

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

May 10, 2024

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

PSF No.: 24KD-018

KAUAI

Partial Withdrawal of 0.50 Acres from Governor’s Executive Order No. 2914 and Reset Aside to the Division of Aquatic Resources for Storage and Office Purposes; Issuance of Immediate Management Right-of-Entry Permit , Kapaa Town Lots, 2<sup>nd</sup> Series, Kawaihau, Kauai, Tax Map Key: (4) 4-5-006:001.

CONTROLLING AGENCY:

The Division of Boating and Ocean Recreation (DOBOR), by operation of law, Legislative Act 272, Session Laws of Hawaii 1991 (Act 272).

APPLICANT:

Division of Aquatic Resources (DAR).

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended and Legislative Act 272.

LOCATION:

Portion of Government lands situated at Kapaa Town Lots, 2<sup>nd</sup> Series, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-006:001, as shown on the attached map labeled Exhibit A.

AREA:

Area under Executive Order No. 2914: 2.937 acres, more or less  
Area to be withdrawn: 0.50 acres, more or less.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: R4 Residential

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:

Governor's Executive Order No. 2914 setting aside approximately 2.94 acres to the State of Hawaii Department of Transportation (DOT) for boat launching ramp and allied facilities, now under DOBOR by operation of law pursuant to Act 272.

PURPOSE OF SET ASIDE:

It is important that DAR have a portion of this parcel set aside to allow for a larger mobile office space and better boat access to the east side of the island.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, and Item 36 that states "Transfer of management authority over state-owned land, such as setting aside of state lands." See attached Exhibit B. Inasmuch as the Chapter 343 environmental requirements apply to DAR's proposed use of the lands, DAR shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost, if required; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost, if required.

REMARKS:

At its meeting of August 12, 1977, under agenda item F-31, the Board of Land and Natural Resources (Board) authorized the cancellation of General Lease (GL) 4409 to the Honpa Hongwanji Mission of Hawaii (HHM).

At its meeting of January 27, 1978, the Board approved the issuance of an Executive Order (EO) to the DOT for boat launching and allied facilities. EO 2914 was executed on June 7, 1978.

At its meeting of August 11, 1978, under agenda item F-30, the Board approved the withdrawal of approximately 34,820 SF from EO 2914 in order to issue a new direct lease to the HHM.

During the 1991 legislative session, via Act 272, Session Laws of Hawai'i, the Legislature transferred the boating and coastal areas program from the DOT to the Department of Land and Natural Resources (DLNR). The Division of Boating and Ocean Recreation (DOBOR) assumed management and administrative jurisdiction for recreational boating and related vessel activities effective July 1, 1992. DOBOR was made responsible for regulating recreational and commercial use of State small boat harbors, moorings, and facilities as well as most activities occurring in and on State waters.

DOBOR's Kauai staff currently maintains the subject parcel of State land in Kapaa, Kauai ("Kapaa Parcel"), and this parcel includes the Waieka Boat Ramp. The Waieka Boat Ramp is a convenient and strategically important location for both DOBOR and DAR to launch vessels into the waters of Kauai and fulfil their respective missions.

DAR Kauai's current office space is inadequate to serve the needs of its growing staff, and DAR Kauai does not currently have a centralized location in which it can store equipment, launch vessels, and respond to inquiries from the public.

DOBOR has agreed to transfer to DAR a 0.5-acre portion of the Kapaa Parcel ("Kauai-DAR Parcel") to build a new work center, and this work center will include a conference room, office spaces, a research lab, a covered space for a DAR boat, and storage space for DAR education and outreach, monitoring, and protected species program needs.

The following State and County of Kauai (COK) agencies were consulted on this action with the results indicated:

Agency:	Comment:
Historic Preservation	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date
Division of Forestry and Wildlife	No response by suspense date
COK Public Works	No response by suspense date
COK Planning Department	No response by suspense date

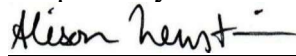
Finally, staff is including a recommendation below for the issuance of an immediate management right-of-entry to DAR covering the area to be withdrawn and reset-aside to it. The right-of-entry will continue for a period of one year or until the set-aside is complete, whichever shall first occur. Staff is additionally recommending the Board authorize the Chairperson to extend the right-of-entry for additional one-year periods for good cause shown.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 issuance of an executive order withdrawing approximately 0.50 acres from the Governor's Executive Order No. 2914 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.
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands and existing improvements to Division of Aquatic Resources 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.
4. Grant an immediate management right-of-entry to the Division of Aquatic Resources, its consultants, contractors, and/or persons acting for or on its behalf, onto the subject property to secure, maintain and manage the property, 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 management right-of-entry form, as may be amended from time to time;
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
  - C. This management right-of-entry is effective upon Land Board approval and shall continue for a period of one year or until the set-aside is complete, whichever shall first occur; provided that the Chairperson may extend the right-of-entry for additional one-year periods for good cause shown.

Respectfully Submitted,



Alison Neustein  
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

RT

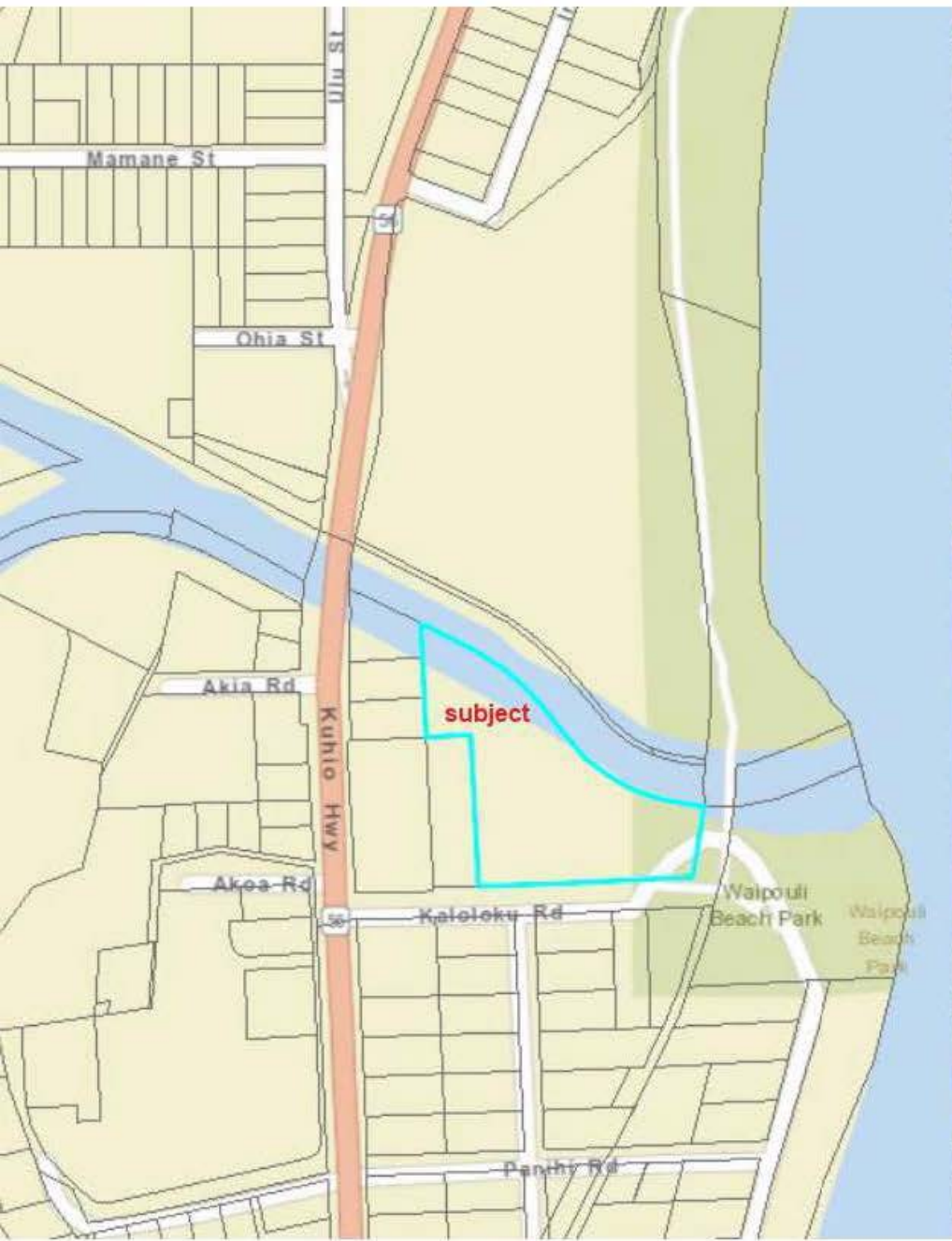
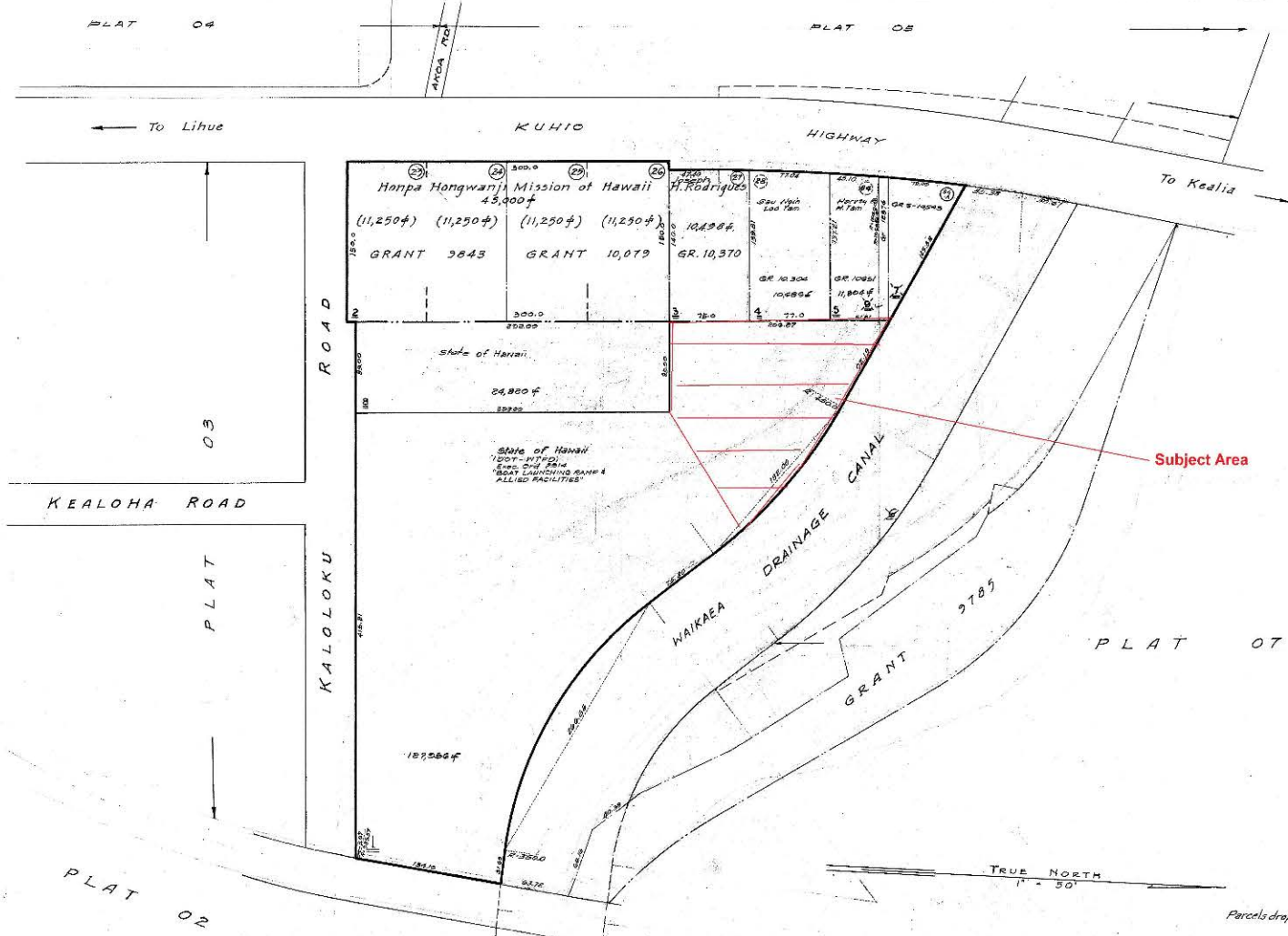


EXHIBIT A

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DEC 30 1959



Div. No. 5936  
Source Tax Map Bureau's Plat Map 5055  
By K.K.S. CHAN, Sept. 1956

POR. KAPAA TOWN LOTS, 2<sup>ND</sup> SERIES, KAWAIIHAU, KAUAI

SUBJECT TO CHANGE

TAXATION MAPS BUREAU  
TERRITORY OF HAWAII  
**TAX MAP**

FOURTH	DIVISION
ZONE	SEC. PLAT
<b>4</b>	<b>5 06</b>
CONTAINING 0 PARCELS	
SCALE 1 in. = 50 ft.	

PRINTED

Parcels dropped 6,73.

**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**DAWN N. S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA  
LAND DIVISION**

3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766

May 10, 2024

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1-16, Hawaii Administrative Rules (HAR):

<b>Project Title:</b>	Partial Withdrawal of 0.50 Acre from Governor's Executive Order No. 2914 and Reset Aside to the Division of Aquatic Resources for Storage and Office Purposes; Issuance of Immediate Management Right-of-Entry Permit, Kapaa Town Lots, 2 <sup>nd</sup> Series, Kawaihau, Kauai, Tax Map Key: (4) 4-5-006:001.
<b>Project / Reference No.:</b>	PSF No.: 24KD-018
<b>Project Location:</b>	Kapaa Town Lots, 2 <sup>nd</sup> Series, Kawaihau, Kauai, Tax Map Key: (4) 4-5-006:001.
<b>Project Description:</b>	Partial Withdrawal from Governor's Executive Order No. 2914 and Reset Aside to the Division of Aquatic Resources for Storage and Office Purposes and Issuance of Immediate Management Right-of-Entry Permit.
<b>Chap. 343 Trigger(s):</b>	Use of State land.
<b>Exemption Class No. and Item No.:</b>	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states: "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, and Item 36 that states "Transfer of management authority over state-

**EXHIBIT B**



owned land, such as setting aside of state lands.”

**Cumulative Impact of  
Planned Successive  
Actions in Same Place  
Significant:**

No. There will be no successive actions in same place or no significant cumulative impact.

**Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment:**

No. There will be no particularly sensitive environments involved or no significant impact.

**Analysis:**

The proposed use will involve negligible or no expansion or change of use beyond that previously existing.

**Consulted Parties:**

Comments from The State Historic Preservation Division, Office of Hawaiian Affairs, Department of Forestry and Wildlife, County of Kauai (COK) Public Works and COK Planning were solicited.

**Recommendation:**

It is recommended that the Board find 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.