

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

February 22, 2013

PSF No.: 13HD-023  
 Ref. No.: EO 4329

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

HAWAII

Cancellation of Governor's Executive Order No. 4329 and Reset Aside to County of Hawaii for Addition to Lalamilo Reservoir Site, Lalamilo, Waimea, South Kohala, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 6-6-01: portion of 11.

CONTROLLING AGENCY:

DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL)

APPLICANT:

COUNTY OF HAWAII (COH)

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Lalamilo, Waimea, South Kohala, Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 6-6-01: portion of 11, as shown on the attached map labeled Exhibit A.

AREA:

0.458 acres (19,950 s.f.), more or less.

ZONING:

State Land Use District: Urban  
 County of Hawaii CZO: RS-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES  NO

CURRENT USE STATUS:

Governor's Executive Order No. 4329 to DHHL for Reservoir Site purposes.

PURPOSE OF SET ASIDE:

Reservoir Site 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.

A Final Environmental Impact Statement (FEIS), was prepared and accepted by the Governor of Hawaii on November 27, 2002. The FEIS was published in OEQC's Environmental Notice on December 8, 2002.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

At its meeting of February 8, 2002, Item D-1, the Board of Land and Natural Resources approved the issuance of Revocable Permit No. S-7315 to Gary L. Davis for pasture purposes.

At its meeting of May 11, 2007, Item D-6, the Board of Land and Natural Resources approved the issuance of a right-of-entry to DHHL to conduct topographical/ geo-technical surveys for feasibility study and design for its proposed water tank site.

At its meeting of February 11, 2010, Item D-4, the Board of Land and Natural Resources approved Governor's Executive Order No. 4329 to DHHL for its proposed reservoir site to service its Lalamilo, Phase 2 subdivision project and other adjacent residents in the area. The proposed reservoir is necessary to provide an adequate water system for its Lalamilo, Phase 2 subdivision project and will also improve the system serving other residents in the area. According to DHHL, the Water Board of the County of Hawaii has in principle, agreed to

accept, operate and maintain the reservoir, pipelines and related appurtenances upon completed construction and satisfactory final inspection. The subject property was previously under a revocable permit to a Gary Davis for pasture. At start of discussions of possible development of the subject property for the proposed tank site, Mr. Davis requested to cancel his revocable permit. To date, the proposed reservoir, and appurtenant facility is the highest and best use for the area. No other agencies, interest groups or individuals have requested a lease over the subject area.

By letter dated September 21, 2012, Quirino Antonio, Jr., Manager-Chief Engineer, confirmed that the County of Hawaii, Department of Water Supply conducted its final inspection of the subject reservoir site. The County of Hawaii has accepted the Lalamilo Water System Improvements, which consist of the 1.0 MG (Waiaka) Reservoir Site. That the County of Hawaii is now ready to accept management jurisdiction to operate and maintain the reservoir, pipeline, and related appurtenances on the subject property.

By memorandum dated, December 12, 2012, Jobie M .K. Masagatani, Chairperson, Designate Hawaiian Homes Commission, informed staff that construction of the reservoir is now complete and it requests that Governor's Executive Order No. 4329 be cancelled.

By letter dated January 22, 2013, Mr. Quirino Antonio, Jr., Manager-Chief Engineer, County of Hawaii Department of Water Supply reconfirmed that the Department of Hawaiian Home Lands completed the construction of the subject project and the County of Hawaii has accepted the water system improvements. As a result, the County of Hawaii now requests that the subject lands previously under Governor's Executive Order No. 4329 to the DHHL be re-set aside to the Water Board of the County of Hawaii.

No comments were solicited as there will be no change in land use.

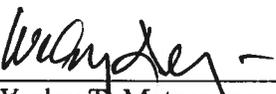
RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 4329 and 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; and
  - 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 an executive order setting aside

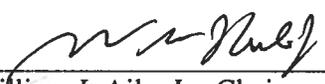
the subject lands to the County of Hawaii under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- 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.
3. Authorize the issuance of an immediate management right-of-entry to the County of Hawaii, for maintaining and operating the water reservoir, pipelines, and related appurtenances, 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 management right-of-entry form, as may be amended from time to time;
  - B. The term of this management right-of-entry shall commence upon date of this Land Board action and shall expire upon the issuance of the subject set aside document; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

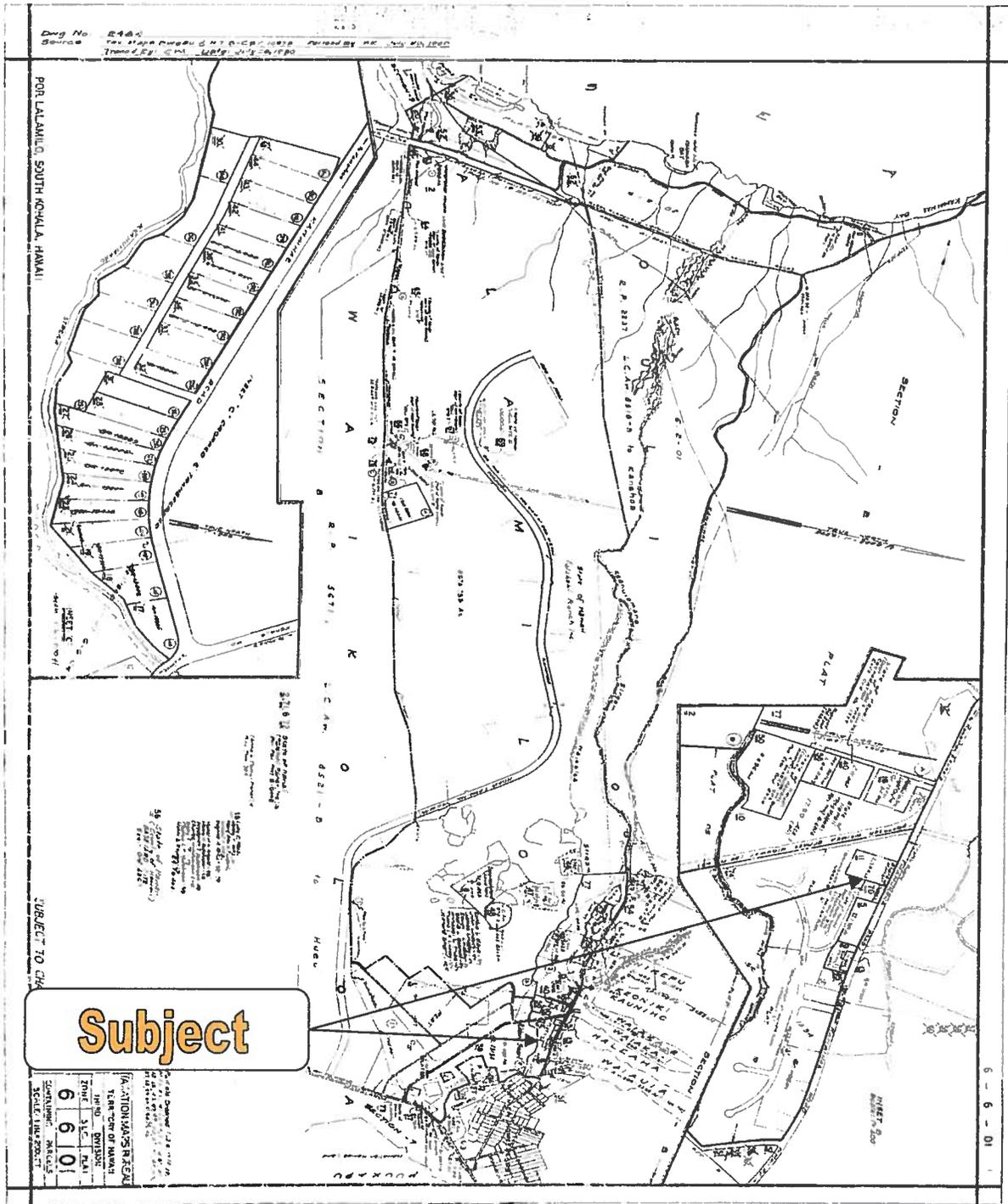
Respectfully Submitted,

  
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Wesley T. Matsunaga  
Land Agent

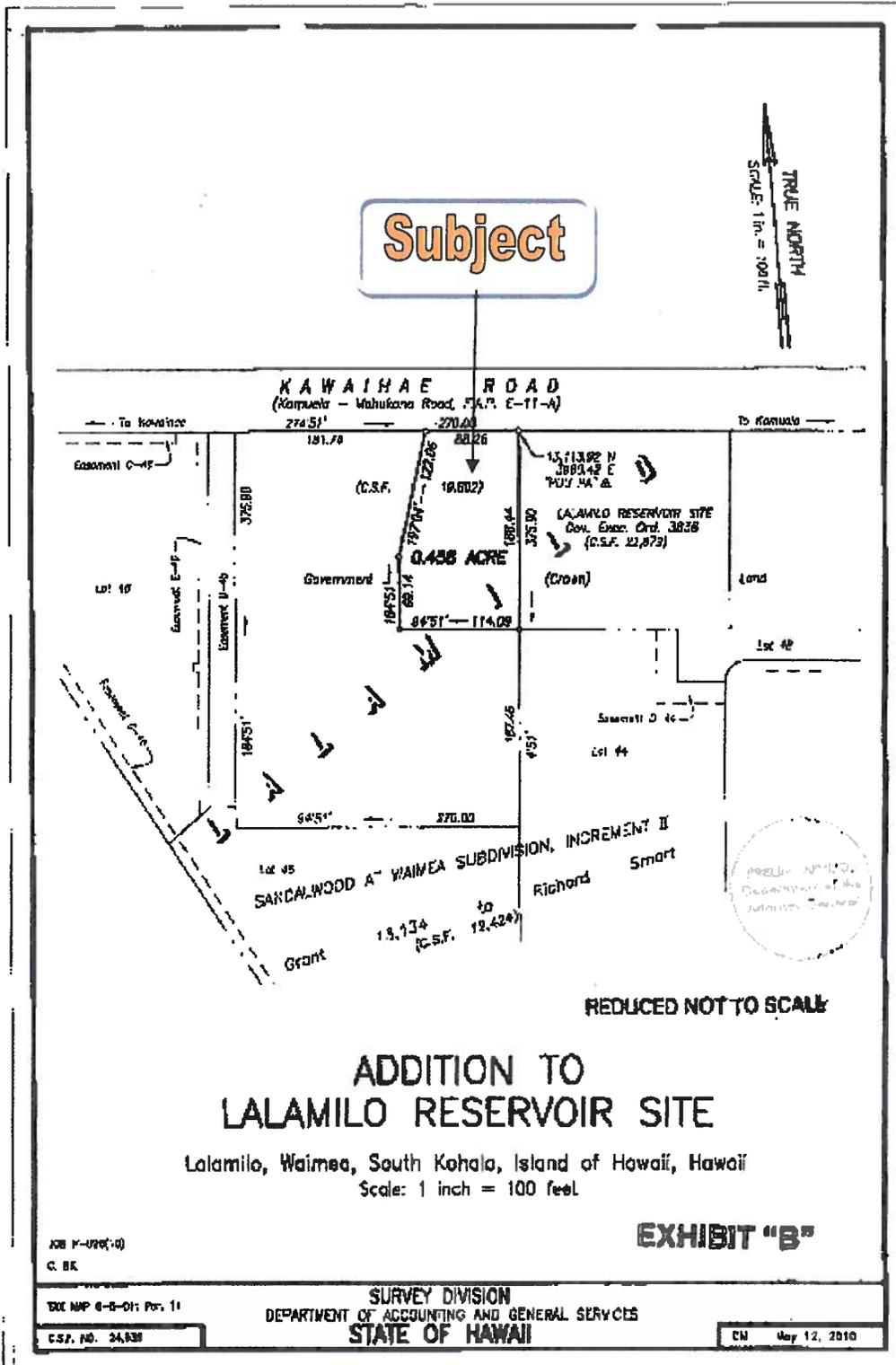
APPROVED FOR SUBMITTAL:

  
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William J. Aila, Jr., Chairperson





**EXHIBIT A**



**EXHIBIT A**