

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

September 25, 2020

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

MAUI

Issuance of Construction Right of Entry to the State of Hawaii Department of Agriculture for Emergency Auwai Stabilization Purposes; Grant of Term, Non-Exclusive Easement to Na Moku Aupuni O Ko'olau Hui for Auwai Maintenance Purposes, Keanae, Wailua, Koolau, Maui, Tax Map Key: (2) 1-1-008:001.

APPLICANT:

Na Moku Aupuni O Ko'olau Hui, a domestic nonprofit corporation. (Applicant)

LEGAL REFERENCE:

Section 171-13 and 43.1, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government land located at Keanae, Wailua, Koolau, Maui, identified by Tax Map Key: (2) 1-1-008:001, as shown on the attached map labeled **Exhibit A**.

AREA:

17,148 square feet, more or less.

ZONING:

State Land Use District:	Agriculture, Conservation
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: NO

CURRENT USE STATUS:

Vacant and Unencumbered.

CHARACTER OF USE:

Auwai Maintenance Purposes

TERM:

55 years.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis for both right-of-entry and easement.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the Office of Environmental Quality Control's The Environmental Notice on February 8, 2020 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

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:

During the 2018 Session, the Legislature appropriated \$4.5 million in capital improvement project (CIP) funds for planning, design, and construction projects for irrigation and water delivery systems in East Maui to support agricultural activities, primarily focused on small farmers in East Maui to further the State's goals of food

security and self-sufficiency. The Hawaii Department of Agriculture (DOA) is responsible for project selection and CIP fund administration. The Board previously approved a construction right of entry and a revocable permit for the long-term maintenance of the improvements for one of the projects at its meeting on July 10, 2020 under agenda item D-2. DOA intends to fund two additional projects, both of which also require dispositions from the Board to address long term maintenance of improvements constructed pursuant to the projects.

Like the previous project, this project involves the emergency stabilization of an auwai located on the subject parcel. This project proposes to stabilize the existing auwai system to resolve existing safety and maintenance issues caused by erosion, overgrowth, and inadvertent dumping of debris. Approximately 1400 linear feet of the banks of the auwai will be repaired and stabilized with grouted rip rap of locally sourced stone. Photos of the project are included as **Exhibit B**. The Board is requested to approve a construction right of entry to DOA at gratis, including their representatives and contractors, for the subject parcel to conduct the auwai stabilization project.

Although DOA will manage the stabilization project, DOA will not assume responsibility for the long-term maintenance of the improvements. The Applicant has offered to assume maintenance responsibilities for the improvements by requesting an easement. Applicant is a local non-profit entity whose mission is to promote and perpetuate the traditional culture and lifestyle of the lineal descendants and current residents of the ahupua'a of Keanae-Waliuanui, including taro farming for subsistence needs. The Applicant is a 501(c)(3) tax exempt eleemosynary organization, which qualifies them to receive the easement at nominal consideration pursuant to Section 171-43.1, HRS, subject to the Board's approval.

The Applicant has a close relationship with the Hawaii Farmers Union and collaborates with them to provide volunteer services for community maintenance projects. Furthermore, the Applicant's members have historically maintained the auwai on a volunteer basis and the Applicant has community support continue this activity. Given the Applicant's non-profit status, expertise in taro cultivation, their activities in support of the community, and the importance of the auwai in supporting traditional and customary practices for subsistence use and cultural practices, staff recommends that the Board approve the easement at gratis.

RECOMMENDATION: That the Board:

1. Authorize the issuance of a construction right-of-entry permit to the State of Hawaii, Department of Agriculture 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;

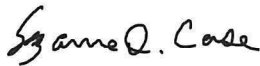
- b. Such other terms and conditions as may be prescribed by the Chairperson to serve the best interests of the State.
- 2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to Na Moku Aupuni O Ko'olau Hui covering the subject area for auwai maintenance purposes 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 term easement document form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Ian Hirokawa
Special Projects Coordinator

APPROVED FOR SUBMITTAL:





Suzanne D. Case, Chairperson


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EXHIBIT A

Legend

 110080010000

 Feature 1

 Feature 2



Google Earth

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EXHIBIT A

Legend

 110080010000

 Feature 1

 Feature 2



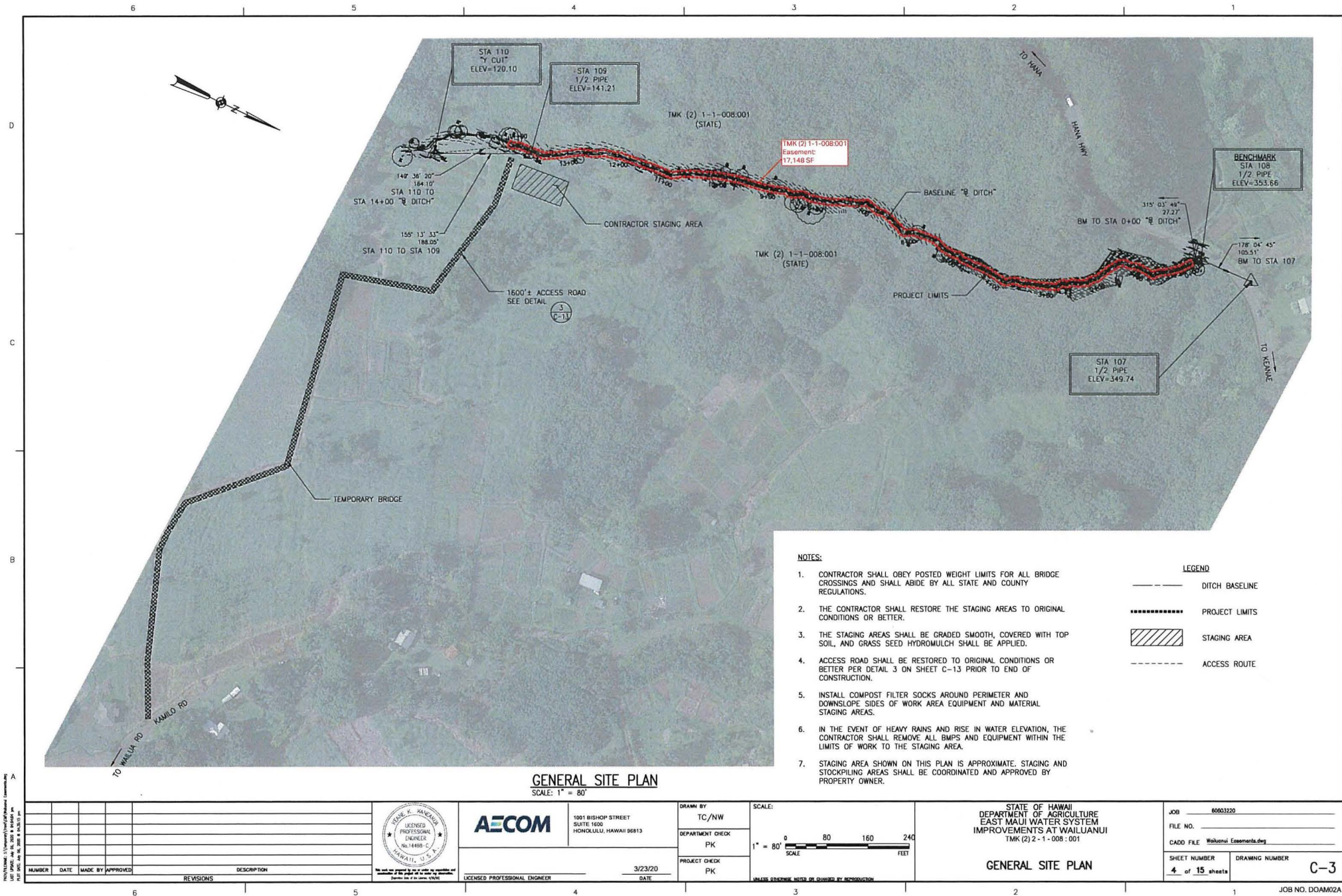
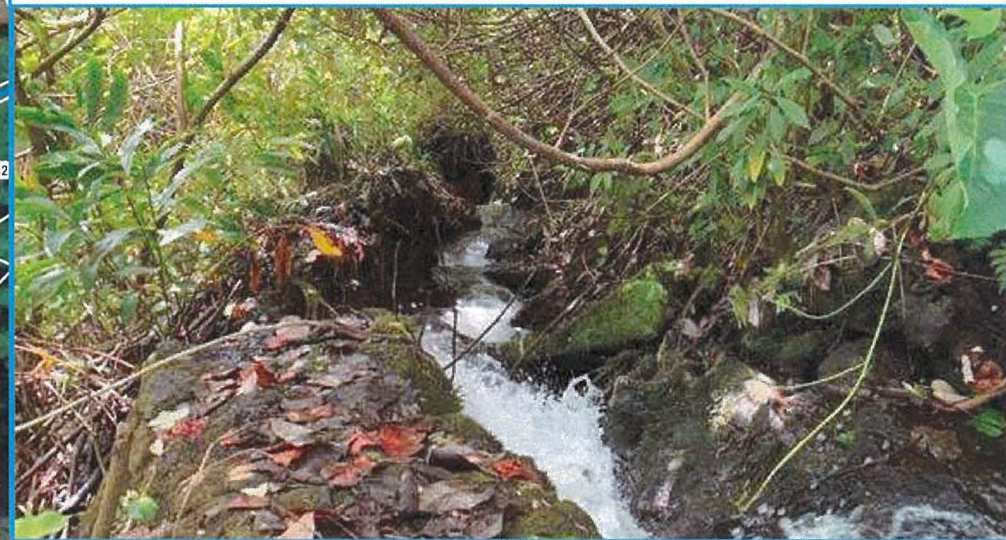


EXHIBIT A

Job No. DOAM02A, East Maui Irrigation System Improvements at Wailuanui, Wailuanui, Maui, Hawaii



1. Aerial view of project location.



2. Existing 'auwai channel.

EXHIBIT B