

D-11

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

September 9, 2010

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

PSF No.:10MD-034

Maui

Set Aside 0.612 acres, more or less and Issuance of Immediate Right-of-Entry to State Department of Transportation, Highways Division for Highway Purposes, Honoapiilani Highway Realignment, Phase 1B-1, Federal Aid Project No. NH-030-1(38), Kauaula, Lahaina, Maui, Tax Map Key: (2) 4-6-014:001 por.

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kauaula, Lahaina, Maui, identified by Tax Map Key: (2) 4-6-014:001 por. as shown on the attached map labeled Exhibit A.

AREA:

0.612 acres, more or less.

Parcel No. 6A	=	702 sq.ft. or 0.016 ac.
Parcel No. 7	=	25,975 sq.ft. or <u>0.596 ac.</u>
		0.612 ac.

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:

Vacant and unencumbered.

PURPOSE:

Highway purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Supplemental Environmental Impact Statement acceptance notice for the subject project was published in the OEQC's Environmental Notice on June 23, 2002.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

The State of Hawaii, Department of Transportation (DOT), proposes to construct a 2-lane bypass highway from the vicinity of Lahainaluna Road to Hokiokio Place that includes one bridge, multiple culverts, retaining walls landscaping and other miscellaneous improvements as part of the Honoapiilani Highway Realignment, Phase 1B-1, Federal Aid Project No. NH-030-1(38).

The improvements serves to address existing and long term regional transportation needs by improving highway capacity, alleviate traffic congestion and provide an alternate route in case the existing highway is closed due to traffic accidents, fire and smoke hazards or high surf crossing the roadway.

DOT, has requested that the Board of Land and Natural Resources approve a set-aside and transfer of jurisdiction of State lands identified as parcels 6A and 7 situate at TMK (2) 4-6-014:001 por. by issuance of Governor's Executive Order for highway purposes.

It is noted that Parcel 7 is a portion of what is referred to as Kauaula stream. DOT staff has confirmed with the State of Hawaii, Department of Land and Natural Resources Commission of Water Resource Management that Kauaula stream is not classified as a perennial stream and therefore is not subject to issuance of a Stream Channel Alteration Permit.

Furthermore, DOT requests issuance of an immediate right-of-entry in order that the proposed highway realignment project may proceed without delay.

Funding for the construction of the project is authorized by Act 116, SLH 1998, Item C-176.

FSEIS was published in the June 23, 2002 issue of the OEQC's Environmental Notice. The record of decision was approved by the Federal Highway Administration on October 14, 2003.

A Certificate of Search for parcels 6A and 7 is attached as Exhibit B and indicates ownership of said parcel by the State of Hawaii.

Please note that a draft copy of the subject request was submitted to the State Department of Hawaiian Home Lands and the Office of Hawaiian Affairs for review and comment. No comments were received in response to our 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 State of Hawaii, Department of Transportation, Highways Division 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. Approve issuance of an immediate right-of-entry.

Respectfully Submitted,



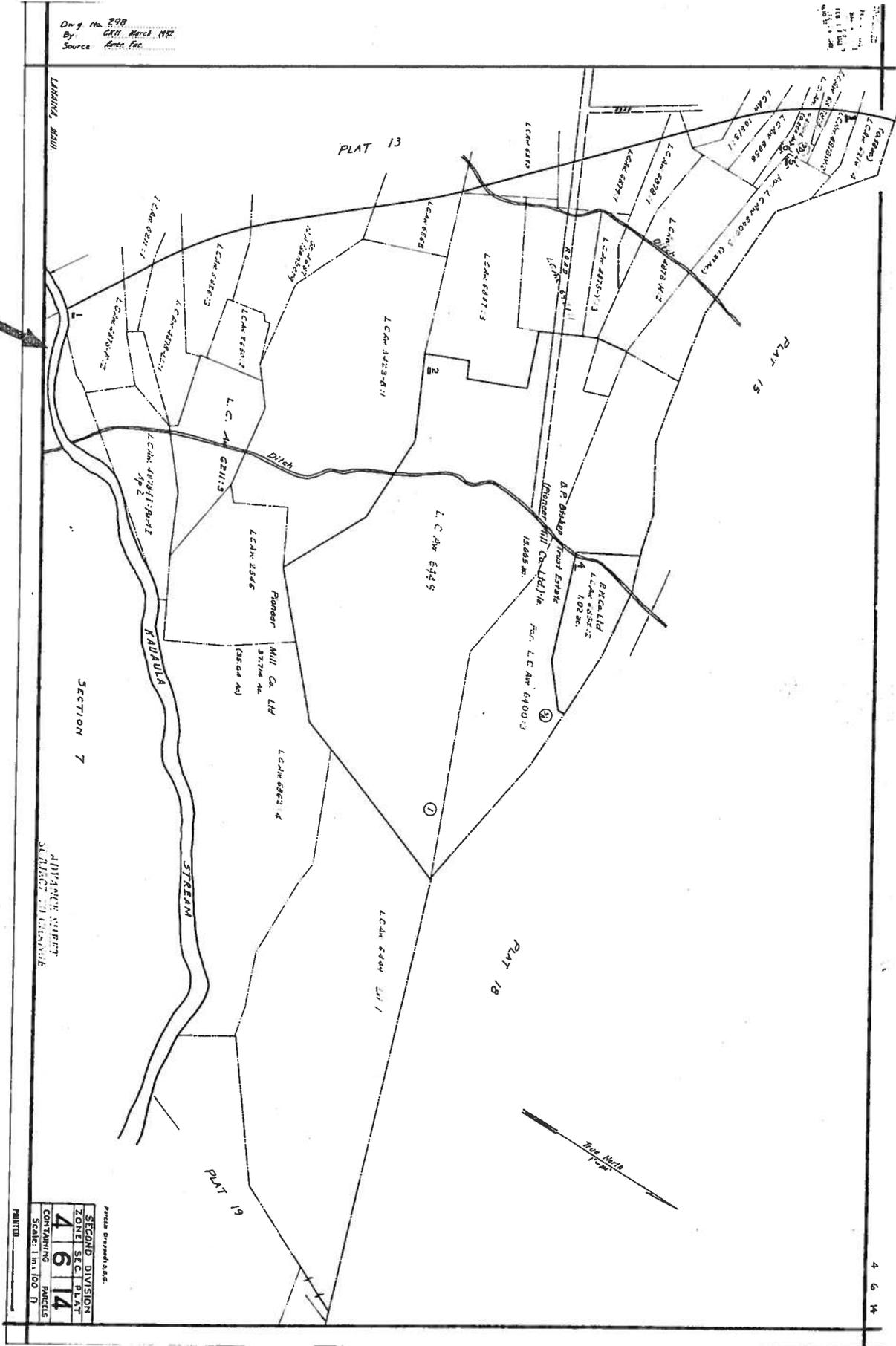
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson 

Orig No. 298
 By: C.H. Hertz, H.R.
 Source: Amer. Pat.

SUBJECT AREA



ADVANCE SHEET
 SUBJECT TO CHANGE

SECOND DIVISION	PLAT
ZONE SEC	14
CONTAINING	PARCELS
SCALE	1 in. 100 ft

EXHIBIT A

FIRST CONTINUATION OF SEARCH

From December 29, 2009 to and
including May 1, 2010

FAP NO. NH-030-1(38)
HONOAPILANI HIGHWAY
REALIGNMENT, PHASE IB-1
Lahainaluna Road To Hokiokio
Place

PARCEL: 6-A AREA: 702 Square Feet TAX KEY: 4-6-14-001
Together With Abutter's or 0.016 Acre (portion)
Rights of Vehicle Access

PORTION OF UNAWARDED GOVERNMENT LAND,
FORMERLY KNOWN AS LAND COMMISSION
AWARD NO. 6211, APANA 2 TO MAIMAI,
SITUATE AT PUEHUEHUNUI, DISTRICT OF LAHAINA,
ISLAND AND COUNTY OF MAUI,
STATE OF HAWAII

OWNER: STATE OF HAWAII

LIENS and/or ENCUMBRANCES: None

FIRST CONTINUATION OF CERTIFICATE OF SEARCH

From October 24, 2008 to and
including January 6, 2010

FAP NO. NH-030-1(38)
HONOAPILANI HIGHWAY
REALIGNMENT, PHASE IB-1
Lahainaluna Road To Hokiokio
Place

PARCEL: 7 AREA: 25,975 Square Feet TAX KEY: 4-6-014-portion
Together With Abutter's or 0.596 Acre of Kauaula Stream
Rights of Vehicle Access

PORTION OF KAUAULA STREAM BETWEEN
ROYAL PATENT NO. 2705, LAND COMMISSION
AWARD NO. 4878-F, APANA 3 TO PI,
LAND PATENT NO. 8230, LAND COMMISSION
AWARD NO. 6862, APANA 4 TO KAUMIUMI
AND
ROYAL PATENT NO. 1188, LAND COMMISSION
AWARD NO. 6886, APANA 1 TO KAMOHAI,
SITUATE AT MAKILA, PUEHUEHUNUI, AND PUEHUEHUIKI
DISTRICT OF LAHAINA,
ISLAND AND COUNTY OF MAUI,
STATE OF HAWAII

OWNER: STATE OF HAWAII

LIENS and/or ENCUMBRANCES: None

Request by Abstract dtd. 3/1/10 - Job No. 10-025-CS

Exhibit B

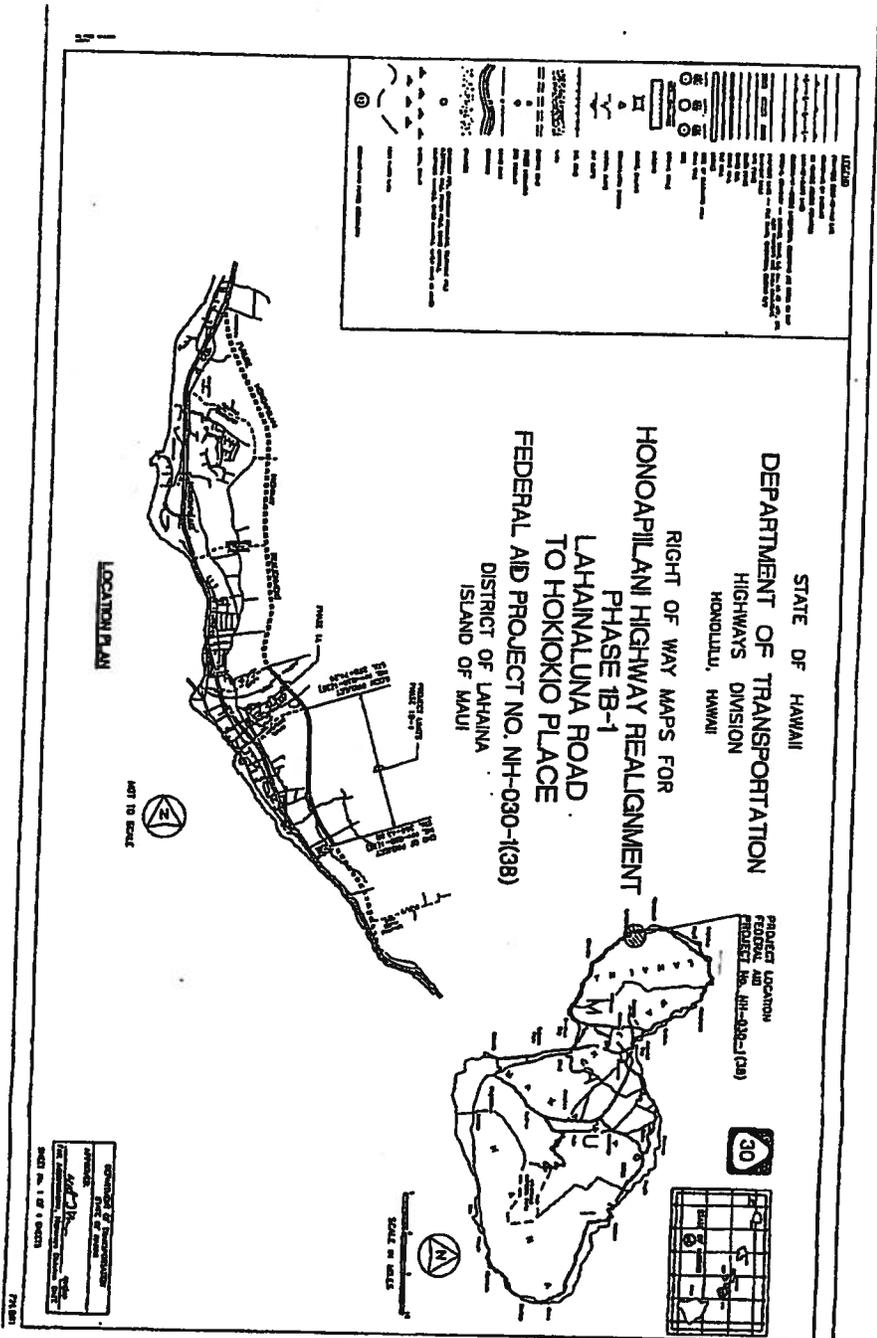


EXHIBIT "C"

