

STATE OF HAWAI‘I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai‘i

December 8, 2017

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

Land Board Members:

SUBJECT: AUTHORIZE THE DIVISION OF FORESTRY AND WILDLIFE TO CONDUCT A PUBLIC HEARING ON THE ISLAND OF KAUA‘I REGARDING THE PROPOSED ADDITION OF TAX MAP KEYS (4) 2-4-003:001 COMPRISING APPROXIMATELY 163.842 ACRES, TO LĪHU‘E-KŌLOA FOREST RESERVE, KŌLOA, KAUA‘I, AND THE PROPOSED WITHDRAWAL OF TAX MAP KEYS (4) 3-9-002: PORTION OF 001, COMPRISING APPROXIMATELY 1467 SQUARE FEET, FROM LĪHU‘E-KŌLOA FOREST RESERVE, LĪHU‘E, KAUA‘I.

SUMMARY:

This Board submittal requests approval to conduct a public hearing for proposed addition and withdrawal of land from Līhu‘e-Kōloa Forest Reserve (LKFR). These actions represent interest by the Division of Forestry and Wildlife (DOFAW) to secure public access to this currently land-locked forest reserve, complete previously initiated processes, and formalize past actions.

LEGAL REFERENCE:

Section 183-11, Hawai‘i Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kōloa and Līhu‘e, Kaua‘i, identified by Tax Map Key (TMK): (4) 2-4-003:001 and (4) 3-9-002: portion of 001, as shown on attached maps labeled as **Exhibits 1A and 1B.**

AREA:

(4) 2-4-003:001	163.842 acres
(4) 3-9-002: portion of 001	1467 square feet

ZONING:

State Land Use District: Agricultural
County of Kauai CZO:

- (4) 2-4-003:001 - Agriculture / Open
- (4) 3-9-002:001 - Agriculture / Open / Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL entitlement lands pursuant to the Hawaii State Constitution:

- (4) 2-4-003:001: YES _____ NO X
- (4) 3-9-002:001: YES X NO _____

CURRENT USE STATUS:

- (4) 2-4-003:001: Vacant and unencumbered
- (4) 3-9-002:001: Governor's Executive Order No. 3804 to the Division of Forestry and Wildlife for Addition to the LKFR (203.0 acres), and Governor's Executive Order No. 4328 to the Agribusiness Development Corporation for Agricultural and Related Purposes (5870.511 acres).

BACKGROUND AND DISCUSSION:

Proposed Addition

Background: At its meeting on March 24, 2017, under agenda item D-2, the Board of Land and Natural Resources (Board) approved the mutual cancellation of General Lease No. S-5823 to Jonathan Akita, for pasture purposes over TMK (4) 2-4-003:001. This parcel (163.842 acres) is currently unencumbered state land that is located directly south of, and adjacent to LKFR.

Currently, this portion of LKFR is landlocked with no established legal access. Access for any public or DOFAW management activities must occur across private land and/or other state lands outside of DOFAW jurisdiction. There is an existing dirt road on TMK (4) 2-4-003:001 that is accessible from a public county roadway, which traverses much of the parcel, ending very close to the existing forest reserve boundary.

Discussion: The addition of TMK (4) 2-4-003:001 into the Forest Reserve System would ensure legal public and management access to this isolated portion of LKFR. Therefore, DOFAW is seeking approval to conduct a public hearing for the proposed addition of TMK (4) 2-4-003:001, approximately 163.842 acres to the Līhu'e-Kōloa FR (**Exhibit 1A**). The Department of Land and Natural Resources Kaua'i District Land Division was contacted and they have no objections to this proposed addition.

Proposed Withdrawal

Background: At its meeting on February 23, 2001, under agenda item D-11, the Board approved a set-aside to DOFAW of approximately 52 acres for addition to Līhu‘e Kōloa FR for the establishment of a public shoot range at Hanahanapuni Crater. Later, at its meeting on April 25, 2008, item D-1, the Board approved a set-aside of approximately 5,963.972 acres to the Agribusiness Development Corporation (ADC) for agricultural purposes, which included the aforementioned 52 acres. On August 24, 2010, the Governor signed Executive Order (EO) No. 4328, finalizing this land transfer to ADC, and by this time the set-aside to DOFAW adding 52 acres to LKFR had not been completed, as it was pending the completion of a survey and subdivision approval by the County. An agreement was reached between DOFAW and ADC, that once the survey and subdivision was completed, the area in question would be withdrawn from EO 4328 and added to LKFR.

On October 27, 2015, the Kaua‘i County Planning Commission approved the subdivision and reconsolidation that is necessary to complete the transfer of land to DOFAW. The subdivision survey data was sent to the Department of Accounting and General Services (DAGS) Land Survey Office to generate maps for the EOs. After analysis of the data, DAGS Survey identified a minor discrepancy in the subdivision that resulted in the unintentional inclusion of 1467 square feet of LKFR into TMK (4) 3-9-002:001, which was to remain under the jurisdiction of ADC.

Discussion: DOFAW was advised that the best course of action to adjust for this discrepancy would be to withdraw the 1467 square feet from LKFR, followed by a subsequent set-aside to ADC. All other alternatives would require additional surveys and subdivision approval, which is a more expensive and less efficient outcome. Therefore, DOFAW is seeking approval to conduct a public hearing for the proposed withdrawal of a portion of TMK (4) 3-9-002:001, approximately 1457 square feet from LKFR (**Exhibit 1B**).

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

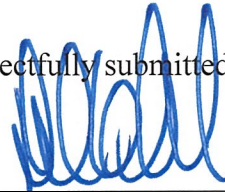
This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action does not trigger the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343, HRS, environmental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

RECOMMENDATION:

That the Board:

- 1) Pursuant to Section 183-11, HRS, as amended, authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Kaua'i regarding the proposed addition of Tax Map Keys (4) 2-4-003:001 comprising approximately 163.842 acres, to Līhu'e-Kōloa Forest Reserve, Kōloa, Kaua'i, and the proposed withdrawal of Tax Map Keys (4) 3-9-002: portion of 001, comprising approximately 1467 square feet, from Līhu'e-Kōloa Forest Reserve, Līhu'e, Kaua'i. Further, pursuant to 183-12, HRS, authorize the Chairperson to:
 - a. Set the date, location and time of the public hearing; and
 - b. Appoint a hearing master(s) for the public hearing.

Respectfully submitted,



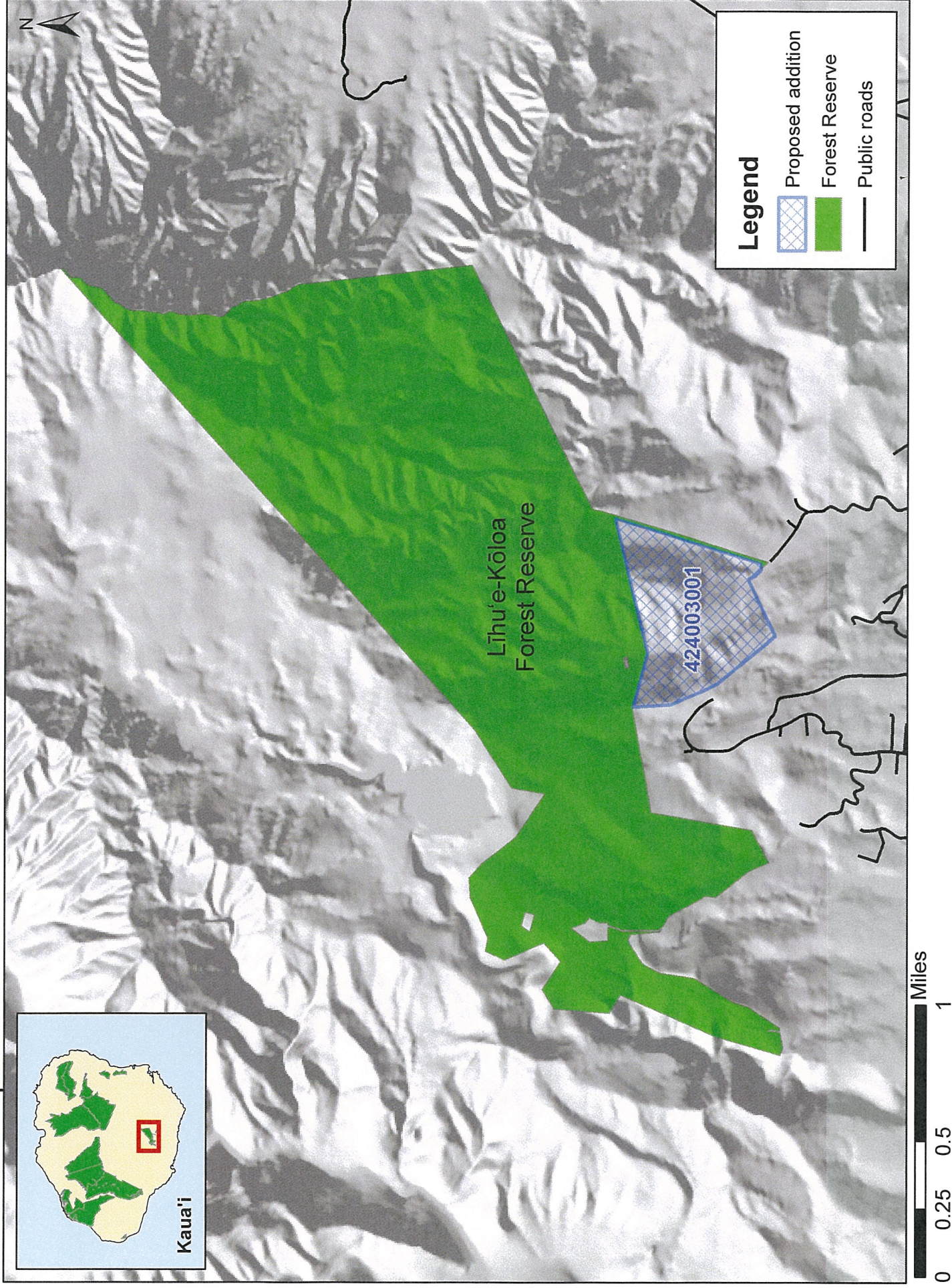
DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

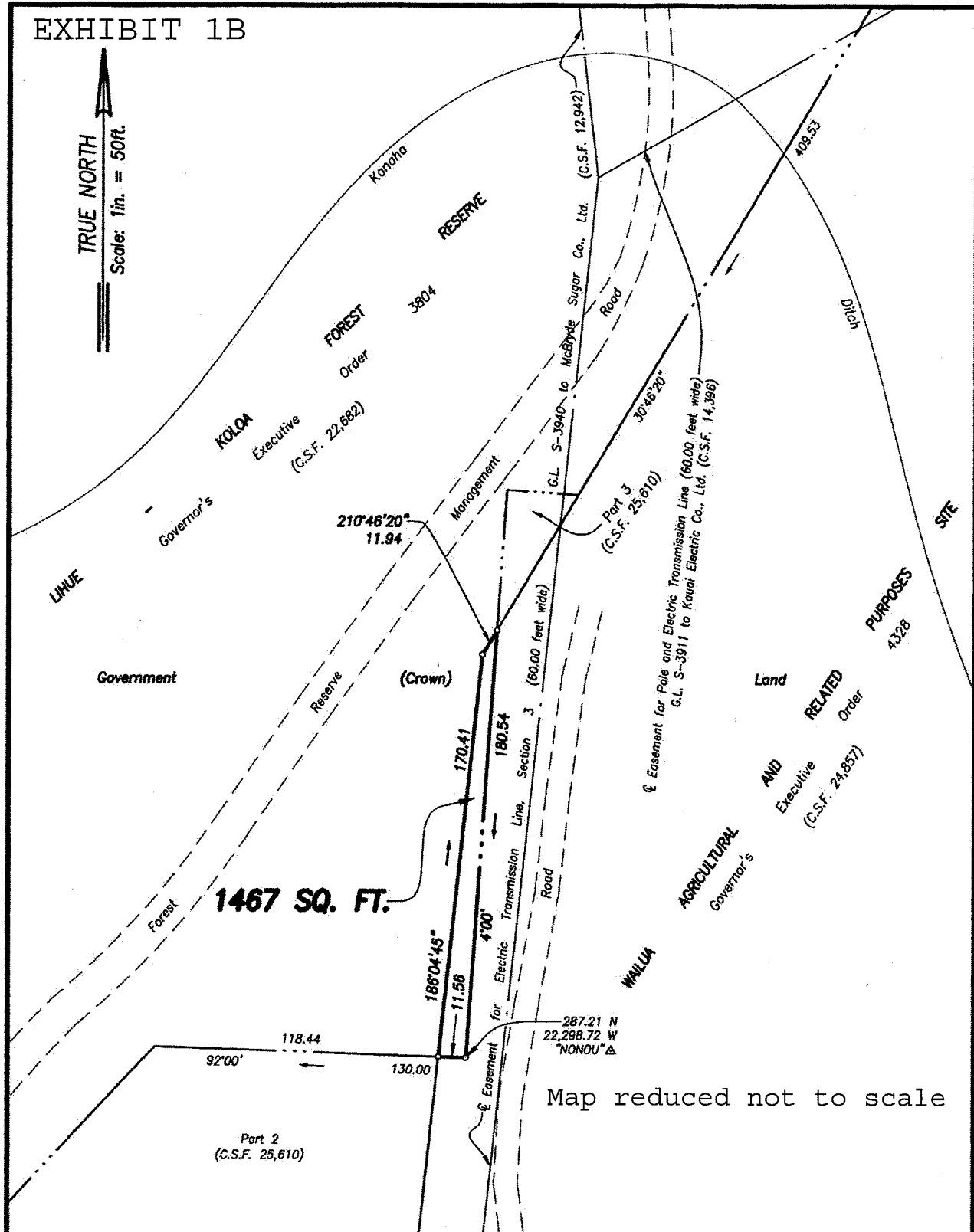


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Exhibit 1A: Proposed Addition to Līhu'e-Kōloa Forest Reserve



TRUE NORTH
Scale: 1 in. = 50 ft.



Governor's Executive Order 3804

Wailua, Lihue, Kauai, Hawaii

C. BK.

Scale: 1 inch = 50 feet

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.F. NO. 25,611

MAC June 30, 2017