

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 28, 2017

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

PSF No.: 00MD-471  
Lanai

*Amend Prior Board Action of June 25, 1999, Item D-6, Set Aside of Government Land for the Issuance of an Executive Order to the Department of Transportation, Airports Division, Island of Lanai, Tax Map Key: (2) 4-9-002: Portion 01.*

The purpose of the amendment is to: (i) update the tax map parcel numbers for the Lanai Airport to Tax Map Keys: (2) 4-9-002:041, 055, 056 and 059 ("Lanai Airport Parcels"), (ii) request the cancellation of three existing Executive Orders previously setting aside lands for Lanai Airport (Executive Order Nos. 1248, 1279 and 2211), (iii) authorize the set-aside of all of the Lanai Airport Parcels to the Department of Transportation–Airports Division ("DOT-Airports") via a new Executive Order, and (iv) authorize the issuance of management right-of-entry permit to DOT-Airports for a portion of Lanai Airport pending the issuance of a new Executive Order.

CONTROLLING AGENCY:

Department of Transportation – Airports Division ("DOT-Airports").

APPLICANT:

DOT-Airports.

LEGAL REFERENCE:

Sections 171-11 & 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated on the Island of Lanai, identified by Tax Map Keys: (2) 4-9-002:041, 055, 056 and 059, as shown on the attached map labeled **Exhibit A-1** and Land Court Consolidation 170, Map 6 labeled **Exhibit A-2**.

AREA AND TRUST LAND STATUS:

505.031 acres, more or less, as shown below:

DOCUMENT	LOTS	AREA	TRUST LAND STATUS*
EO 1248	Lot E-2-A-1-A-1-B	57.851 acres	Section 5(a) DHHL: No
EO 1279	Lot E-2-A-1-A-1-H	0.932 acre	Section 5(a) DHHL: No
EO 2211	Lots 746, 748 through 751	32.506 acres	Section 5(a) DHHL: No
Castle & Cooke Deed (Document No. 2412777)	Lots 13-B, 13-C, 13-D, 13-E, 13-F, 13-G and E-2-A-1-A-1-D	413.742 acres	Acquired after statehood DHHL: No
<b>TOTAL:</b>		<b>505.031 acres</b>	

\*“Section 5(a)” refers to Section 5(a) lands of the Hawaii Admission Act. “DHHL: No” means the lands are not former sugar cane lands, and DHHL is therefore not entitled to 30% of the revenues as provided for under the Hawaii State Constitution. None of the above lands are ceded lands.

ZONING:

State Land Use District: Urban  
County of Maui: CZO: Airport

CURRENT USE STATUS:

Governor’s Executive Order No. 1248, setting aside 57.851 acres to the Hawaii Aeronautics Commission for public purposes for Lanai Airport.

Governor’s Executive Order No. 1279, setting aside 0.932 acres to the Hawaii Aeronautics Commission for addition to Lanai Airport.

Governor’s Executive Order No. 2211, setting aside 32.506 acres to the Department of Transportation, Airports Division for addition to Lanai Airport.

PURPOSE OF THE SET-ASIDE:

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

#### CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (“HAR”) Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources (“Department”) approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 43. See **Exhibit B**.

A Final Environmental Impact Statement acceptance notice for the Lanai Airport expansion and improvements project was published in the OEQC's Environmental Notice in December 1990.

#### REMARKS:

As noted above, portions of the Lanai Airport lands were set aside to DOT-Airports or its predecessor-in-interest by three executive orders: Executive Order No. 1248 dated March 19, 1948 (57.851 acres); Executive Order No. 1279 dated November 19, 1948 (0.932 acre); and Executive Order No. 2211 dated July 6, 1965 (32.506 acres).

At its meeting on June 25, 1999, under agenda item D-6, the Board of Land and Natural Resources (“Board”) approved the set-aside of 413.72 acres of additional Government Lands to DOT-Airports for the Airport Master Plan Improvements of Lanai Airport. A copy of the prior Board action is attached as **Exhibit C**. The lands that were the subject of the Board’s 1999 action were acquired by the State from Castle and Cooke, Inc. by Dedication Deed (Land Court Document No. 2412777), on November 3, 1997, issued directly to DOT-Airports (the “1997 Acquisition Lands”).<sup>1</sup>

DOT-Airports explains that the 1997 Acquisition Lands will be used for future runway extension of 2,000 feet and runway protection zones; new uses and facilities including the passenger terminal, air cargo, general aviation and helicopter air taxi operation; and other airport related operations.

On August 22, 2000, the Department of Land and Natural Resources, Land Division, issued an immediate control and management right-of-entry permit (“ROE”) to DOT-Airports over the 1997 Acquisition Lands, which expired on December 31, 2003.

The issuance of the executive order for the 1997 Acquisition Lands was delayed because of an unresolved issue concerning Easement 4 or Miki Road for access and utility purposes that traverses a portion of the lands. DOT-Airports has now reached a resolution with the current owner of Miki Road, Lanai Resorts, LLC, obtaining the landowner’s commitment to relocate Miki Road at the time Lanai Airport expansion

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<sup>1</sup> Although the 1997 Acquisition Lands were conveyed directly to DOT-Airports, deputy attorneys general for DOT-Airports and the Board have conferred and concur that the set-aside to DOT-Airports remains appropriate.



plans are implemented.

DOT-Airports requests that the three separate existing executive orders for portions of the airport be canceled and that a new executive order be issued to include the lands covered by the canceled executive orders as well as the 1997 Acquisition Lands. DOT-Airports has additionally requested the issuance of a new ROE for the 1997 Acquisition Lands pending issuance of the new executive order. Staff recommends the ROE for the 1997 Acquisition Lands be issued retroactively to January 1, 2004 to eliminate any gap in the DOT-Airports' management jurisdiction of the lands.

A draft of this submittal was disseminated to agencies listed below with the results indicated:

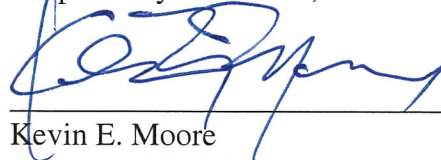
Agency	Comment
DLNR – Engineering	The applicant is required to provide water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update projections.
DLNR – DOFAW	No comments.
DLNR – Historic Preservation	
DLNR – DOCARE	
Dept. of Transportation – Airports Division	No objections.
County of Maui – Planning	No comments.
County of Maui – Public Works	No comments.
Office of Hawaiian Affairs	

RECOMMENDATION: That the Board amend its prior action of June 25, 1999, Item D-6 by:

1. Declaring that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approving and recommending to the Governor issuance of an executive order canceling Governor's Executive Order Nos. 1248, 1279 and 2211, subject to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by majority vote by both in any regular or special session next following the date of the set-aside;

- C. Review and approval by the Department of Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.
3. Approving of and recommending to the Governor the issuance of an executive order setting aside the subject lands 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:
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by majority vote by both in any regular or special session next following the date of the set-aside;
  - C. Review and approval by the Department of Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.
4. Authorizing an immediate management right-of-entry permit to the Department of Transportation–Airports Division covering the 1997 Acquisition Lands under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Acknowledging that, except as amended hereby, all terms and conditions listed in the Board’s action of June 25, 1999 shall remain the same.

Respectfully Submitted,



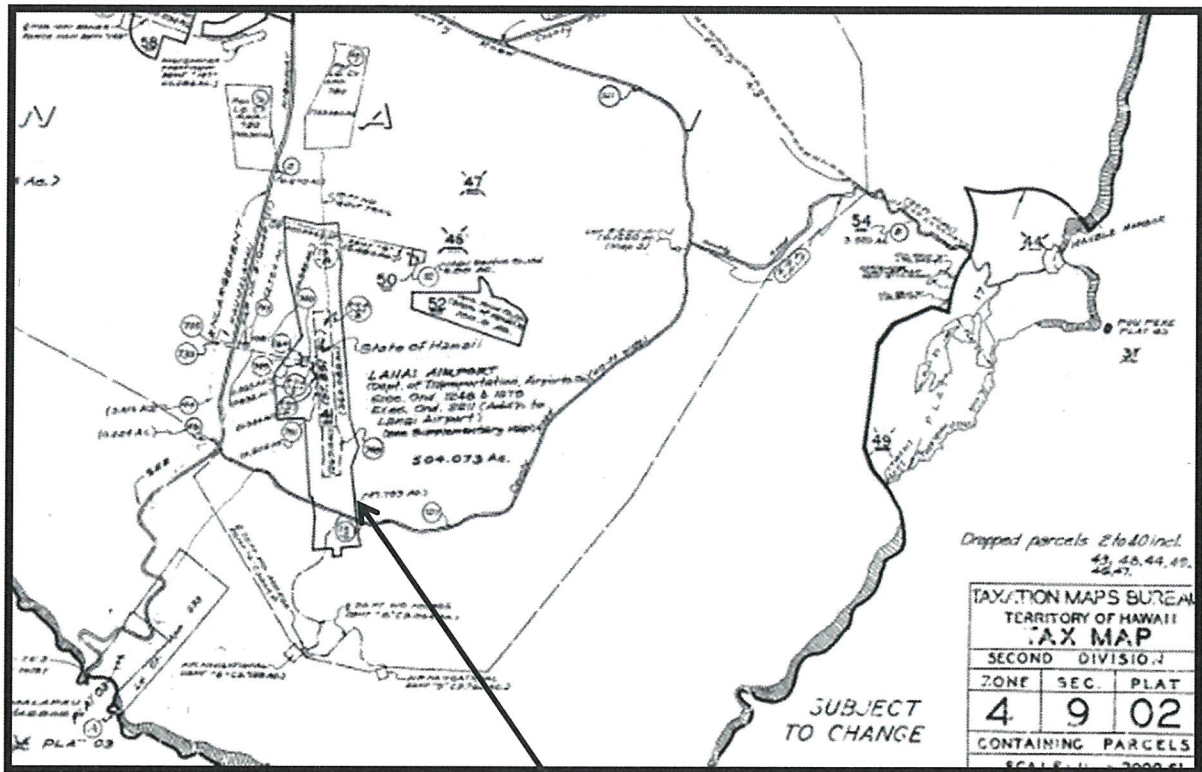
Kevin E. Moore  
Assistant Administrator

APPROVED FOR SUBMITTAL:

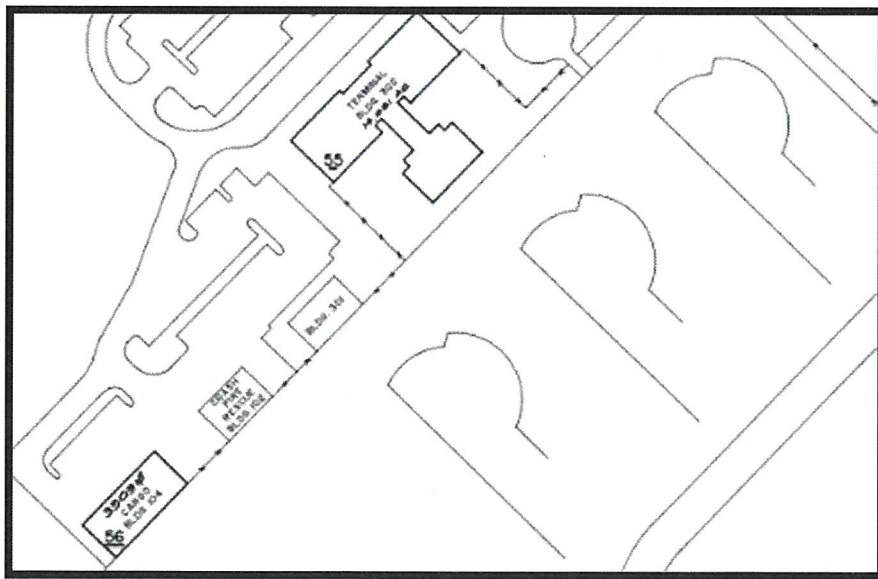
  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



# LANAI AIRPORT



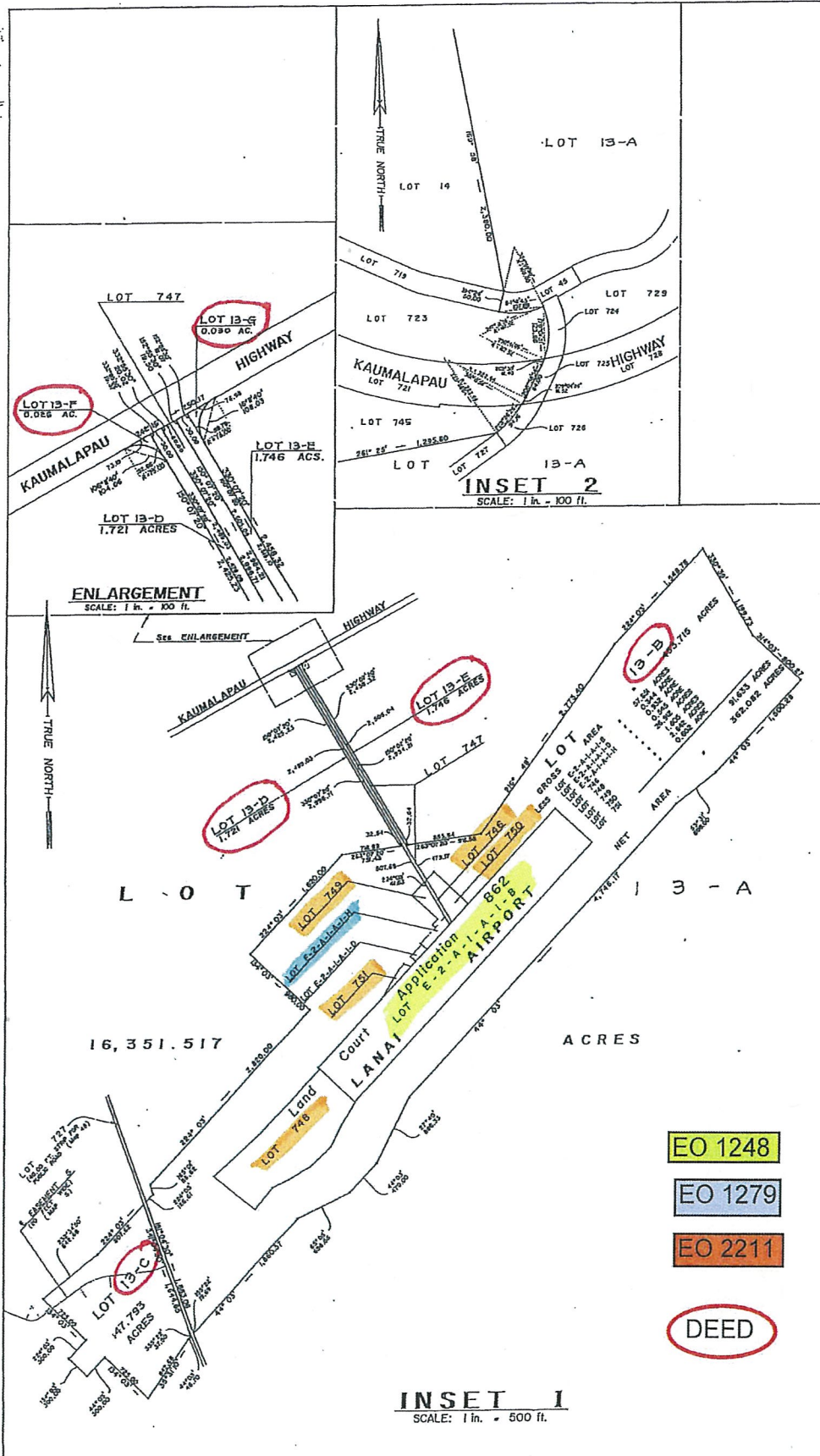
TMK No.: (2) 4-9-002:041



TMK Nos.: (2) 4-9-002:055, 056 & 059 within Parcel 041

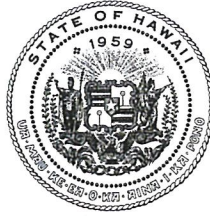
**Exhibit A-1**







DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 28, 2017

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**EXEMPTION NOTIFICATION**

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Amend Prior Board Action of June 25, 1999, Item D-6,  
*Set Aside of Government Land for the Issuance of an  
Executive Order to the Department of Transportation,  
Airports Division, Island of Lanai, Tax Map Key: (2) 4-9-  
002: Portion 01.*

The purpose of the amendment is to: (i) update the tax map parcel numbers for the Lanai Airport to Tax Map Keys: (2) 4-9-002:041, 055, 056 and 059 ("Lanai Airport Parcels"), (ii) request the cancellation of three existing Executive Orders previously setting aside lands for Lanai Airport (Executive Order Nos. 1248, 1279 and 2211), (iii) authorize the set-aside of all of the Lanai Airport parcels to the Department of Transportation – Airports Division ("DOT-Airports") via a new Executive Order, and (iv) authorize the issuance of management right-of-entry permit to DOT-Airports for the Lanai Airport Parcels pending the issuance of a new Executive Order.

Project / Reference No.: PSF No. 00MD-471

Project Location; Island of Lanai, Tax Map Key: (2) 4-9-002:041, 055, 056 & 059

Project Description: Consolidate into a single Governor's Executive Order for Lanai Airport and Immediate Management Right-of-Entry to the Department of Transportation–Airports Division

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated

**Exhibit B**

June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," Item No. 43, that states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order."

Consulted Parties:

As noted in the submittal

Recommendation:

That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

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Suzanne D. Case, Chairperson



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Date

D-6

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

June 25, 1999

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

MAUI

Set Aside of Government Land for the Issuance of an  
Executive Order to the Department of Transportation,  
Airports Division, Island of Lanai, Tax Map Key: 4-9-02:  
Portion 01.

APPLICANT:

Department of Transportation - Airports Division

LEGAL REFERENCE:

Sections 171-11 and other applicable sections, Hawaii Revised  
Statutes, as amended.

LOCATION:

Portion of Government lands situated at *island of Lanai*,  
identified by Tax Map Key: 4-9-02: Portion 01, as shown on the  
attached map labeled Exhibit A.

AREA:

Total of 413.742 acres, more or less, as shown below:

Lot 13-B	-	362.082 acres
Lot 13-C	-	47.793 acres
Lot 13-D	-	1.721 acres
Lot 13-E	-	1.746 acres
Lot 13-F	-	0.026 acres
Lot 13-G	-	0.030 acres
Lot E-2-A-1-A-1-D	-	0.344 acres

ZONING:

State Land Use District: Urban  
County of Maui CZO: Airport

LAND TITLE STATUS:

Non-ceded (acquired by the State after August 21, 1959)

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

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Airport purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pursuant to Chapter 343, Hawaii Revised Statutes, as amended, Environmental Impact Statement, the applicant filed a final environmental impact statement for the proposed Lanai Airport expansion and improvements in December, 1990.

REMARKS:

The subject land transfer satisfies the Airport Master Plan Improvements for Lanai Airport which preserves land for potential airport expansion beyond the 2005 planning period. The lands will be used for future runway extension, terminal area expansion, and other airport related activities or operation.

The terminal area expansion development calls for new uses and facilities which will include passenger terminal, air cargo, general aviation and helicopter air taxi operations as well as support activities.

The subject land will provide runway protection zones. Also, the lands located on the northeast and northwest will accommodate the longer extension of Runway 3-21 by 2,000 feet (7,000 feet total) and will also provide for a precision instrument runway protection zone at the southwest end and a nonprecision instrument runway protection zone at the northeast end.

Additional lands will include the airport access road to provide additional right of way widening and landscaping.

The subject lands were acquired by the State from Castle & Cooke, Inc. by dedication deed (Document No. 2412777).

RECOMMENDATION:

That the Board authorize and recommend to the Governor the issuance of an executive order setting aside the subject area to

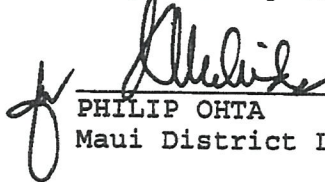


June 25, 1999

the Department of Transportation - Airports Division for airport purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


1. Disapproval by the State Legislature in any regular or special session;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
PHILIP OHTA

Mauia District Land Agent

APPROVED FOR SUBMITTAL:

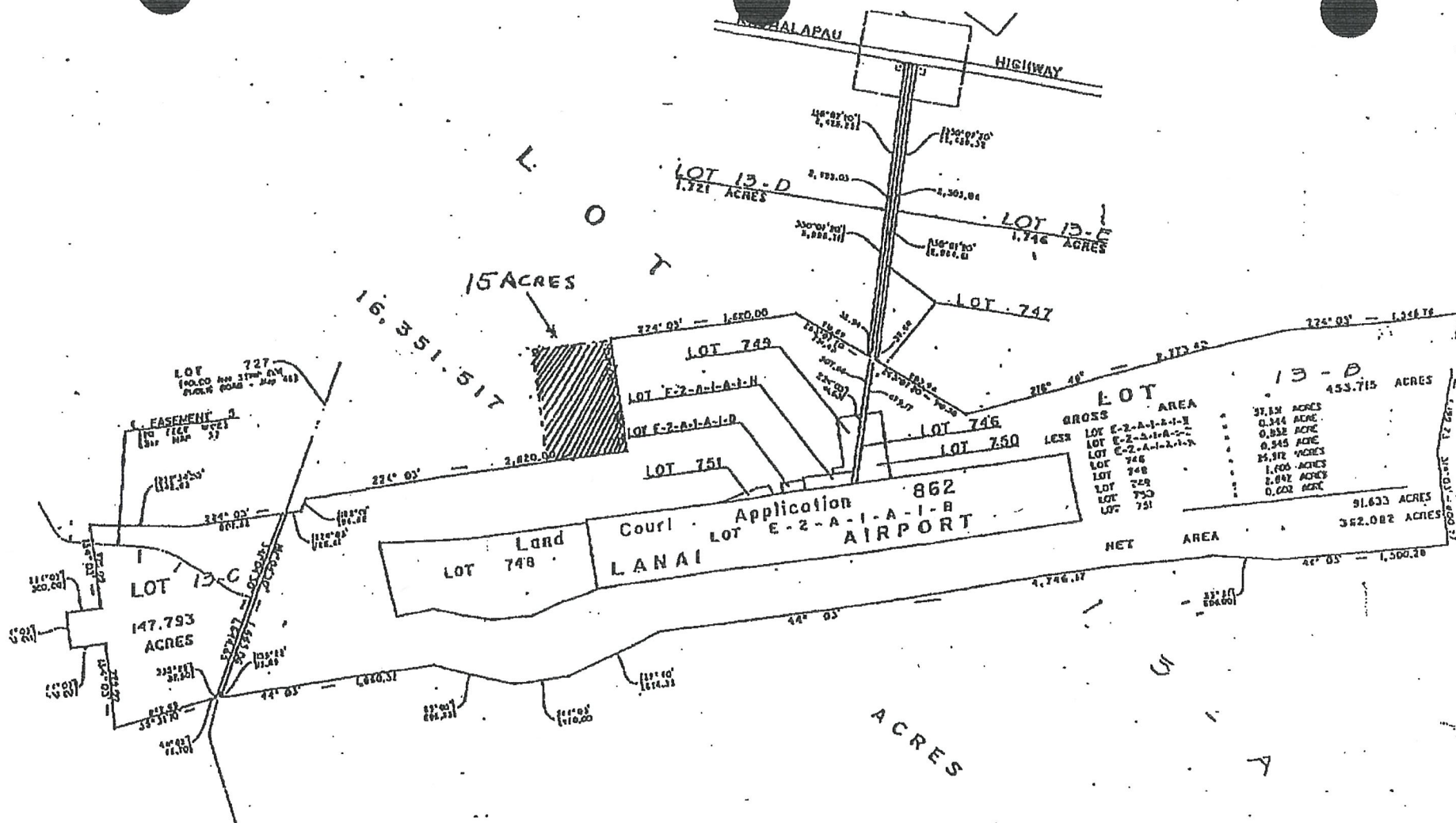
  
TIMOTHY E. JOHNS, Chairperson

05/23/94 11:23

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LANAI CO., INC. \*\*\* LUN LAPPENI

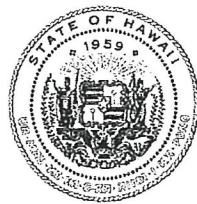
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15 Acres - INDUSTRIAL

EXHIBIT "A"

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
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JEFFREY T. PEARSON  
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AQUATIC RESOURCES  
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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

July 5, 2017

Lydia Morikawa, Special Project & Development Specialist  
Land Division, Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

IN REPLY REFER TO:  
Log No. 2017.01257  
Doc No. 1707GC05  
Archaeology

Dear Ms. Morikawa:

SUBJECT: **Chapter 6E-8 Historic Preservation Review –  
Amend Prior Board Action - Set Aside of Government Land for the  
Issuance of an Executive Order to the Department of Transportation (DOT)  
Airports Division - Ref No. PSF 00MD-471  
Kamoku and Kalulu Ahupua'a, Lahaina District, Island of Lāna'i  
TMK: (2) 4-9-002: 041, 055, 056 and 059**

Thank you for the opportunity to comment on this request to *Amend Prior Board Action of June 25, 1999, Set Aside of Government Land for the Issuance of an Executive Order (EO) to the Department of Transportation (DOT), Airports Division*, involving 503.031 acres of state owned lands. The applicant is the Department of Land and Natural Resources, Land Division. The applicant proposes to amend EO-1248 (57.85-acres), EO-1279 (0.932 acres), EO-2211 (32.506 acres) and the lands deeded to DOT-Airports on November 3, 1997, by Castle and Cooke, Inc. (Land Court Document No. 24127777), totaling 413.74 acres, and to consolidate them into a single Governor's Executive Order for Lanai Airport. The purpose of the amendment is to:

- (i) Update the [previous] tax map key [TMK: (2) 4-9-002:001 por.] to TMK: (2) 4-9-002: 041, 055, 056 and 059;
- (ii) Request cancellation of three existing EO previously setting aside lands for Lanai Airport (EO-1248, EO-1279, EO-2211) and lands deeded to DOT-Airports on November 3, 1997, by Castle and Cooke, Inc. (Land Court Document No. 24127777); pending the issuance of a new Executive Order;
- (iii) Authorize the set-aside of all the Lanai Airport Parcels to the DOT-Airports Division via a new Executive Order; and
- (iv) Authorize the issuance of management right-of-entry permit to DOT-Airports for a portion of Lanai Airport pending the issuance of a new EO.

A SHPD records review indicates that an archaeological inventory survey (AIS) titled *Archaeological Assessment Survey Report for the Proposed Lāna'i Airport Runway Safety Area Improvements Project (State Project #AM4022-15)* was accepted by SHPD on June 4, 2013 (Log No. 2013.3568, Doc No. 1305JP15). Although significant Hawaiian sites and indigenous artifacts were once located in the area, the results of the archaeological testing presented in the report demonstrates that the surface and subsurface context has been completely altered by decades of commercial agricultural uses. The survey covered 67 acres and testing involved 25 mechanical backhoe test trenches. The plow zone was identified from 0-70 cm deep, overlying compacted sterile soils. No historic properties were identified during the survey. Due to negative findings, the AIS was submitted as an archaeological assessment (AA).

**Exhibit D**

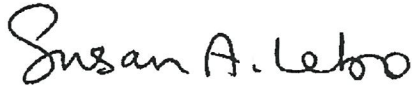
Ms. Morikawa  
July 5, 2017  
Page 2

Based on the information above, SHPD **has no objections** to the proposed amendments, updating of the TMKs, cancellation of EO Nos. 1248, 1279, 2211, and 1997 Land Acquisition, and the issuance of a right-of-entry permit for the 1997 Land Acquisition.

**SHPD requests** the opportunity to review and comment on any future building permit applications involving ground disturbing activities. The permit process may continue.

Please contact me at [Susan.A.Lebo@hawaii.gov](mailto:Susan.A.Lebo@hawaii.gov) or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha,

A handwritten signature in black ink that reads "Susan A. Lebo". The signature is written in a cursive, flowing style.

Susan A. Lebo, PhD  
Archaeological Branch Chief