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

Cancellation of Governor’s Executive Order Nos. 1451, 1880, 1950, 2600, 2602, 2705, 2928, 3259 and 3500 and Reset Aside to State of Hawai‘i, Department of Transportation, Airports Division (DOT – Airports Division) for Līhu’e Airport
Purposes and Issuance of an Immediate Right-of-Entry Permit to State of Hawai‘i, Department of Transportation – Airports Division Covering the Subject Area for
Management Purposes, Portion of Kalapaki – Hanamaulu, Līhu’e, Kaua‘i,
Tax Map Key: (4) 3-5-001:005, 008, 009, 092, 109, 111, 128, 158, 159 & 160
KAUA‘I

CONTROLLING AGENCY:

Hawaii Aeronautics Commission, State of Hawai‘i, Department of Transportation - Airports Division, County of Kaua‘i.

APPLICANT:

State of Hawai‘i, Department of Transportation - Airports Division. (DOT – Airports Division)

LEGAL REFERENCE:

Section 171-11, Hawai‘i Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at portion of Kalapaki – Hanamaulu, Līhu’e, Kaua‘i,
identified by Tax Map Key: (4) 3-5-001: 005, 008, 009, 092, 109, 111, 128, 158, 159 & 160,
as shown on the attached map labeled Exhibit A.
AREA:

884.4419 acres, more or less.

ZONING:

State Land Use District: Agriculture, Conservation, Urban
County of Kaua'i CZO: SPA – Special Planning Area

TRUST LAND STATUS:

Section 5(a) lands of the Hawai'i Admission Act

DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: NO

CURRENT USE STATUS:

Governor’s Executive Order No. 1451 setting aside 152.261 acres to Hawaii Aeronautics Commission for public purposes.

Governor’s Executive Order No. 1880 setting aside 37.207 acres to Hawaii Aeronautics Commission for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 1950 setting aside 2.759 acres to Hawaii Aeronautics Commission for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 2600 setting aside 26.9255 acres to DOT – Airports Division for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 2602 setting aside 1.1065 acres to County of Kaua'i for access to Ahukini Rubbish Dump purposes.

Governor’s Executive Order No. 2705 setting aside 0.723 acres to DOT – Airports Division for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 2928 setting aside 3.6344 acres to DOT – Airports Division for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 3259 setting aside 5.6630 acres to DOT – Airports Division for addition to Līhu'e Airport purposes.

Governor’s Executive Order No. 3500 setting aside 2.7980 acres to DOT – Airports Division for addition to Līhu'e Airport purposes.
Vacant and unencumbered (74.506 acres + 618.704 acres acquired from Lihue Plantation Company, Limited). See Exhibit B.

PURPOSE OF SET ASIDE:

Consolidate into a single Governor’s Executive Order for Līhu’e Airport purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant’s use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

Conservation District. Approximately 68.584 acres is within the conservation district. CDUA KA-3085 Departmental Permit was approved by the Chairperson of the Board of Land and Natural Resources on July 31, 2002. DOT accepted the conditions of the permit on August 5, 2002. This was to consolidate and re-subdivide the subject parcels (tax map keys: 3-5-1: 92, 158 and 159) that lie within the conservation and agricultural land use districts of Līhu’e Airport and for public access on Ahukini Road.

REMARKS:

This request is for consolidation into a single Governor’s Executive Order for simplified management. Currently, Līhu’e Airport has ten (10) different GEO’s and lands acquired by the DOT - Airports Division through airport revenues.

Much of the lands have been used for Līhu’e Airport since 1951. Within the Līhu’e Airport boundary are interior roads that provide access to Ahukini Landing, a small boat facility under the control of the Department of Land and Natural Resources. Area 10 is the former Ahukini Dump that was acquired in 1978 together with the access road. Parcel 6-G is a portion of the Ahukini Dump road that was withdrawn from GEO No. 2602 by GEO No. 2918, but through oversight, Parcel 6-K was not withdrawn.

DOT completed condemnation of agriculture lands owned by Lihue Plantation Company, Limited. Final order of condemnation dated September 1, 1982 (reference LOD #S-27771) for 618.704 acres, $9,440,000 consideration. Final order of condemnation dated December 9, 1993 (reference LOD #S-28636) for 74.506 acres, $4,047,900 consideration. These lands have been added to Līhu’e Airport for the new runway expansion and clear zone. The lands were acquired with airport funds.

By memorandum dated February 24, 2003, Mr. Rodney Haraga, Director for DOT requested the BLNR to recommend to the Governor the cancellation of 9 Executive Orders and issue a new Executive Order for Līhu’e Airport. With the recent acquisition of 693.21 acres, the
consolidation of the Līhu'e Airport lands under one Executive Order will reflect the new and expanded Līhu'e Airport. For staff it will provide for easier management of the terminal and runway areas, and the administration of existing and new leases. See Exhibit C.

On July 1, 1961, the Hawaii Aeronautics Commission was abolished and the functions, duties, and powers transferred to the Department of Transportation.

Līhu'e Airport is the main airport for the Island of Kaua'i and provides primary inter-island transportation for passengers and air cargo. DOT proposes to continue the current use, complying with FAA regulations, tenants’ needs and the public. No alternative highest and best uses were considered.

By letter dated July 15, 2003, Mayor Bryan Baptiste had no objections to the cancellation of Governor Executive Order No. 2602 and the transfer of jurisdiction of the roads within the airport boundary to the Department of Transportation. See Exhibit D.

DOT- Airports Division satisfied the requirement of obtaining final subdivision approval from the Planning Commission of the County of Kaua'i on January 28, 2003. The survey maps and descriptions were done according to State DAGS standards and the work was done at DOT's own expense. See Exhibit E.

Three agencies were requested to comment on this report – Office of Hawaiian Affairs, and the County of Kaua'i’s Planning and Public Works agencies. No community comments were solicited as the request is for housekeeping purposes only. There are no pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Transportation, Airport Division under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

   A. The standard terms and conditions of the most current executive order form, as may be amended from time to time, except that the executive order shall include the following covenant to run with the land as required by the Federal Aviation Administration:
B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

C. Review and approval by the Department of the Attorney General; and

D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3. Authorize the issuance of an immediate right-of-entry permit to Department of Transportation, Airports Division covering the subject area for management purposes, which are by this reference incorporated herein and further subject to the following:

   A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;

   B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

   C. The term will expire on the date the subject governor’s executive order is issued to Department of Transportation – Airports Division.

Respectfully Submitted,

[Signature]

FORD N. FUCHIGAMI
Director of Transportation

APPROVED FOR SUBMITTAL:

[Signature]

SUZANNE D. CASE
Chairperson and Member of the Board
## Creating One GEO for Lihue Airport, Island of Kauai
Based on Existing GEOs and Additional Lands for Set Aside
Adjusted Net Acreage, As of January 28, 2003 *

*Date the Land Title Map (shows subdivisions) was Approved by County of Kauai's Planning Commission

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<th>GEO No.</th>
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*Note: All data is subject to change based on final survey results and approval by the County of Kauai.*

Exhibit B
February 24, 2003

TO: PETER T. YOUNG, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

FROM: RODNEY K. HARAGA
DIRECTOR OF TRANSPORTATION

SUBJECT: REQUEST FOR ISSUANCE OF GOVERNOR'S EXECUTIVE ORDERS CANCELLING EXISTING GOVERNOR'S EXECUTIVE ORDERS AND SETTING ASIDE LIHUE AIRPORT LANDS WITH ADDITIONAL LANDS ACQUIRED BY STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION
THE LIHUE PLANTATION CO., LIMITED TO STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, ISLAND OF OAHU, AREAS 8, 11, 14, 15, 17, & 19 AND PARCELS A-1 & A-2, LIHUE AIRPORT, KAUAI

Pursuant to Section 171-11, Hawaii Revised Statues, we request that the Board of Land and Natural Resources, State of Hawaii, approve the issuance of a Governor's Executive Order to set aside lands situated on the island of Kauai to the Department of Transportation, Airports Division (DOT-A). The subject public lands were acquired from Lihue Plantation Company, Ltd., by condemnation, Civil Nos. 2133 dated September 1, 1982 and 93-358 dated December 29, 1993. Total consideration for Areas 8, 11, 14, 15, 17, & 19 was $9,440,000. Total consideration for Parcels A-1 & A-2 was $4,047,900. Both condemnations were paid from airport funds.

The subject properties are situated at Lihue, Kauai, State of Hawaii. The total area conveyed is 693.210 acres, more or less. Descriptions are attached to the condemnation documents.

Exhibit C
We have enclosed a copy of the Conservation District Use Application, which contains tax maps, land use map and other information related to the subject areas and parcels.

Pursuant to Chapter 343, Hawaii Revised Statutes, as amended, Parcels A-1 & A-2 were included in Lihue Airport Land Acquisition Final Environmental Assessment and Negative Declaration dated May 20, 1993. Parcels A-1 and A-2 are shown in the report as Parcel A.

Areas 8, 11, 14, 15, 17, and 19 and Parcels A-1 and A-2 were acquired for the expansion of Lihue Airport.

Enclosed, for your reference and file, are copies of the recorded Final Order of Condemnation document, Stipulated Judgment, current descriptions (in the documents), and subdivision approved map.

Portions of Lihue Airport are presently set aside to the Department of Transportation for airport purposes under Governor's Executive Order Nos. 1451, 1880, 1950, 2600, 2602, 2705, 2928, 3259, and 3500. In the interest of consolidating Lihue Airport, we request that the existing GEOs be cancelled and consolidated under one GEO that includes the recently subdivided areas and parcels.

We respectfully request that, pending issuance of the Governor's Executive Order, a right-of-entry for control and management be issued to the DOT-A.

If your staff has any questions, please have them contact Land Agent, Mr. Michael Lee with the Airports Division, at 838-8609.

Enclosures: Conservation District Use Application

Exhibit C
July 15, 2003

Rodney K. Haraga
Director of Transportation, State of Hawai‘i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai‘i 96813-5097

Dear Mr. Haraga:

Subject: Lihu‘e Airport, Road Relinquishment

I am in receipt of your letter dated May 30, 2003 requesting the County of Kaua‘i relinquish its interest in the roads within Lihu‘e Airport.

Upon careful consideration of this request, the County of Kaua‘i is in accord with the cancellation of the Governor’s Executive Order (GEO) No. 2602 and has decided to transfer jurisdiction of all roads within the airport boundary to the State of Hawai‘i, Department of Transportation (DOT). However, we humbly request an assurance from the DOT that public access to Ahukini Landing will not be affected.

Thank you for the opportunity to review your request, and I look forward to your written assurance that public access to Ahukini Landing will continue.

Sincerely,

[Signature]

Bryan J. Baptiste
Mayor

4444 Rice Street, Suite 235 • Lihu‘e, Hawai‘i 96766 • (808) 241-5300 Fax (808) 241-6877

Exhibit D