

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

September 12, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii 96813

PSF: 99HD-213

HAWAII

Amend Prior Board Action of January 22, 1999 (Agenda Item D-21), Set Aside to the University of Hawaii for the West Hawaii Campus, North Kona, Hawaii, TMK: (3) 7-3-10: 42

At its January 22, 1999, meeting, under agenda item D-21, attached as Exhibit A, the Board approved of and voted to recommend to the Governor the set aside of 500 acres of State land in North Kona to the University of Hawaii (University). The 500-acre site, shown on the attached Exhibits A and B would serve as the University's West Hawaii Center (UHWHC).

The University recently informed the Department that its current development plans for UHWHC requires only 73 acres (Exhibit B), more or less, much of which is for future expansion of the campus as it becomes necessary.

The 73 acres requested by the University are located within the northern boundary of the 500-acre parcel that was approved for set aside to the University at the Board's January 22, 1999, meeting. Adjacent is the 725-acre master planned community being developed by Palamanui, LLC (Palamanui).

Due to the immediate proximity of the 73-acre site requested by the University to Palamanui's 725-acre site both Palamanui and the Hawaii Community College entered into a Memorandum of Understanding to consult and discuss joint development opportunities for their properties. UHWHC is assigned to the Hawaii Community College in Hilo for administrative purposes.

Palamanui plans to commence construction of certain infrastructure items in support of its master planned community later this year at its own cost and expense. Infrastructure includes access, referred to as the Main Street Collector Road, and internal roadway networks, a wastewater treatment plant and disposal system, a potable water supply and one million gallon water storage reservoir, a fire protection system, a non-potable irrigation system, major electrical improvements and other utilities. The same infrastructure will also support UHWHC allowing its development to proceed.

Initially, UHWHC will consist of building complexes totaling 20,000 square feet. They include a kitchen/dining room building, an administration building with offices, conference room, student

services/activities area, faculty area, classrooms and science laboratory, a classroom building, and a library/learning center building. The initial phase of the campus will also include outdoor dining and reading areas, a loading area, garden court and parking.

The 20,000 square feet of building complexes will be constructed by Palamanui at its own cost and expense as a condition of the State Land Use Commission's approval of Palamanui's petition for inclusion of its 725 acres within the urban district classification. Construction of the complexes would be concurrent with the development of the waterline, reservoir, and Collector Road. The impacts of these activities and related mitigation have been disclosed in both the 2000 University of Hawaii Center at West Hawaii and September 2004 Palamanui Development Final Environmental Impact Statements accepted by the State Land Use Commission on October 7, 2004.

Subsequent to the above final environmental impact statements, the County of Hawaii, Planning Department required certain changes to the above infrastructure activities causing the waterline and Collector Road to be realigned.

PBR Hawaii and Associates, Inc., addressed the changes in a separate environmental assessment (EA). The Department reviewed the EA and the comments and determined that the project will not have significant environmental effects and issued a FONSI. The Office of Environmental Quality Control published notice of the final EA with FONSI in the August 8, 2008, OEQC Environmental Notice.

RECOMMENDATION: That the Board

- A. Amend its action of January 22, 1999, under agenda item D-21, by deleting all references to the setting aside of State land to the University of Hawaii for UHWHC and adding the following under RECOMMENDATION:
1. Authorize the issuance of a direct lease to the University, subject to the following terms and conditions:
    - a. Character of use: University and related purposes.
    - b. Lease term: 65 years
    - c. Annual lease rent: Nominal
    - d. Commencement date: First day of the month as determined by the Chairperson.
    - e. The standard terms and conditions of the most current lease document form as may be amended from time to time.
    - f. Review and approval by the Department of the Attorney General.

- g. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  
- B. Authorize the University, its consultants, contractors, and/or persons acting for or on its behalf to obtain final subdivision approval for TMK: (3) 7-3-10: 42.

Respectfully Submitted,



Gary Martin,  
Land Agent

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson



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

January 22, 1999

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii 96813

STATEWIDE

Cancellation of Revocable Permit Nos. S-5567 and S-6246, and Governor's Executive Order Nos. 1070, 1249 and 2398 and Set Aside to the University of Hawaii (UH), Together with the Wailua Agriculture Experiment Station, the Honolulu Community College Automotive Shop Site and the UH West Hawaii Campus

STATUTE:

Section 171-11, Hawaii Revised Statutes, as amended

APPLICANT:

UNIVERSITY OF HAWAII

FOR:

State-owned lands currently encumbered as follows:

1. Revocable Permit No. S-5567: Portion of the Government land of Wailua, same being portions of Parcels A and B, Wailua, Kawaihau (Puna), Kauai, Tax Map Key:4-2-01:Por. 3 containing 32 acres, more or less, as shown on the attached Map 1, and is the site of the UH, College of Tropical Agriculture - Experiment Station.
2. Revocable Permit No. S-6246: Former Fort Ruger Chapel, Diamond Head, Honolulu, Oahu, Tax Map Key:3-1-42:Por. 20 containing 0.229 acres, more or less, as shown on the attached Map 2, and is the site of Kapiolani Community College, Phase II.
3. Governor's Executive Order No. 1070: Portion of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu, conveyed to the Territory of Hawaii by Hawaiian Commercial and Sugar Company, Limited, by Deed No. 7674 dated April 8, 1944, Situate at Kalua, Kahului, Wailuku, Maui, Tax Map Key:3-7-02:11 containing 12.213 acres, more or less, as shown on the attached Map 3, and is the site of the Maui Community College.
4. Governor's Executive Order No. 1249: Portion of the Government Land of Waiakea, South Hilo, Hawaii, Tax Map Key:2-2-50:Por. 1 containing 14.72 acres, more or less, as shown on the attached Map 4, and is the site of the Hawaii Vocational School.

as amended

**APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON**

January 22, 1999

Amendment: Delete RPS-5567 until exact location of the premises is ascertained.

**EXHIBIT " A "** ITEM: D-21

FOR (continued):

5. Governor's Executive Order No. 2398: Portion of Tract 1 conveyed to the State by the Department of Hawaiian Home Lands by Exchange Deed dated January 18, 1967 (Land Office Deed No. S-24450). Being also former Lot 55 of Kaei Hana I Subdivision, Waiakea, South Hilo, Hawaii, Tax Map Key:2-2-50:Por. 1 containing 6.003 acres, more or less, as shown on the attached Map 5, and is an addition to the Hawaii Technical School.
6. Honolulu Community College Automotive Shop Site: Parts A and B: Part A being Lot CC-2-B-1 as shown on Map 216 of Land Court Application 750, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, Tax Map Key:1-5-20:9 containing 3.420 acres, more or less, as shown on the attached Map 6. Part B being a portion of the Government (Fort) Land of Kuwili (portion of former Kuwili 2 fish pond), Kapalama, Oahu, Tax Map Key:1-5-20:9 containing 3.026 acres, more or less, as shown on the attached Map 6.
7. University of Hawaii, West Hawaii Campus: Portion of the Government Lands of Kalaoa 1 - 4 and Ooma 1st, North Kona, Hawaii, Tax Map Key:7-3-10:Por. 33 containing 500 acres, more or less, as shown on the attached Map 7.

PURPOSE:

Subsequent to the cancellations of the subject revocable permits and executive orders, the premises, together with the Honolulu Community College Automotive Shop Site, and the UH, West Hawaii Campus, will be set aside to the University of Hawaii for general university purposes.

LAND TITLE STATUS:

The land encumbered by Governor's Executive Order No. 1070 to the Department of Public Instruction is designated under Section 5(a), Lands - Hawaii Admission Act (non-ceded). The balance are Section 5(b), Lands - Hawaii Admission Act (ceded).

ZONING:

	<u>State LUC</u>	<u>County CZO</u>
Revocable Permit No. S-5567:	AD	Agricultural
Revocable Permit No. S-6246:	UD	Open space
Governor's Executive Order No. 1070:	UD	Lt. industrial
Governor's Executive Order No. 1249:	UD	SF-Residential
Governor's Executive Order No. 2398:	UD	SF-Residential
Honolulu Community College Auto Shop:	UD	Comm./industrial
UH, West Hawaii Campus:	AD	Unplanned

ENVIRONMENTAL REVIEW:

The setting aside of Government land, by executive order, merely transfers management responsibility/jurisdictional control of affected government land. It does not constitute a use of State land or State funds, and therefore, is not subject to the provisions of Chapter 343.

The agency receiving government land through set aside by executive order has the responsibility for complying with Chapter 343 requirements when its contemplated use(s) result(s) in physical action occurring on/to the land.

REMARKS:

The Board of Land and Natural Resources has assisted the UH in its efforts for greater autonomy over its own affairs by authorizing the transfer, beginning on December 12, 1997, of the fee simple title to 1,412 acres of State lands, to UH, that are currently occupied by UH for university related purposes or will be developed by UH at a future time for purposes related to the higher education needs of its expansive system.

At its December 12, 1997 meeting, under agenda item D-5, the Board authorized the transfer of 410 acres to UH, and another 1002 acres at its April 9, 1998 meeting, under agenda item D-36. The transfer of the 500 acre West Hawaii Campus Site, because it is vacant and unencumbered State land, was conditioned upon the preparation of a master plan that addresses the school's future planned use of the said site.

On December 1, 1998 a pre-final copy of the University of Hawaii Center at West Hawaii, Long Range Development Plan, dated October 1998 and prepared by Wil Chee - Planning, Inc., was received by the Department of Land and Natural Resources. The UH Board of Regents approved the Plan at its November 13, 1998 meeting.

Accordingly, the transfer of the subject 500 acre site to UH for its West Hawaii Campus, along with the six (6) additional sites described above that were mistakenly excluded by UH from its original list of State lands it wanted transferred, would be in order. If approved, the total number of acres of State lands authorized for transfer to UH since December, 1997 will be 1,984.

The next notable transfer to UH will likely be the 941 acre West Oahu Campus Site at Kapolei, Oahu, Hawaii

RECOMMENDATION: That the Board

- A. Authorize the cancellation Revocable Permit Nos. S-5567 and S-6246, both issued to the University of Hawaii.
- B. Approve of and recommend to the Governor, the issuance of executive orders cancelling Governor's Executive Order Nos. 1070, 1249 and 2398.

January 22, 1999

RECOMMENDATION (continued):

- C. Approve of and recommend to the Governor, the issuance of executive orders setting aside the premises under A and B above, together with the Honolulu Community College Automotive Shop Site and the 500 acre site of the West Hawaii Campus, to the University of Hawaii for general university purposes, subject to the following:
1. Disapproval by the Legislature by two-thirds vote of either the senate or house of representatives, or by majority vote of both, in any regular or special session next following the date of the executive order;
  2. In regards to any commercial activities on the ceded lands, UH shall negotiate with the Office of Hawaiian Affairs (OHA) the matter of entitlement as provided for in Chapter 10, Hawaii Revised Statutes, as amended, and UH shall hold the State of Hawaii harmless from liability on any financial compensation paid to OHA based on any ceded lands claims against UH arising from this transaction;
  3. UH shall not rent or sublet the whole or any portion of the premises, for uses that are inconsistent with the purpose and intent of the set aside, without the prior consent of the Board; and
  4. UH is authorized to act on the behalf of DLNR where a subdivision application may become necessary; and
  5. Other conditions as may be prescribed by the Chairperson.

Respectfully submitted,

GARY MARTIN  
Land Agent

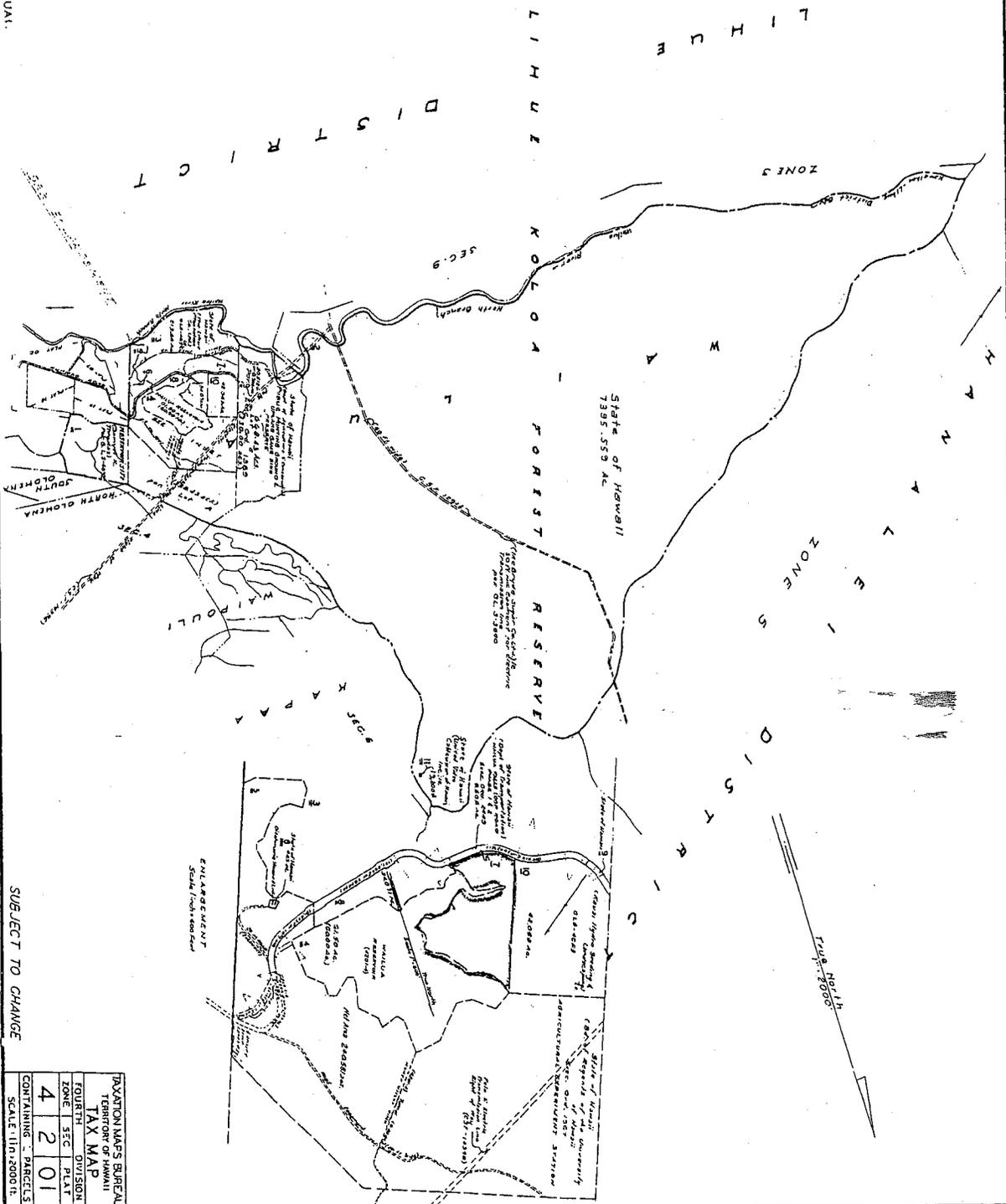
APPROVED FOR SUBMITTAL:

MICHAEL D. WILSON, Chairperson

DISTRICT OF KAUAI  
 DEPARTMENT OF LANDS AND NATURAL RESOURCES  
 DIVISION OF LANDS  
 OFFICE OF THE DISTRICT ENGINEER  
 HONOLULU, HAWAII  
 AUGUST 1936

Dwg. No.: 2911  
 Source: Tax Maps Bureau & Survey Dept.  
 By: I. K. H. & R. S. G. August, 1936.

PORTION OF WAILUA, KAWAHAU, KAUAI.



329

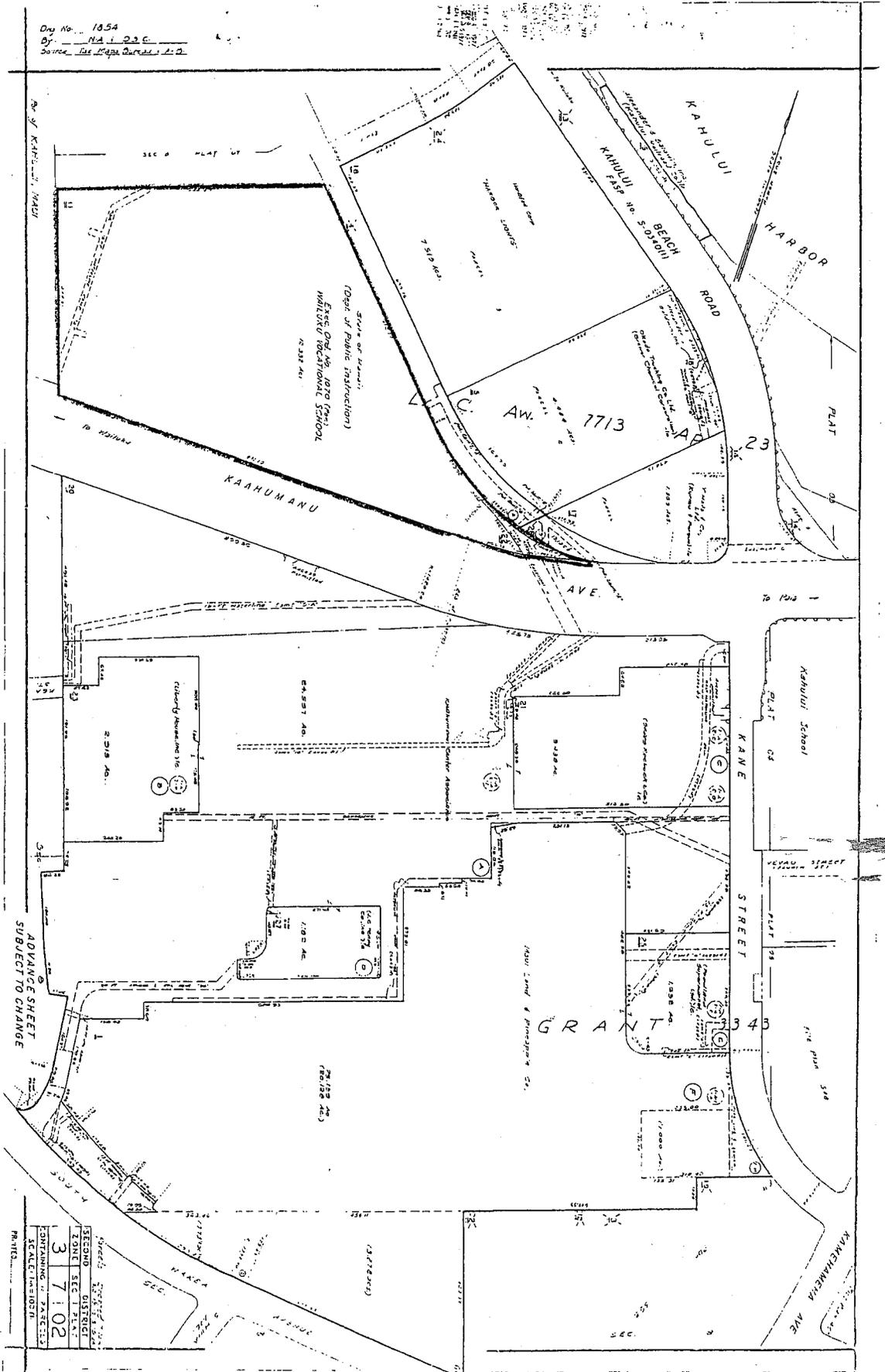
SUBJECT TO CHANGE

TERRITORY OF HAWAII	
DIVISION OF LANDS	
OFFICE OF THE DISTRICT ENGINEER	
HONOLULU, HAWAII	
AUGUST 1936	
DRAFT	
SCALE 1/4" = 100 FT.	
CONTAINING	PARCELS
4	201
FOURTH	DIVISION
ZONE	SEC. PLAT
4	201
TAX MAP	
BUREAU OF LANDS	

PRINTED



Day No. 1854  
 By MA 1 23 C  
 Source, The Maps Bureau 1:2



445

CONTAINING 12 PARCELS	3
SECOND DISTRICT	7102
ZONE SEC 1 PLAT	
RECORDS SECTION	
PRINTED	



POE WALKER HOUSE LOTS EXTENSION, HAWAII

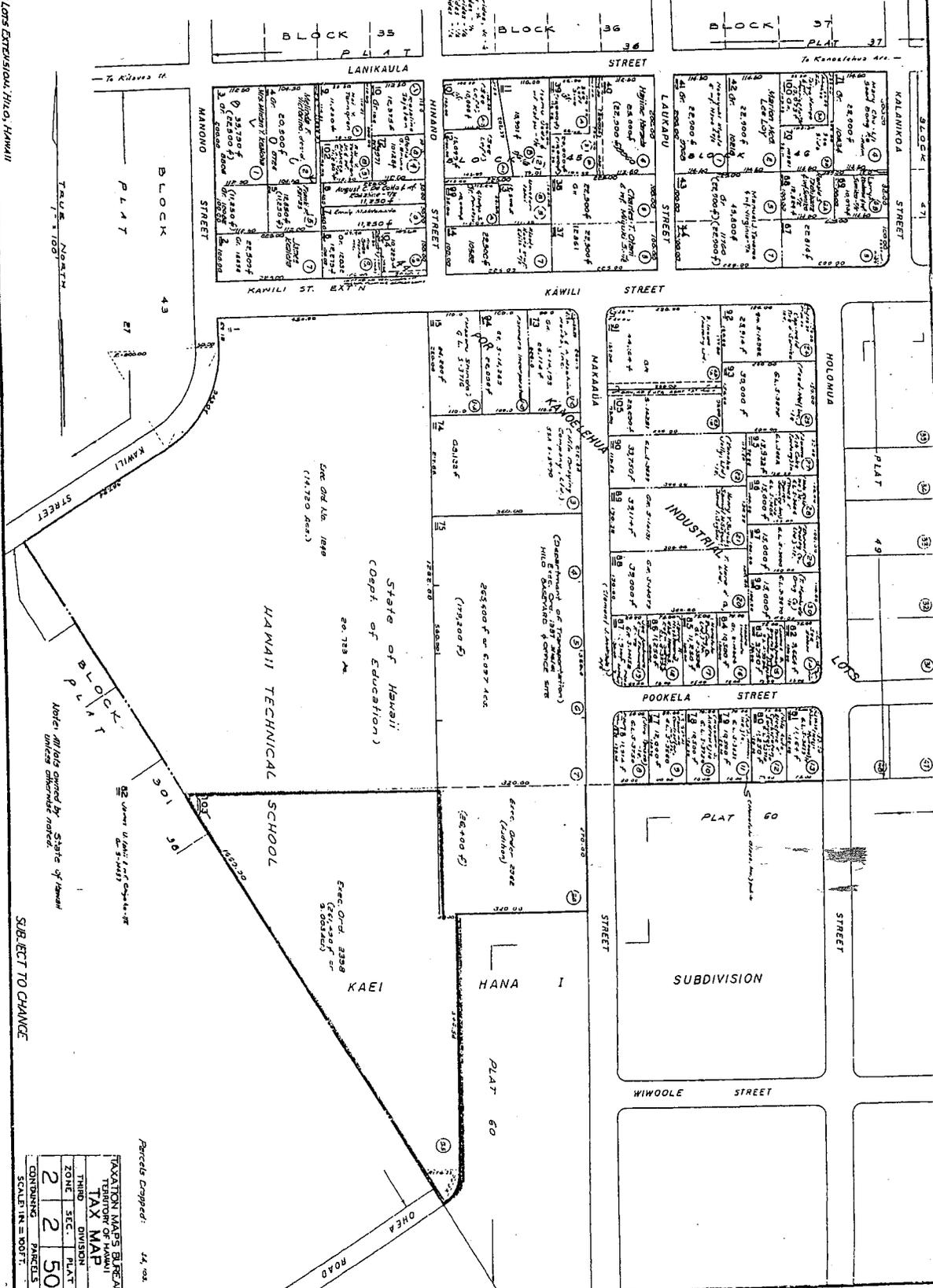
794

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
TRIM	SEC.	PLAT	
2	2	50	
GOVERNING PARCELS			
SCALE IN FEET			

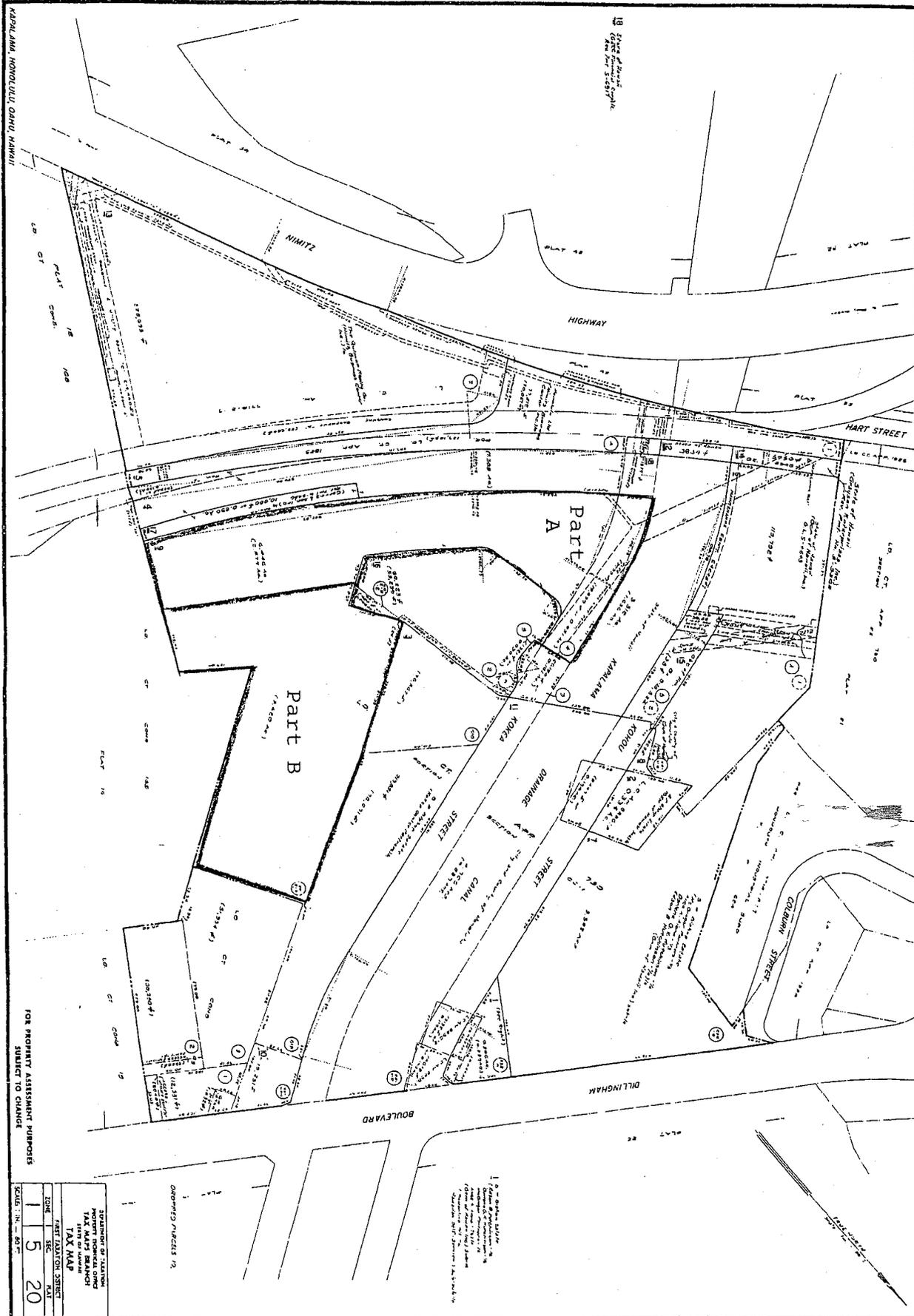
Parcels Cropped: 24, 008

SUBJECT TO CHANGE

Note: All lots owned by State of Hawaii unless otherwise noted



5



189

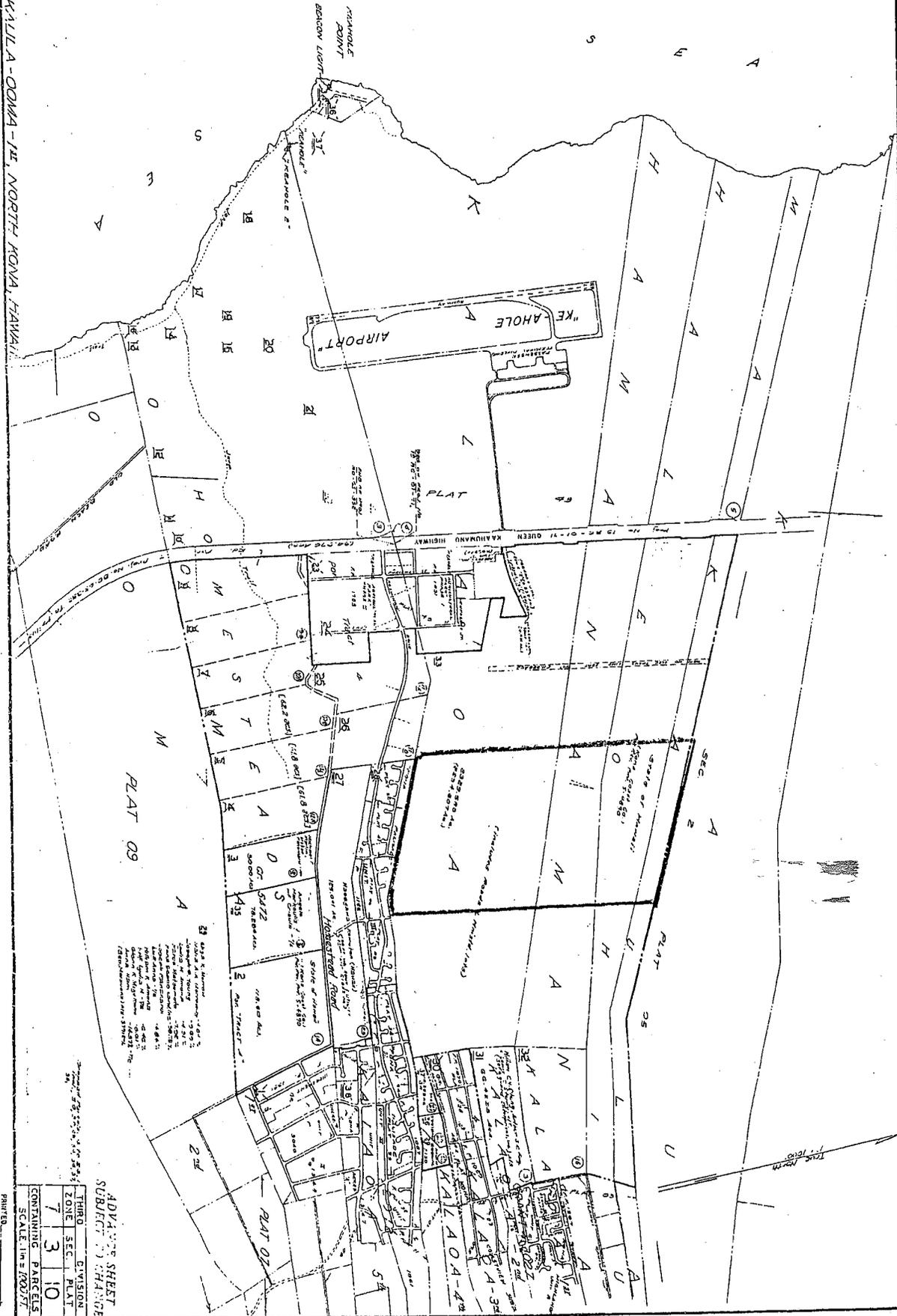
FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

SCALE: 1" = 40'	1	5	20
DATE: 11/17/84			
BY: T.A. & T.C.			
FOR: 11/17/84			
BY: T.A. & T.C.			
DATE: 11/17/84			

Source: BY MAPS BUZZELL & SURVEY CO.  
 By: T.K.H. & S.L.C. February, 1950

MAKALELA - OOMUA - 1st NORTH KONA, HAWAII

1534



ADVANCE SHEET  
 SUBJECT: OOMUA

THIRD DIVISION	10
SECTION	3
PLAT	7

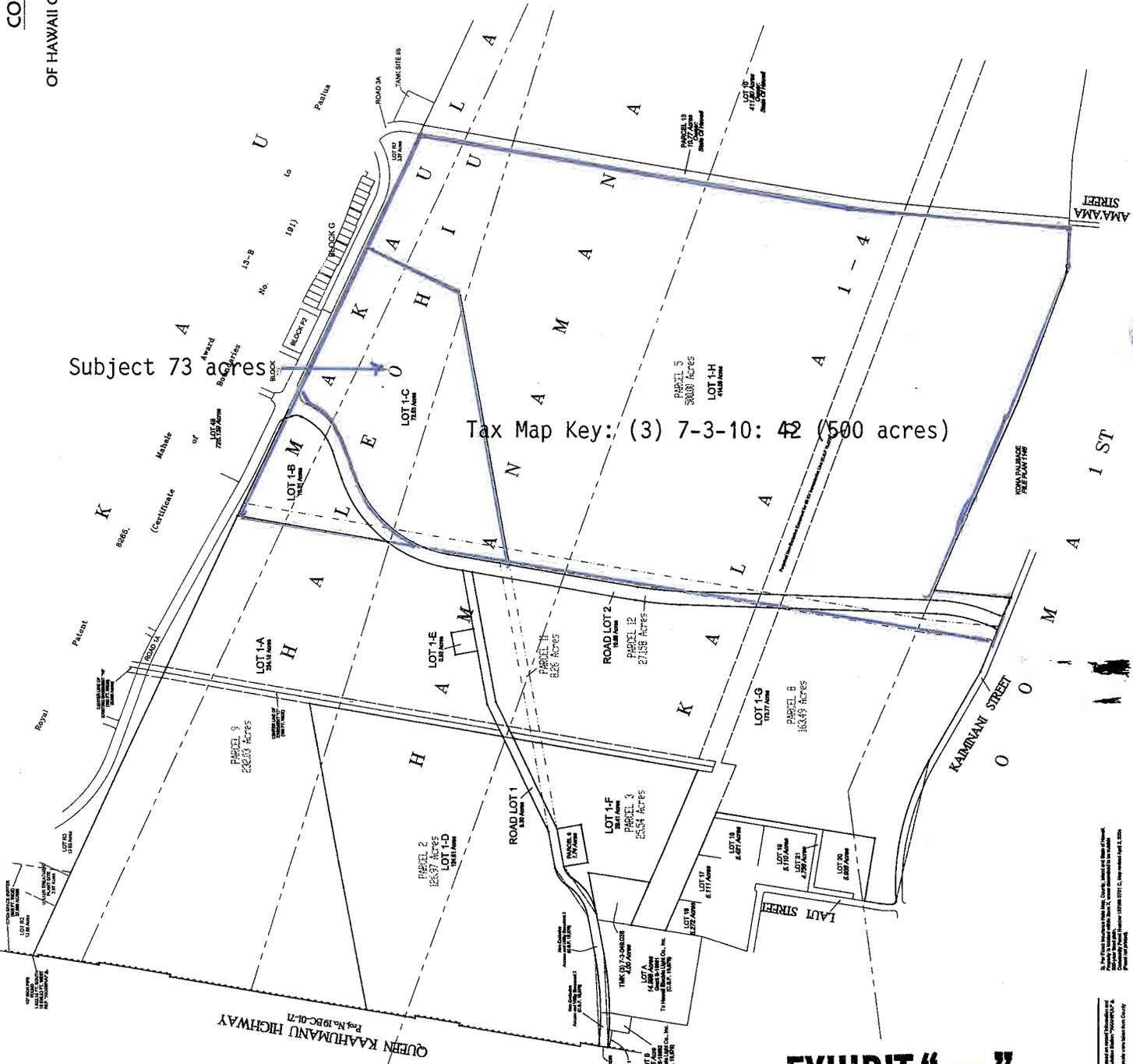
CONTAINING PARCELS  
 SCALE: 1" = 100 FT.  
 PRINTED

**CONSOLIDATION & RESUBDIVISION MAP**

OF PARCEL NOS. 2, 3, 5, 8, 9, 11 & 12  
OF HAWAII COUNTY SUBDIVISION MAP NO. 7159 & H. S. PLAT 319

Into Lot Nos. 1-A Trough 1-H  
And Road Lot Nos. 1 and 2

At Makaula-Ooma 1st, North Kona,  
County, Island and State of Hawaii



Subject 73 acres

Tax Map Key: (3) 7-3-10: 42 (500 acres)

PREPARED FOR  
Makaula-Ooma 1st  
Map No. 7159  
08/08/08

1. This map is prepared in accordance with the  
Hawaii Surveying Act, Chapter 215, HRS, and  
the rules and regulations of the Board of Surveying  
and Mapping, Chapter 215-10, HRS.

2. The boundaries shown on this map are based on  
the original survey records on file with the Board of  
Surveying and Mapping, Chapter 215-10, HRS.

PREPARED BY  
**PATTISON LAND SURVEYING, INC.**  
1111 KALANANAKU AVE., SUITE 100  
HONOLULU, HAWAII 96813  
PHONE: (808) 943-1111  
FAX: (808) 943-1112  
WWW.PATTISONLANDSURVEYING.COM

**EXHIBIT " B "**

3. The boundaries shown on this map are based on the original survey records on file with the Board of Surveying and Mapping, Chapter 215-10, HRS. The boundaries shown on this map are based on the original survey records on file with the Board of Surveying and Mapping, Chapter 215-10, HRS.

4. The boundaries shown on this map are based on the original survey records on file with the Board of Surveying and Mapping, Chapter 215-10, HRS. The boundaries shown on this map are based on the original survey records on file with the Board of Surveying and Mapping, Chapter 215-10, HRS.