

D-5

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

April 25, 2008

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

PSF No.:07KD-117

KAUAI

Re-Submittal Set Aside to the County of Kauai for Public Park and other Recreational Purposes and Issuance of a Management Right-of-Entry at Hanalei, Kauai, Tax Map Key: (4) 5-5-1:Accreted Lands Fronting North and West Boundaries of Parcel 4

APPLICANT:

County of Kauai

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Hanalei, Kauai, identified by Tax Map Key: (4) 5-5-1:Accreted Lands Fronting North and West Boundaries of Parcel 4 on the attached map labeled Exhibit A.

AREA:

4.220 acres, more or less.

ZONING:

State Land Use District: Conservation
County of Kauai CZO: Open

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.

PURPOSE:

Public Park and other Recreational 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.

APPLICANT REQUIREMENTS:

None

BACKGROUND:

The Land Board at its meeting of August 10, 2007, under agenda Item D-1 accepted staffs recommendation to have the set aside to the County of Kauai deferred to the August 24, 2007 meeting. Subsequently, the Land Board at its meeting of August 24, 2007, under agenda Item D-8, accepted staffs recommendation to have the matter deferred.

ANALYSIS:

The subject property is known by the residents as The Sandbar. It abuts the County of Kauai's beach park called Black Pot Beach Park. Hanalei River is a popular area for guided and unguided kayak tours. Outrigger canoes and boats are also launched into the river from the County's boat ramp.

The subject area will consist of the accreted lands (sand area) to the mean lower low water mark (also known as the low, low or at low tide, the low water mark). This will allow for management and enforcement of the area by the County.

Land Division and Division of Conservation & Resources Enforcement (DOCARE) officers will be posting the long-term campers, surf school operations and a 20-foot long metal container on the State owned accreted lands fronting the County's fee simple parcel 4. In May 2008, DOCARE and the County representatives (Kauai Police, Park Rangers, and Public Works personnel) will start the removal and clean-up work. The County plans to temporarily close down the beach park for repairs, and reopen at the beginning of summer.

The County has done some field survey work in the area and will be submitting the information to our office.

Comments were solicited from:

DHHL	No comments
County Planning	
OHA	Concurs with County's purposes for management of the property

In order for the County to start the necessary groundwork with the beach users, a management right-of-entry is necessary. Staff has no objections to the request.

RECOMMENDATION:

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

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai 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.

2. Authorize the issuance of a management right-of-entry permit to the County of Kauai covering the subject area, 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

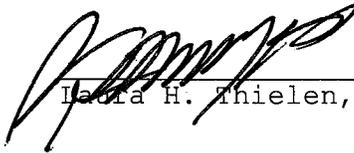
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

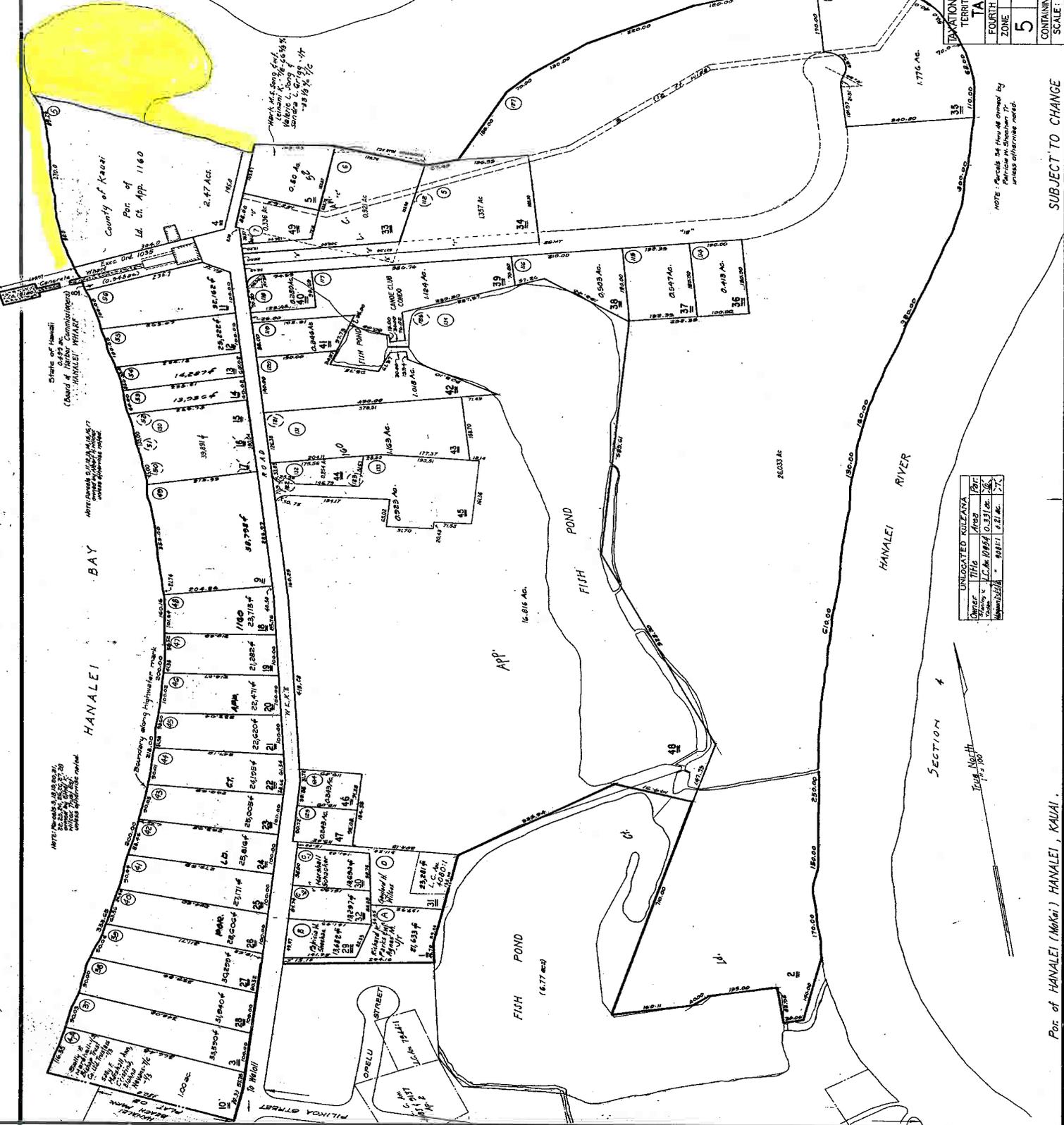


Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



PREPARED BY: [Illegible]
 DATE: [Illegible]
 JAN 23 1957
 [Illegible text]

Dwg. No. 5109
 Date: Lt. Ct. App. 1160 Nov. 1956.
 By: R.K. & S.L.C.

TAXATION MAPS BUREAU TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION	ZONE	SEC. PLAT.
5	5	5	01
CONTAINING PARCELS			SCALE: 1" = 100 FT.

NOTE: Parcels not shown are shown by
 reference to Section 17
 unless otherwise noted.

UNLOCATED RELEASES			
Owner	Title	Area	Part
State of Hawaii	Lt. Ct. App.	0.31 Ac.	1/2
Hanalei	Lt. Ct. App.	1.21 Ac.	1/2

SUBJECT TO CHANGE

Port of HANAIEI (Makai) HANAIEI, KAUAI.

EXHIBIT "A"