

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**AIR-PM**

Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

**FINAL APPROVAL FOR THE ACQUISITION OF PRIVATELY-OWNED  
LAND AND SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION  
FOR ADDITION TO KAHULUI AIRPORT, SITUATE AT KAHULUI,  
ISLAND AND COUNTY OF MAUI  
TAX MAP KEY NO: (2) 3-8-001-268 (POR.)**

**MAUI**

**APPLICANT AGENCY:**

Department of Transportation, Airports Division ("DOT").

**PRIVATE LANDOWNER:**

Alexander and Baldwin, LLC, a Hawai'i limited liability company ("A&B").

**LEGAL REFERENCE:**

Sections 107-10, 171-11, 171-30, 261-4, Hawai'i Revised Statutes, as amended, and Chapter 101, HRS, as may be necessary.

**LOCATION:**

Privately-owned land situated at Kahului, Island and County of Maui, identified by Tax Map Key No. (2) 3-8-1-268 (portion), as shown on attached Exhibits "A" and "B".

**AREA:**

Easement 1, 0.298 acre, more or less, Tax Map Key No. (2) 3-8-1-268 (portion) (hereinafter referred to as Subject Area)

**ZONING:**

Easement 1 –  
State Land Use District:      Urban District  
County of Maui CZO:          M-1, Light Industrial

**ITEM M-6**

**BLNR-FINAL APPROVAL FOR THE ACQUISITION OF PRIVATELY-OWNED LAND  
AND SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION FOR ADDITION TO  
KAHULUI AIRPORT**

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**LAND TITLE STATUS:**

Not applicable. Private land

DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: YES\_\_ NO X

**CURRENT USE:**

Privately owned street (Hookele Street) to be dedicated to the County of Maui.

**CONSIDERATION:**

Easement 1 is to be conveyed gratis to the DOT.

**PURPOSE:**

A perpetual Avigation and Noise Easement for the purpose of enhancing the protection of people and property on the ground.

**CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:**

A Final Environmental Impact Statement (FEIS) was issued in September 1997 for Kahului Airport Improvements (including acquisition of subject lands) and published in the OEQC's The Environmental Notice on October 23, 1997. The FEIS was accepted by the Governor on February 18, 1998.

**REMARKS:**

At its meeting of January 9, 2015, under agenda item M-8, the Board of Land and Natural Resources (BLNR) approved in principle the acquisition of approximately 15 acres of privately-owned lands situated at Kahului, Maui and further identified as Tax Map Key No. (2) 3-8-001-002 (portion).

At its meeting of September 23, 2016, under agenda item M-4, the BLNR gave final approval to the acquisition of Parcels 1 and 2, and Easement 2. Easement 1 was not included in the September 23, 2016 submittal as it is being negotiated separately due to its intended purpose as a public road.

DOT is requesting BLNR's final approval for the acquisition of Easement 1 for avigation and noise easement purposes.

Pursuant to the January 9, 2015 BLNR approval in principle, A&B was required to:

**BLNR-FINAL APPROVAL FOR THE ACQUISITION OF PRIVATELY-OWNED LAND  
AND SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION FOR ADDITION TO  
KAHULUI AIRPORT**

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- 1) Process and obtain subdivision approval.
- 2) Provide survey maps and descriptions of the parcels.
- 3) Obtain a title report of the parcels.
- 4) Conduct a Phase I environmental site assessment, and if necessary, conduct a Phase II environmental site assessment.

Following is a summary of A&B's fulfillment of their requirements as required in the initial BLNR approval:

The County of Maui does not require subdivision approval for designation of an easement.

Survey maps and parcel descriptions have been prepared and approved for Easement 1.

A&B has provided a title report as of October 2015 prepared by Title Guaranty of Hawaii. A review of the title report has revealed various encumbrances, declarations of conditions, utility easements, etc. A&B has committed to releasing those encumbrances that do not affect the Subject Area, being a portion of a larger parcel. A review of the utility easements determined that they do not adversely impact DOT's use of the Subject Area.

A&B has contracted for a Phase I environmental site assessment dated December 2015. The Phase I concluded that there was no evidence of historical or current recognized environmental conditions in connection with the Subject Area. An update to the Phase I was prepared in August 2016. The update found that there were no significant changes affecting the environmental status of the Subject Area between December 2015 and August 2016.

**RECOMMENDATION:** That the Board:

- A. Authorize the acquisition of the subject aviation and noise easement by the Department of Transportation, Airports Division, subject to the terms and conditions cited above which are by this reference incorporated herein, and further subject to the completion or issuance of the following items:
  1. Eminent domain proceedings, as may be necessary for the acquisition, pursuant to Chapter 101, Hawai'i Revised Statutes;
  2. Review and approval by the Department of the Attorney General; and,
  3. Such other terms and conditions as may be prescribed by the Director of Transportation or the Chairperson of the Board of Land and Natural Resources to best serve the interests of the State.

**BLNR-FINAL APPROVAL FOR THE ACQUISITION OF PRIVATELY-OWNED LAND  
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B. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject avigation and noise easement to the Department of Transportation, Airports Division, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

1. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
2. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Land Board Chairperson to best serve the interests of the State.

C. Authorize the issuance of a management right-of-entry permit to the Department of Transportation, Airports Division, covering the subject area under the terms and conditions cited above, effective immediately upon the acquisition by the State, which are by this reference, incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Such other terms and conditions as may be prescribed by the Land Board Chairperson to best serve the interests of the State.

Respectfully submitted,



FORD N. FUCHIGAMI  
Director of Transportation

Attachment

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE  
Chairperson and Member

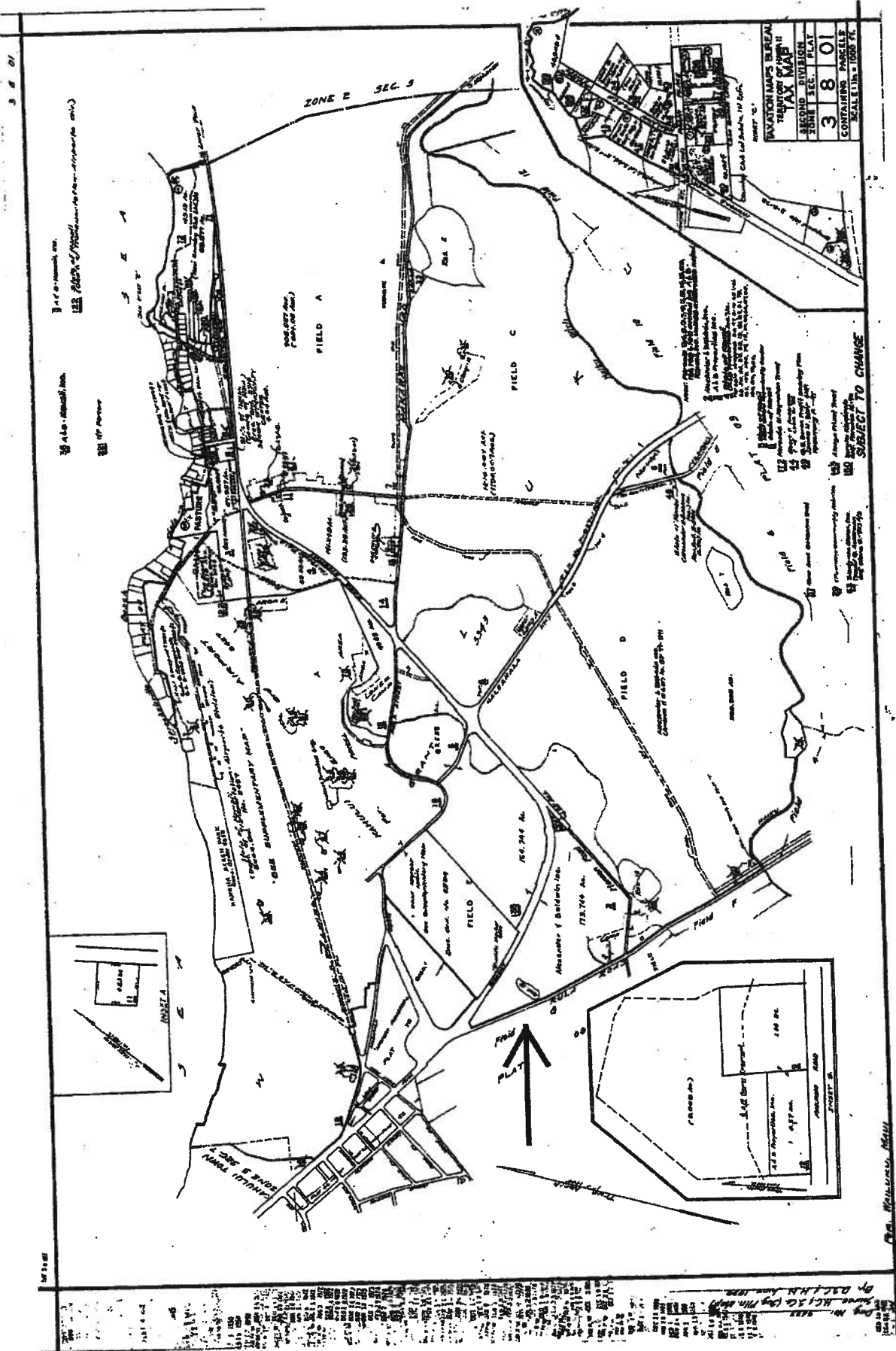
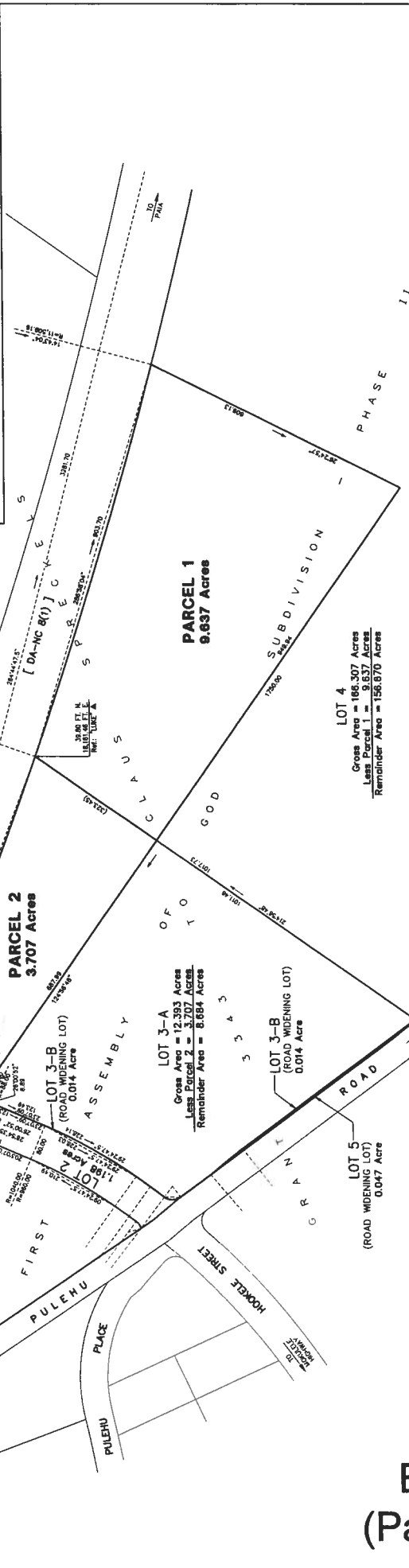
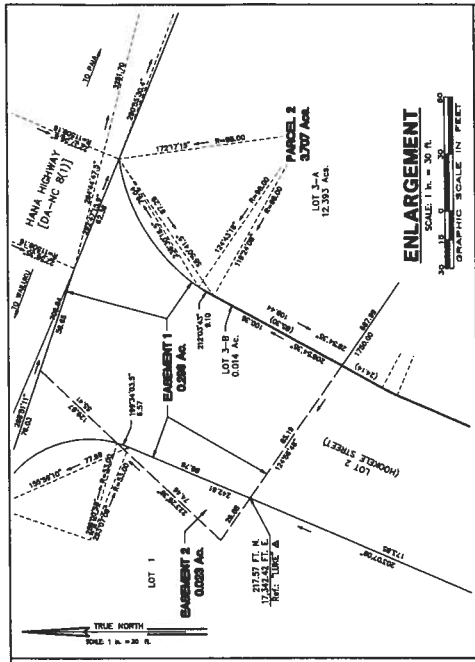


Exhibit A



**KAHALUI AIRPORT  
PROJECT NO. AM1021-11, A&B LAND ACQUISITION  
DESIGNATION OF PARCELS 1 AND 2 AND EASEMENTS 1 AND 2  
BEING A PORTION OF GRANT 3843 TO CLAUD SPRECKELS  
BEING, ALSO, PORTIONS OF LOTS 1, 2, 3-A, 3-B AND 4, FIRST ASSEMBLY OF GOD SUBDIVISION - PHASE II  
(SUBDIVISION FILE NOS. 3.2207 AND 3.2348)  
AT KAHALUI, MAUI, HAWAII**

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

**R. T. TANAKA**  
 Licensed Professional Engineer  
 License Category No. 10734  
 License Expires: APRIL 30, 2018

DATE: 10/11/16

REVISED: OCT. 16, 2015  
 REVISED: JAN. 19, 2016  
 REVISED: MAY 27, 2015  
 REVISED: MAY 27, 2015  
 405 HIG. 11-132

100' 0' 100' 200'  
 GRAPHIC SCALE IN FEET

**R. T. TANAKA ENGINEERS, INC.**  
 LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

For Map Key (2) 3-B-01: 02 (Portion)  
 For Map Key (2) 3-B-06: 04 (Portion)  
 KAHALUI, MAUI, HAWAII 96753

EASEMENT 1

KAHULUI AIRPORT

PROJECT NO. AM1021-11, A & B LAND ACQUISITION

SITUATED ON THE SOUTH SIDE OF HANA HIGHWAY [DA-NC 8(1)]

AT KAHULUI, MAUI, HAWAII

BEING A PORTION OF GRANT 3343 TO CLAUS SPRECKELS

An Easement for Kahului Airport affecting Lots 2 and 3-B, First Assembly of God Subdivision - Phase II (Subdivision File Nos. 3.2207 and 3.2348) and described as follows:

Beginning at the Southwest corner of this Easement, along Lot 1, First Assembly of God Subdivision - Phase II (Subdivision File No. 3.2207) the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 217.57 feet North and 17,342.42 feet East and running by azimuths measured clockwise from True South:

1. 203° 07' 09" 68.76 feet along Lot 1, First Assembly of God Subdivision - Phase II (Subdivision File No. 3.2207);
2. Thence, along Lot 1, First Assembly of God Subdivision - Phase II (Subdivision File No. 3.2207), on curve to the left with a radius of 53.00 feet, the radial azimuth to the point of curve being 293° 07' 09" and the radial azimuth to the point of tangent being 286° 00' 58", the chord azimuth and distance being:  
199° 34' 03.5" 6.57 feet;
3. 223° 28' 39" 55.41 feet along the remainder of Lot 2, First Assembly of God Subdivision - Phase II (Subdivision File No. 3.2207);
4. 288° 51' 11" 56.65 feet along Hana Highway;

5. Thence, along Hana Highway on curve to the left with a radius of 11,509.16 feet, the radial azimuth to the point of curve being 22° 56' 35" and the radial azimuth to the point of tangent being 22° 37' 56.8", the chord azimuth and distance being:

292° 47' 15.9"          62.39 feet;

6. Thence, along Lot 3-A, First Assembly of God - Phase II (Subdivision File No. 3.2348) on curve to the left with a radius of 98.00 feet, the radial azimuth to the point of curve being 172° 17' 15" and the radial azimuth to the point of tangent being 124° 43' 18", the chord azimuth and distance being:

58° 30' 16.5"          79.04 feet;

7.      28° 54' 35"          85.30 feet along Lot 3-A, First Assembly of God Subdivision - Phase II (Subdivision File No. 3.2348);

8.      124° 56' 48"          85.19 feet along the remainder of Lots 3-B and 2, First Assembly of God Subdivision - Phase II (Subdivision File Nos. 3.2348 and 3.2207) to the point of beginning and containing an area of 0.298 Acre.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in black ink that reads "Kirk T. Tanaka".

Kirk T. Tanaka  
Licensed Professional Land Surveyor  
Certificate No. 7223  
License Expires: April 30, 2018

871 Kolu Street, Suite 201  
Wailuku, Hawaii 96793

May 27, 2015  
Revised: June 18, 2015  
Revised: July 8, 2015  
Revised: October 11, 2016

**EXHIBIT B**  
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