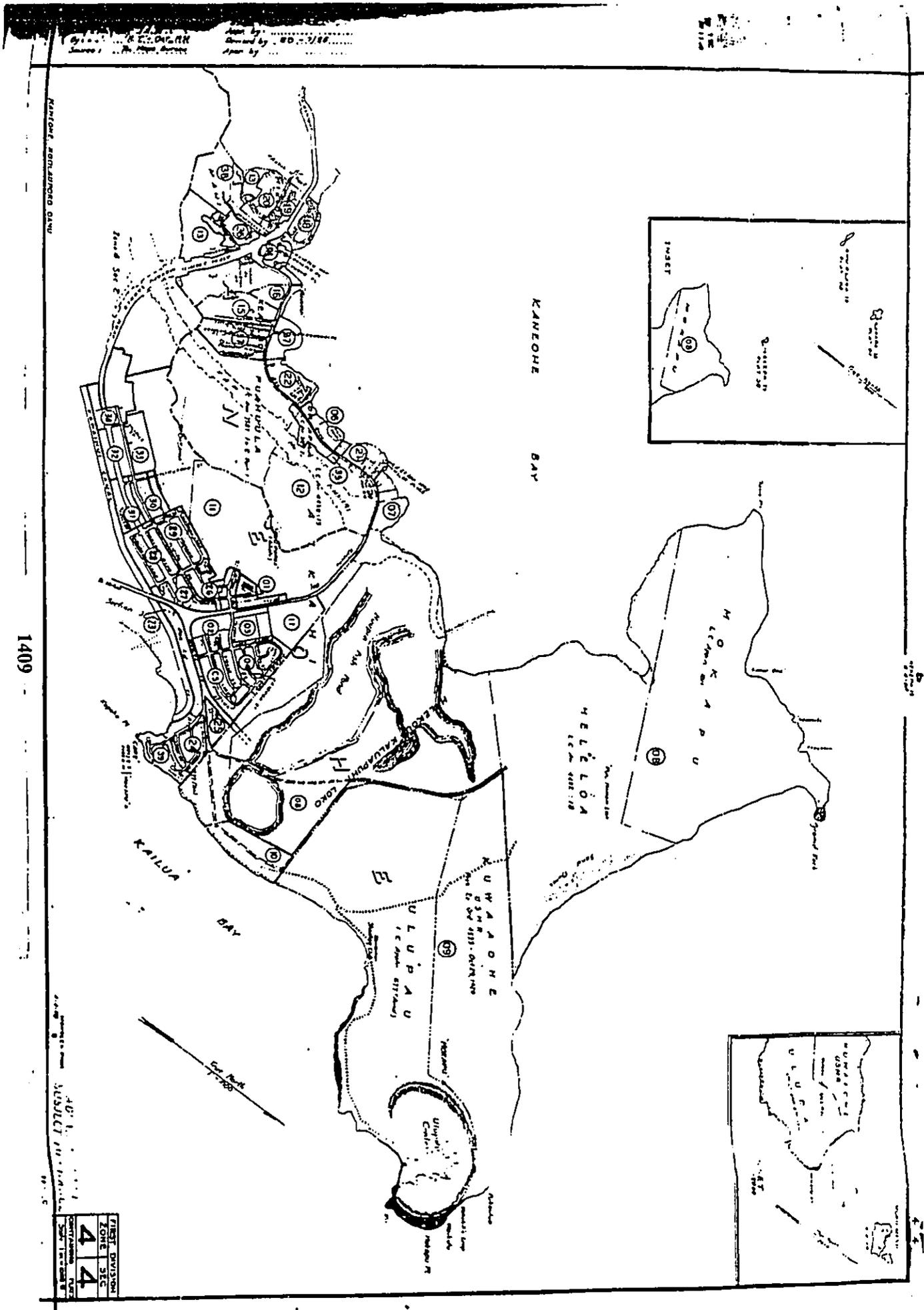
1 of 2

DOCUMENT CAPTURED AS RECEIVED



Draft Environmental Assessment
for the Kaneohe Bay Pier Project

Exhibit 2 2012



1409

FIRST DIVISION	4
ZONE SEC	4
SECTION	4

EXHIBIT 3

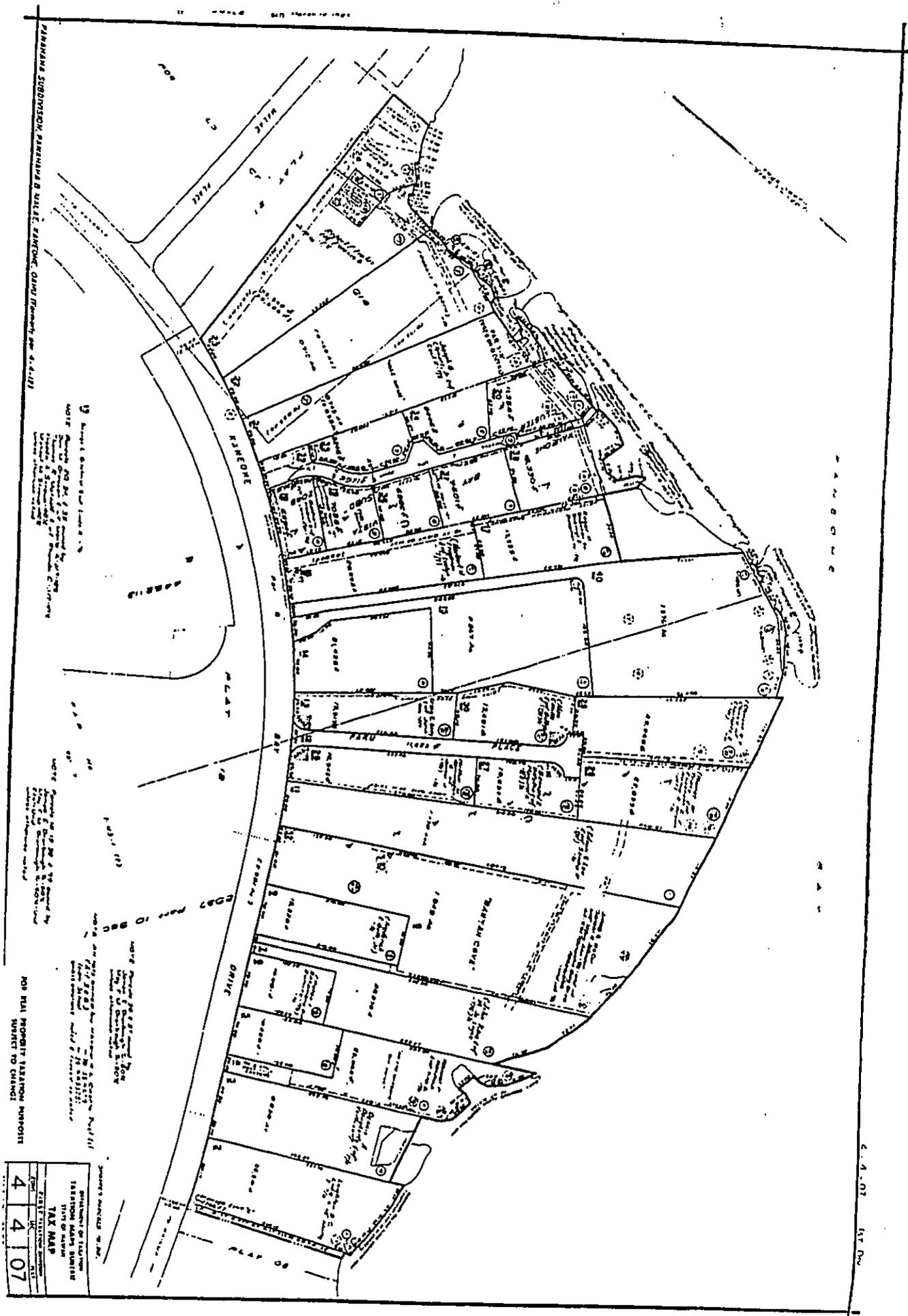
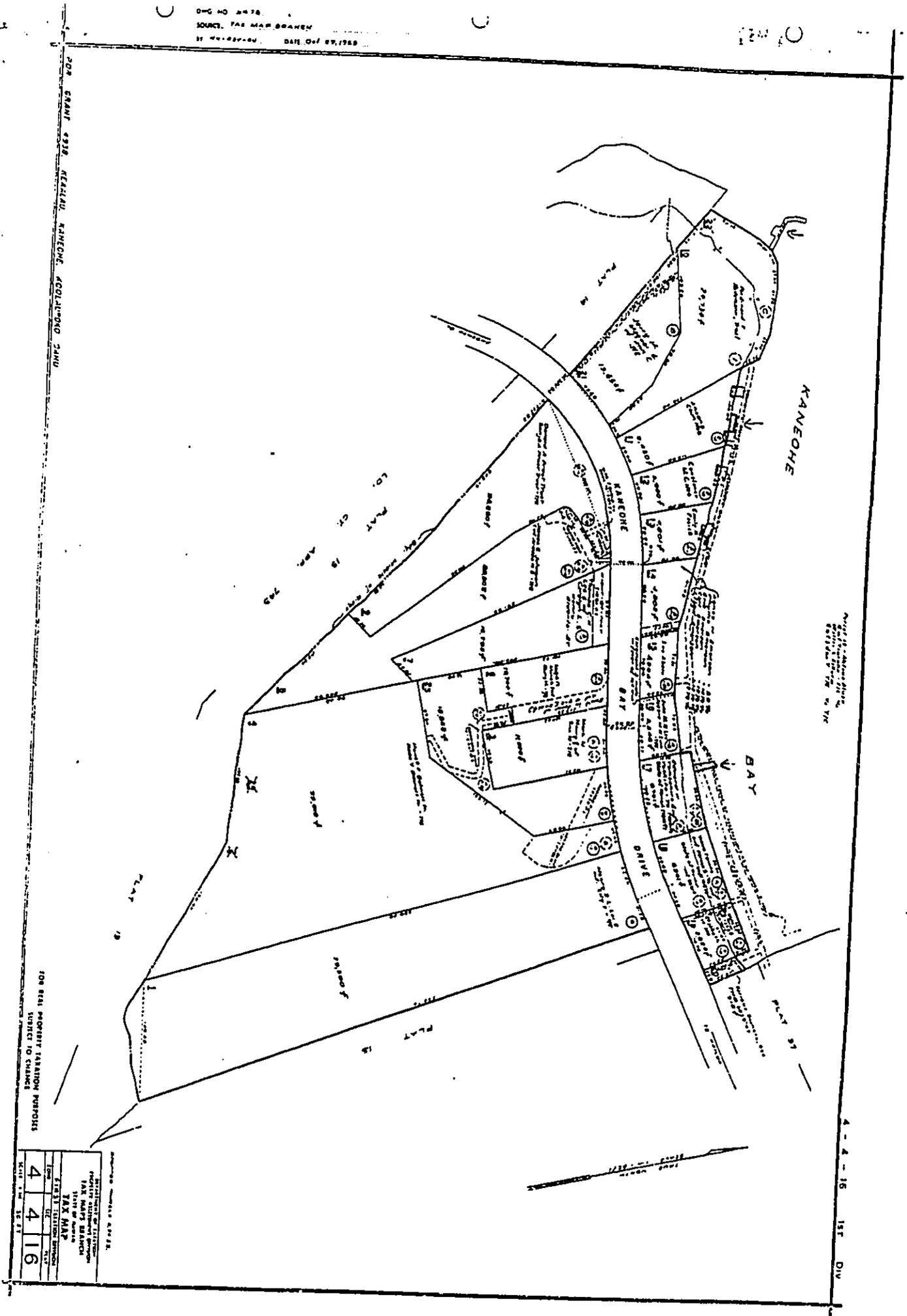


EXHIBIT 3



1425

PROPERTY IDENTIFICATION NUMBER
TAX MAP BRANCH
TAX MAP
DATE
SCALE

4	4	16
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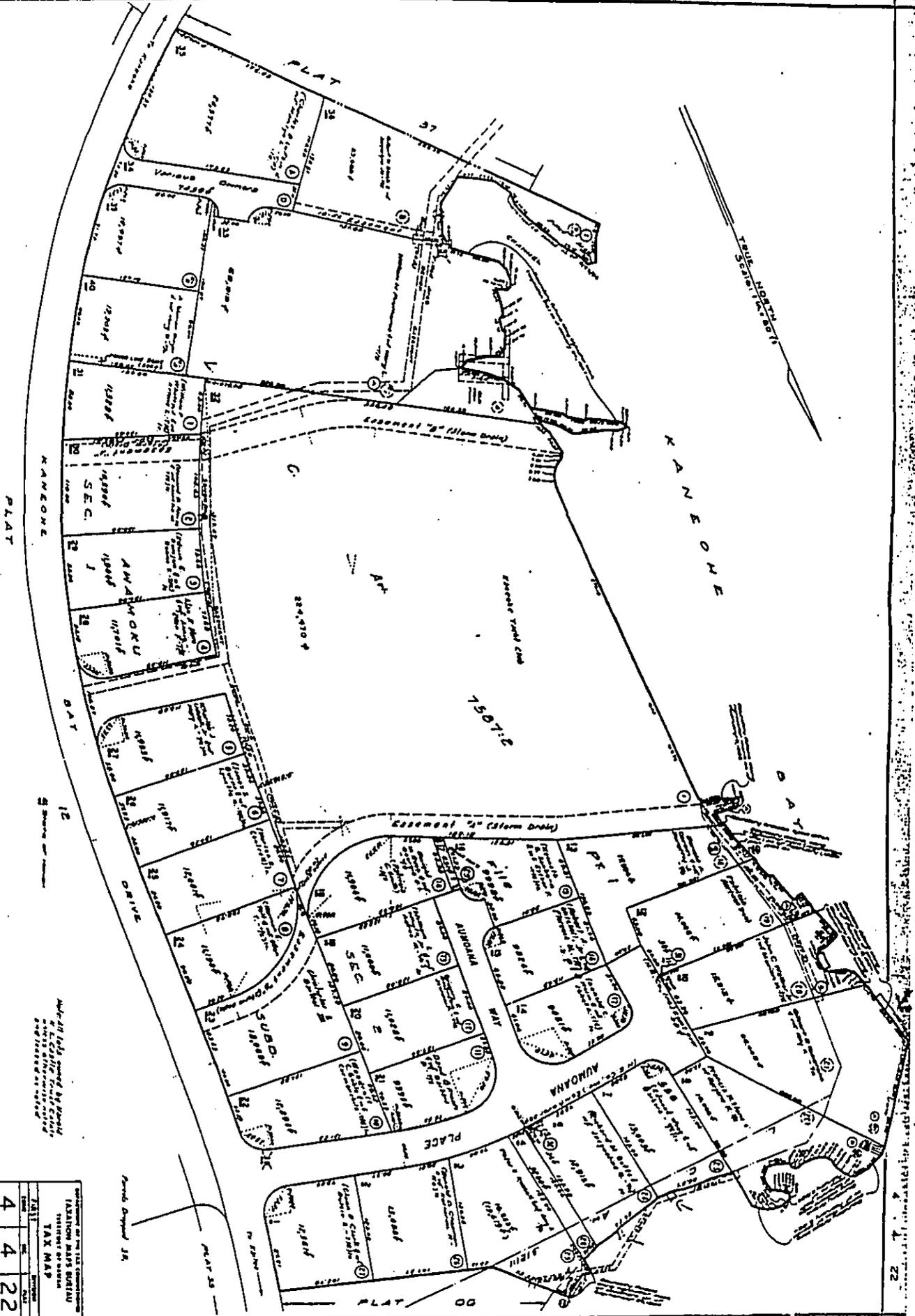
DATE 01 15 71

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

EXHIBIT 3

DWG NO. 1431
SOURCE: FILE, PLAN 222, THE HONOLULU PLANNING DEPARTMENT
BY: P. H. JAY DATE: APRIL 27, 1936

ANANOKU SUBDIVISION PLAN, KANEONE, CAHU (CORRECTED BY 1431)



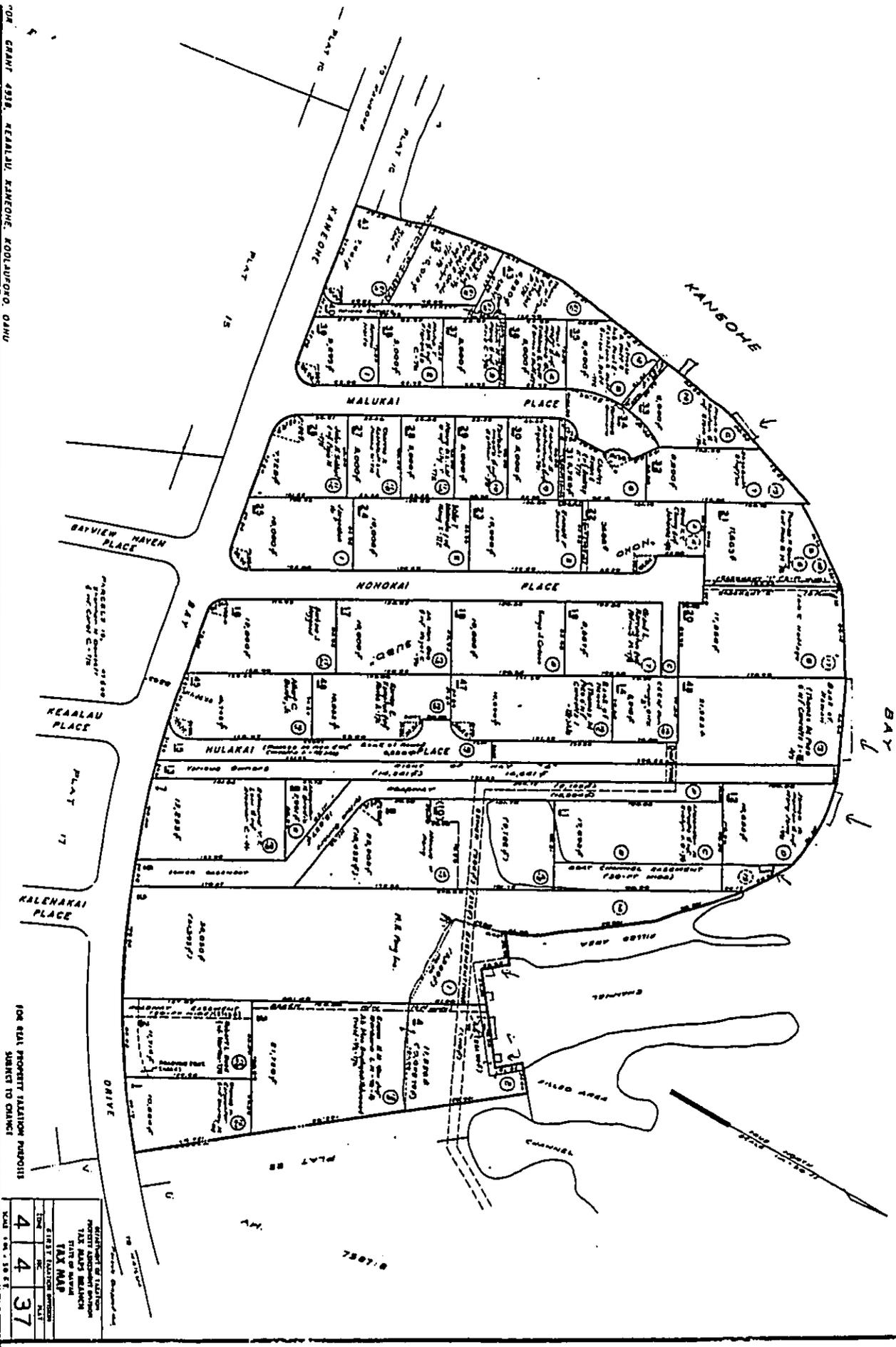
SUBJECT TO CHANGE

TAX MAP	
4	22
4	22
4	22

EXHIBIT 3

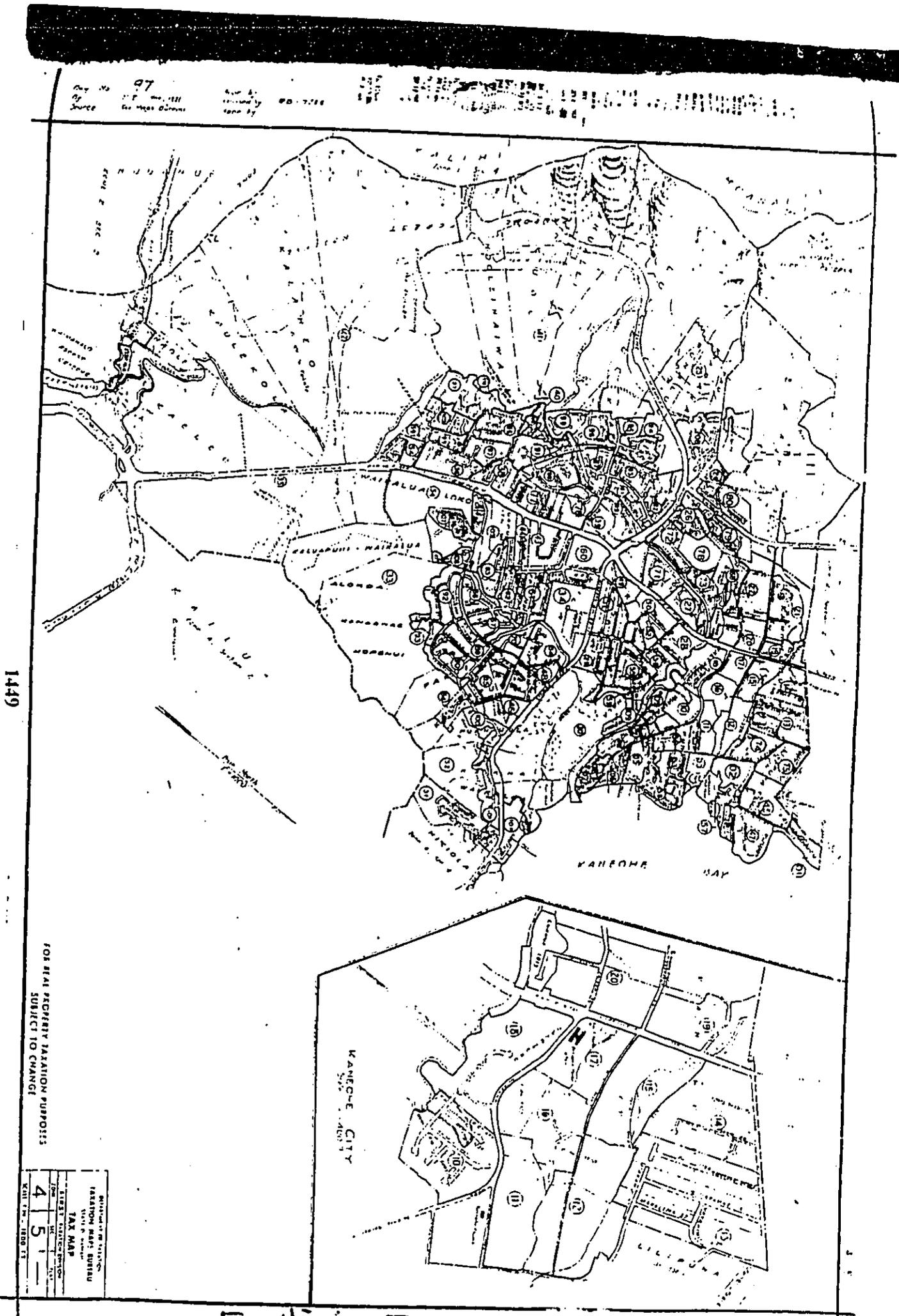
FOR GRANT 4338, KEAALAU KAMEOHE, KOOLAUPONO, OAHU

1446



4 - 4 - 37 1ST DIV

Exhibit 3



Map No. 97
 Date of Issue: 1951
 Source: U.S. Army, 1951

1449

FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE

NATIONAL FIRE INSURANCE COMPANY	
HAWAIIAN FIRE INSURANCE COMPANY	
TAX MAP	
4	5
KALI 7-1-1951	

EXHIBIT 3

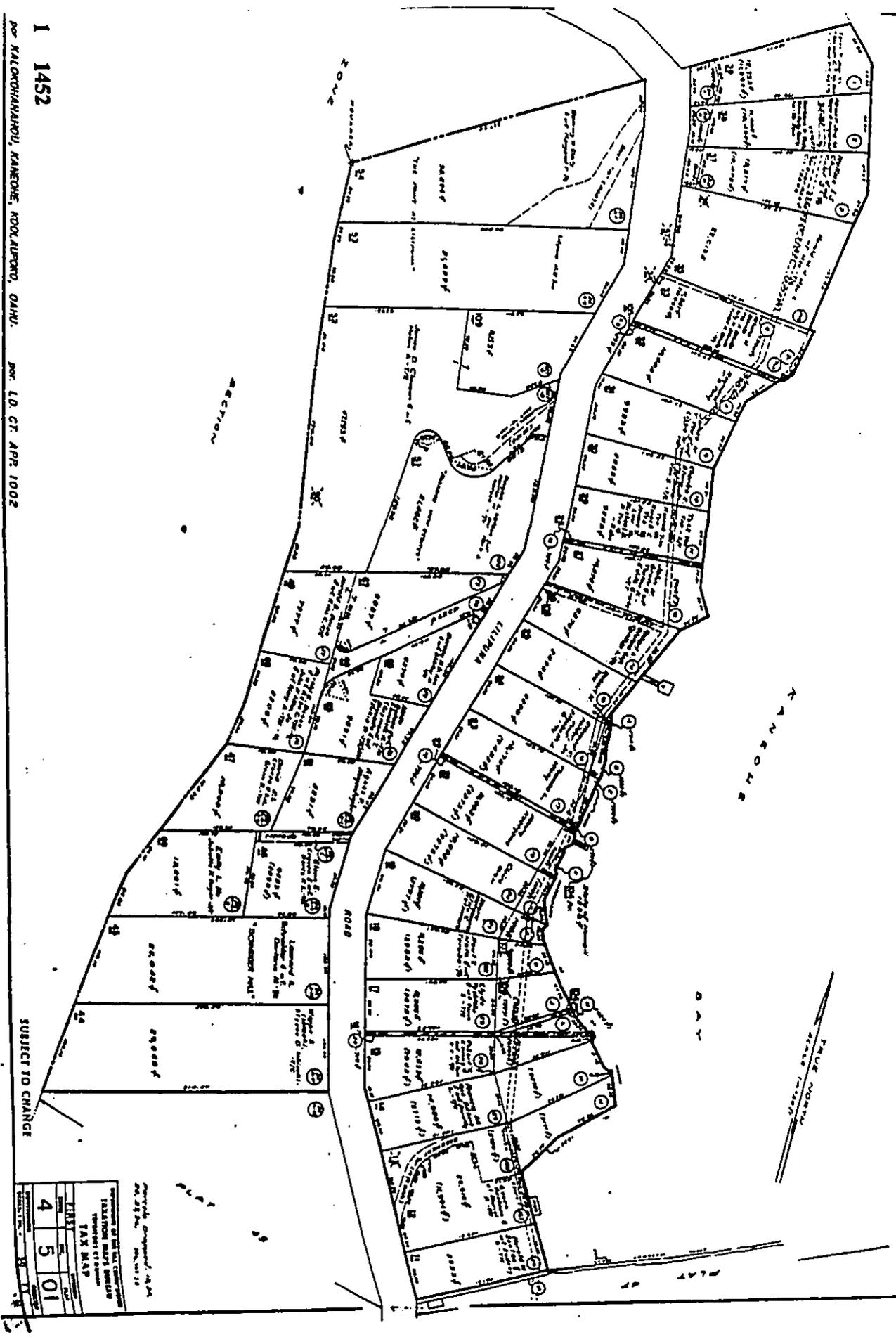
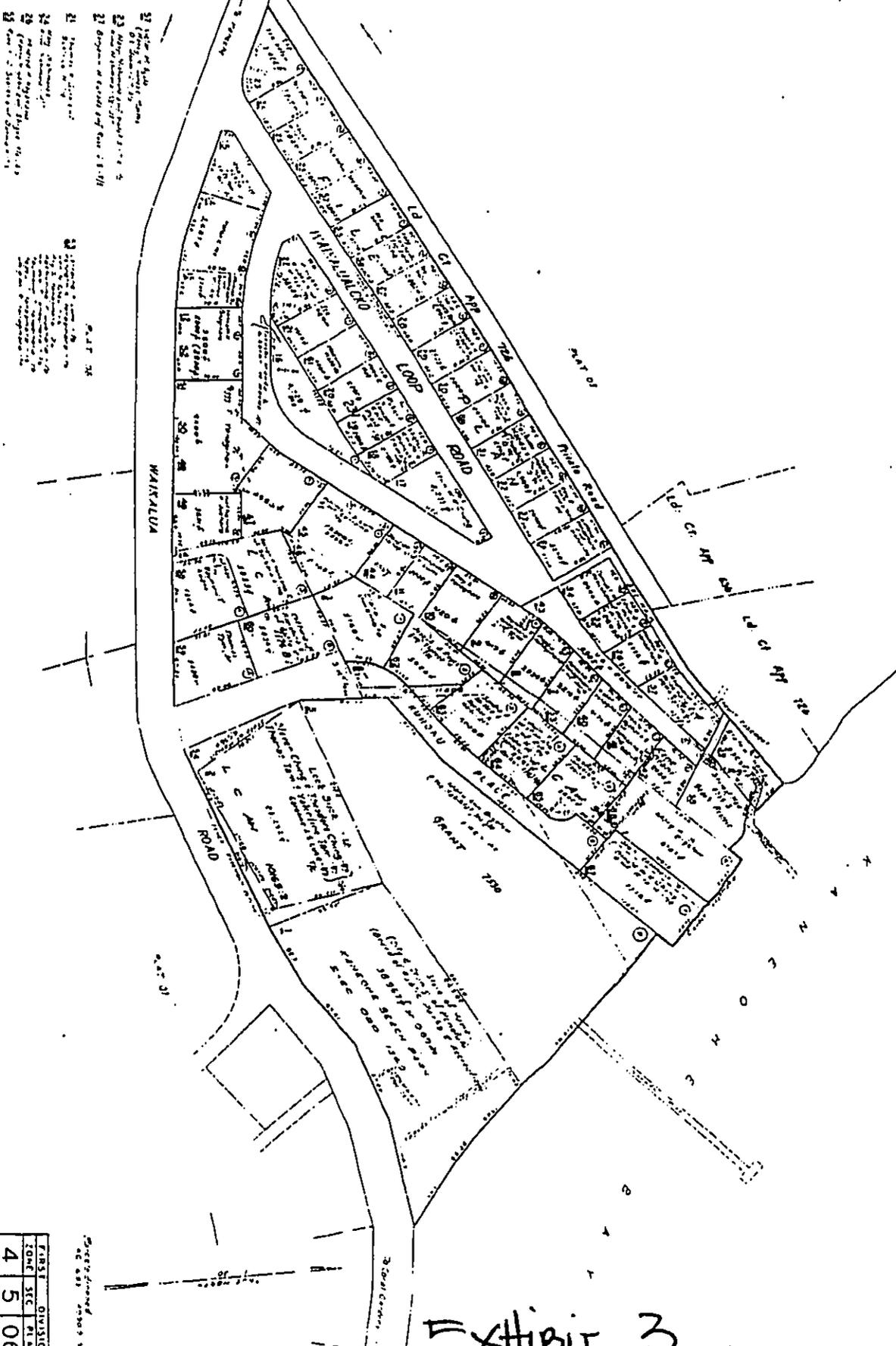


EXHIBIT 3

Eng. No. 1581
Date: 12-1-55
Scale: 1/4" = 100'

COSAL GARDEN TRACT AND WAIKALUA-WIHC WATERFRONT KANEHOE OAHU



1455

FIRST DIVISION	4
ZONE SEC. PLAT	5
CONTAINING PARCELS	06
SCALE: 1/4" = 100'	

EXHIBIT 3

4 5 06

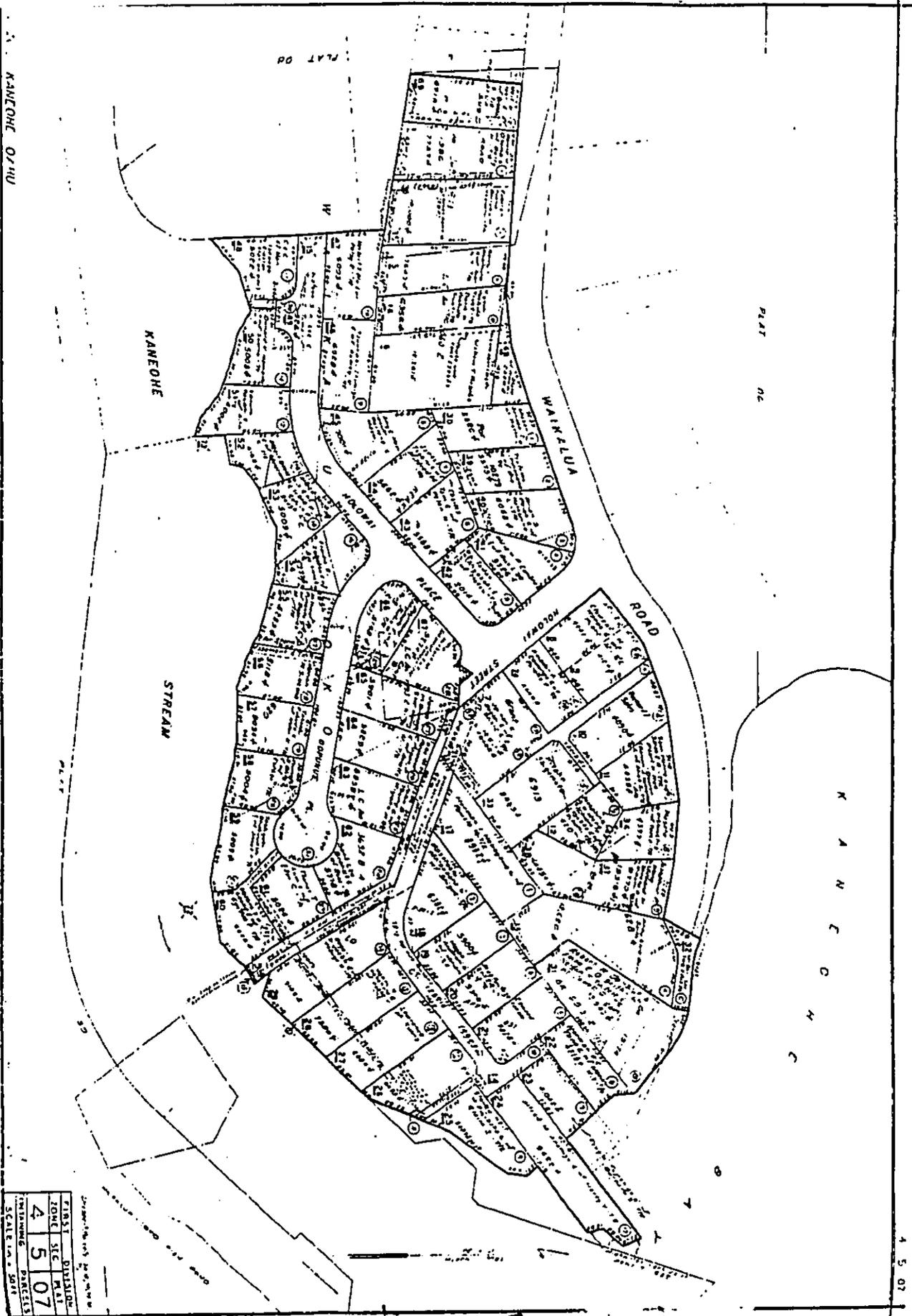
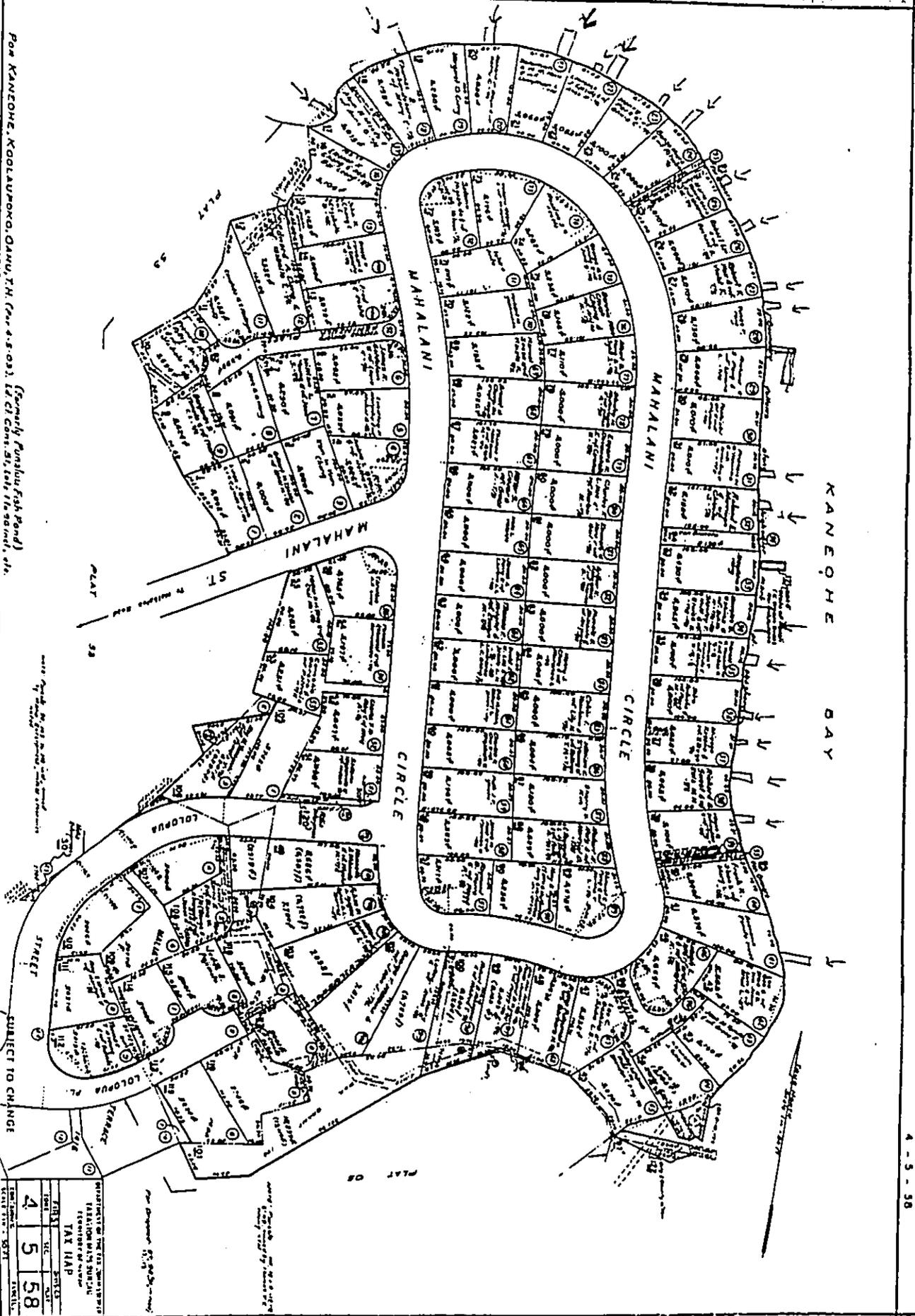


EXHIBIT 3

ENG NO 4186 (Revised) (r. photo print)
Scale: 1:10000
Date: Sept 1958

POW KANEQHE, KOOLAUPONO, OAHU, I.H. (P.L. 4-5-58)
(Formerly Punahoa Fish Pond)

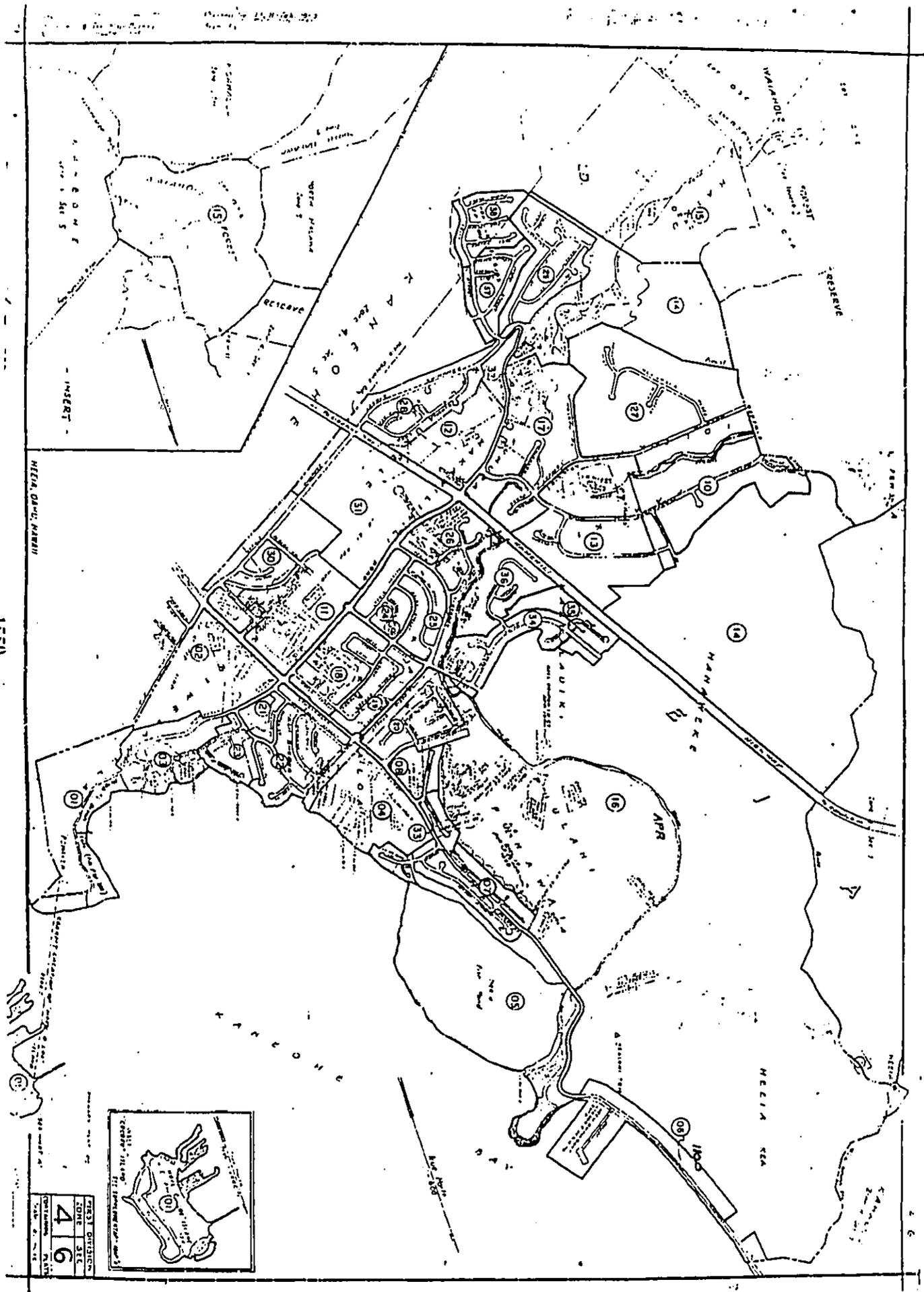


1507

4	5	58
PLAT	NO	NO

Exhibit 3

4-5-58

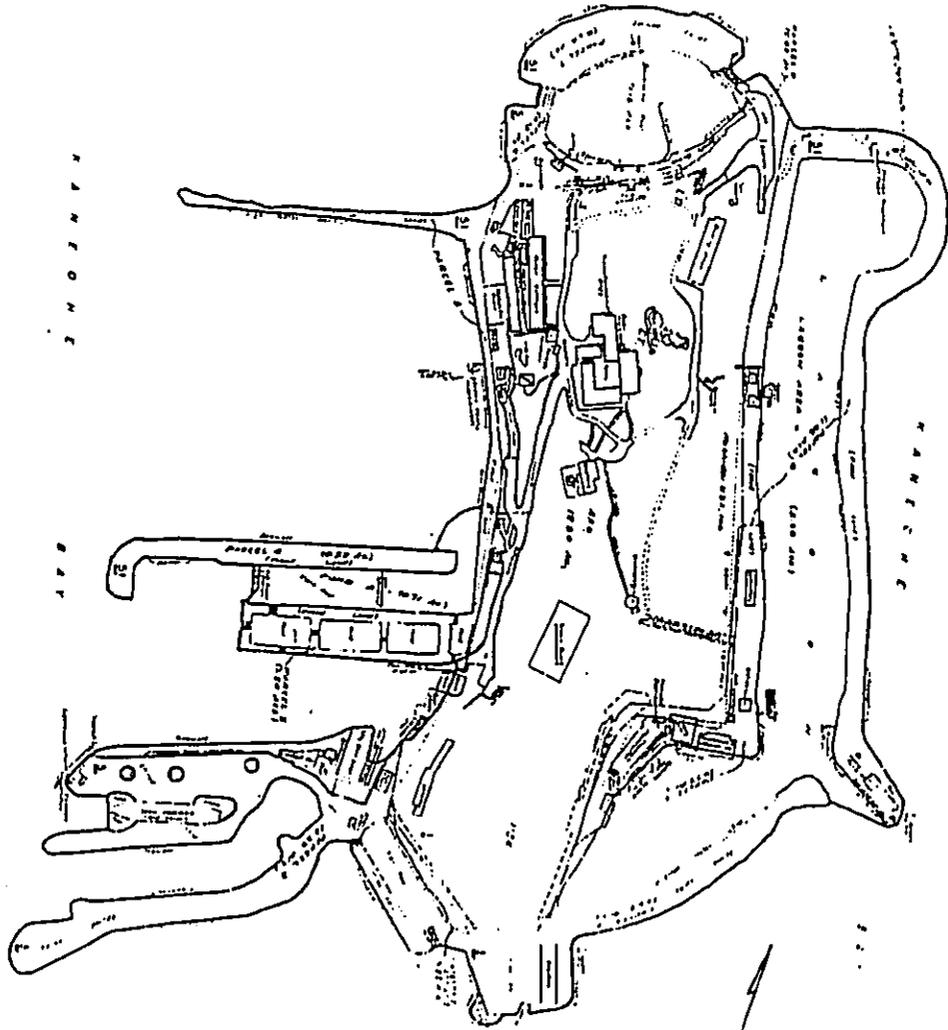


HEZIA DA MUH. HAWAII	4
HEZIA SEA	6

EXHIBIT 3

FORM NO. 10 (REVISED)
MAY 1962
UNIT FEBRUARY 6 1962

1561



5. PRELIMINARY MAP "X"
FOR THE VISITING ILLUSTRATION PURPOSES
FOR THE VISITING TO CHINA

NO.	DATE	DESCRIPTION
1	1561	PRELIMINARY MAP "X"
2	1561	PRELIMINARY MAP "X"
3	1561	PRELIMINARY MAP "X"
4	1561	PRELIMINARY MAP "X"
5	1561	PRELIMINARY MAP "X"
6	1561	PRELIMINARY MAP "X"
7	1561	PRELIMINARY MAP "X"
8	1561	PRELIMINARY MAP "X"
9	1561	PRELIMINARY MAP "X"
10	1561	PRELIMINARY MAP "X"

Exhibit 3

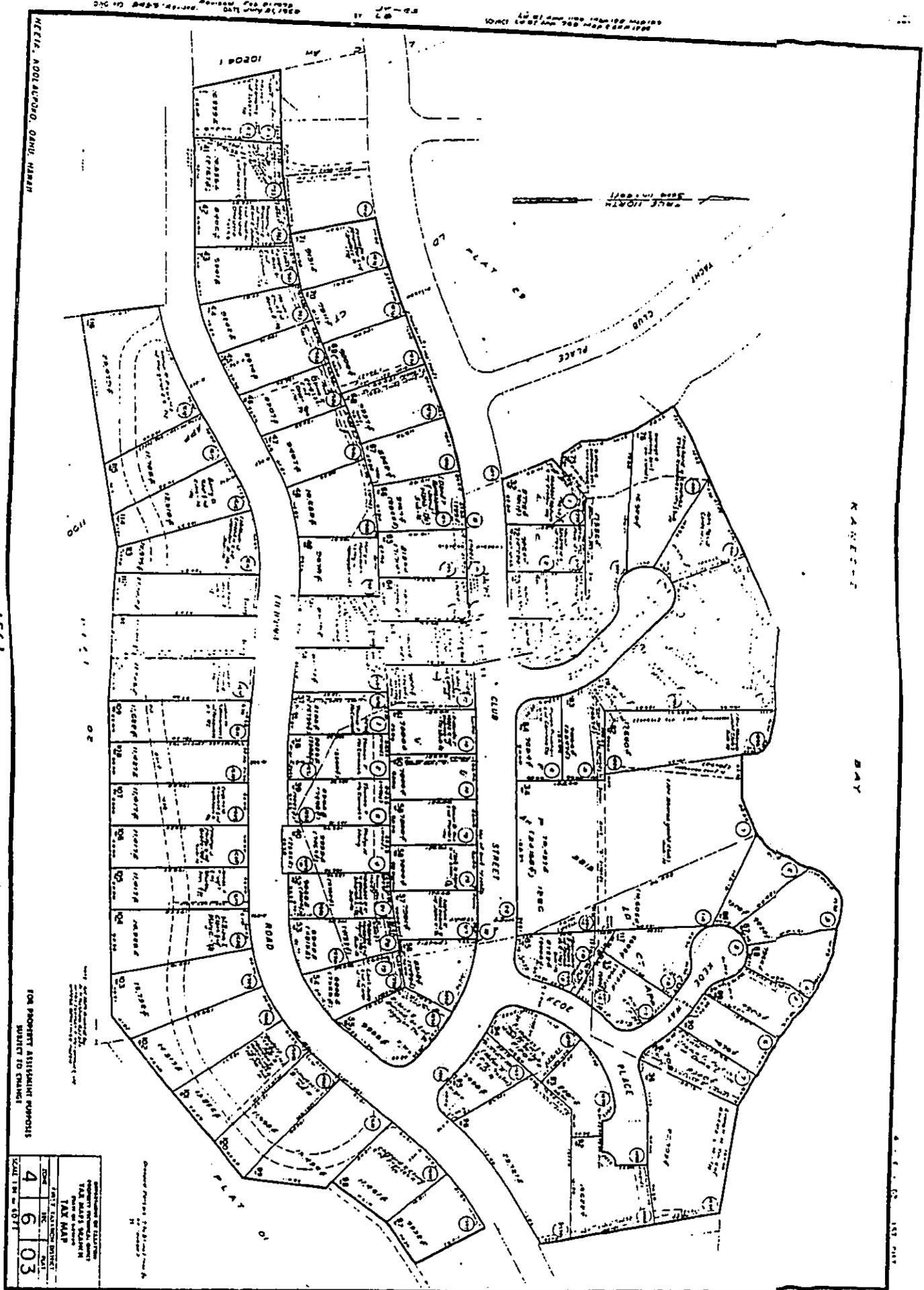


EXHIBIT 3

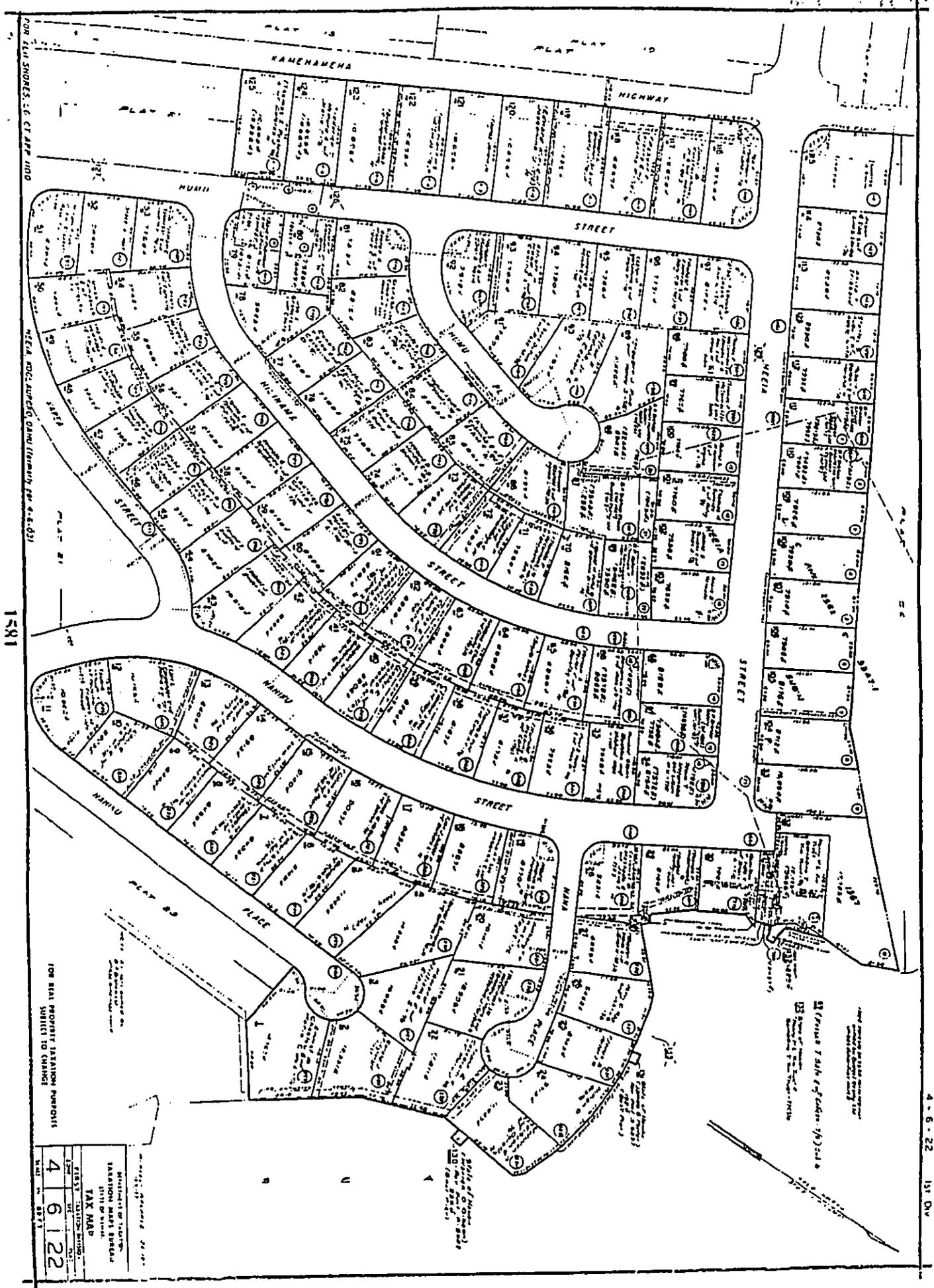
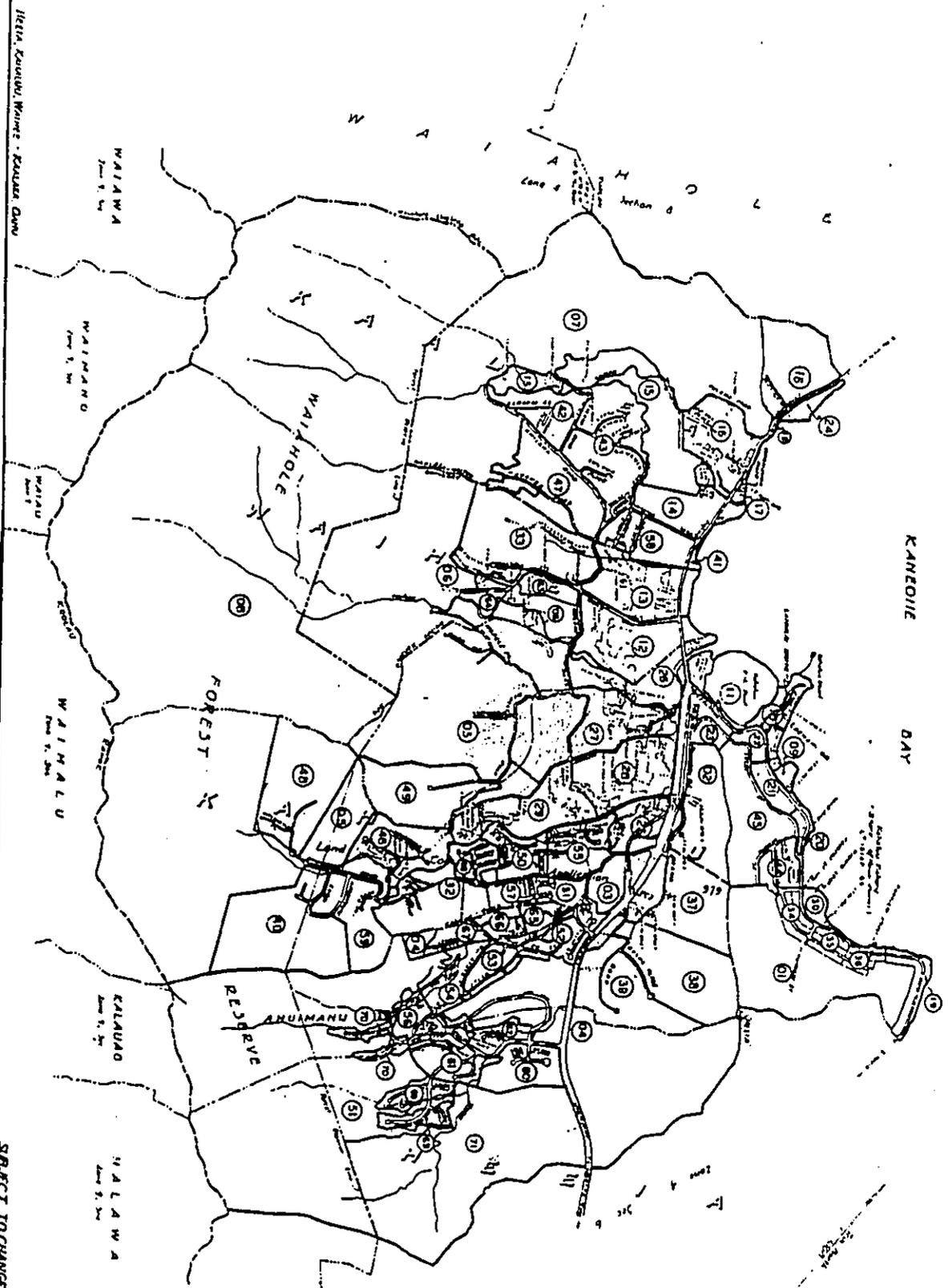


EXHIBIT 3

Map No. 125
By H.T. [unclear]
Source For [unclear]
App by [unclear]
Revised by [unclear]
App by [unclear]

HETA, KAUNIA, MAINE - KALUA OAHU

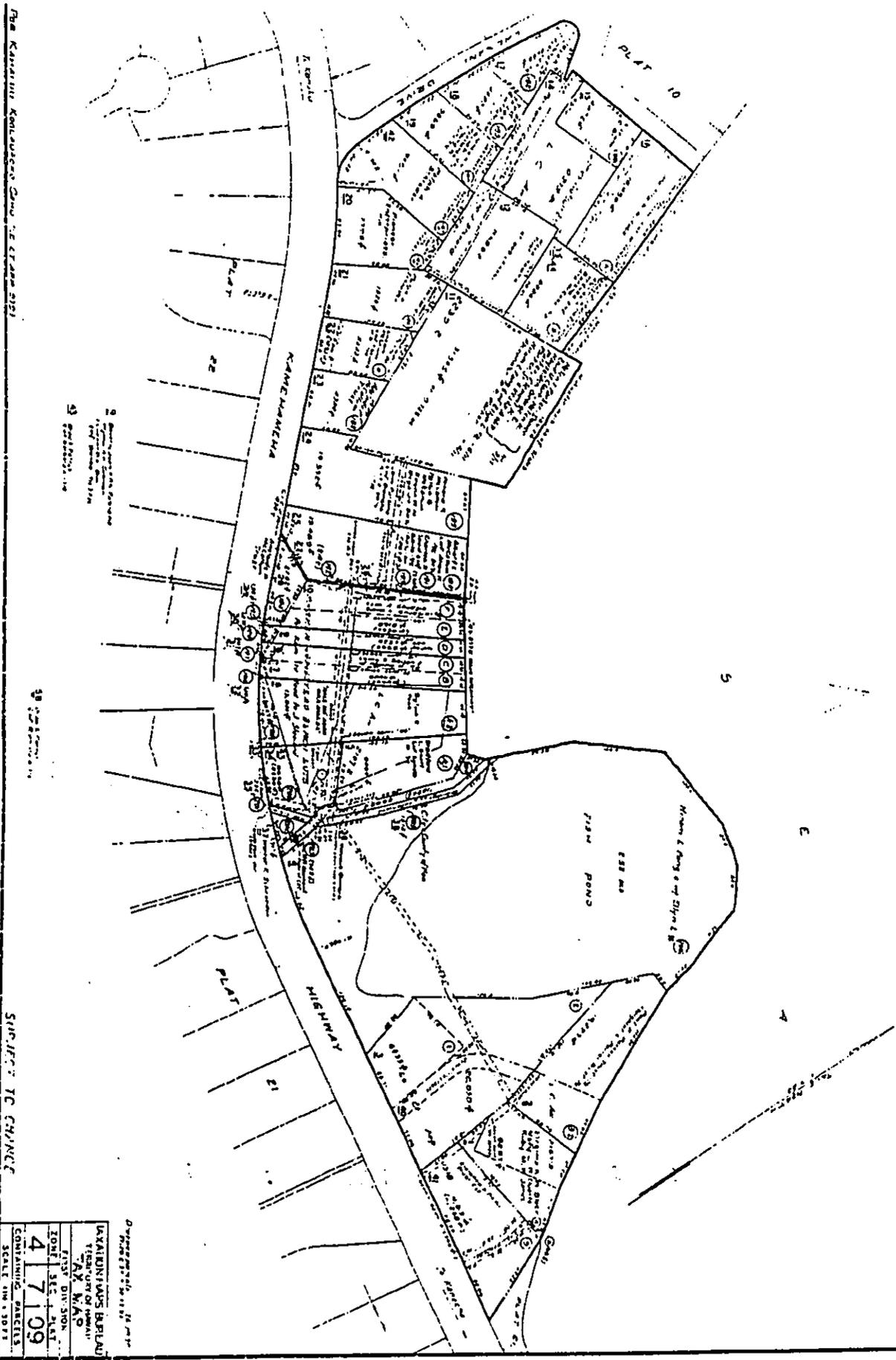


418

SUBJECT TO CHANGE

EAST DIVISION
ZONE 3
47
SCALE 1:5000

Exhibit 3



D'YONG YONG, JR. 1000
 BAYANINANGS (BAYAN)
 TREASURY OF PHILIPPINES
 AX. M.A.O.
 FIRST DIVISION
 4 7 09
 CONTAINING PARCELS
 SCALE 1:1000

SUPPLIER TO CHINCE

EXHIBIT 3

Original Title
Source: The Map Bureau U.S. Coast and Geodetic Survey
By: P.E. H.N. 7-23-1927

Part of KAHALUUI, Kaulaunono, Oahu (U.S. Coast and Geodetic Survey)

428

SUBJECT TO CHANGE

FIRST DIVISION	4
TOWNSHIP	7
RANGE	10
SECTION	10
CONTAINING	
ACRES	
SCALE	

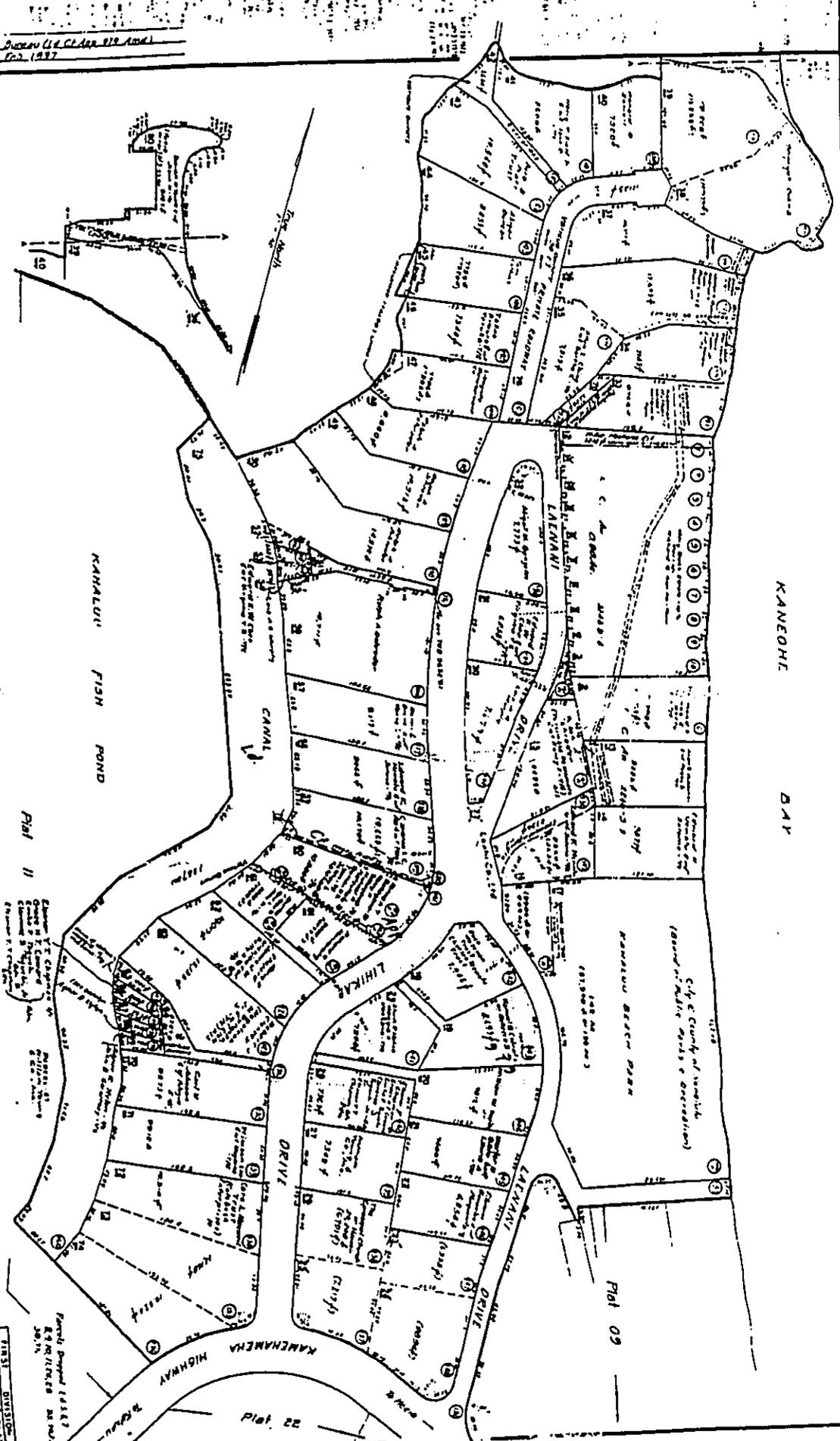
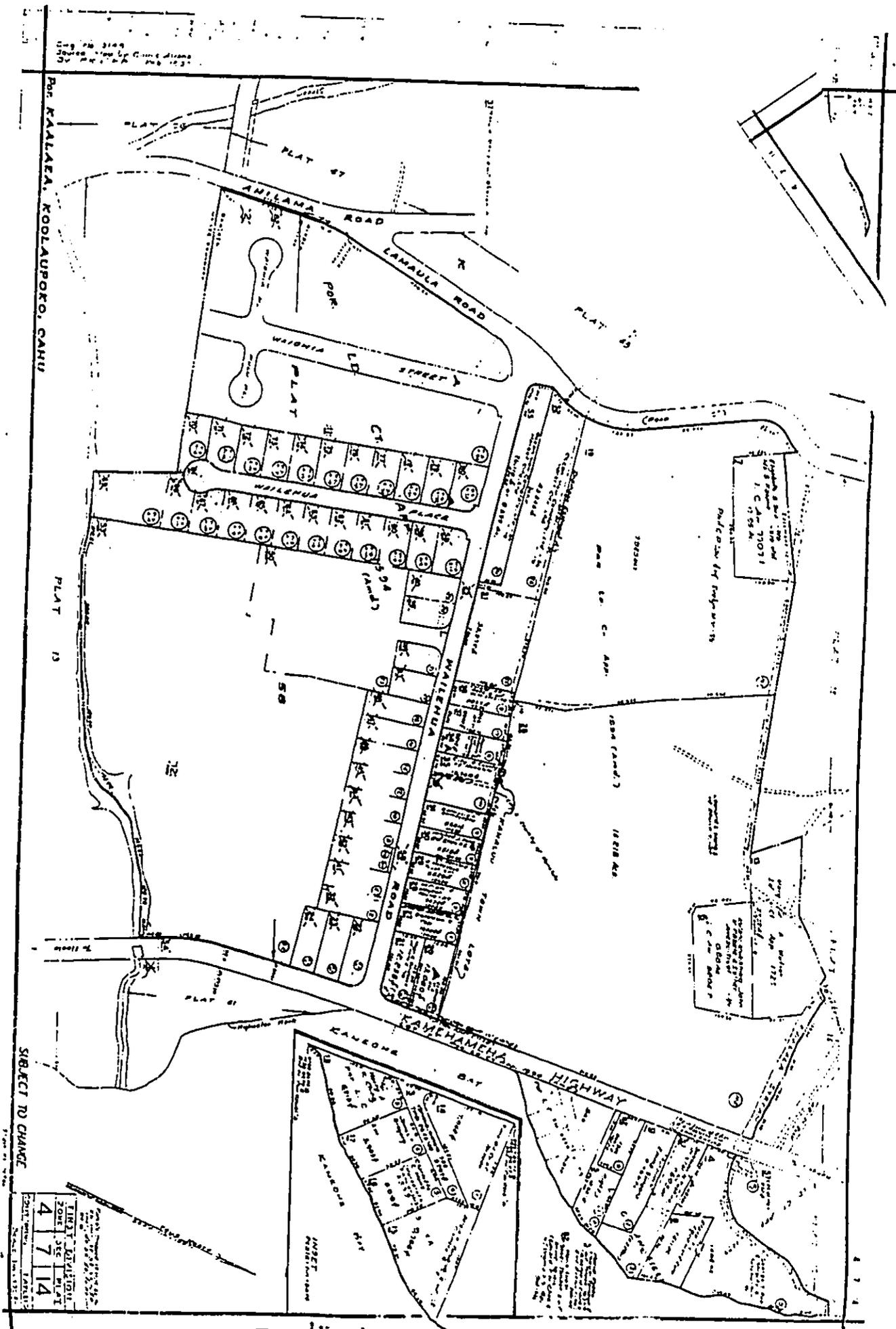


EXHIBIT 3



432

SUBJECT TO CHANGE

4	7	14
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EXHIBIT 3

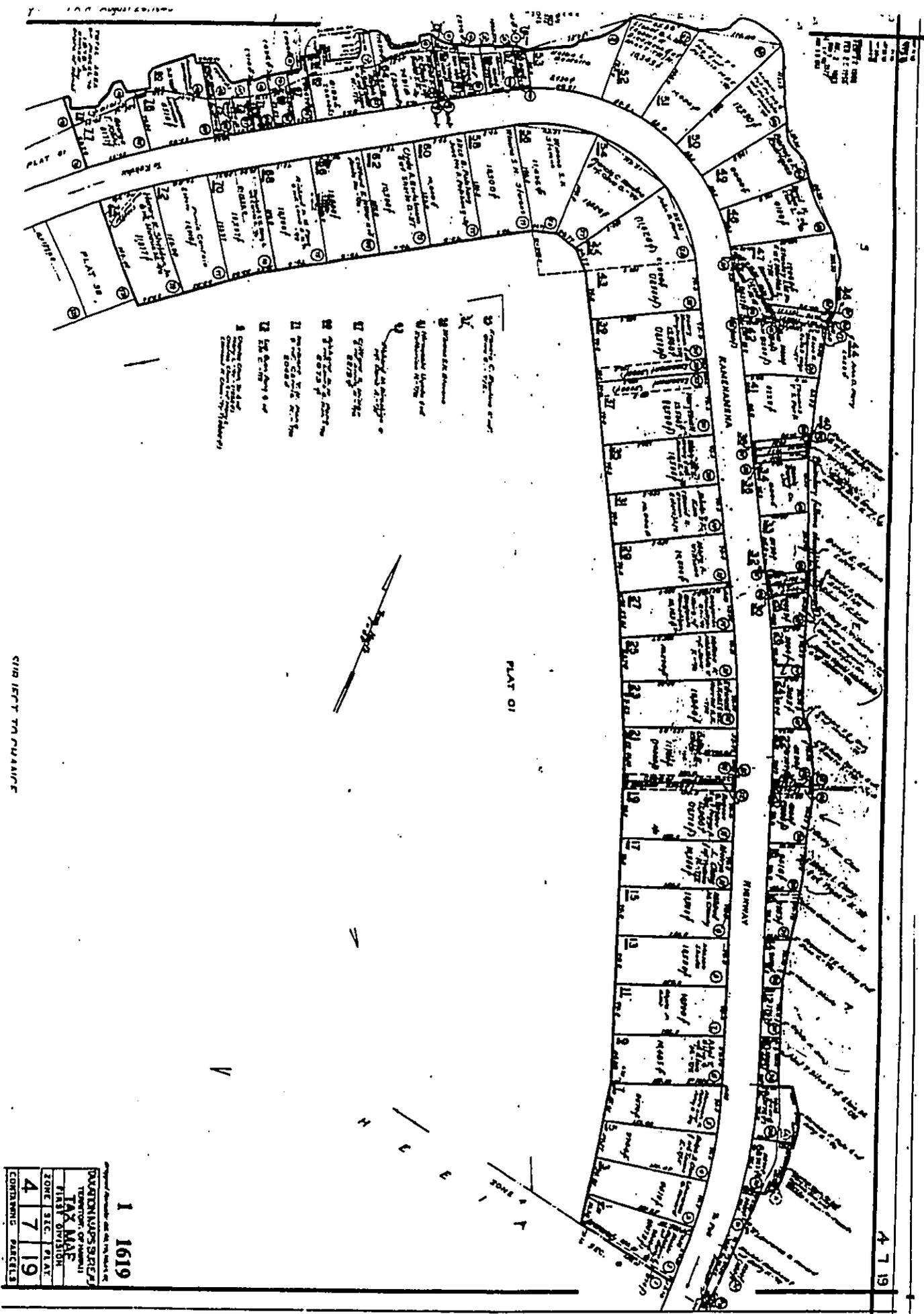
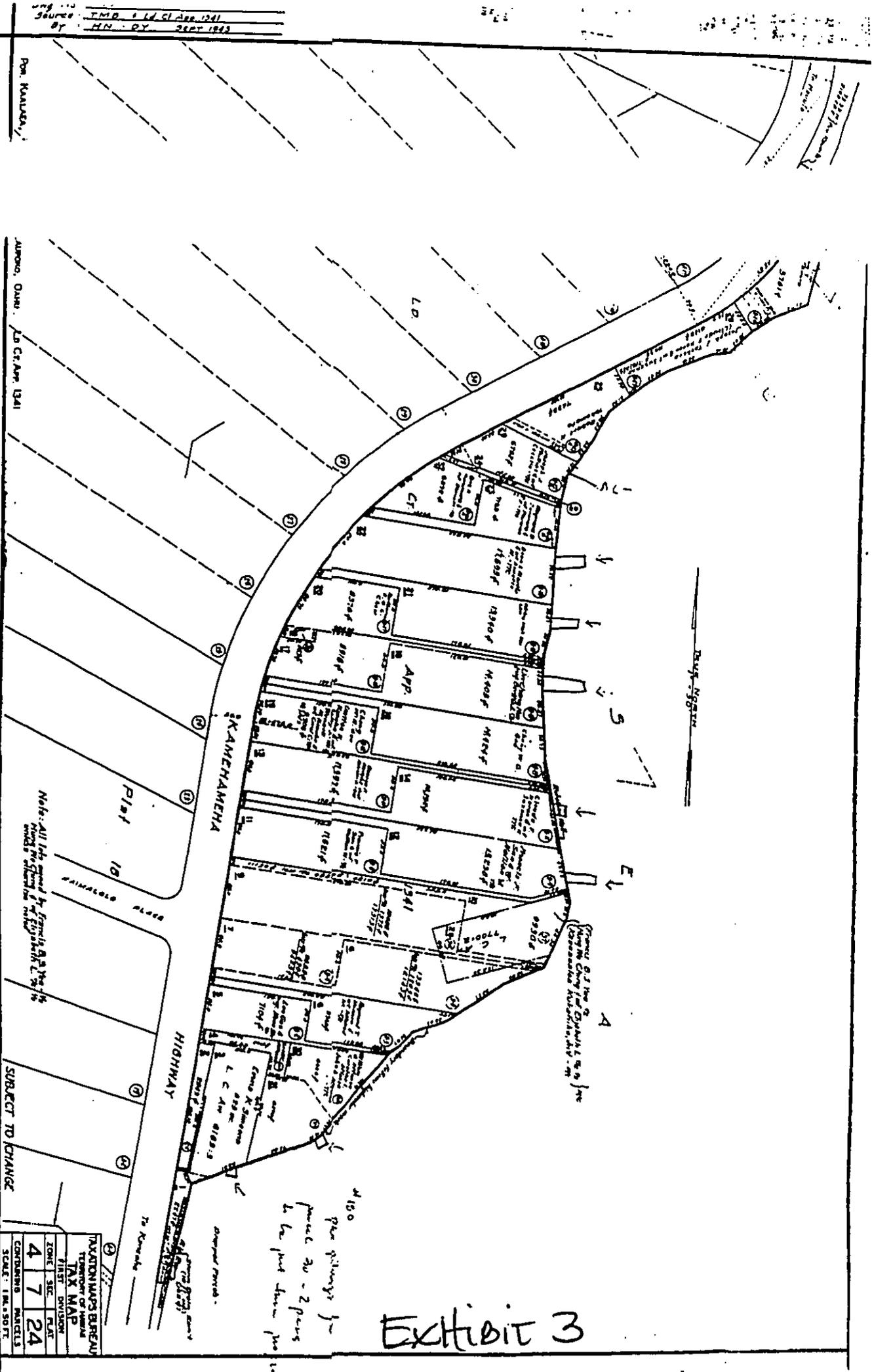


Exhibit 3

Source: T.M.B. 1st Class 1941
By: H.N. DY 28PT 1943

Por. KAUAI, I.

Amoco. Date: 1st Cr. App. 1941



Note: All lots owned by Joseph A. Young in whole or in part are subject to change.

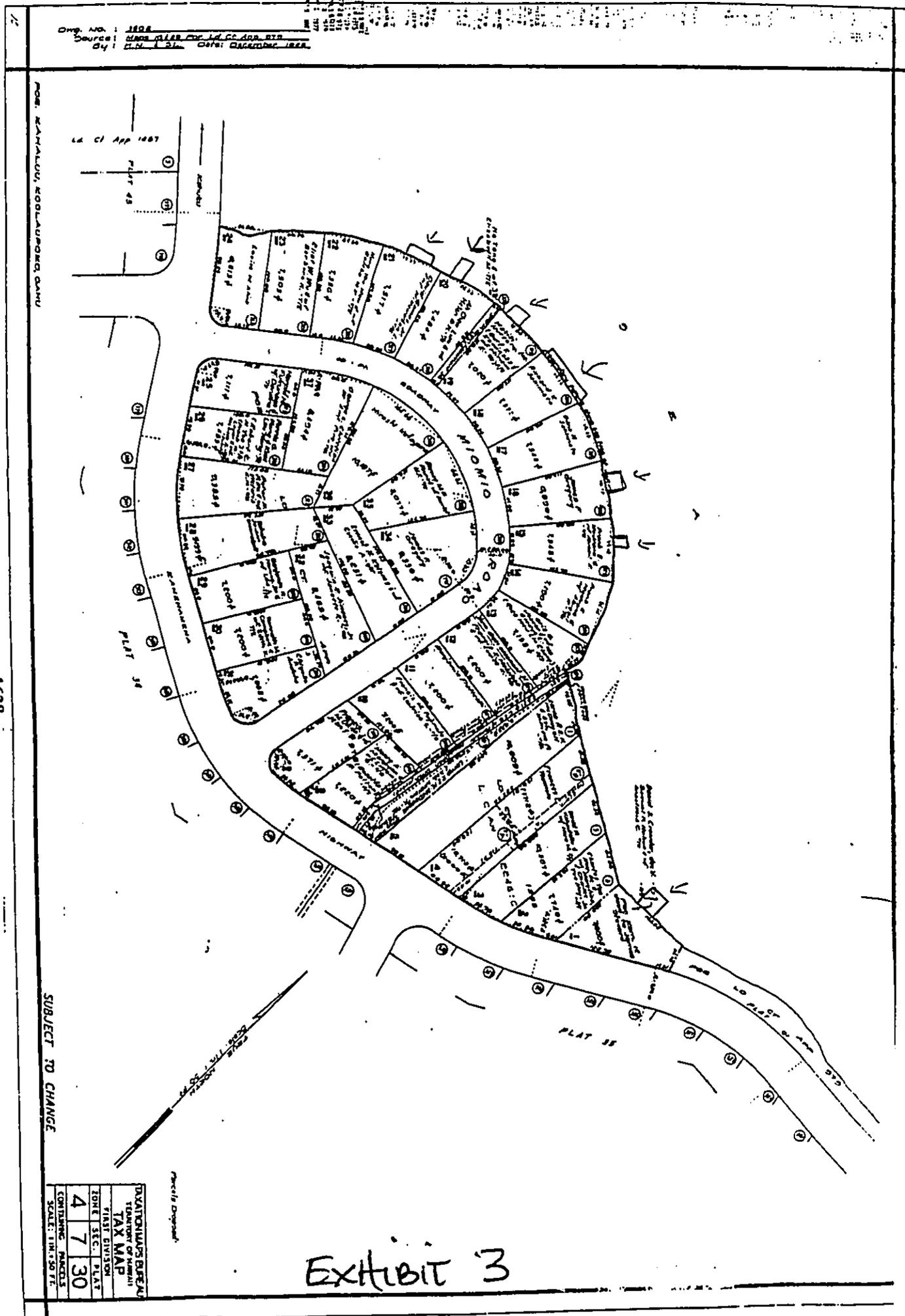
SUBJECT TO CHANGE

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FIRST	SEC.	PLAT	DIVISION
4	7	24	
COMPARIS. PARCELS			
SCALE: 1 IN. = 50 FT.			

1622

Also give stamps for parcel No - 2 pieces to be put down parcel.

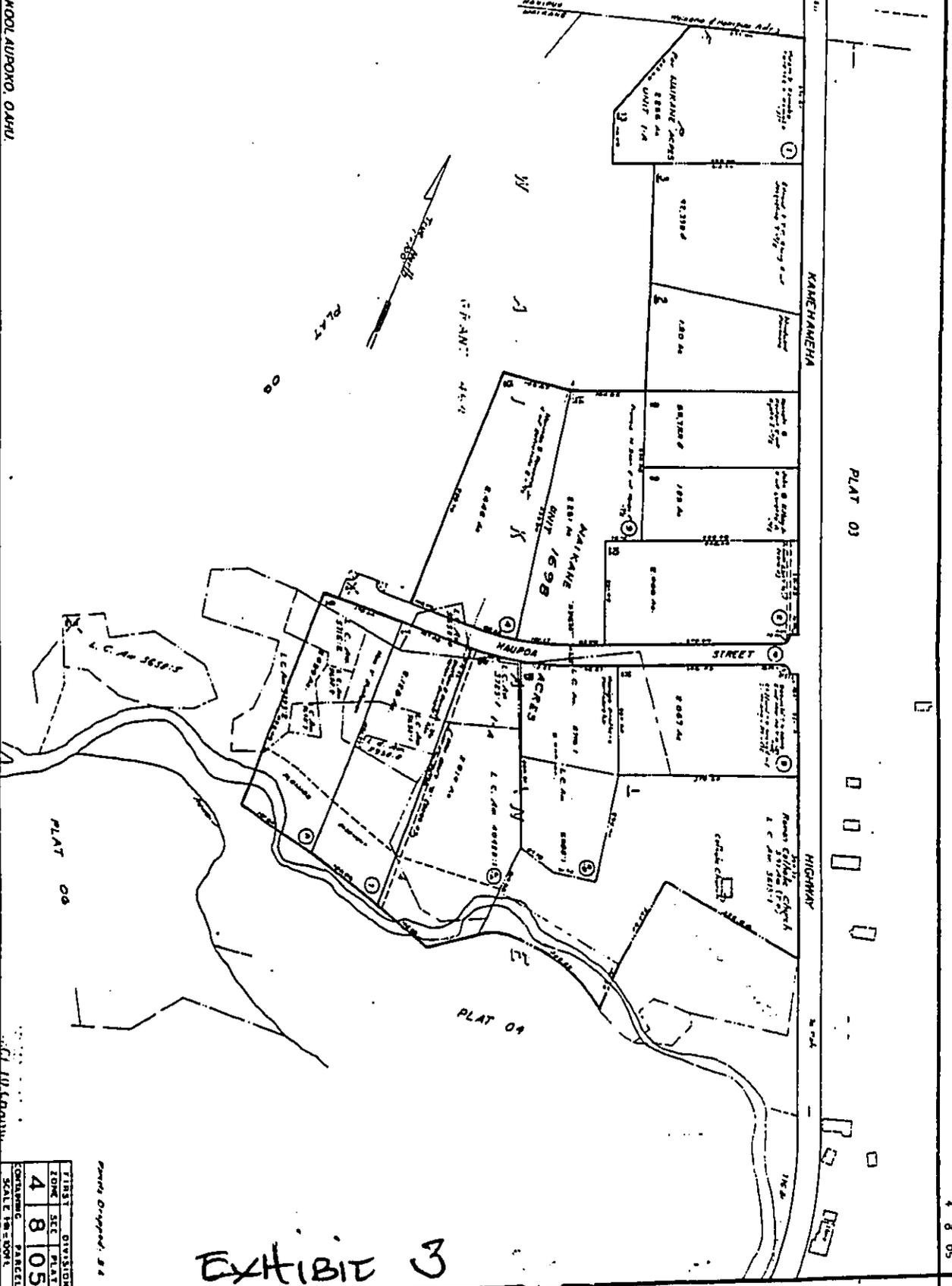
Exhibit 3



Dist. No. 1634
Sp. 17th. Aug. 1913.
Source: Da. 21st. Bureau.

WAIKANE, KOOLAUPOKO, OAHU

H A K I P U U
ZONE 4 SEC. 9

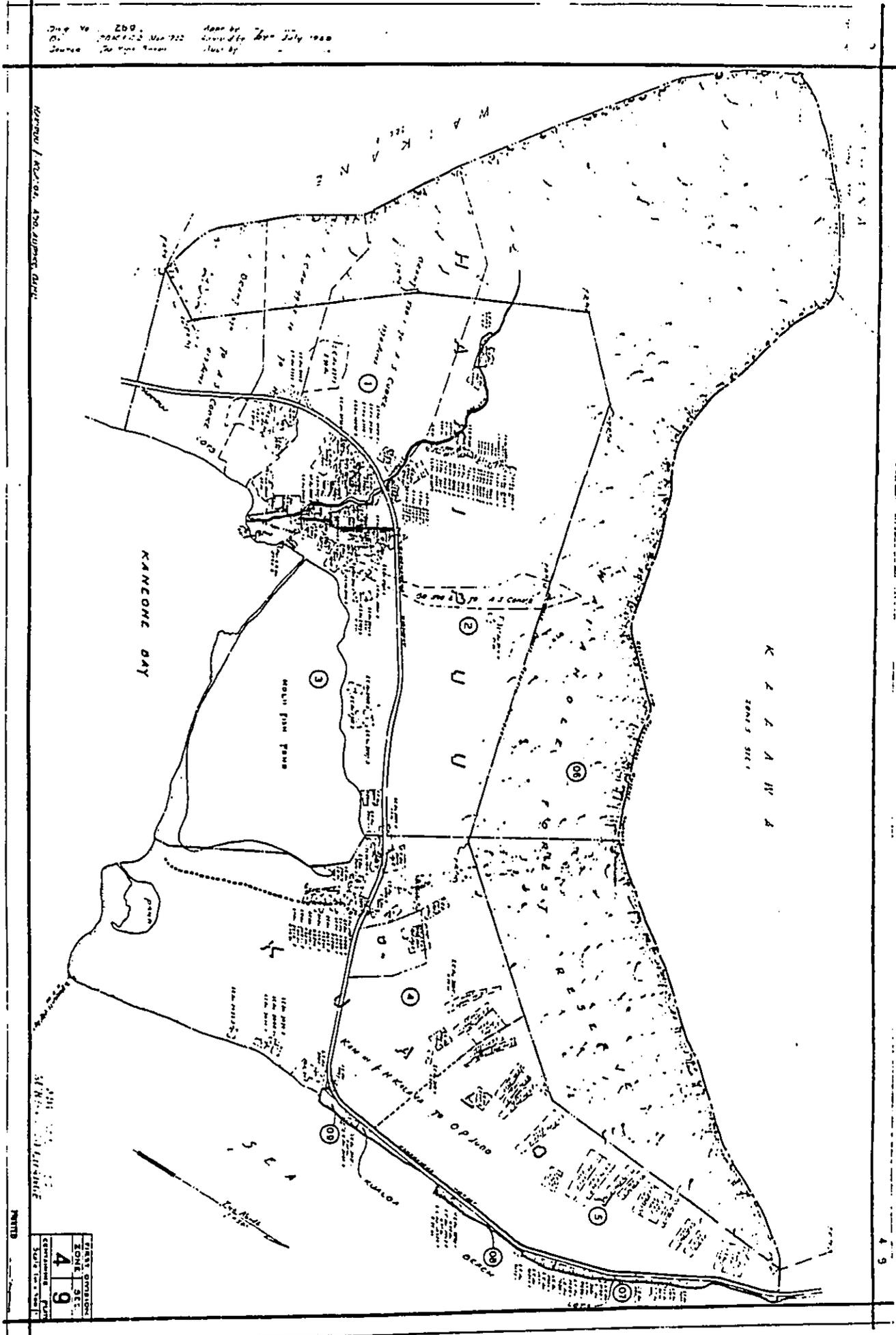


495

Prints Ordered: 24

FIRST	DIVISION
FORM	PLAT
4	8
CONTAINING	PARCELS
SCALE 1/8" = 50'	

EXHIBIT 3



505

EXHIBIT 3

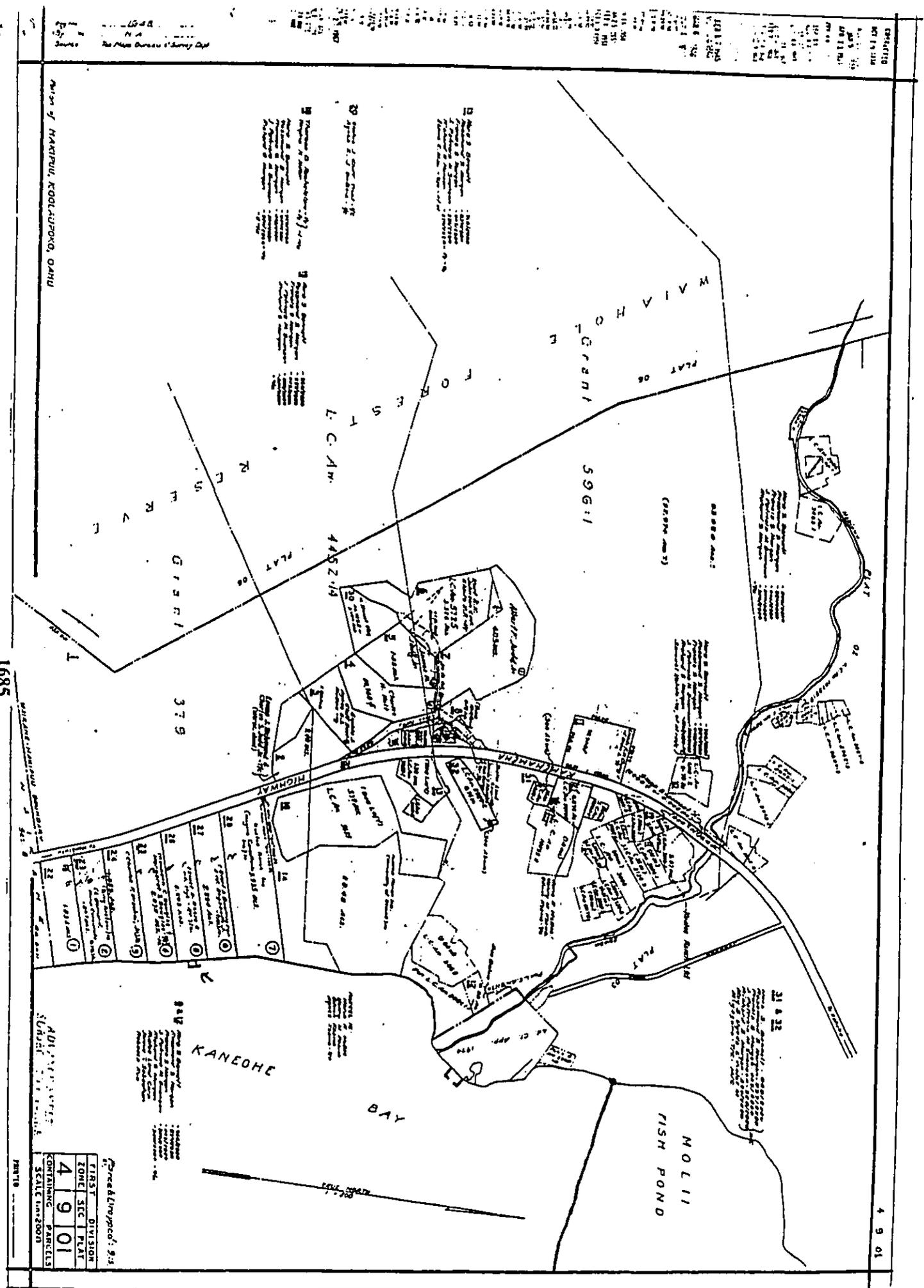


EXHIBIT 3



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

REF:PB:LT

JUN 18 1983

In reply, please refer to:
Case No.:
& TMK:

Dear Mr.

The Land Division of the Department of Land and Natural Resources is conducting an inventory/survey of private piers on public land. Piers in the area between Kaneohe Marine Corps Air Station (Nuupia Pond) to Waikane are being inventoried to determine compliance with existing State laws.

"Public land" including submerged lands extend from the upper reaches of the waves on shore seaward; these lands are also in the Conservation District.

Your property abuts a pier structure. Permission for the pier must be obtained from the Board of Land and Natural Resources (Board) via a Conservation District Use Permit (CDUP) and a Revocable Permit (RP) approving the specific use. Both permits are required to establish the legality of the pier.

Pursuant to Chapter 183C, Hawaii Revised Statutes, and Chapter 13-5, Hawaii Administrative Rules, relating to the regulation of land use in the Conservation District, and Chapter 171, Hawaii Revised Statutes, relating to the management and disposition of public lands, we request your participation in this inventory.

Data obtained from your responses to the attached survey will be used to place all piers into one of the following three categories:

1. "Legal piers" are those for which both a CDUP and an RP have been approved by the Board;

EXHIBIT 4

2. "Nonconforming piers" are those built prior to October 1, 1964, the date the Conservation District was established, for which a government permit can be provided; and
3. "Unauthorized piers" are those that do not qualify as nonconforming or were built subsequent to the establishment of the Conservation District without a CUP and/or RP. These structures are in violation of state laws.

The Department is offering owners of unauthorized piers a one-time opportunity to participate in an "Amnesty Program" that will bring the piers into conformance with the State's land use laws.

To achieve this objective, the Amnesty Program will be administered according to the following process and schedule:

1. Unauthorized piers will be processed through the Department's Hearing Officer/Administrative Penalty System (HOAPS) with a nominal fine to be imposed. The system's purpose is the fair and speedy disposition of cases involving violations of specific rules, statutes, permit conditions, and regulations of the Department;
2. A Master application for a Conservation District Use permit to include nonconforming piers as well as unauthorized piers will be prepared and scheduled for approval by the Board of Land and Natural Resources and will be done concurrently with a request to issue Revocable Permits;
3. Upon approval of the Master Conservation District Use permit that will include a list of all piers in the program, appraisal reports will be prepared by the state's Appraiser to establish the fair value for monthly rental payments for the use of public lands;
4. The Oahu District Land Office will issue individual Revocable Permits to owners of legally conforming piers.

The time schedule for resolution of the violations and approval by the Board for the Master Conservation District Use Permit and Revocable permits will be about four (4) months. Issuance of Revocable permits by the Oahu District Land Office will take about one month.

EXHIBIT 4

Page 3

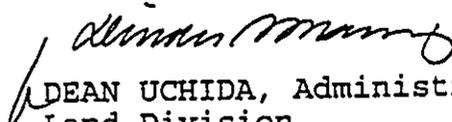
Please complete the enclosed survey, attach copies of documents regarding your pier's status, and return by mail within three weeks of the date of this letter to the following:

Dean Uchida, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809
ATTN: Lauren Tanaka

Should you choose not to participate in the inventory and Amnesty Program, or fail to respond to this offer within the three week period, violations will be processed in accordance with Chapters 183C and/or 171, Hawaii Revised Statutes. Fines will be imposed for the violations, payment of back rent for the unauthorized use of public lands may be required, and/or action may be taken for the removal of the illegal structure(s).

Please contact Lauren Tanaka at 587-0385, Planning Branch of the Land Division if you have questions.

Very truly yours,


DEAN UCHIDA, Administrator
Land Division

Enclosure

EXHIBIT 4

12/9/99
left msg.
12/12/99 Transfer
call to Lauren

STATE OF HAWAII
Department of Land and Natural Resources
Planning and Technical Services Branch
Land Division
Honolulu, Hawaii

Kaneohe Bay Pier Project
Inventory/Survey

Jan 2 10 27 AM '98

Please complete this form and return by mail to:

Dean Uchida, Administrator
Land Division
P.O. Box 621
Honolulu, Hawaii 96809
ATTN: Lauren Tanaka

Name: _____ Address: _____

Tax Map Key (TMK) of Property Where Pier is Located (if different from address completed above): _____

Phone No.: _____ Date: _____

1. Are you the owner of the property referred to by TMK in our letter?

Yes _____ No _____ If not, who is the owner?

Name & Address: _____

2. Is the pier located on the same TMK as indicated in our cover letter?

Yes _____ No _____

3. When was the pier built?

Month/Year _____ Do not know _____

4. Do you have a Conservation District Use Permit and/or a Revocable Permit authorizing the pier from the Department of Land and Natural Resources?

Yes _____ No _____ If yes, permit # _____

EXHIBIT 5

DOCUMENT CAPTURED AS RECEIVED

5. Do you have a permit for the pier from any other government agency?

Yes _____ No _____ If yes, permit type & # _____

6. Would you like to participate in the Amnesty Program described in our letter?

Yes _____ No _____

Please submit photocopies of documents as verification.

EXHIBIT 5



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809
January 8, 2001

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

(Name)
(Address)
(Address)

Dear :

As you may know, the Board of Land and Natural Resources (Land Board), in carrying out its responsibilities in the regulation of the Conservation District and in the management of public lands, has initiated an "Amnesty Program" to bring piers into conformance with State laws. We would like to update you on the current status and to ask for your response on your intentions regarding this program.

Act 261, SLH 2000, which was enacted into law this past year: 1) allows the Land Board to lease by direct negotiation submerged lands for private, residential non-commercial piers, 2) deletes the requirement for posting of signs on piers to allow for public use of the pier and 3) eliminates the requirement to obtain prior approval of the Governor and the Legislature for leasing of noncommercial piers. All three amendments will sunset on June 30, 2005.

The Department has drafted an environmental assessment (EA) which will be published in the OEQC Bulletin on January 23, 2001. This EA is required pursuant to Chapters 343 and 183C, HRS. You have the opportunity to comment on this EA during the 30-day comment period ending February 22, 2001. Copies will be available for viewing at the public libraries in the Kaneohe area, at the Land Division (1151 Punchbowl Street, Room 220) and at the Office of Environmental Quality Control (235 S. Beretania Street, State Office Tower, Room 702).

The Department has filed a master Conservation District Use Application (CDUA) which is required pursuant to Chapter 183C, HRS, for the use of lands in the Conservation District. We intend to request Board approval of this master CDUA in April.

Once the master CDUA is approved, a land disposition (lease document) pursuant to Chapter 171, HRS, can be issued. For the land disposition:

- 1) The fair market rent (one-time payment) shall be determined by a formula (dollar amount per square foot) that will be presented to the Land Board at a date to be determined. We will notify you of this meeting through our website

Exhibit 6

(<http://www.state.hi.us/dlnr/lmd>), area legislators and Protect Our Shoreline Ohana. You are invited to provide any comments you may have at that meeting.

2) You will need to (please await further instructions before proceeding with any of the following):

- Hire and pay a licensed surveyor to prepare a map and description (in CAD)
- Pay for document fees (\$30 per document) and rent (to be determined according to the approved formula)
- Provide tax clearances from the State and county tax offices

3) The standard State lease terms and conditions require:

- Liability insurance
- Performance bond

4) The lease term recommended for Land Board approval will be 55 years.

What are the benefits of joining the Amnesty Program?

- Opportunity to legalize your pier without having to pay consultants for the preparation of an EA and CDUA, an estimated cost of \$30,000 to \$50,000.
- Waiver of back rent or fines for those who participate in the program.
- Legalization of pier enables smooth sale of property in the future.
- Five-year window of Act 261 legislation allows for direct, long-term disposition and eliminates public use requirement, both advantageous when trying to sell your property or obtain homeowners insurance for your pier.

At any time during this process, if it is found that you have non-pier encroachments or other violations, such violations will be handled separately from and prior to processing of the pier. You will be asked to complete a questionnaire which will allow us to determine whether the encroachments should be removed or legalized under an easement document.

Your options are as follows:

- 1) Join the Amnesty Program
- 2) Have the pier and any encroachments removed
- 3) For those people with DOT Permits, you have the choice of continuing with the permit without obtaining a long-term lease. You should be aware, however, that the public use requirement would still apply to your pier and may negatively impact your ability to obtain insurance.

Exhibit 6

Taking all of this into consideration, we ask that you think over your options and then complete the attached application form. Please make sure you follow the instructions carefully, as the information may be used in the legal documents to be issued. Also, please note that your positive response to participate in the Amnesty Program does not legally commit you to participating. You may decide against obtaining a land disposition for your pier up to the point where we request your signature on the legal documents. (Please note that, in this case, we would retain the \$30 document fees since the documents had been prepared.)

If you decide not to participate in the Amnesty Program, your illegal pier will be processed through the normal Departmental penalty system and will be subject to fines and/or removal of the pier.

Please return this application form by Thursday, February 22, 2001 to enable processing. If you have any information to provide or questions to ask, please contact Traver Carroll at 587-0439.

Thank you.

Sincerely,

DEAN Y. UCHIDA
Administrator

cc: Land Board Members
Representative Ken Ito
Representative Charles Djou
Senator Bob Hogue

Exhibit 6



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

Ref:PB:TC

File: OA-3017B

Genevieve Salmonson, Director
Office of Environmental Quality Control
235 So. Beretania St., Suite 702
Honolulu, HI 96813

SUBJECT: Conservation District Use Application (CDUA) OA-3017B

Thank you for your letter dated February 22, 2001, commenting on the subject CDUA and Draft Environmental Impact Statement (DEIS). We offer the following responses in the respective order of your comments:

The Land Division has been engaged in the education of the affected Kaneohe Bay landowners from the inception of this project. We have had public meetings and are in regular contact with the landowners and we will continue to be in contact and provide education. This CDUA and EIS are part of an attempt to avoid future noncompliance.

The Land Division would like to thank you for your support for dedicating revenues, received from Kaneohe Bay piers lease rents, to the Beach Restoration Fund.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Impact Statement. We appreciate your interest and participation in the public review phase of the environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Y. Uchida".

Dean Y. Uchida, Administrator
Land Division

BENJAMIN J. CAYETANO
GOVERNOR



FILE COPY

7-095-
To: Traver

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
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February 22, 2001

Mr. Gilbert Agaran, Chair
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Agaran:

Subject: Kāne'ōhe Bay Pier Project

Thank you for the opportunity to review and comment on the subject project. We have the following comments.

1. We strongly recommend that the department properly educate all the affected Kāne'ōhe Bay landowners about various Federal, State, and County regulatory requirements affecting their bayfront property. Revenues received from pier lease rents in Kāne'ōhe Bay should be used for this purpose to avoid future noncompliance.
2. We also support dedicating revenues received from pier lease rents in Kāne'ōhe Bay to the Beach Restoration Fund.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

A handwritten signature in cursive script that reads "Genevieve Salmonson".

Genevieve Salmonson
Director