

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

June 28, 2019

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

PSF: 18MD-150

Maui

Cancellation of Governor's Executive Order No. 3415 and Reset Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Operations, Equipment Storage and Related Ancillary Purposes, Kula, Makawao, Maui, Tax Map Key: (2) 2-3-003:118.

CONTROLLING AGENCY:

Department of Agriculture

APPLICANT:

Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW)

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Omaopio situated at Kula, Makawao, Maui, identified by Tax Map Key: (2) 2-3-003:118, as shown on the attached maps labeled Exhibits A-C.

AREA:

2.0 acres, more or less.

ZONING:

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

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:

Governor's Executive Order (EO) No. 3415 setting aside 2.0 acres to the Department of Agriculture for Expansion of Vacuum Cooler Plant and Other Agricultural Processing and Marketing Facilities Site purposes.

EXISTING ENCUMBERANCE

LOD S-27125, Roadway for ingress / egress purposes.

PURPOSE OF SET ASIDE:

DOFAW Operations, Equipment Storage and Related Ancillary purposes.

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 E attached.

REMARKS:

In 1989, by Governor's Executive Order (EO) 3415, the subject 2-acre parcel identified as TMK (2) 2-3-003:118 (Parcel 118) was transferred to the Hawaii Department of Agriculture (HDOA) for expansion of vacuum cooler plant and other agricultural processing and marketing facilities that are located on the adjacent 3.91-acre parcel to the east identified as TMK (2) 2-3-003:023 (Parcel 23). Parcel 23 was set aside to HDOA via EO 3251 in 1984.

In 2003, Parcel 23 was withdrawn from EO 3251 to HDOA and reset aside to the County of Maui via EO 4018. Cooling plant operations continue to utilize only about 1.75 acres (more or less) of Parcel 23's 3.9 acres of land.

In 2017, the HDOA received an inquiry from the Department of Land and Natural

Resources (DLNR) Division of Forestry and Wildlife (DOFAW) regarding the use of Parcel 118 for Forestry base yard operations, equipment storage and related ancillary purposes. On August 22, 2017, under agenda item B20, the State Board of Agriculture approved the cancellation of EO 3415 and transfer of lands back to the State DLNR. See Exhibit D attached.

In 2018, Michael Yamamura, Executive Assistant to Maui County Mayor Arakawa, confirmed that the cooling facility situate at Parcel 23 no longer has plans to expand into the subject Parcel 118.

As of 2019, DOFAW continues to plan for the use of Parcel 118 for storage of heavy equipment as well as base operations where vehicles, tools, supplies, and plant materials will be administered. This parcel is desirable for DOFAW's operations because of its close proximity to several state forest reserves that include the Makawao and Kula Forest Reserves. The improved proximity will reduce response times during episodic emergency events such as wildland fires, hazard tree falls, mudslides, etc.

The location will also provide opportunities to coordinate with other partnering agencies. For example, the Leeward Haleakala Watershed Restoration Partnership (LHWRP) also intends to store materials and equipment onsite. LHWRP is a coalition formed in June 2003 by eleven private and public landowners and supporting agencies. Its goal is to restore dryland forests on Haleakala from Makawao through Ulupalakua to Kaupo between 3,500 and 6,500 feet elevations. The location of the subject area in Omapio increases the efficiency and effectiveness of program partners to stage and prepare for operations on the east side of Maui. The base yard will support 10 to 15 LHWRP staff with storage of small equipment and various operations, including a washdown facility.

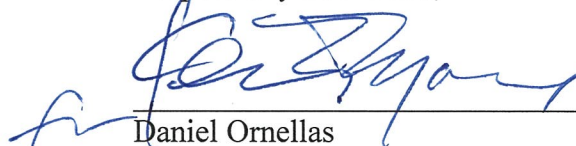
As such, staff respectfully requests that Governor's Executive Order No. 3415 be canceled and Parcel 118 be reset aside to DOFAW.

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, Hawaii Administrative Rules, 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 issuance of an executive order canceling Governor's Executive Order No. 3415 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;

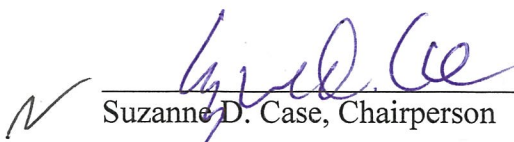
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division of Forestry and Wildlife 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,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

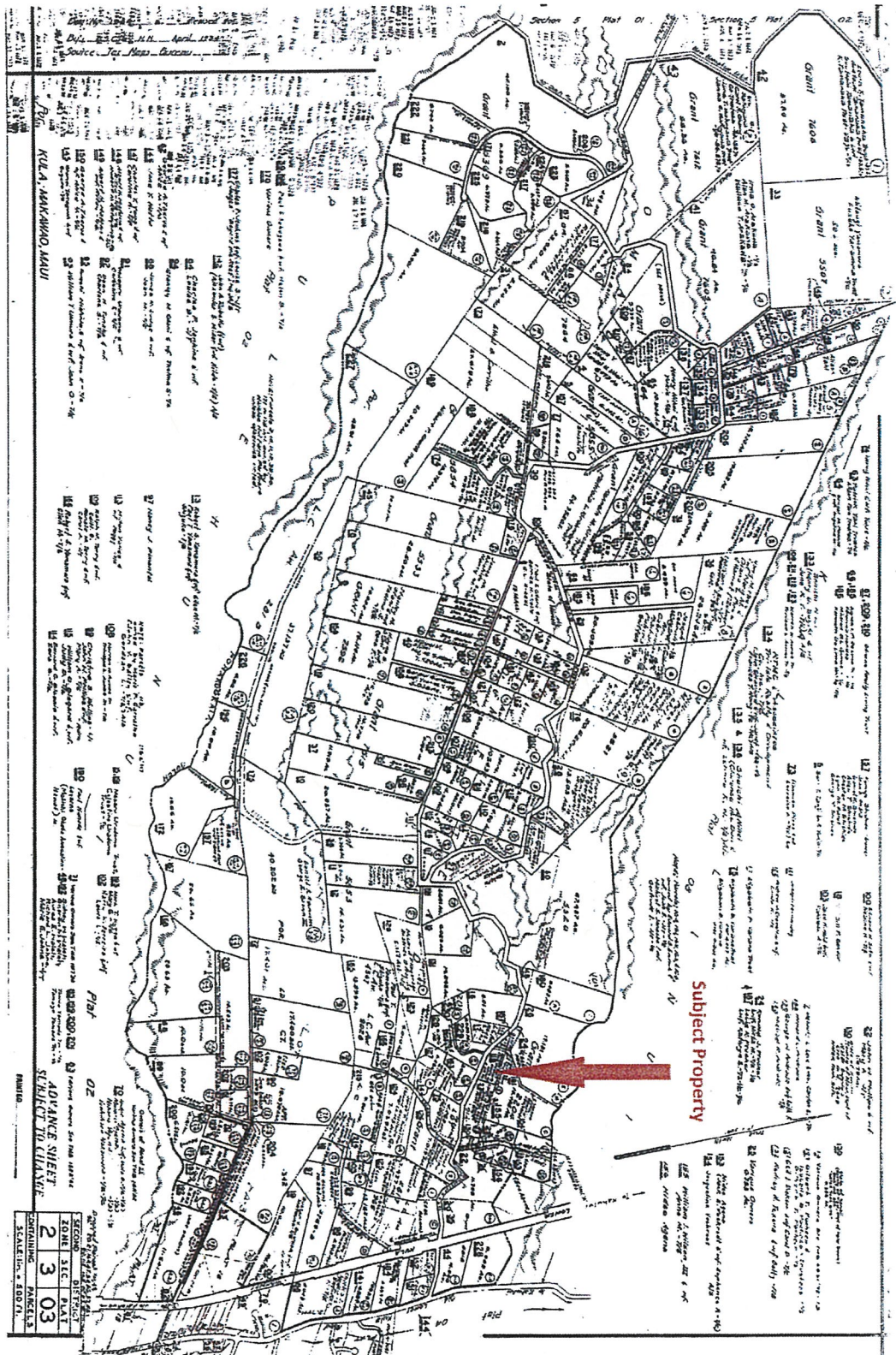
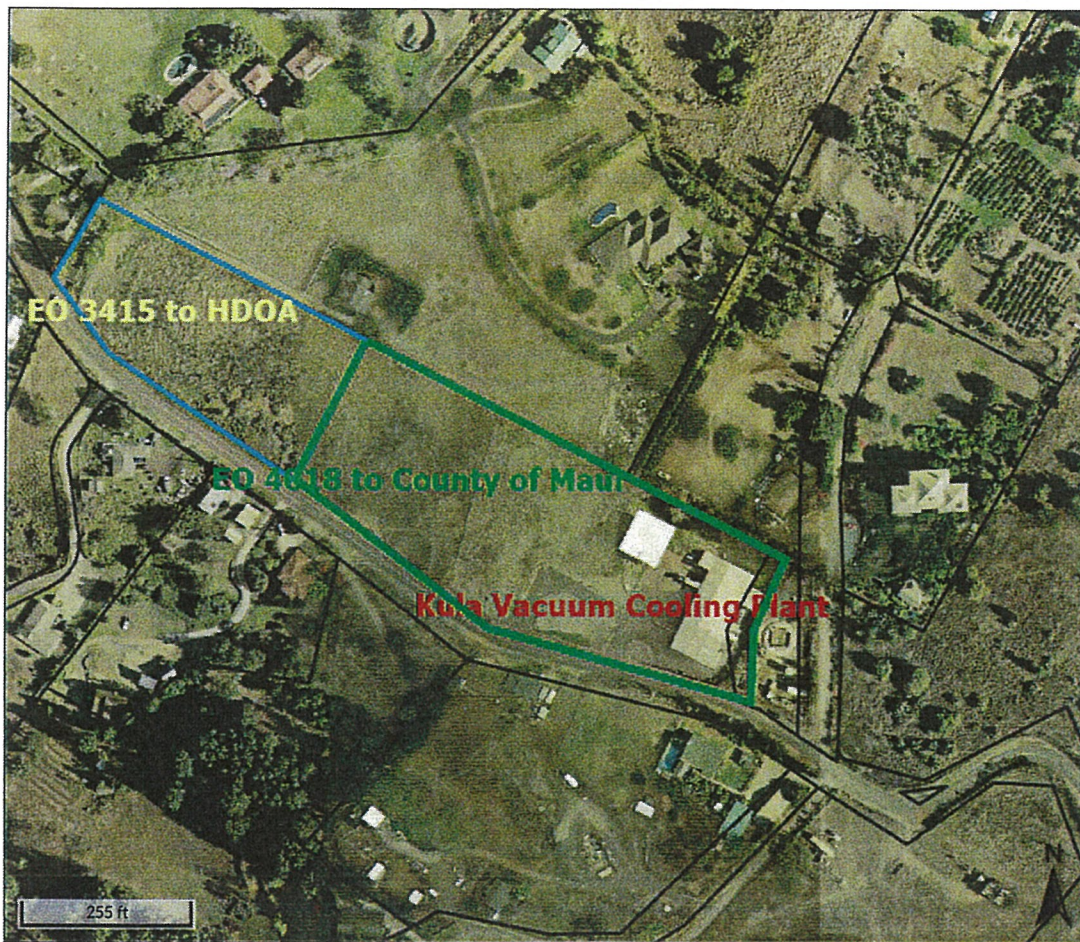
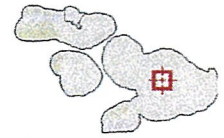


EXHIBIT A



Overview



Legend

 Parcels

Parcel ID 230031180000
Acreage 2
Class AGRICULTURAL

Situs/Physical Address
Mailing Address STATE OF HAWAII DEPT OF AGRICULTURE

OMAOPIO RD

Assd Land Value	Assd Building Value	Total Assd Value	Exempt Value	Taxable Value	Last 2 Sales Date	Price	Reason	Qual
\$490,000	\$0	\$490,000	\$490,000	\$0	1/5/1998	0	n/a	U
					n/a	0	n/a	n/a

Brief Tax Description n/a

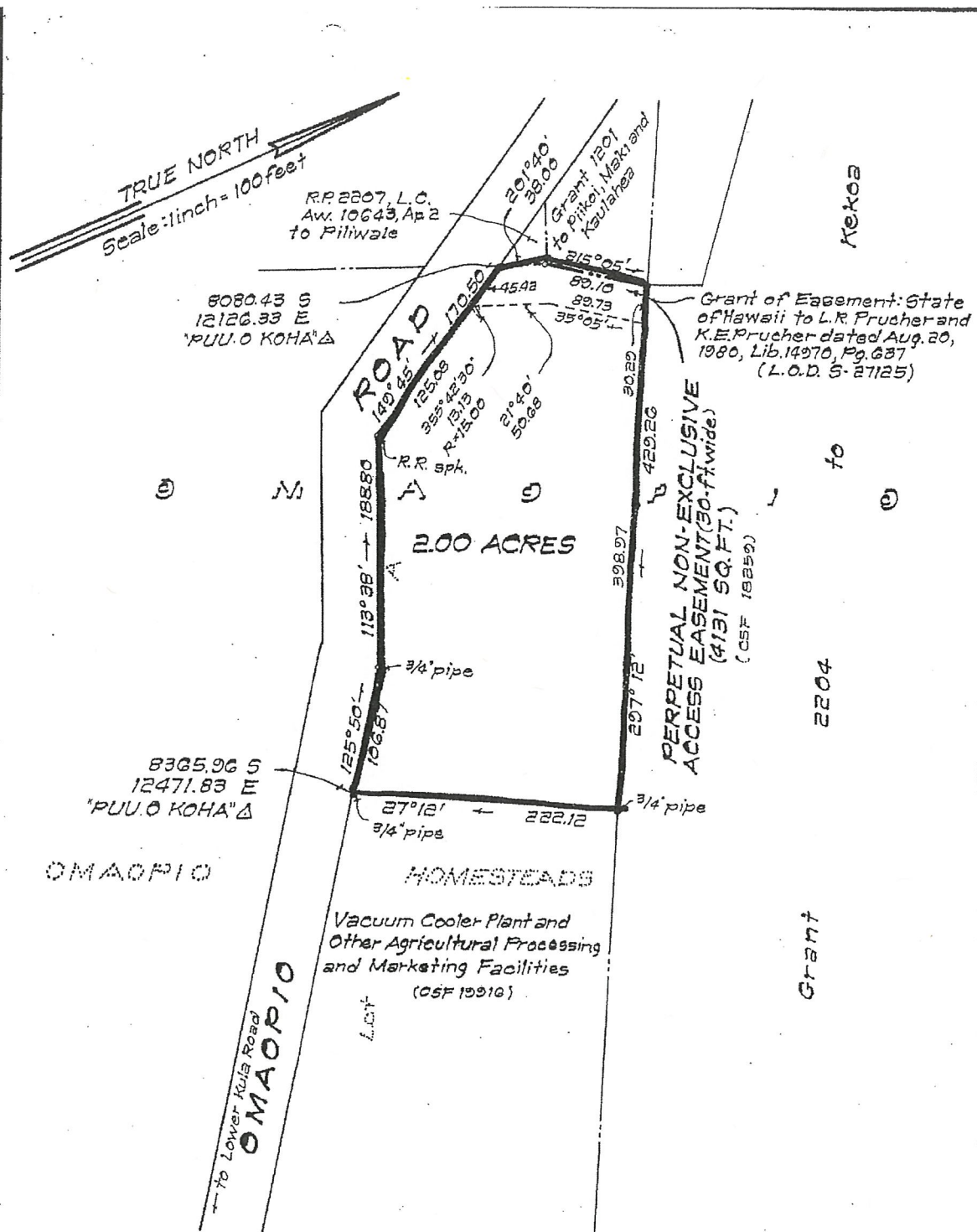
(Note: Not to be used on legal documents)

Date created: 6/11/2019

Last Data Uploaded: 6/11/2019 1:00:09 AM

Developed by  **Schneider**
GEOSPATIAL

Exhibit B



PORTION OF THE GOVERNMENT LAND OF OMAOPIO

Omaopio, Makawao (Kula), Maui, Hawaii
Scale: 1 inch = 100 feet

JOB Ma-305(83)
C.BK 5, J. Matsuno

F. Bk. No. 1992

TAX MAP 2-3-03

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.F. No. 19917

J.M.M. Mar. 8, 1984

EXHIBIT "C"

DAVID Y. IGE
Governor
SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

RECEIVED
LAND DIVISION

2017 SEP 25 AM 11:12

9E03415
SCOTT E. ENRIGHT
Chairperson, Board of Agriculture
PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

September 15, 2017

Suzanne Case, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Dear Ms. Case:

SUBJECT: GOVERNOR'S EXECUTIVE ORDER NO. 3415

TMK: (2nd Div)/2-3-003:118

HANOLO, NORTH KONA, ISLAND OF HAWAII -
Maui (9.25.17 ok Linda/Doty)
Maui (9.25.17 ok Linda/Doty)

This letter is to respectfully request the Board of Land and Natural Resources' (BLNR) concurrence with the Board of Agriculture's (BOA) approval to cancel Governor's Executive Order No. 3415 thereby transferring the unencumbered parcel to DLNR. The Board of Agriculture approved the request to cancel Governor's Executive Order No. 3415 at its meeting held on August 22, 2017.

Enclosed for BLNR's consideration is the approved BOA submittal detailing this matter. Please notify us when this item is placed on BLNR's agenda.

We look forward to hearing from you. Should you have any questions, please contact Randy Teruya or Linda Murai at 808-973-9473.

Sincerely yours,

Scott E. Enright, Chairperson
Board of Agriculture

Enclosure

9.25.17 ey. w/att: MDLO



EXHIBIT "D"

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
HONOLULU, HAWAII 96814

August 22, 2017

Board of Agriculture
Honolulu, Hawaii

Subject: REQUEST FOR PERMISSION TO SUBMIT A REQUEST TO
THE BOARD OF LAND AND NATURAL RESOURCES (BLNR) TO
CANCEL GOVERNOR'S EXECUTIVE ORDER NO. 3415, TMK 2nd
Div/2-3-003: 118, OMAOPIO, MAKAWAO (KULA), ISLAND OF
MAUI, HAWAII

Authority: Section 171-11, Hawaii Revised Statutes (HRS)

Lease: N/A

Lessee: Vacant

Land Area: 2.00 acres

Tax Map Key: 2nd Div/2-3-003:118

Land Status: Property set aside to the Department of Agriculture by Governor's
Executive Order No. 3415, dated April 3, 1989

Lease Term: N/A

Rent: N/A

Character of Use: Agricultural Processing and Marketing Facility Purposes

BACKGROUND

In 1989, by Governor's Executive Order No. 3415, the subject parcel identified as TMK: 2nd Div/2-2-003:118 on Maui was transferred to the Hawaii Department of Agriculture (HDOA) for management and administration. This parcel was set aside to facilitate expansion of the Kula Vacuum Cooling Plant located on the adjacent parcel. In 2004, only the parcel on which the cooling plant is located was transferred to the County of Maui for management but the operation has not expanded onto the subject parcel. In a recent telephone conversation with Michael Yamamura, Executive Assistant to the Mayor, the cooling facility does not have plans

B.21

for expanding onto the adjacent lot. The subject parcel of land remains unencumbered and vacant.

The HDOA has received an inquiry from the Maui Division of Forestry and Wildlife, Department of Land and Natural Resources (DLNR), regarding the use of the subject parcel by the Leeward Haleakala Watershed Restoration Partnership to utilize the parcel as their base yard. The base yard will support 10 to 15 staff with storage of small equipment and various operations, including a wash down facility, etc.

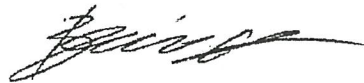
The Leeward Haleakala Watershed Restoration Partnership is a coalition that was formed in June 2003 by 11 private and public landowners and supporting agencies. Their goal is to restore dryland forests on Haleakala from Makawao through Ulupalakua to Kaupo between 3,500 and 6,500 feet elevations.

As such, staff respectfully requests that Governor's Executive Order No. 3415 be canceled and the subject land parcel returned to DLNR.

RECOMMENDATION

That the Board of Agriculture approve staff's request for permission to submit a request to the Board of Land and Natural Resources to cancel Governor's Executive Order No. 3415 and returned the subject land to DLNR.

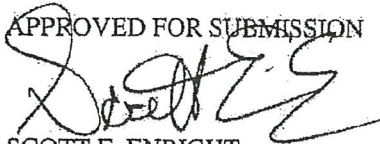
Respectfully submitted,



BRIAN KAU, P.E.
Administrator & Chief Engineer
Agricultural Resource Management
Division

Attachment -- Exhibit A

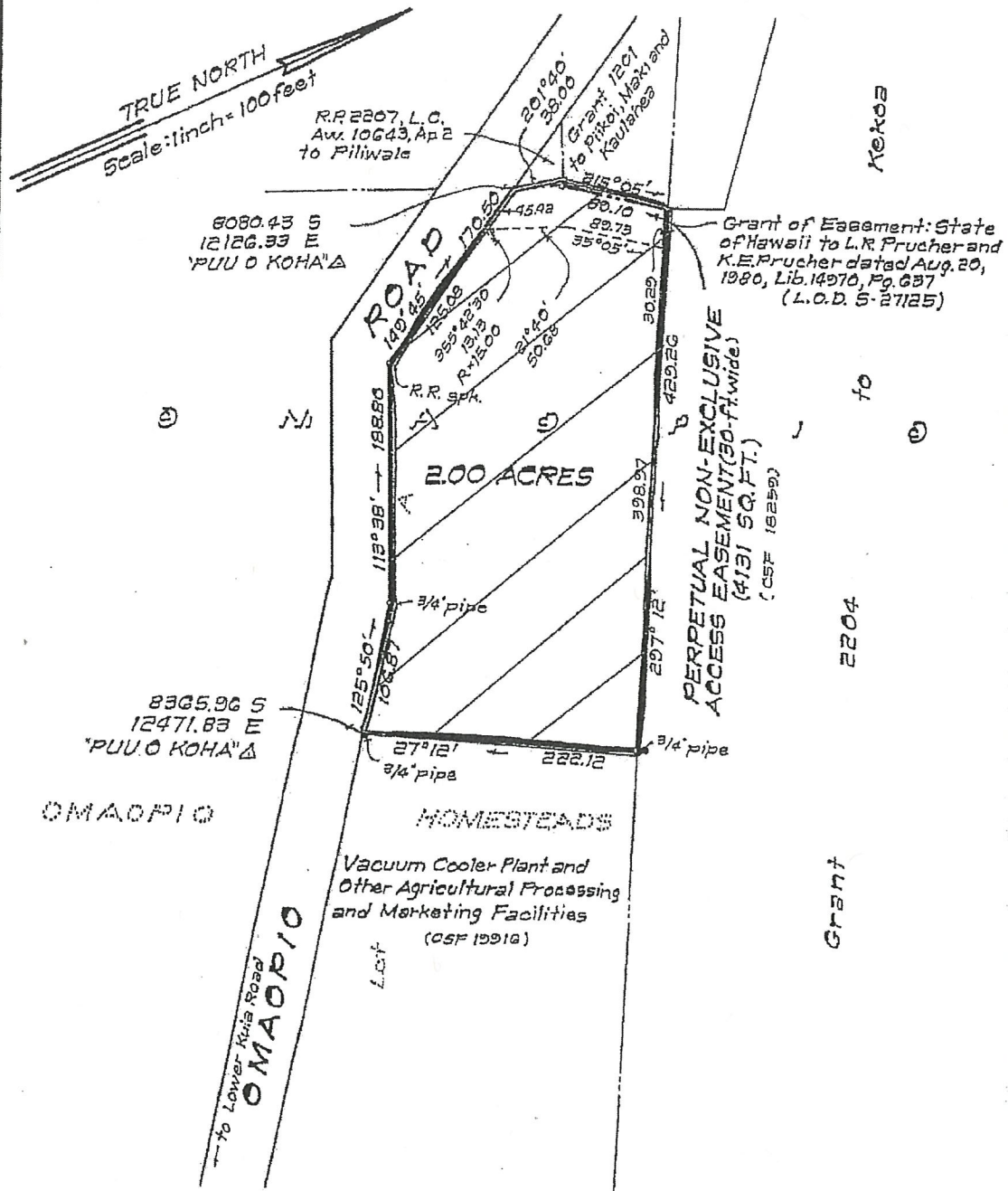
APPROVED FOR SUBMISSION



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

Approved by the Board of
Agriculture at its meeting held
8/22/17
as agenda item B. 5

EXHIBIT "A"



PORTION OF THE
GOVERNMENT LAND OF OMAPIO

Omaopio, Makawao (Kula), Maui, Hawaii
Scale: 1 inch = 100 feet

JOB MA-305(83)
C. BK 5, J. Matsuno

F. Bk. No. 1992

TAX MAP 2-2-03

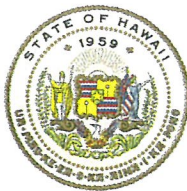
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C. S. F. No. 19917

J.M.M. Mar. 8, 1984

B.22

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 28, 2019

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

EXEMPTION NOTIFICATION

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

Project Title: Cancellation of Governor's Executive Order No. 3415 and Reset Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW), for Operations, Equipment Storage and Related Ancillary Purposes

Project / Reference No.: PSF #18MD-150

Project Location: Kula, Makawao, Maui, Tax Map Key: (2) 2-3-003:118

Project Description: Cancellation of Executive Order No. 3415 to the Hawaii Department of Agriculture covering vacant lands and reset aside to DOFAW for forestry operations.

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

Exemption Class No. and Description: 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 No. 1, Item 43, which states the "transfer of management over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order."

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.

EXHIBIT E

Consulted Parties:	State of Hawaii, Department of Agriculture, DLNR Division of Forestry and Wildlife, County of Maui, Mayor's Office.
Cumulative Impact of Planned Successive Actions in Same Place Significant?	The current action is a transfer of management responsibility over the subject vacant land to DOFAW. No successive transfers of the land are anticipated. DOFAW will address compliance with HRS Chapter 343 as may be needed for its intended use of the lands.
Action May Have Significant Impact on Particularly Sensitive Environment?	The subject lands are not located in a particularly sensitive environment. DOFAW will address compliance with HRS Chapter 343 as may be needed for its intended use of the lands.
Recommendation:	It is recommended that the Board find that the withdrawal and reset-aside of the land to DOFAW will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.