

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:

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.

**ITEM M-11**

BLNR – CANCELLATION OF VARIOUS GEO AND RESET ASIDE TO DOT-AIRPORTS  
Page 2

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,

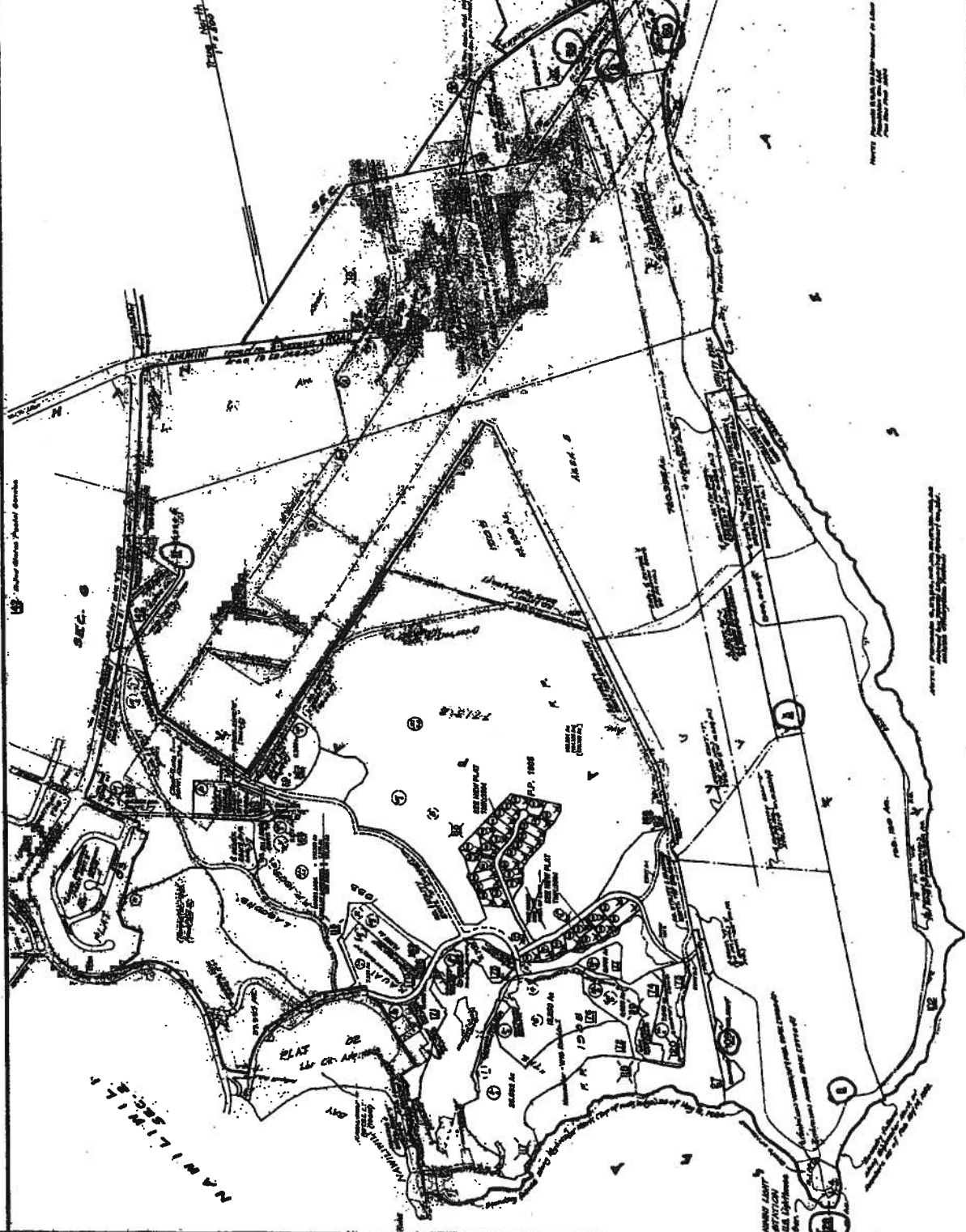
  
FORD N. FUCHIGAMI  
Director of Transportation

APPROVED FOR SUBMITTAL:

  
SUZANNE D. CASE  
Chairperson and Member of the Board

S B O I

1. All lots shown on this map are subject to the provisions of the Hawaiian Tax Map Act, Chapter 210, Hawaii Revised Statutes, as amended.  
 2. The boundaries of the lots shown on this map are based on the best available information and are not guaranteed.  
 3. The area shown on this map is not to be used for any purpose other than for the assessment of taxes.  
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Prepared and published by the  
**HAWAIIAN TAX MAPS BUREAU**  
 TERRITORY OF HAWAII  
**TAX MAP**  
 COUNTY DIVISION  
 ZONE SEC PLAT  
**3 5 01**  
 CONTAINING PARCELS  
 SCALE: 1 in. = 500 ft.  
 HBTB:

SUBJECT TO CHANGE

PORTION OF KALAPAKI - HANALEI, LIHUE, KAULA

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Exhibit A

**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*

<b>GEO No.</b>	<b>Acreage</b>	<b>GEO's &amp; Lihue Airport Boundary Map (P.H. 633-B)</b>	<b>Land Title Map (P.H. 633-D)</b>	<b>Comment</b>
<b><i>State Lands Acquired Through GEOs</i></b>				
1451	152.2610	Parcels 1 & 2, and FOC	Area 1 (Por.)	
1874	-35.0200	Parts 1, 2, & 3	Por.: Areas 14 & 8, A-2, & more	
1880	37.2070	Parcels 1-A, 1-B, 4-A, 4-B, 5-A, 5-B, and 5-C	Area 1 (Por.)	
1950	2.7590	Parcels D & D-1	Area 1 (Por.)	
2600	26.9255	Par 6-A, Esmts 2, 3, & 4, Parcels 6-B, 6-C, & 6-D	Area 1 (Por.)	
2705	0.7230	Parcel 6-E	Area 1 (Por.)	
2928	3.6344	Parcels 6-G, 7, & 8	Areas 12, 10, & 9	
3259	5.6630	Parcel A	Area 13	
3500	2.7980	Ninini Point	Area 1 (Por.)	
	<b>196.9509</b>	<b><i>Total Acreage in GEOs</i></b>		
	-0.0910	Shoreline erosion along Par. 6-B	Area 1 (Por.)	Shoreline Location, 3/31/78
	-0.0690	Shoreline erosion along Par. 7	Area 10	Shoreline Certification, 6/14/07
	-0.2670	Shoreline erosion along Par. 7	Area 10	Shoreline Location, 3/31/78
	-0.2350	Shoreline erosion along Ninini Pt.	Ninini Pt.	Shoreline Certification, 2/12/02
	<b>196.2889</b>	<b><i>Adjusted Acreage in GEOs</i></b>		
<b><i>Roadways Designated for Jurisdictional Transfer from County of Kauai</i></b>				
Requested	0.1640	Parcel 6-K	Area 16	GEO 2602, Map P.H. 633-D
Requested	0.4860	Roadway to Ahukini Landing	Area 18	As shown on Map P.H. 633-D
	<b>0.6500</b>	<b><i>Total Acreage To Set Aside</i></b>		
<b><i>Land Acquired with Airport Revenues</i></b>				
Requested	5.9220		A-1	Civil # 93-0358
Requested	68.5840		A-2	Civil # 93-0358
	<b>74.5060</b>	<b><i>Sub-Total Acreage To Set Aside</i></b>		
Requested	536.2040		Area 8	Civil # 2133
Requested	27.4700		Area 11	Civil # 2133
Requested	32.8420		Area 14	Civil # 2133
Requested	9.1230		Area 15	Civil # 2133
Requested	10.8870		Area 17	Civil # 2133
Requested	2.1780		Area 19	Civil # 2133
	<b>618.7040</b>	<b><i>Sub-Total Acreage To Set Aside</i></b>		
<b><i>Total Acreage Requested under One GEO</i></b>				
	196.2889	Adjusted Acreage in GEOs		
	0.6500	Roadways to Include		
	74.5060	Lands Acquired		Civil # 93-0358
	612.9970	Lands Acquired		Civil # 2133
	<b>884.4419</b>	<b><i>Total Acreage, more or less</i></b>		

LINDA LINGLE  
GOVERNOR



RODNEY K. HARAGA  
DIRECTOR

Acting Deputy Director  
GLENN M. OKIMOTO

RECEIVED

03 FEB 25 P1 45

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097  
DEPT. OF LAND  
NATURAL RESOURCES  
STATE OF HAWAII

AIR-P  
03.0066

February 24, 2003

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

FROM: RODNEY K. HARAGA *Rodney 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 Statutes, 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.

received  
FEB 27 2003

Exhibit C



Mr. Peter T. Young  
February 24, 2003  
Page 2

AIR-P  
03.0066

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

DIR. W08



Bryan J. Baptiste  
Mayor

Gary K. Heu  
Administrative Assistant

Office of the Mayor

July 15, 2003

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

MOJ JUL 22 A 10:28

DIRECTOR'S OFFICE  
DEPT. OF  
TRANSPORTATION

Dear Mr. Haraga:

Subject: Lihu'e Airport, Road Relinquishment

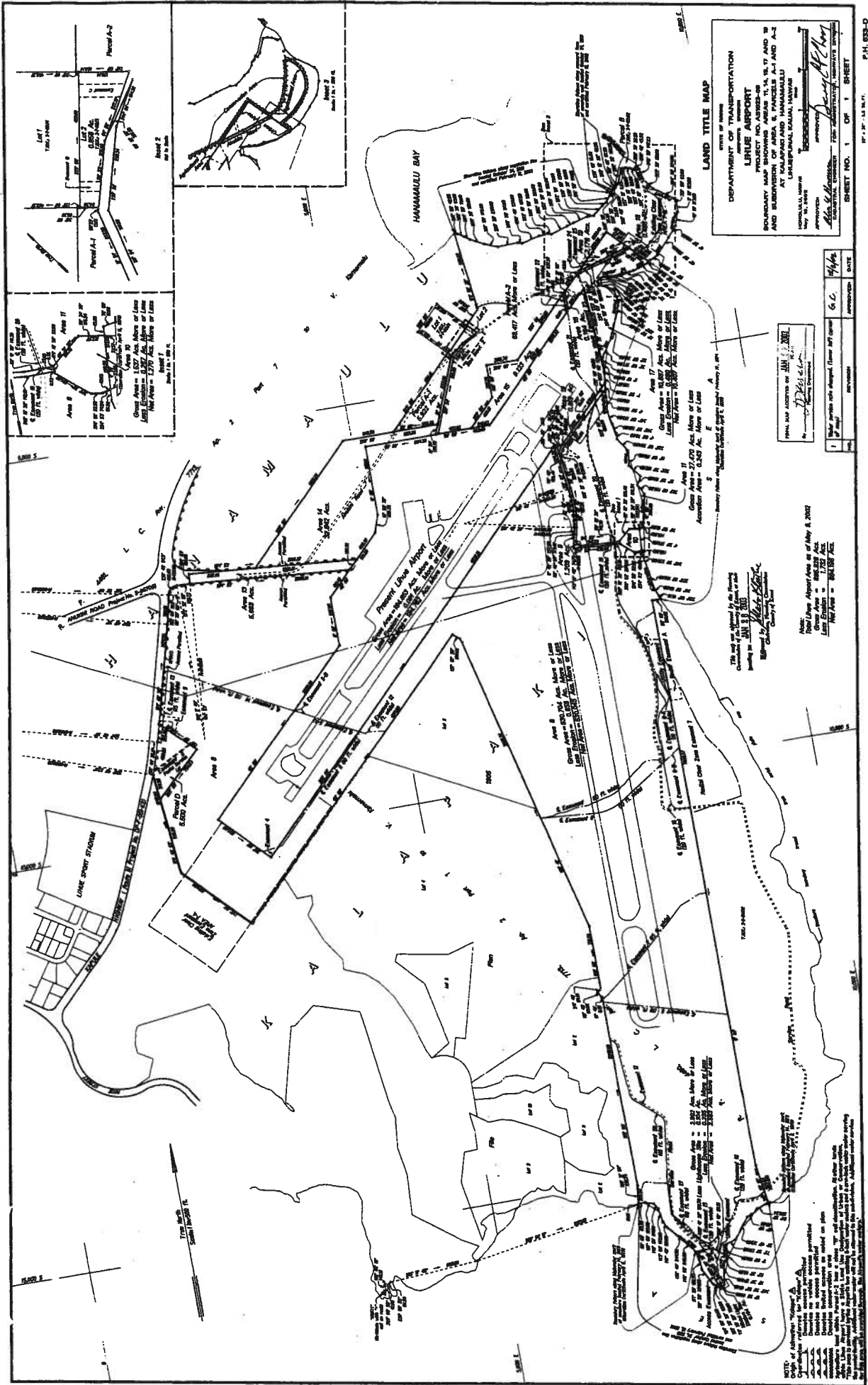
I am in receipt of your letter dated May 30, 2003 requesting the County of Kaua'i relinquish its interest in the roads within Lihu'e Airport.

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,

Bryan J. Baptiste  
Mayor



STATE OF HAWAII  
 DEPARTMENT OF TRANSPORTATION  
 AIRPORTS DIVISION  
**LIHUE AIRPORT**  
 PROJECT NO. A-5833-08  
 SHOWING THE PROPOSED LAYOUT OF THE AIRPORT AND  
 AND SUBDIVISION OF AREA 1, PARCELS A-17 AND A-18  
 AT LIHUE AIRPORT AND HANAMULU BAY  
 APPROVED: [Signature]  
 DATE: [Date]

**LAND TITLE MAP**

DATE	APPROVED
1/15/08	[Signature]
1/15/08	[Signature]
1/15/08	[Signature]

THIS MAP SHOWS THE LAYOUT OF THE AIRPORT AND SUBDIVISION OF AREA 1, PARCELS A-17 AND A-18 AT LIHUE AIRPORT AND HANAMULU BAY. THE TOTAL AREA OF THE AIRPORT IS 1,000 ACRES. THE TOTAL AREA OF THE SUBDIVISION IS 1,000 ACRES.

Checked and approved by the State Engineer on 1/15/08.  
 State Engineer: [Signature]

Net Area of Airport Area as of July 8, 2002  
 Gross Area = 1,000.000 AC.  
 Less Easement = 1,000.000 AC.  
 Net Area = 1,000.000 AC.

NOTE: All dimensions shown on this map are approximate and should not be used for legal purposes. The actual dimensions should be determined by a surveyor. The map is not to be used for any other purpose without the written consent of the State Department of Transportation. The map is not to be used for any other purpose without the written consent of the State Department of Transportation.

Area 1	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 2	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 3	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 4	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 5	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 6	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 7	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 8	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 9	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less
Area 10	1,200 Ac. More or Less	Less Easement = 1,100 Ac. More or Less	Net Area = 1,000 Ac. More or Less

**Exhibit E**