

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

March 8, 2019

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

PSF No.: 18KD-135

KAUAI

Set Aside of the Hale Hauoli Site to the Department of Health for Health-Related Services Purposes, Kapaa Homesteads, Series 4th, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:112.

APPLICANT:

Department of Health (DOH), a public body corporate and politic and instrumentality of the State of Hawaii, whose business address is Kinau Hale, 1250 Punchbowl Street, Honolulu, HI 96813, mailing address at P. O. Box 3378, Honolulu, HI 96801-3378.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapaa Homesteads, Series 4, Hale Hauoli site, situated at Kapaa, Kauai, identified by Tax Map Key: (4) 4-6-014:112, as shown on the attached map labeled Exhibit A.

AREA:

13.575 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai 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.

The subject parcel contains a DOH Facility which is currently being utilized by Easter Seals Hawaii for contracted Adult Day Health services.

PURPOSE:

For health-related services purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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;
- 3) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

At the Great Mahele, on March 8, 1848, Kamehameha III reserved the Ahupuaa of Kapaa in the District of Puna unto himself, thus establishing the said ahupuaa as a portion of the "Crown" lands.

Upon the 1893 overthrow of the Hawaiian Kingdom, the Provisional Government seized control of all the Crown and Government Lands, including the Ahupuaa of Kapaa.

Under the administration of the Republic of Hawaii, the Land Act of 1895 incorporated the Crown and Government Lands into "Public Lands", and as a result of the Joint Resolution of 1898, title to the Ahupuaa of Kapaa and all Public Lands was vested in and to the United States with administrative control given to the newly admitted Territory of Hawaii.

The Territorial Legislature at its regular session of 1915, enacted into law Act 55, which authorized and empowered the governor to set lands aside, by executive order, to the County of Kauai for the purpose of establishing and maintaining a County Farm and Sanatorium for the treatment and care of persons afflicted with tuberculosis.

Thus, Executive Order No. 30, dated July 20, 1915, set aside 120 acres of land in the Ahupuaa of Kapaa for the Samuel Mahelona Hospital. Subsequent orders added to and withdrew lands from the operations of the Mahelona Hospital, however, as all of the lands were portions of the “Crown” Ahupuaa of Kapaa, none were acquired by deed or exchange.

On March 18, 1959, the United States Congress passed the Admission Act, which provided for the admission of Hawaii into the Union, and by Section 5(b) of said Act, the Federal Government granted title of the Crown Ahupuaa of Kapaa to the State of Hawaii.

On November 14, 1975, under Executive Order No. 2791, then Governor George Ariyoshi cancelled Executive Order No. 30 and by Executive Order No. 3373, dated November 9, 1987, 60.145 acres of Kapaa were set aside to the Department of Health for the Samuel Mahelona Hospital.

Act 262, Section 22(a), Session Laws of Hawaii 1996 created the Hawaii Health Systems Corporation (HHSC) for the purpose of operating the community hospitals statewide. It is a State public benefit corporation and assumed the assets and liabilities of the Department of Health, Division of Community Hospitals on November 30, 1996. Under the Act, HHSC was given the authority to control its own assets.

Accordingly, the set-aside of lands to HHSC was an interim measure that was followed by the conveyance, in fee simple, of those portions of the various hospital sites identified by HHSC as being necessary for its operations. The unneeded portions would remain in DLNR’s land inventory. The subject parcel, which consists of 13.575 acres was such a portion of land not needed by the HHSC, therefore remained in DLNR’s land inventory.

At its meeting of August 28, 1998, Item D-28, the Board of Land and Natural Resources approved the cancellation of Governor’s Executive Order Nos. 2493, 2731, 2816, 2950, 2991, 3061, **3373**, 3491 & 3622, all issued to the Department of Health. The lands previously encumbered under the cancelled executive orders were then reset aside to HHSC. The set-aside included a conditioned that in the event any lands are found to be excess to HHSC’s needs, HHSC is authorized to process such lands for subdivision. The subdivided lands that are in excess to the needs of HHSC were to remain in the DLNR land inventory.

Research indicates that there is an existing structure on the property which is designated a DOH facility. The County Real Property Tax Office indicates that the improvement was constructed in 1999, but there are no records in file relating to plans, permits or authorizations for the construction of the improvement referred to as the Hale Hauoli site. Further, there are no documents in file authorizing Easter Seals Hawaii to utilize the facility/property.

By memorandum dated April 18, 2018, Dr. Virginia Pressler, Director of Health, requested a set aside of the Hale Hauoli site that contains a DOH owned facility to the Department of Health. The property, identified as TMK: (4) 4-6-014:112 contains a facility that is

currently being occupied by Easter Seals Hawaii, which provides Adult Day Health services. DOH intends to enter into a lease with Easter Seals Hawaii to authorize the continued use for providing health-related services on the property.

Presently, there are no proposals for a higher or better use of the subject property.

On January 11, 2019, various governmental agencies and interest groups were solicited for comments. To date, the only response to our request was a comment of “no objections” from the County’s Department of Public Works.

AGENCIES	COMMENTS
County of Kauai:	
Fire Department	No response
Planning Department	No response
Police Department	No response
Public Works	No objections
Water Supply	No response
State of Hawaii:	
DLNR - Historic Preservation	No response
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response


Staff has no objections to the request.

RECOMMENDATION: That the Board:

1. Subject to Applicant fulfilling the Applicant Requirements above, 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 referred to as the Hale Hauoli site to the Department of Health 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,

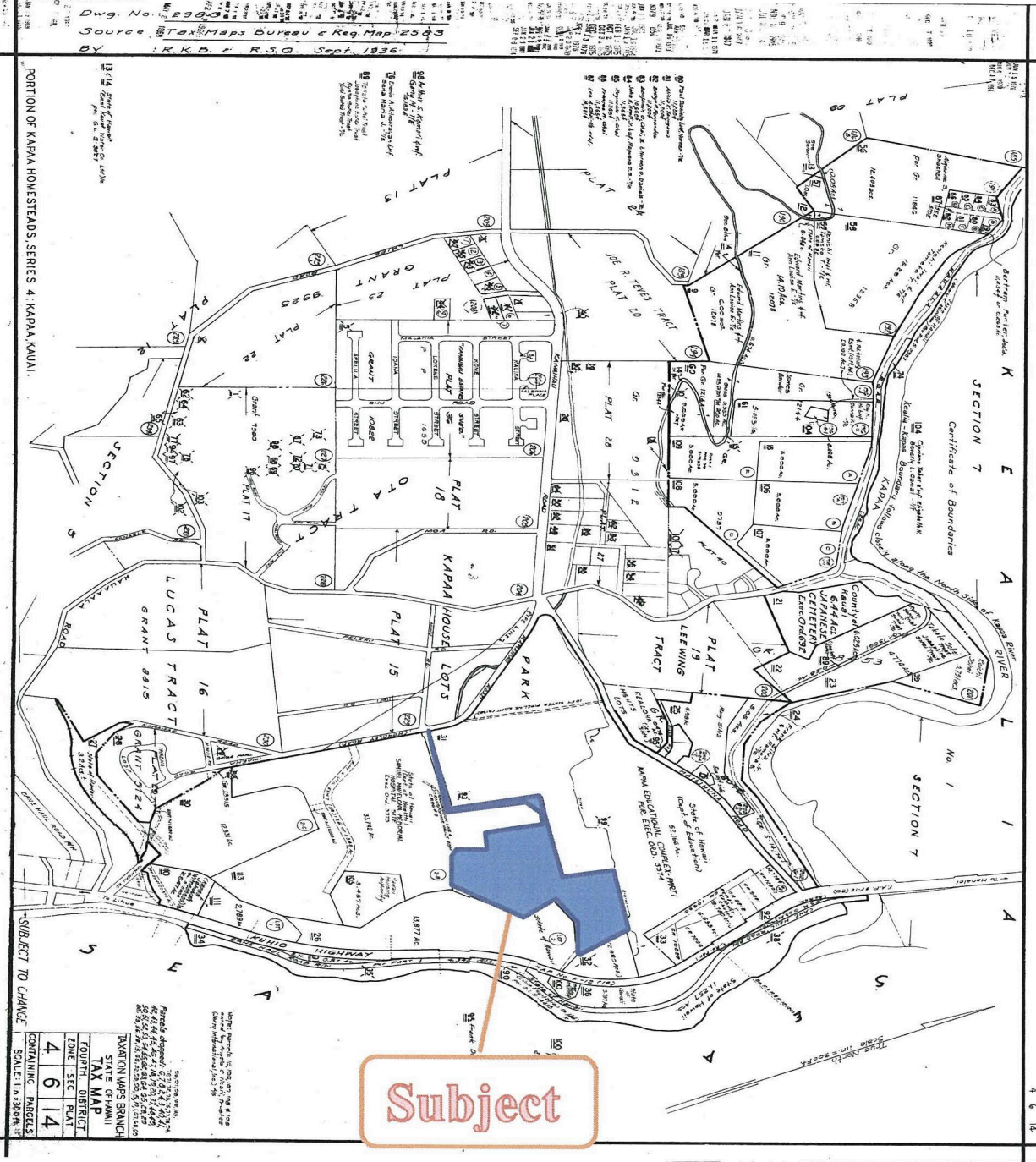


Wesley T. Matsunaga
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



Subject

EXHIBIT A

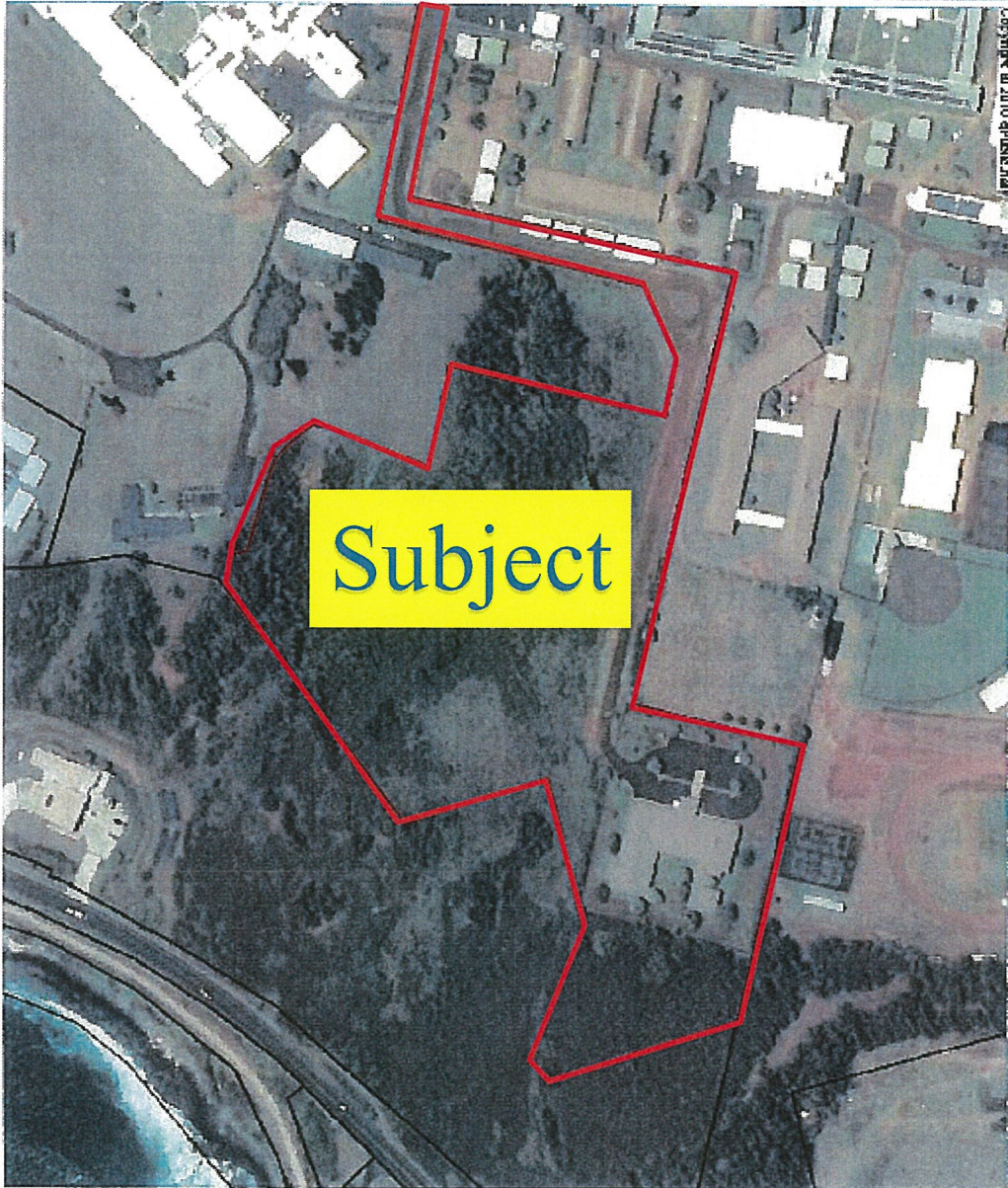


EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Set Aside of the Hale Hauoli Site to the Department of Health.

Project / Reference No.: 18KD-135

Project Location: Kapaa Homesteads, Series 4th, Hale Hauoli Site, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:112.

Project Description: Set Aside of the Hale Hauoli site to the Department of Health for Health-Related Services.

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

Exemption Class No(s): In accordance with Hawaii Administrative Rule Sections 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 1, which 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 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."

Cumulative Impact of Planned Successive Actions in Same Place Significant? No. There will be no successive actions in same place with no significant cumulative impact.

Action May Have Significant Impact on Particularly Sensitive Environment?: No. There will be no particularly sensitive environments involved with no significant impact.

Analysis: The subject property contains a structure owned by the Department of Health with access and utility infrastructure.

This action 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,

EXHIBIT B

the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

Consulted Parties:

Agencies as noted in the submittal.

Declaration:

The Board finds that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.