

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

February 23, 2018

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

PSF No.: 17MD-148

Maui

Set Aside to County of Maui for Public Park Purposes, Waiohuli – Keokea Beach Homesteads, Maui, Tax Map Keys: (2) 3-9-007:004 & Portion of 005.

APPLICANT:

County of Maui

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended

LOCATION:

Portion of Government lands of Waiohuli – Keokea Beach Homesteads, situated at Waiohuli – Keokea Beach Homesteads, Maui, identified by Tax Map Keys: (2) 3-9-007:004 & Portion of 005, as shown on the attached tax map labeled Exhibit A.

AREA:

0.628 acres, more or less: TMK (2) 3-9-007:004
2.160 acres, more or less: TMK (2) 3-9-007:005
2.788 acres total, more or less

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

- (2) 3-9-007:004 – Unencumbered
- (2) 3-9-007:005 – 1.880 acres encumbered by EO 4342 for set-aside to County of Maui for Veterans Center and Community Support activities.

PURPOSE:

Public park

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. See Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost

REMARKS:

TMK (2) 3-9-007:004 is a rectangular parcel on Uluniu Road nested within TMK (2) 3-9-007:005. TMK (2) 3-9-007:005 is irregularly shaped, and runs makai of Uluniu Road adjacent to TMK (2) 3-9-001:001 which is owned by the County of Maui and used as Waipuilani Park.

The subject TMKs, (2) 3-9-007:004 and portion of :005, would be used as an extension of Waipuilani Park, which is the existing County park. The subject TMKs are immediately south of Waipuilani Park. All three parcels, the two subjects and the existing County park, have State zoning 'Urban' and County zoning 'Park', and are all in the Special Management Area. See Exhibit C.

On October 25, 2017 the County of Maui Department of Parks and Recreation, Planning and Development, contacted the Maui District Land Office (MDLO) to inquire about

existing encroachments that include a portion of a comfort station and a parking lot located at the subject parcel's northern end as shown on Exhibit D. Because the County of Maui already has jurisdiction of a portion of parcel 005 and TMK (2) 3-9-007:003 under Executive Order 4342 for the Veterans of Foreign War (VFW) Hall and owns TMK (2) 3-9-001:001 (Waipuilani Park) immediately north of State-owned TMK (2) 3-9-007:005, staff recommends that it is in the best interest of the State to transfer subject TMKs to the County of Maui via Executive Order. The State has no plans for the subject parcels, and public park uses are consistent with the overall character and use of the area.

On November 7, 2017 Maui County Parks and Recreation emailed the Maui District Land Office (MDLO) a draft of a Request for State lands application requesting the transfer of TMK (2) 3-9-007: Portion of 005 to the County of Maui. MDLO staff advised the County of Maui that the Disabled American Veterans (DAV) have contacted the Governor's liaison on Maui asking for the use of parcels 004 and portion of 005. Staff recommends that pursuant to a transfer of land to the County of Maui via EO, that the DAV contact the County of Maui to request a lease with the County similar to the VFW. See Exhibit E for location of existing set-aside of portion of parcel 005 to County of Maui.

On November 7, 2017 the County of Maui indicated that it has no objection to the transfer of subject TMKs to the County of Maui (Exhibit F). The set-aside of the remaining portion of parcel 005 to the County of Maui will cure the encroachment of the existing comfort station and parking lot. It will also allow the County of Maui to maintain the vegetation on subject parcels as well as to move forward with planned improvements to the existing comfort station.

Photos of subject properties are attached as Exhibit G.

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

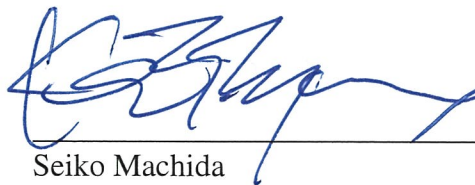
Agency	Comment
DLNR – Historic Preservation	No objections. See Exhibit H.
DLNR – State Parks	Received response with 'no comments'
DLNR – Conservation and Coastal Lands	No response by suspense date.
DLNR – Engineering, Maui District	Received response with 'no comments'
County of Maui – Planning	No response by suspense date.
County of Maui – Parks & Rec	No response by suspense date.
County of Maui – Public Works	Received response with 'no comments'
Office of Hawaiian Affairs	No response by suspense date.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

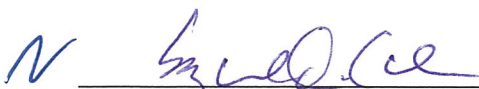
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Maui 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 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.

Respectfully Submitted,



Seiko Machida
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



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

54 High Street, Room 101
Wailuku, Hawaii 96793
PHONE: (808) 984-8103
FAX: (808) 984-8111

EXEMPTION NOTIFICATION

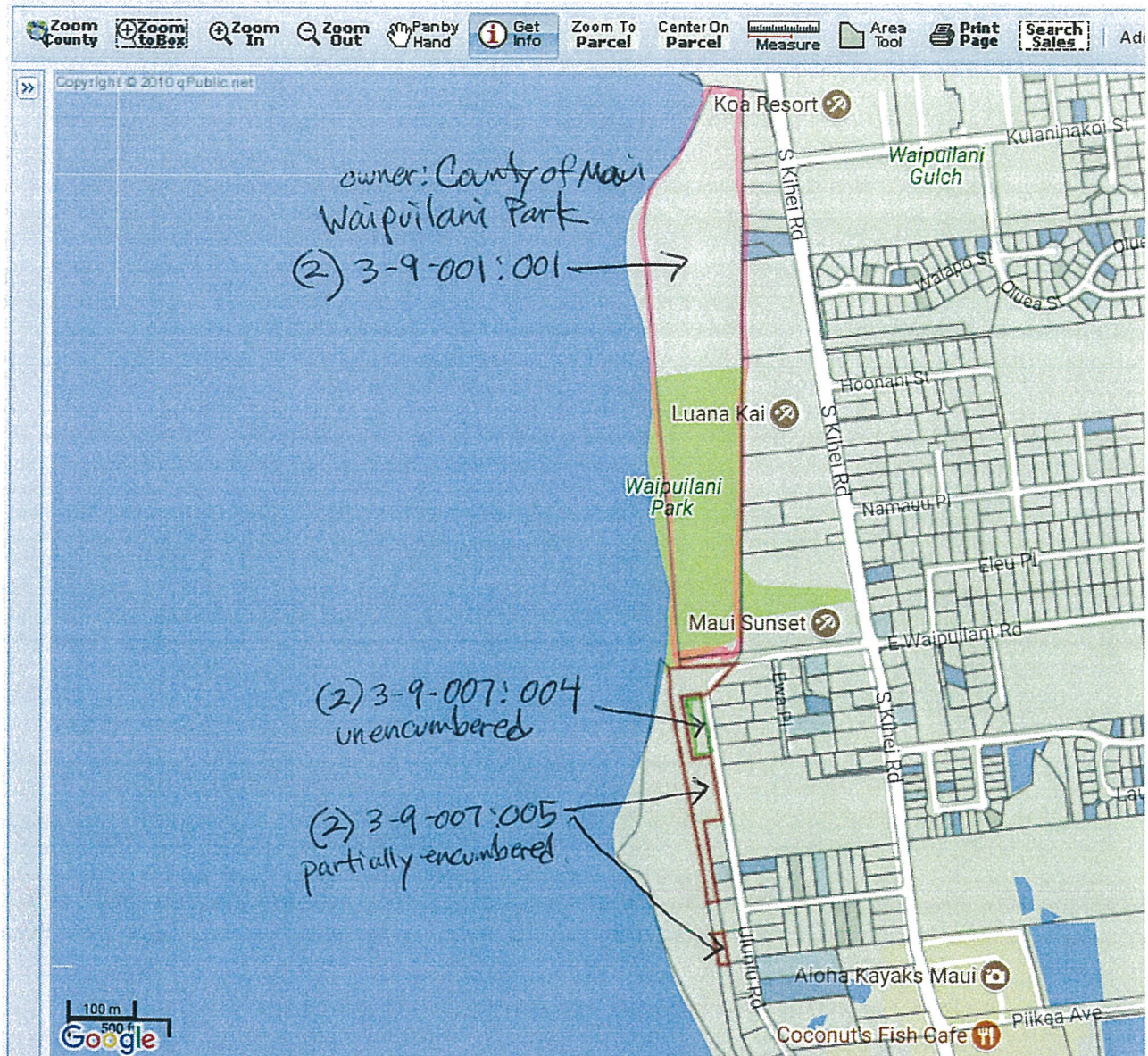
regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title:	Set-Aside to County of Maui for Public Park Purposes
Project / Reference No.:	PSF No.: 17MD-148
Project Location:	Waiohuli—Keokea Beach Homesteads, Maui, Tax Map Keys: (2) 3-9-007:004 & Portion of :005
Project Description:	Set-aside to County of Maui of coastal land adjacent to existing County beach park for public park purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	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.

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 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 structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and 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."

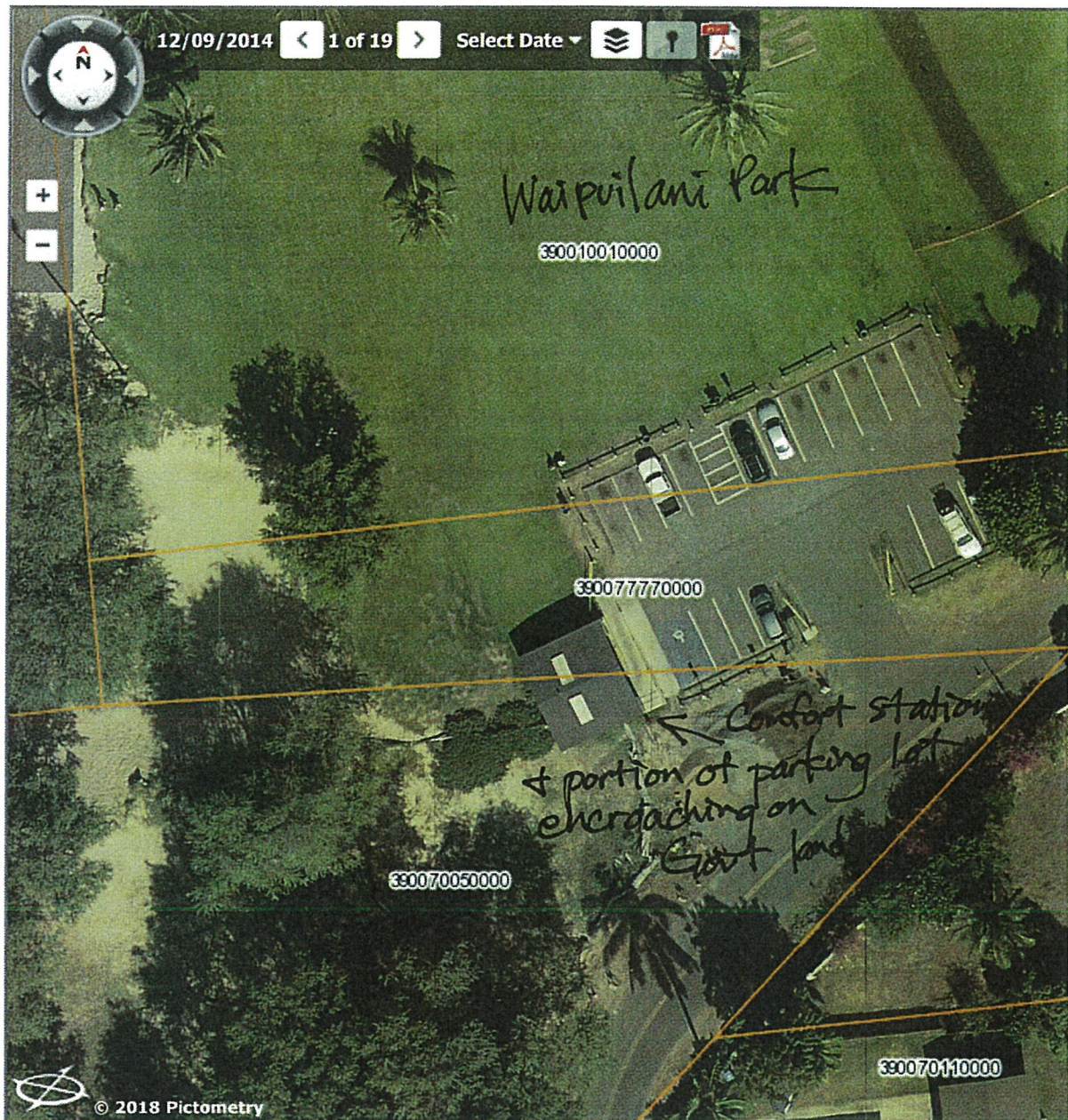
EXHIBIT B

- Consulted Parties: The DLNR Historic Preservation, State Parks, Conservation and Coastal Lands, Engineering, Maui District; Office of Hawaiian Affairs; and County of Maui Planning, Parks and Recreation, and Public Works Departments were consulted as source authorities having jurisdiction or expertise in this matter, and they concur that the exemption identified above is applicable to and appropriate for the proposed project.
- Recommendation: That the Board find this project to have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



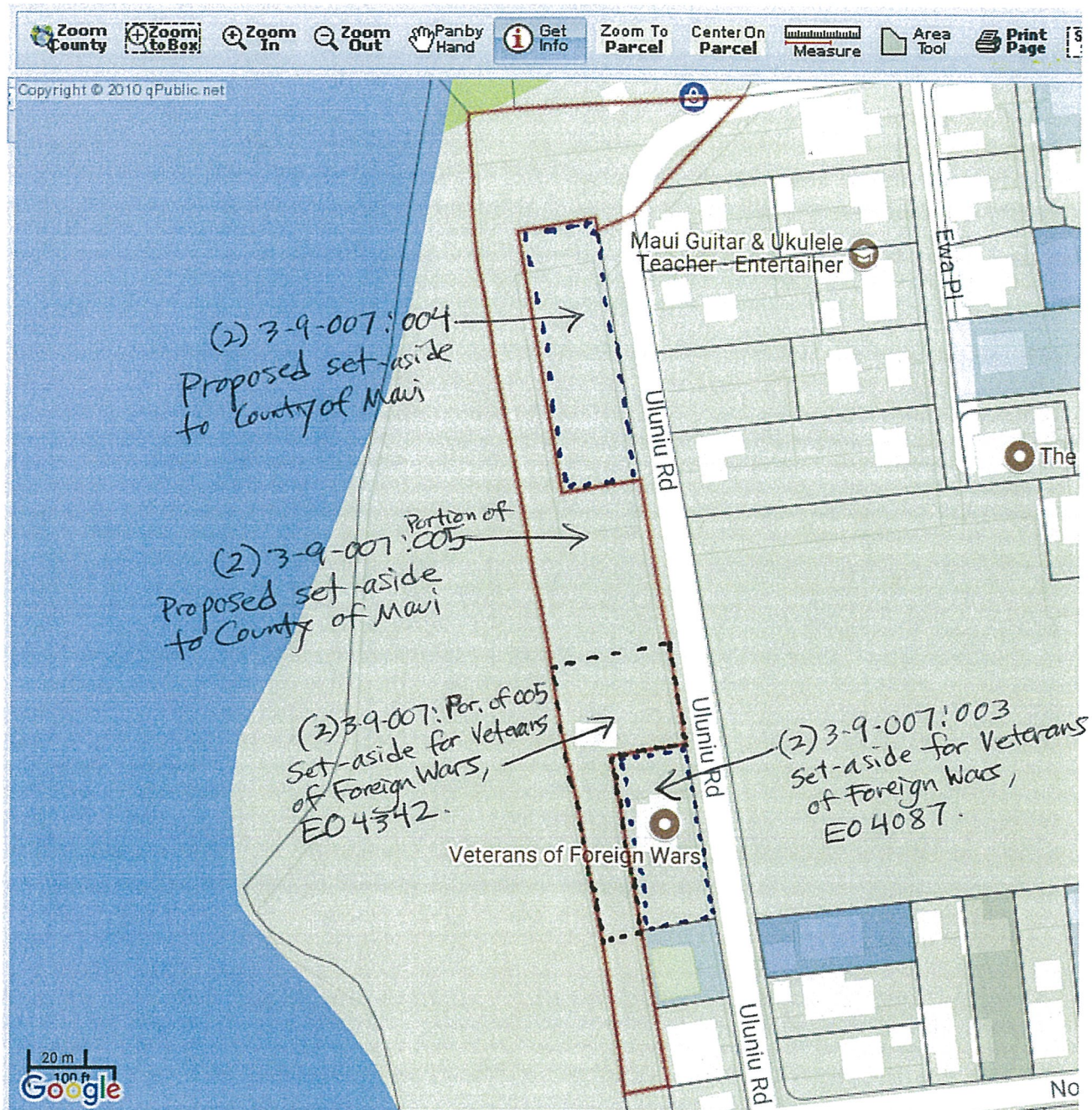
Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data change before the next certified taxroll.

Exhibit C



Portion of comfort station and parking lot
encroaching on Government land.

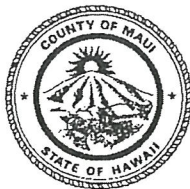
EXHIBIT "D"



Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided. Change before the next certified taxroll.

EXHIBIT "E"

ALAN M. ARAKAWA
Mayor



KA'ALA BUENCONSEJO
Director

BRIANNE L. SAVAGE
Deputy Director

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

(808) 270-7230
FAX (808) 270-7934

November 7, 2017

Suzanne Case, Chairperson
State of Hawaii
Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

Dear Ms. Case:

**SUBJECT: REQUEST FOR STATE LANDS, LOCATED AT TMK: (2) 3-9-007:005,
WAIPUILANI, KIHEI, MAUI, HAWAII**

The Department of Parks & Recreation (DPR) is requesting a set aside of the subject parcel by the State Board of Land and Natural Resources to the County of Maui. The purpose and intent of the set aside is for park purposes and related ancillary purposes.

The DPR currently owns (via State of Hawaii Land Patent No. S-15,787) and maintains adjacent parcel TMK: (2) 3-9-001:001 as Waipuilani Park. The set aside of parcel 005 will allow expansion of the park, and correct the jurisdiction of the existing comfort station and parking lot to the County of Maui.

We appreciate your assistance with this matter. Should you have any questions, please call me or Robert Halvorson, Chief of Planning & Development, at (808) 270-7931.

Sincerely,

A handwritten signature in black ink, appearing to read "Ka'ala Buenconsejo".

KA'ALA BUENCONSEJO
Director of Parks & Recreation

c: Robert Halvorson, Chief of Planning and Development

KB:RH:csa

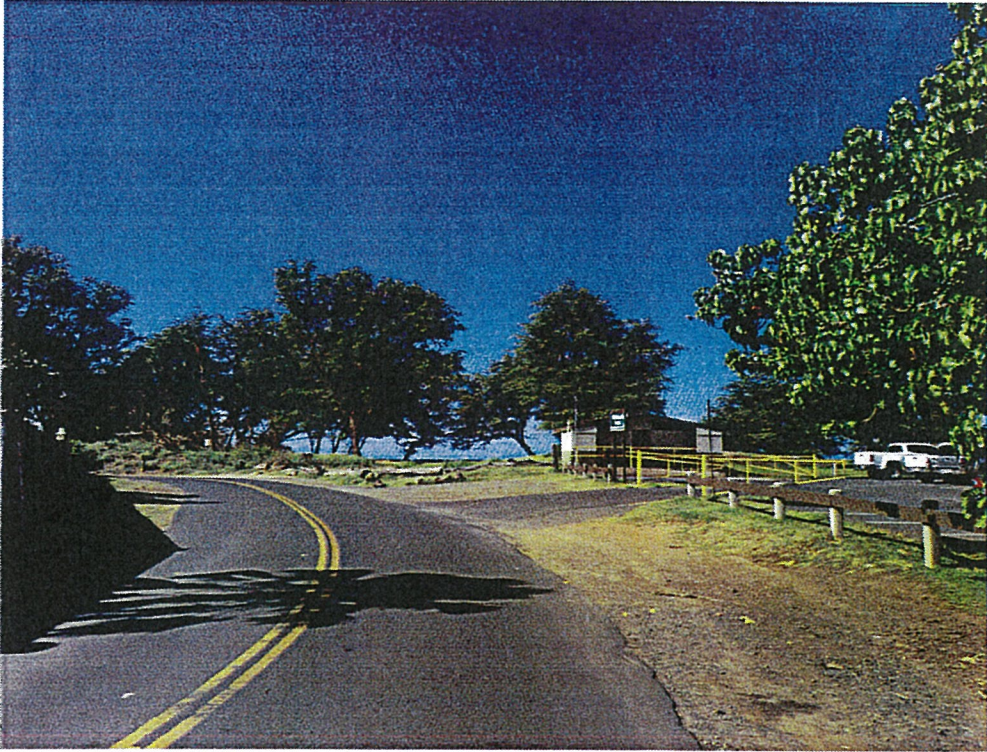
2017 NOV 27 PM 4:04

NOV 10 10:50 AM
MAUI DISTRICT
COUNTY OF MAUI

EXHIBIT "F"

2017 NOV 17 AM 10:31

Exhibit E



County comfort station and parking lot encroaching on TMK 3-9-007:005



Portion of TMK 3-9-007:005



Trees near roadway on TMKs 3-9-007:004 and 005

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

ROBERT K. MASUDA
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

February 1, 2018

Russell Y. Tsuji, Administrator
Land Division, Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

IN REPLY REFER TO:
Log No. 2017.00008
Doc No. 1802GC01
Archaeology

Dear Mr. Tsuji:

SUBJECT: **Chapter 6E-8 Historic Preservation Review –
Request for Set Aside to County of Maui for Public Park Purposes
Waiohuli – Keokea Beach Homesteads – Ref No. 17MD-148
Waiohuli Ahupua‘a, Kula District, Island of Maui
TMK: (2) 3-9-007-004 and 005**

This letter provides the State Historic Preservation Division's (SHPD's) review comments regarding the subject submitted, *Request to Set Aside to County of Maui for Public Park Purposes, TMK: (2) 3-9-007:004 & 005*. SHPD received this submittal on January 8, 2018.

The submittal indicates that the Department of Land and Natural Resources Land Division recommends that the Governor issue an Executive Order setting aside to the County of Maui for public park purposes a 0.628-acre parcel identified as TMK: (2) 3-9-007:004 and a 4.04-acre parcel identified as TMK: (2) 3-9-007:005. The subject parcels would be used as an extension of the existing County park.

A review of SHPD records indicates no archaeological inventory survey has been conducted for the subject parcels which are proximate to an ancient Hawaiian fishpond (Site 50-50-09-1738) and previously documented subsurface cultural deposits (Sites 50-50-09-5300 and 50-50-09-5060) which include displaced and in situ human burials. The subject parcels are located in dune land and sand deposits, which are known to contain human burial features.

Based on the available information, **SHPD has no objections** to the Set Aside of State Lands to the County of Maui for public park purposes. **SHPD requests** the opportunity to review and comment on any future permit applications involving ground disturbing activities. The permit process may continue.

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

Aloha,

A handwritten signature in black ink that reads "Susan A. Lebo".

Susan A. Lebo, PhD
Archaeology Branch Chief

cc: Seiko Machida, DLNR Land Division (Seiko.J.Machida@hawaii.gov)

EXHIBIT H