STATE OF HAWAII

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

January 27, 2011

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

PSF No.: 10MD-209
10MD-210
MAUI

Cancellation of Governor's Executive Order No. 1961 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Keanae Small Boat Ramp Purposes, Hana (Koolau), Maui, TMK:(2) 1-1-3: 87

Cancellation of Governor's Executive Order No. 3362 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Kihei Small Boat Ramp Purposes, Kamaole, Wailuku, Maui, TMK:(2) 3-9-4: 150

CONTROLLING AGENCY (of subject executive order):

Department of Transportation

APPLICANT (requesting set aside):

Department of Land and Natural Resources, Division of Boating and Ocean Recreation

LEGAL REFERENCE:

Act 272, SLH 1991 and Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Governor's Executive Order No. 1961: A portion of the Government (Crown) land of Keanae, situated at Keanae, Hana (Koolau), Maui, identified by TMK: (2) 1-1-3: 87, as shown on the attached map labeled Exhibit A.

Governor's Executive Order No. 3362: A portion of the Government land of Kamaole and also being a portion of the submerged and filled land seaward of the Government land of Kamaole, situate at Kamaole, Wailuku, Maui, identified by TMK: (2) 3-9-4: 150 and Seaward, as shown on the attached map labeled Exhibit B.

AREA:

Governor's Executive Order No. 1961: 0.210 acres, more or less.

Governor's Executive Order No. 3362: 11.540 acres, more or less.

ZONING:

| | Keanae Ramp | Kihei Ramp |
|---|---|---|
| State Land Use District: | Conservation | Urban/Conservation |
| County of Maui CZO: | Conservation | Hotel-Apt./Conservation |

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the State Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 1961 setting aside 0.210 acres to the Department of Transportation for Keanae Canoe Landing Site purposes.

Governor's Executive Order No. 3362 setting aside 11.540 acres to the Department of Transportation for Kihei Boat Launching Ramp Facility purposes.

PURPOSE OF SET ASIDE:

Keanae Small Boat Ramp purposes.

Kihei Small Boat Ramp purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Sections 11-200-89(a)(1)(4), and the Exemption List for the Department of Land and Natural Resources approved by the Environment Council and dated December 4, 1991, these proposed actions are exempt from the preparation of an environmental assessment, pursuant to Exemption Class No. 1, which exempts "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and Exemption Class No 4, which exempts "Minor alterations in the condition of land, water, or vegetation."

These proposed actions are existing authorized uses of State land, structures, and facilities that will continue without interruption or change in use (see Exhibit C).

Inasmuch as the Chapter 343 environmental requirements apply to the Applicant's future use of the land, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant, if necessary, shall provide survey maps and descriptions according to Department of Accounting and General Services, Survey Division, standards and at Applicant's own cost.

REMARKS:

Both the Keanae and Kihei Small Boat Ramps are among the fifty-four (54) small boat harbors, launching ramps, jetties, wharves, and landings in the State transferred from the Department of Transportation to the Division of Boating and Ocean Recreation by Act 272, SLH 1991.

To date, nineteen (19) of those facilities have been either set aside or approved by the Board for set aside to the Division of Boating and Ocean Recreation.

The Keanae Small Boat Ramp is under the operation of Governor's Executive Order No. 1961. It is located on the north shore of Maui, about 33 miles east of Kahului and 2 miles northwest of Hana. It was constructed in 1961 primarily as a launching ramp for small fishing boats. The ramp consists of a 12-foot paved landing area. Unpaved parking is available on the 0.210-acre site. There are no buildings, utilities or comfort station available at the Keanae Ramp.

The Kihei Small Boat Ramp is located on the South shore of Maui near the Makena subdivision. The ramp is under the operation of Governor's Executive Order No. 3362, issued to the Department of Transportation on May 14, 1987.

Construction of the Kihei Small Boat Ramp began in 1983 on the 11.540-acre site, which consists of 7.530 acres of fast land and 4.010 acres of submerged land. The ramp is 35-feet wide; parking is available for cars and trailers. Water is available but not electricity.

The subject lands are ceded lands pursuant to Section 5 of the Hawaii Admission Act. Section 10-3(1), Hawaii Revised Statues, as amended, requires that a pro-rata portion, presently 20 percent, of all funds derived from ceded lands by the State be held and used solely as a public trust for the betterment of conditions for native Hawaiians. It is the responsibility of the Office of Hawaiian Affairs to address the needs of native Hawaiians. Accordingly, a copy of this agenda item was previously provided to the Office of Hawaiian Affairs for its review and comments. The Office of Hawaiian Affairs replied that it had no objections to the actions proposed by this agenda item.

No other agency comments were solicited as the subject transfers were legislatively mandated.

The Board's approval of the subject actions will bring the documentation status of the Keanae Small Boat Ramp and Kihei Small Boat Ramp current.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order Nos. 1961 and 3362, subject 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.

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

2. Approve of and recommend to the Governor the issuance of executive orders resetting aside the Keanae Small Boat Ramp and the Kihei Small Boat Ramp to the Department of Land and Natural Resources, Division of Boating and Ocean 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 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.

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

Respectfully Submitted,

Gary Martin

Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR., Interim Chairperson

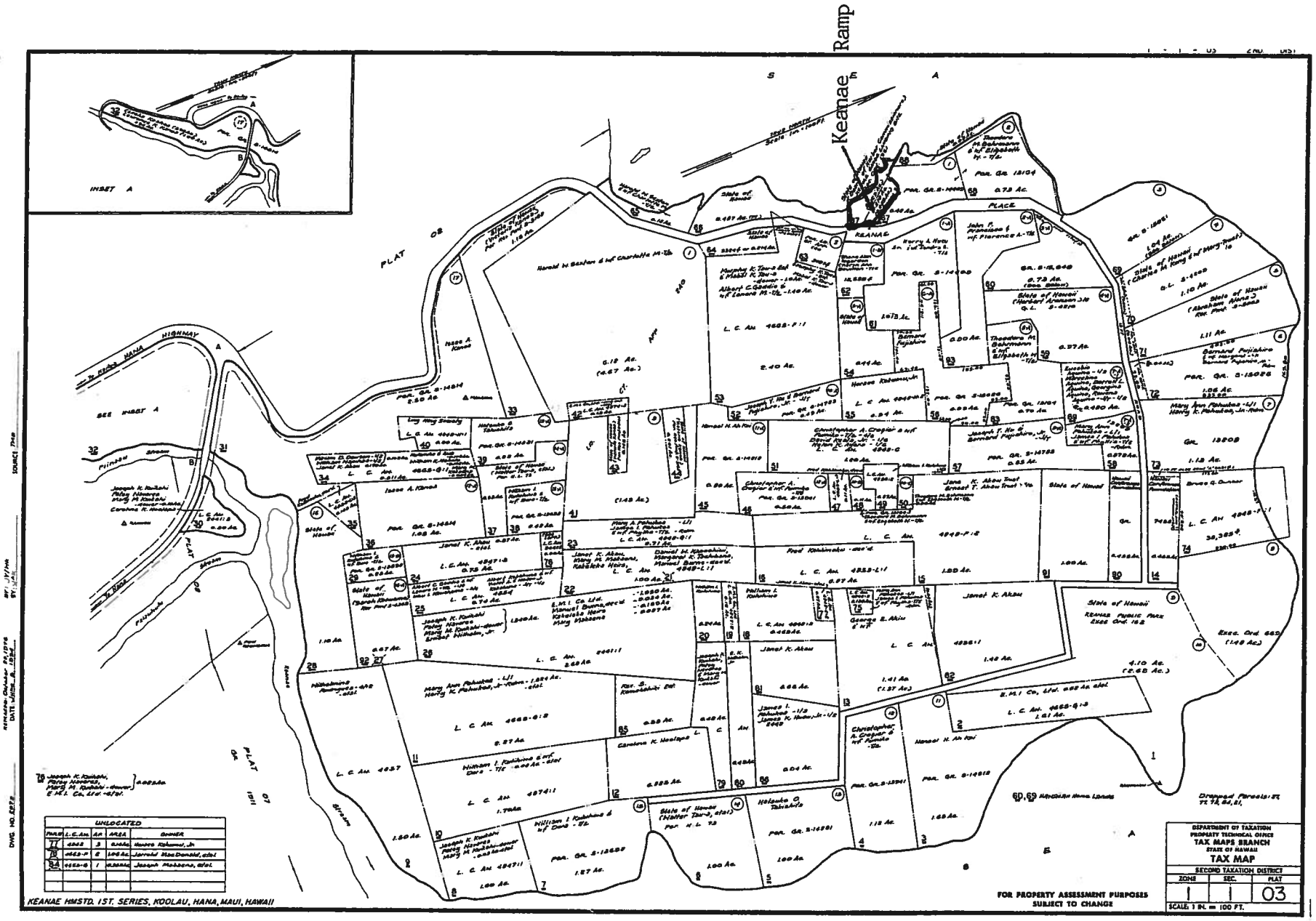
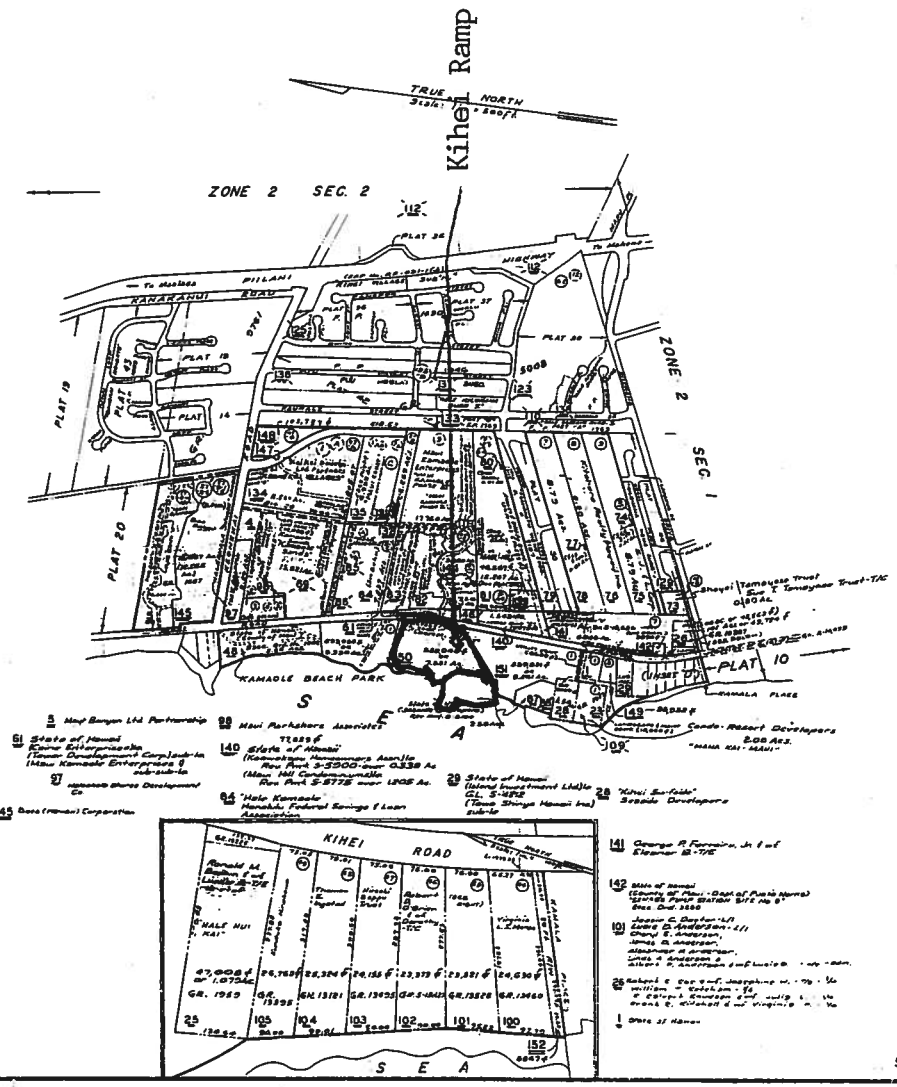

Keanae Ramp
INSET A
SEE INSET A
PLAT 02
PLAT 03
PLAT 07
KEANAE PLACE
HANA HIGHWAY
Keanae Public Park
Exec. Ord. 669 (1.48 Ac.)
Drapped Parcels: 77, 78, 84, 21,
UNLOCATED
PARCEL | L.C. Aw. | AR | AREA | OWNER
77 | 4868 | 3 | 0.14 Ac. | Hanae Kakumu, Jr.
78 | 4663-F | 2 | 1.06 Ac. | Jarrold MacDonald, etal.
84 | 4663-G | 1 | 0.25 Ac. | Joseph Makaena, etal.
KEANAE HMSTD. 1ST. SERIES, KOOLAU, HANA, MAUI, HAWAII
FOR PROPERTY ASSESSMENT PURPOSES SUBJECT TO CHANGE
DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP
SECOND TAXATION DISTRICT
ZONE 1
SEC. 1
PLAT 03
SCALE: 1 IN. = 100 FT.

EXHIBIT "A"

EXHIBIT "B"

3-9-04 2ND. DIV.




132 Caine Enterprises Corp.-½
Cushing Enterprises Inc.-½
Hawkinson Enterprises Inc.-½
Mallorca Enterprises Inc.-½
Alvah Enterprises Inc.-½

82 Foodmaker Inc.

144 Hyakuli Dev. Homeowners Assn.

5 Maui Banyan Ltd. Partnership

61 State of Hawaii
Caine Enterprises
(Tower Development Corp.) sub-lease
(Maui Kamaole Enterprises) sub-lease

97 Kamaole Shores Development Co.

145 Dana (Hawaii) Corporation

98 Maui Parkshore Associates

140 State of Hawaii
(Kaanakapu Homeowners Assn.)
Rev. Park S-5900 over 0.338 Ac.
(Maui Hill Condominium)
Rev. Park S-5775 over 1205 Ac.

84 "Hale Kamaole"
Honolulu Federal Savings & Loan Association

29 State of Hawaii
(Island Investment Ltd.)
G.L. S-4812
(Tawa Shinya Hawaii Inc.)
sub-lease

28 "Kihei Sunfields"
Seaside Developers

141 George R. Ferreira, Jr. & wf
Eleanor B.-T/E

142 State of Hawaii
(County of Maui - Dept. of Public Works)
"Kihei Pump Station Site No. 8"
Exec. Dwg. 3500

101 Jessie C. Dayton-L/I
Lucie D. Anderson-L/I
Cheryl E. Anderson,
James D. Anderson,
Alexander A. Anderson,
Linda A. Anderson &
Albert P. Anderson & wf Lucie D. [illegible]

26 Robert E. Cox & wf Josephine W. [illegible]
William T. Kotchan - ¼
& Ralph L. Knudsen & wf Willy [illegible]
Frank E. Kitchell & wf Virginia [illegible]

1 State of Hawaii

81 Hill Enterprises Ltd.-54%
Russell Q. Hill Trust-23%
Christine A. Hill Trust-23%
(Kraus-Anderson St. Paul Deville)

139 "Kaanakapu"

74 E. J. & L. Corp.-½
Kitahara Realty (Hawaii) Inc.-½

123 Maui County Hotel Board
"Kihei Hawaii Hotel"

77 Kitahara Realty (Hawaii) Inc.

80 Various Owners see TMB 1924 '67

135 Maui Court

143 Maui Kamaole Enterprises

## NOTE

Parcels 17, 18, 19, 24, 34, 36, 37, 38, 39, 40, 41, 42, 43, 50, 68, 89, 91, 94, 95, 111, 113, 115, 116, 117, & 119, dropped into Plat 3-9-17.

Parcels 9, 11, 12, 20, 51, 59, 60, 65, 66, 67, 90, 99, 130, 131, 126, & 128 dropped into Plat 3-9-18

Parcels 13, 14, 15, 62, 124 & 127 dropped into Plat 3-9-19.

Parcels 6, 7, 8, 21, 22, 32, 52, 53, 54, 55, 56, 57, 70, 71, 72, 93, 96, 106, 107, 108, 114, 120 & 122 dropped into Plat 3-9-20.

Parcels 63 & 64 dropped into Plat 3-9-03.

Parcel 2 dropped into 3-9-05-52.

Parcel 3 dropped into 3-9-12-31.

Parcel 10 dropped into 3-9-16-1.

Parcel 16, 58 dropped into 3-9-13 & 14

Parcel 30 dropped into 3-9-18-1, etc.

Dropped Parcel: 100, 125, 66, 110, 112, 92, 93, 123, 128, 58, 75, 86, 118, 131, 127, 62, 136, 83, 143, 73, 131

DEPARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU
STATE OF HAWAII
TAX MAP

| SECOND | | DIVISION |
|---|---|---|
| ZONE | SEC. | PLAT |
| 3 | 9 | 04 |
| CONTAINING | | PARCELS |

SCALE: 1 IN. = 500 FT.

Par. KAMAOLE HOMESTEADS, WAILUKU, MAUI

SUBJECT TO CHANGE

DWG. NO. 1202 (Revised)
SOURCE: Tax Maps Bureau
BY: J. K. H. Feb. 1984 H.N./L.N. 24 1960

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

# EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

| | |
|---|---|
| Project Title: | Cancellation of Governor's Executive Order No. 1961 and reset aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Keanae Small Boat Ramp purposes, Hana (Koolau), Maui, TMK: (2) 1-1-03: 87.<br><br>Cancellation of Governor's Executive Order No. 3362 and reset aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Kihei Small Boat Ramp purposes, Kamaole, Wailuku, Maui, TMK: (2) 3-4-9: 150. |
| Project/Reference No.: | 10MD-209 and 10MD-210 |
| Project Location: | Keanae, Hana (Koolau), Maui, (Keanae Small Boat Ramp)<br>Kamaole, Wailuku, Maui (Kihei Small Boat Ramp) |
| Project Description: | Cancellation of executive orders and issuance of executive orders resetting aside the land. |
| Exemption Class No.: | In accordance with Hawaii Administrative Rules, Section 11-200-8(A), the subject actions are considered to be exempt from the preparation of environmental assessments pursuant to Exemption Class No. 1, which exempts, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and Exemption Class No. 4, which exempts, "Minor alterations in the condition of land, water or vegetation." |
| Consulted Parties: | Division of Boating and Ocean Recreation<br><br>The proposed exemptions apply, as these actions are simply transfers of management jurisdiction to the Division of Boating and Ocean Recreation. The current uses of the land are authorized |

EXHIBIT "C"

and no changes are expected as a result of these set asides. These set asides are not part of a multi-phased project and no significant cumulative impacts are expected.

Recommendation: That the Board find that these actions will probably have minimal or no significant effect on the environment, and therefore, are exempt from the preparation of environmental assessments.

WILLIAM J. AILA, JR.
Interim Chairperson