

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

October 14, 2010

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

PSF No.: 07MD-077

Maui

Set Aside of Additional Lands to The County of Maui for
Veterans Center and Community Support Activity Purposes
at Waiohuli-Keokea Beach Homesteads, Maui, Tax Map Key:
(2) 3-9-007:003 and Portion of 005.

APPLICANT:

County of Maui

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiohuli - Keokea beach
Homesteads, situated at Kihei, Wailuku, Maui, identified by
Tax Map Key: (2) 3-9-007:003 and por. of 005, as shown on the
attached map labeled Exhibit (A), Topographical photo labeled
Exhibit (B), and a Survey Map depicting the new expansion area
labeled Exhibit (C).

AREA:

Lands under EO#4087 area currently in use: TMK:(2) 3-9-
007:003.
0.398 acres, 17,320 sq. ft., more or less.

Requesting an additional 64,560 sq. ft. of State Beach Reserve
lands to be placed under the control of the County of Maui at
TMK: (2) 3-9-007:005.

Combined total land area:
1.880 acres, or 81,880 sq. ft., more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: A-1, Apartment District (2 - Story)

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:

A portion of the subject parcel is currently under Executive Order number 4087 to The County of Maui for veterans center and community support activities. The County of Maui presently has an agreement with the Veterans of Foreign Wars, Wilbert Wah Hu Tom Post 3850, a non-profit organization, for the use of the facility as a Veterans Center and for community support activities.

PURPOSE:

Veterans center and community support activity 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 (See attached Exemption Notification Form). Any future improvements to the expansion area would require the County of Maui to comply with Chapter 343, HRS.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost of the previously approved E.O. area along with the requested expansion area.
- 2) Provide a lease agreement between The County of Maui

and the Veterans of Foreign Wars, Wilbert Wah Hu Tom Post 3850 for review and approval.

REMARKS:

The Veterans of Foreign Wars of the United States Wilbert Wah Hu Tom Post 3850 (hereinafter referred to as "VFW") is a tax exempt organization under the IRS Code Section 501(C)-19, and is a registered Hawaii non-profit corporation.

Pursuant to Board approval of 12/15/72, Item F-1-d, VFW occupied the premises for their club activities effective December 1, 1972 under Revocable Permit No. S-4892. Rent was gratis.

Prior to VFW's occupancy, the land was an undeveloped parcel with overgrown Kiawe and underbrush along the Kihei Beach Reserve. Under the VFW's tenancy, the land was cleared, grass planted and maintained, and a surplus barracks building from the old naval air station was brought in to serve as a meeting hall for the 300+ members of the VFW. The facility continues to be a welcomed part of the community with the VFW maintaining the facility in good shape and providing the boy and girls scout troops and other youth and community organizations with a venue for their camps, meetings and other events.

At its September 27, 1996 meeting the Land Board authorized the cancellation of Revocable Permit No. S-4892 and issuance of a direct lease to the Veterans of Foreign Wars, Wilbert Wa Hu Tom Post No. 3850, with waiver of the performance bond. However, due to the advancing age of the VFW members, staff had difficulty in finalizing a new lease.

Former Mayor Alan Arakawa of the county of Maui was supportive of the VFW and their facility, and requested control over the property. The County's intent was to negotiate a long-term lease with the VFW so that they can continue to have this facility to share with the community.

At its September 24, 2004 meeting, under agenda item D-9, the Land Board approved to recommend to the Governor the issuance of a set aside to the County of Maui, for a Veterans Center and community support activities. The Governor on November 29, 2004, signed Executive Order No. 4087. Subsequently, Revocable Permit No. S-4892 was turned over to the County of Maui to manage.

Due to improvements that have been constructed and the

requirement for more space to facilitate the needs of both the VFW and the community's desired uses, the County of Maui has requested an extension to the current E.O.#4087 area. An additional 64,560 square feet will expand the area of use seaward and to the north of the 0.398 acres presently being utilized and maintained. This expansion will allow for access, proper parking at the north side of the complex away from the adjacent residents to the south, and more space for community based functions and activities. Addition of the new set aside lands results in a total combined area of 1.880 acres, or 81,880 square feet, more or less.

AGENCY COMMENTS:

A request for comments has been made to the following agencies.

Agency	Comments
County of Maui - Dept. of Parks & Recreation	No objections
County of Maui - Planning	No objections
County of Maui - Public Works	No objections
Office of Hawaiian Affairs	No objections
Office of the Attorney General	Pending review

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 the County of Maui Department of Parks and Recreation 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

- 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.

Respectfully Submitted,



Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





State Public Lands
Beach Reserve

North

Umuu Road

State Public Lands
Beach Reserve

Expansion Area

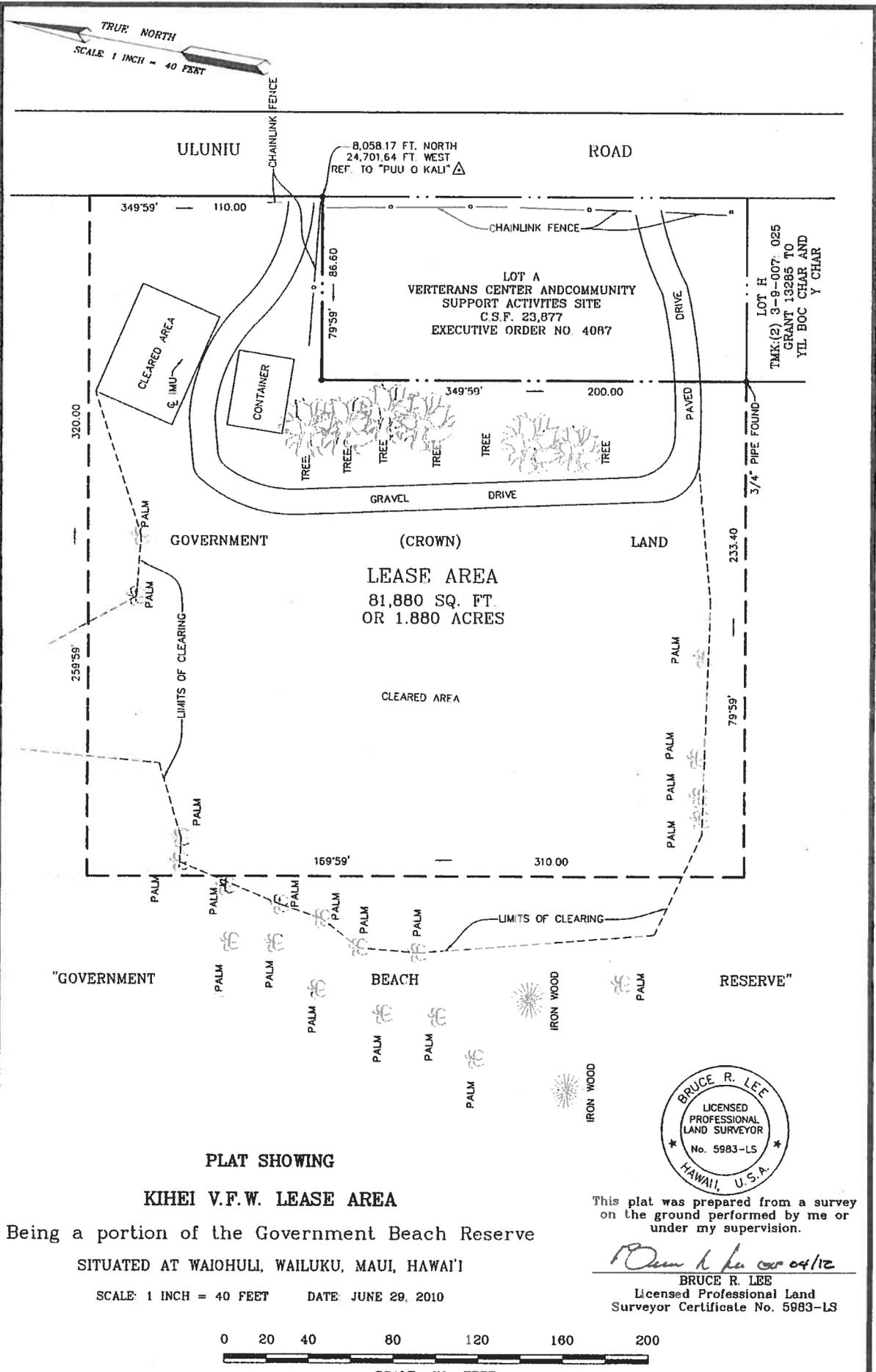
VFW Facility

State Public Lands
Beach Reserve

Private Property

South

EXHIBIT "B"



PLAT SHOWING
KIHEI V.F.W. LEASE AREA
 Being a portion of the Government Beach Reserve
 SITUATED AT WAIHOULI, WAILUKU, MAUI, HAWAII

SCALE: 1 INCH = 40 FEET DATE: JUNE 29, 2010



This plat was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee
 BRUCE R. LEE
 Licensed Professional Land Surveyor
 Certificate No. 5983-LS

T.M.K.:(2) 3-9-007: PORTION OF 005

SCALE IN FEET

EXHIBIT "C"