

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

February 9, 2018

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

PSF No. 17MD-073
Maui

Authorize the Issuance of a Management Right-of-Entry to the Department of Transportation - Airports Division, for Airport Purposes, Kahului Airport, Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001:019 (portion)

APPLICANT:

Department of Transportation – Airports Division (“DOT-Airports”).

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands for Kahului Airport, situated at Kahului, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-001:019 (portion), as shown on the attached map labeled **Exhibit A1** and C.S.F. Map 21,836 and 21,837 (**Exhibit A2**).

AREA:

0.4853 acre or 21,135 sq. ft., more or less.

ZONING:

State Land Use District:	Agriculture, Conservation, Urban
County of Maui CZO:	Airport

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act.

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

CURRENT USE STATUS:

The subject land with an area of 0.4853 acre or 21,135 sq. ft., more or less, is presently unencumbered, but is surrounded by airport and other uses on other portions of the tax map key parcel, including:

Governor's Executive Order ("GEO") No. 2346, setting aside 52.913 acres to the Department of Transportation for addition to Kahului Airport.

GEO No. 2427, setting aside 1,268.938 acres to the Department of Transportation for addition to Kahului Airport and a Water Purification Plant Site.

- (a) GEO No. 3418, withdrawing 5.100 acres for Land Exchange with the United States Postal Service ("USPS")
- (b) GEO No. 3693, withdrawing 10.004 acres to DOFAW for forestry and wildlife purposes
- (c) GEO No. 3722, withdrawing 34.498 acres to the County of Maui for roadway and park purposes
- (d) GEO No. 4111, withdrawing 22.441 acres for base yard and maintenance purposes

GEO No. 3694, setting aside 7.971 acres to the Department of Land and Natural Resources, Division of Forestry and Wildlife for public purposes.

GEO No. 3727, setting aside 22.419 acres to the County of Maui for addition to Kanaha Beach Park and Roadway Parcel.

Land Office Deed No. 27,455 to the County of Maui for a sewer easement.

CHARACTER OF USE:

Airport purposes.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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, Item 51. **See Exhibit B.**

A Final Environmental Assessment with Finding of No Significant Impact (“FEA-FONSI”) for the Kahului Airport’s roadway improvements to service the Airport Consolidated Rental Car Facility was published in the OEQC's Environmental Notice on September 23, 2013.

DCCA VERIFICATION:

Not Applicable. Applicant, a government entity, is not required to register with DCCA.

BACKGROUND:

On December 7, 1990, the Board of Land and Natural Resources (“Board”), under Agenda Item J-4, approved: (1) a proposed land exchange with the United States Postal Service (“USPS”), (2) withdrawal of land from Governor’s Executive Order 2427, and (3) set aside of exchanged land to DOT-Airports for the Kahului Airport, Kahului, Maui. The purpose of the land exchange was for the realignment of the new airport access road and circulation road.

On March 23, 1992, an Exchange of Land Agreement between the USPS and the State of Hawaii (“State”) was executed. A Quitclaim Deed dated March 15, 1995 was recorded in Bureau of Conveyances on May 26, 1995 as Document No. 95-070570. The Quitclaim Deed conveyed Parcel B-1 containing an area of 21,135 sq. ft. from USPS to the State.

REMARKS:

Due to delays in processing the GEO to set aside Parcel B-1 to DOT-Airports, on August 20, 2017 DOT-Airports requested an interim right-of-entry to formally place the land under its management and control pending completion of the set-aside.¹ Staff is recommending that the right-of-entry be made effective retroactive to March 15, 1995, which is the date DOT-Airports took possession of the property.

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

Agency	Comment
DLNR – Engineering	No comments.
DLNR – DOFAW	No response by suspense date
DLNR – Historic Preservation	No response by suspense date
County of Maui – Planning	See Exhibit C ; forwarded to DOT-

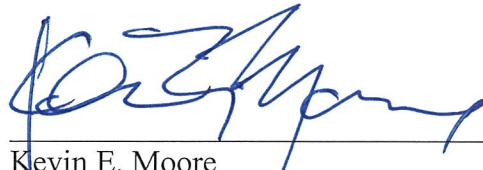
¹ It is unclear from the file why there has been such a substantial delay in processing the set-aside. The executive order document has now been prepared and approved by the Department of the Attorney General and will be presented to the Governor for signature in due course.

	Airports for response
County of Maui – Public Works	No objections
Dept. of Transportation – Airports Division	See Exhibit D
Office of Hawaiian Affairs	No response by suspense date

RECOMMENDATION: That the Board

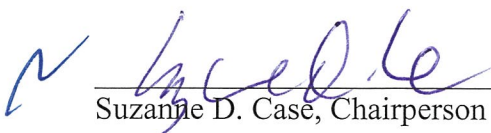
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a management right-of-entry permit to the Department of Transportation – Airports Division covering the subject lands for the Kahului Airport 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;
 - B. This management right-of-entry permit will be made retroactive to March 15, 1995 and shall continue until the executive order is issued; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

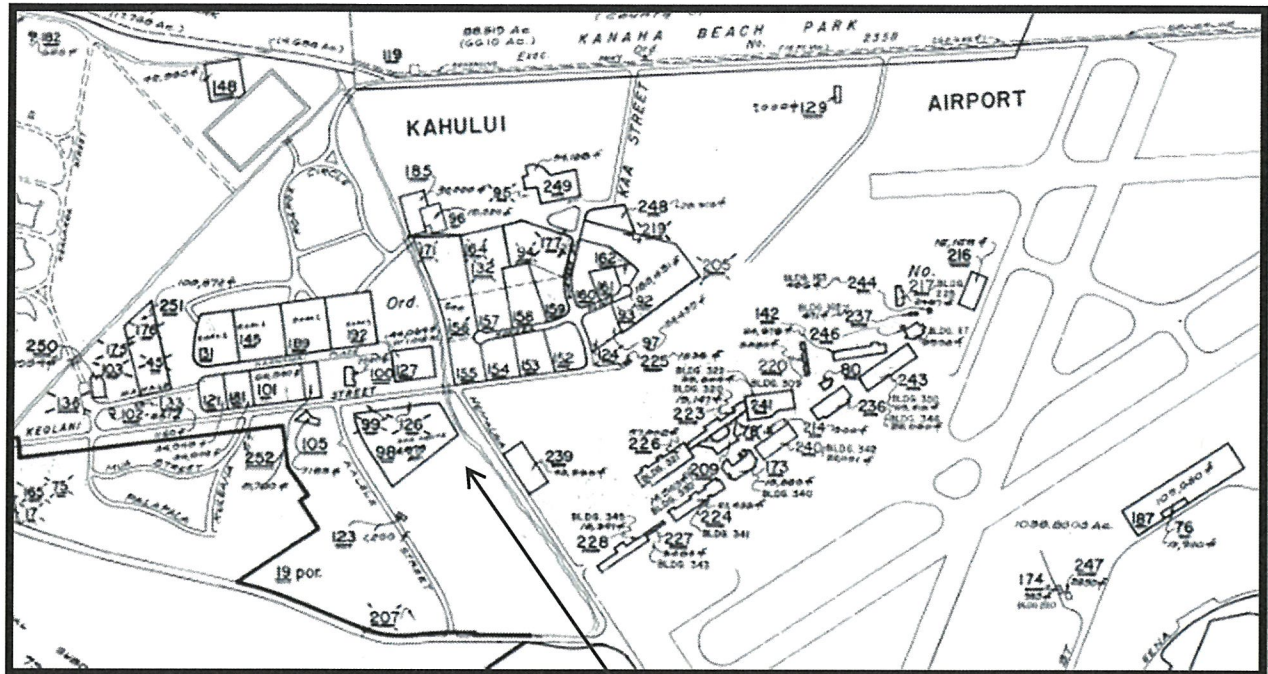
Respectfully Submitted,



Kevin E. Moore
Assistant Administrator

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK: (2) 3-8-001:019 (portion)

Exhibit A1

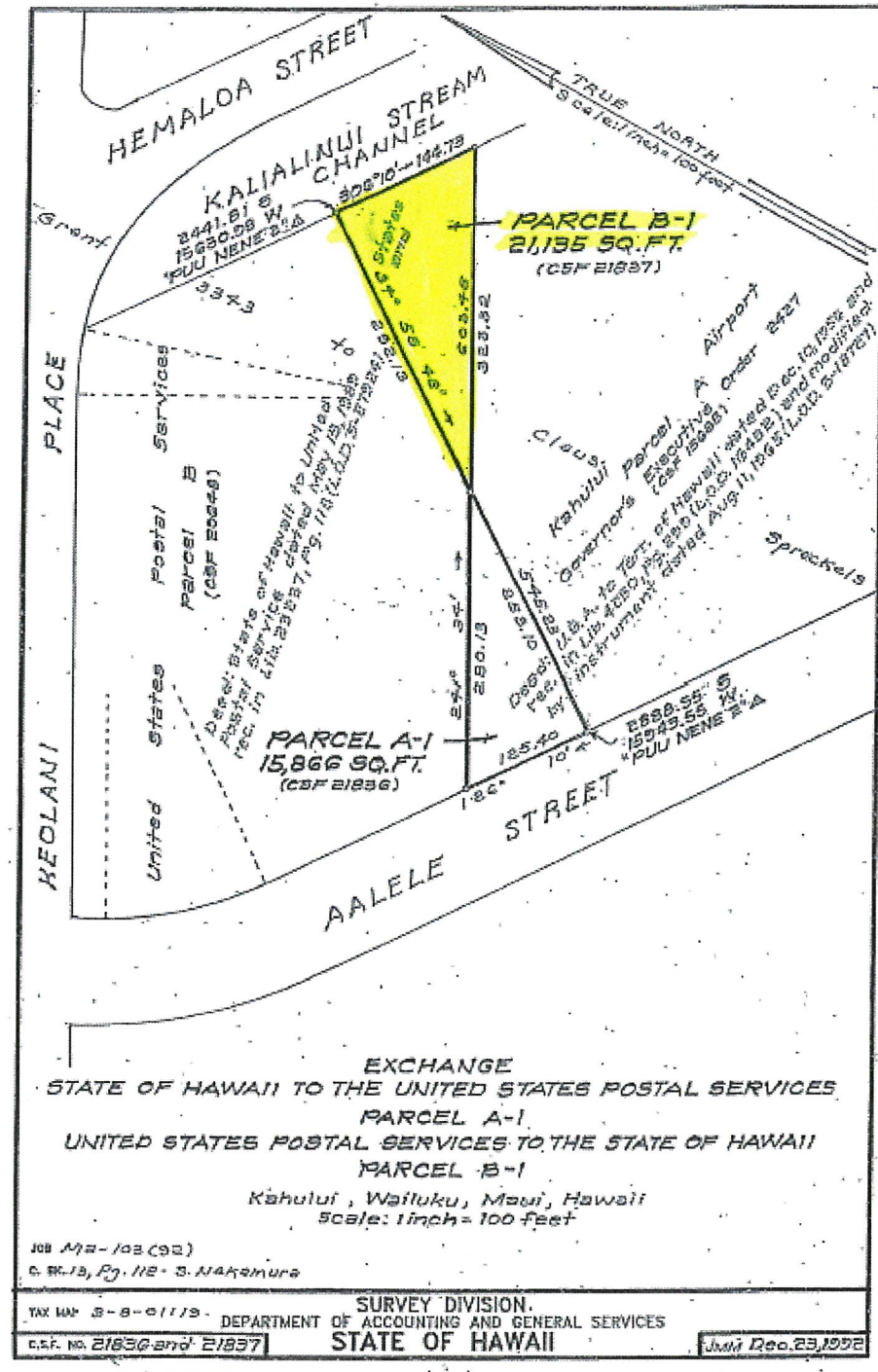


Exhibit A2

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of Management Right-of-Entry Permit to the Department of Transportation–Airports Division for the Kahului Airport
Project / Reference No.:	PSF No. 17MD-073
Project Location;	Kahului, Wailuku, Maui, Tax Map Key: (2) 3-8-001:019 (portion)
Project Description:	Issuance of Management Right-of-Entry Permit to the Department of Transportation–Airports Division for the Kahului Airport
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules, 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”, Item 51, that states “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”
Consulted Parties:	As noted in the submittal
Recommendation:	That the Board find 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.

Exhibit B

ALAN M. ARAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 29, 2017

Ms. Lydia Morikawa, Special Projects and Development Specialist
State of Hawaii Department of Land and Natural Resources-Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Morikawa:

**SUBJECT: REQUEST FOR COMMENTS ON THE ISSUANCE OF A
MANAGEMENT RIGHT-OF-ENTRY TO THE DEPARTMENT OF
TRANSPORTATION - AIRPORTS DIVISION FOR AIRPORTS
PURPOSES, KAHULUI, ISLAND OF MAUI, HAWAII
TMK (2) 3-8-001:019 (POR.) (RFC 2017/0107)**

The Department of Planning (Department) is in receipt of the above-referenced Request for Comment, from the State Department of Land and Natural Resources (DLNR), Land Division for the issuance of a Right-of-Entry Permit (ROE) for the Department of Transportation (DOT) – Airports Division.

Upon review of the request, the Department has the following comments to offer:

1. The land use designations for the permit area are as follows:

a. State Land Use:	Conservation/Agriculture/Urban
b. Wailuku-Kahului Community Plan:	Airport
c. County Zoning:	Airport
d. Other:	Special Management Area (SMA)
2. The parcel is located in the SMA. The information provided does not identify if the proposed ROE will result in any future improvements to the parcel. Therefore, should future improvements to the parcel be considered an SMA Assessment will be required.
3. The information you provided noted the following: "The purpose of the land exchange was for the realignment of the new airport access road and circulation road." Please clarify if the airport access road has been completed on the subject parcel or if the DOT – Airports Division is intending to make further improvements to the airport access road or other improvements to the parcel?
4. If the airport access road improvements on the subject parcel has been completed, please identify permits issued for the improvements.

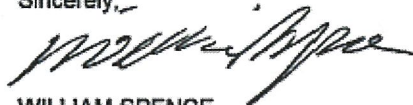
ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

Exhibit C

 Ms. Lydia Morikawa, Special Projects and Development Specialist
November 29, 2017
Page 2

Thank you for the opportunity to comment on the permit review. Should you have any questions about the comments in this letter please contact the Department by email at planning@mauicounty.gov or by phone at (808) 270-8205.

Sincerely,



WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Gary R. Saldana, Staff Planner (PDF)
Lydia Morikawa, Department of Land and Natural Resources-Land Division (PDF)
Project File
General File

WRS:CIY:GRS:ela

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DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
400 RODGERS BOULEVARD, SUITE 700
HONOLULU, HAWAII 96813-1890

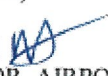
January 19, 2018

JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROSS H. HIGASHI
EDWIN H. SNFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:
AIR-PM
18.0042

TO: KEVIN E. MOORE
STATE LANDS ASSISTANT ADMINISTRATOR
STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL
RESOURCES (DLNR)

FROM: ROSS M. HIGASHI 
DEPUTY DIRECTOR, AIRPORTS (DOT-A)
STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION

SUBJECT: REQUEST FOR COMMENTS ON THE ISSUANCE OF A MANAGEMENT
RIGHT-OF-ENTRY TO THE DEPARTMENT OF TRANSPORTATION –
AIRPORTS DIVISION FOR AIRPORT PURPOSES, KAHULUI, ISLAND OF
MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-01:019 (POR.)

This memo is in response to the County of Maui, Department of Planning's letter, dated November 29, 2017 (RFC 2017/0107), providing comments on the issuance of a management right-of-entry (ROE) for the above parcel. Please refer to our responses below:

1. DOT-A concurs with the County of Maui's land use designations.
2. There are no plans to further develop the subject parcel. The purpose of the ROE is to serve as an interim document that authorizes DOT-A management and control over the land to be used for airport purposes, until such time that a Governor's Executive Order is issued.
3. The subject parcel is in the vicinity of the Airport Access Road Project which was completed in July 2016.
4. An application for a Special Management Area Permit for the Proposed Kahului Airport Parking Lot Expansion and Airport Access Road (Hana Highway to Kahului Airport), dated October 27, 2008, was submitted to the County of Maui, Department of Planning as part of the development process. Please refer to the attachment - Site Plan, Figure 5. The Site Plan shows the subject parcel (adjacent to the USPS Site) is in the vicinity of the Airport Access Road and circulation road system.

Thank you for the opportunity to allow us to provide additional comments. If there are any questions, please contact Elaine Brown of our Property and Business Development Staff at 838-8633 or email at elaine.brown@hawaii.gov.

Attachment

Exhibit D

