

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

February 8, 2019

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

PSF No.: 16MD-006

Maui

Set Aside and Issuance of Management Right of Entry to Department of Education for Agriculture Education Program and Allied Purposes, Kula Elementary School, Keokea, Kula, Maui, Tax Map Key: (2) 2-2-003:003.

APPLICANT:

Department of Education ("DOE"), Kula Elementary School

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Keokea situated at Keokea, Kula, Maui identified by Tax Map Key: (2) 2-2-003:003, as shown on the attached map labeled Exhibit A.

AREA:

5.04 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Maui CZO:	Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Agriculture Education and Allied 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 approved by the Environmental Council dated, June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 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 No. 43, “Transfer of management authority over state-owned land, such as setting aside of states lands to or from other government agencies through a Governor’s executive order.”

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:

At its meeting on February 26, 2016, under agenda item D-10, the Board approved a revocable permit for the subject property to the Department of Education, Kula Elementary School, for agriculture education program and allied purposes. Kula Elementary School sought to implement an agriculture education program on the subject property which previously served as a site for the former Keokea School.

The objective of the Kula Elementary Agriculture program is to provide extended learning opportunities for its students to reinforce STEM curriculum standards that are taught in the classroom by applying what is learned in an outdoor setting, as well as to provide students a general overview of agricultural fundamentals and applications that are age appropriate and aligned with curriculum topics. Since the prior Board approval, the program has been successfully implemented and received community and legislative support. As a result, Kula Elementary School now requests a set aside of the subject property in order to continue the program on a long term basis. A request for the set aside from Kula Elementary School is attached as Exhibit B.

As the parcel is in the State agriculture land use district and the program is a consistent use, staff recommends that the Board approve the set aside. The Board is also requested to approve a management right-of-entry to the Department of Education, Kula Elementary School. The management right-of-entry is a preferred means for DOE to manage the subject property on an interim basis until the set aside is completed, rather than continue the revocable permit.

RECOMMENDATION:

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

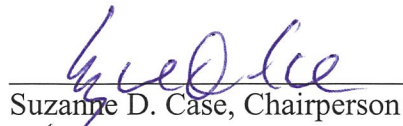
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a management right-of-entry permit to the Department of Education, Kula Elementary School, covering the subject area 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.
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Education 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,

A handwritten signature in black ink, appearing to read "Ian H.", written over a horizontal line.

Ian Hirokawa
Special Projects Coordinator

APPROVED FOR SUBMITTAL:

A handwritten signature in blue ink, appearing to read "Suzanne D. Case", written over a horizontal line.

Suzanne D. Case, Chairperson

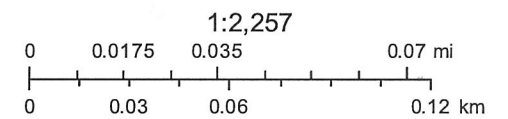
Handwritten initials in black ink, possibly "RW", located to the left of the signature line.

Public Land Trust Information System



January 22, 2019

EXHIBIT "A"



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

DAVID IGE
GOVERNOR



Dr. Christina Kishimoto
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION

KULA ELEMENTARY SCHOOL

5000 KULA HIGHWAY
KULA, HI 96790

January 10, 2019

Ms. Suzanne D. Case, Director
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Case

Subject: Set-aside for Old Keokea School Lot to the Department of Education for the Kula Elementary School Agriculture Education Program and Allied Purposes, Keokea, Kula, Maui TMK (2) 2-2-003:00326,

This letter serves to confirm our acceptance of the subject premise via Executive Order. On February 2016, under Agenda Item D-10, the State Board of Land and Natural Resources approved a Revocable Permit in favor of the Department of Education for Agriculture Education and Allied Purposes.

Since 2016 we have surveyed, cleared, and fenced the premises of overgrown vegetation, thereby eliminating the potential for wild-fire on the five acre parcel. We have received tremendous community and legislative support for this program and look forward to moving ahead with more program improvements. Therefore, a set-aside of this parcel in a timely manner would be greatly appreciated.

If you have any questions please do contact Chris Bachaus, Principal Kula School

Sincerely,

A handwritten signature in black ink, appearing to be "CB" or "Chris Bachaus", written over a light blue horizontal line.

Chris Bachaus
Principal, Kula School

EXHIBIT " **B** "

EXEMPTION NOTIFICATION

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

Project Title:	Set Aside and Issuance of Management Right of Entry to Department of Education for Agriculture Education Program and Allied Purposes, Kula Elementary School.
Project / Reference No.:	PSF 16MD-006
Project Location:	Keokea, Kula, Maui, Tax Map Key: (2) 2-2-003:003
Project Description:	Agriculture education program and allied purposes
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 concurred with 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 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 No. 43, "Transfer of management authority over state-owned land, such as setting aside of states lands to or from other government agencies through a Governor's executive order."
Cumulative Impact of Planned Successive Actions in Same Place Significant:	None.
Action May Have Significant Impact on Particularly Sensitive Environment:	None, subject property is zoned agriculture and proposed use is consistent.
Consulted Parties:	Kula Elementary School
Analysis:	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.

Recommendation:

It is recommended that the Board find that 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.