

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

July 13, 2012

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

PSF No.: 11MD-188

Maui

- (1) Amend Governor's Executive Order No. 1808, Issued to the United States of America, to be Managed by the Civil Aeronautics Administration (CAA), to Accurately Depict the Access Easement Area on the Ground and to Note that the CAA has been succeeded by the Federal Aviation Administration Pertaining to the Haleakala Peripheral Hi Site, Kula, Makawao, Maui, Tax Map Key: (2) 2-2-007:007 and
- (2) Amend Executive Order 1987 Issued to the University of Hawaii to Accurately Depict the Access Easement Area on the Ground for Governor's Executive Orders, No. 1808 and 1987 Pertaining to the United States of America, Federal Aviation Administration's Haleakala Peripheral Hi Site and the University of Hawaii's Haleakala High Altitude Observatory site, Kula, Makawao, Maui, Tax Map Key: (2) 2-2-007:008

APPLICANT:

University of Hawaii

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kula, Makawao, Maui, identified by Tax Map Key: (2) 2-2-007:007 and 008, as shown on the attached map labeled Exhibit A.

AREA:

EO 1808, Tax Map Key: (2) 2-2-007:007 = 2.956 acres more or less
EO 1987, Tax Map Key: (2) 2-2-007:008 = 18.166 acres more or less
Original Paper Easement Encumbering Parcel 008 = 0.346
Existing "On-the-Ground" Easement Encumbering Parcel 008 = 0.430 acres more or less

ZONING:

State Land Use District: Conservation

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain consolidation / subdivision as may be needed at Applicant's own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a correction to an existing description for an access easement and does not constitute a new 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.

DISCUSSION:

Pursuant to Executive Order 1808 (EO1808) dated October 30, 1957, 2.956 acres of government lands, together with Easements A, B, C and D, were set aside for the Haleakala Peripheral Hi Site, to the United States of America, and under the control and management of Civil Aeronautics Administration (CAA). The Federal Aviation Administration (FAA) is the successor in interest to the CAA.

Pursuant to Executive Order 1987 (EO1987) dated December 12, 1961, 18.166 acres of

government lands were set aside for the University of Hawaii Haleakala High Altitude Observatory site, to be under the control and management of the Board of Regents of the University of Hawaii (University). Easements A, B, C and D encumber EO1987.

Access to EO1808 via the access road encumbering EO1987 has occurred without incident. However, it was recently determined that the access road is not completely located within the boundaries of Easements A, B, and C. The FAA and University have met to discuss this issue and have agreed to seek correction of the legal description of Easements A, B and C to match the actual location of the access road that was constructed and exists on the ground.

Therefore, the University requests that the legal (paper) easement(s) set forth as Easements A, B, C and D, be corrected via consolidation of the access road into Easement A-1 as described in the attached survey map and description prepared by Bruce R. Lee, LPLS, of Newcomer-Lee Land Surveyors, Inc. (see Exhibit C). According to University representatives, the FAA concurs with this request.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will have no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor issuance of an executive order amending Governor's Executive Order No. 1808 and 1987 subject to the following:
 - A. Redesignation of the easement holder from the United States of America and managed by the Civil Aeronautics Administration to the United States of America and managed by the Federal Aviation Administration;
 - B. Correct the description of the access easement area in Governor's Executive Order No. 1808 and 1987 to accurately depict the access easement area actually built on the ground, including but not limited to correcting Easements A, B, C, and D, to Easement A-1 as described in the attached survey map and description prepared by Bruce R. Lee, LPLS, of Newcomer-Lee Land Surveyors, Inc. (Exhibit C);
 - C. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - D. 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;

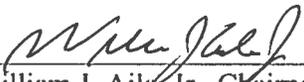
- E. Review and approval by the Department of the Attorney General; and
- F. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:

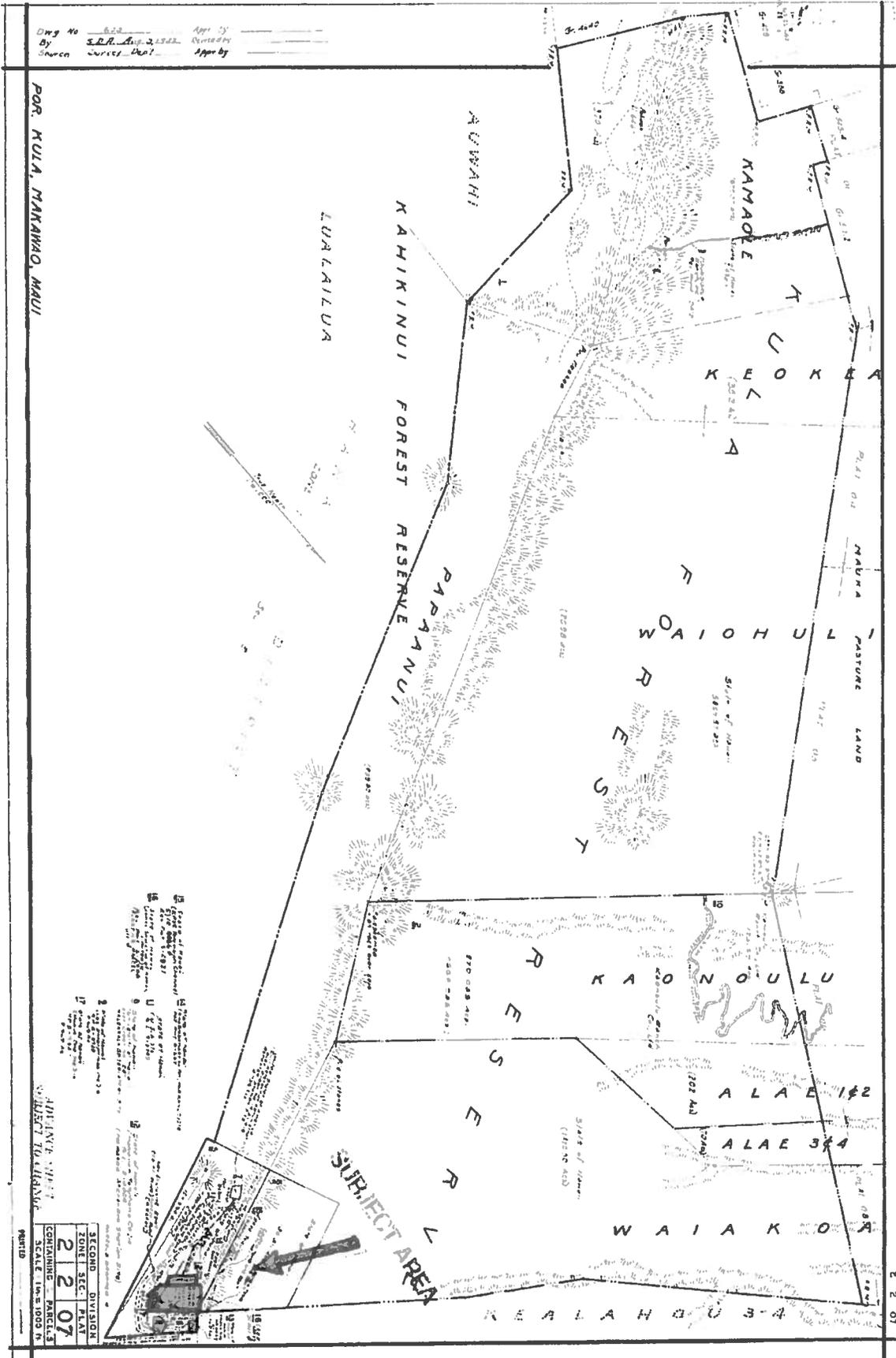


William J. Aila, Jr., Chairperson

Ken

Dwg No 622
 By S.R.H. 2.15.22
 Shown Survey Dept
 App'd by

POR. KULA, MAKAHAO, MAUI



- 1. 1000 feet contour interval
- 2. 500 feet contour interval
- 3. 250 feet contour interval
- 4. 100 feet contour interval
- 5. 50 feet contour interval
- 6. 25 feet contour interval
- 7. 10 feet contour interval
- 8. 5 feet contour interval
- 9. 2.5 feet contour interval
- 10. 1 foot contour interval
- 11. 0.5 foot contour interval
- 12. 0.25 foot contour interval
- 13. 0.125 foot contour interval
- 14. 0.0625 foot contour interval
- 15. 0.03125 foot contour interval
- 16. 0.015625 foot contour interval
- 17. 0.0078125 foot contour interval
- 18. 0.00390625 foot contour interval
- 19. 0.001953125 foot contour interval
- 20. 0.0009765625 foot contour interval

PLATE NO. 1
 SUBJECT TO PLATE NO. 2

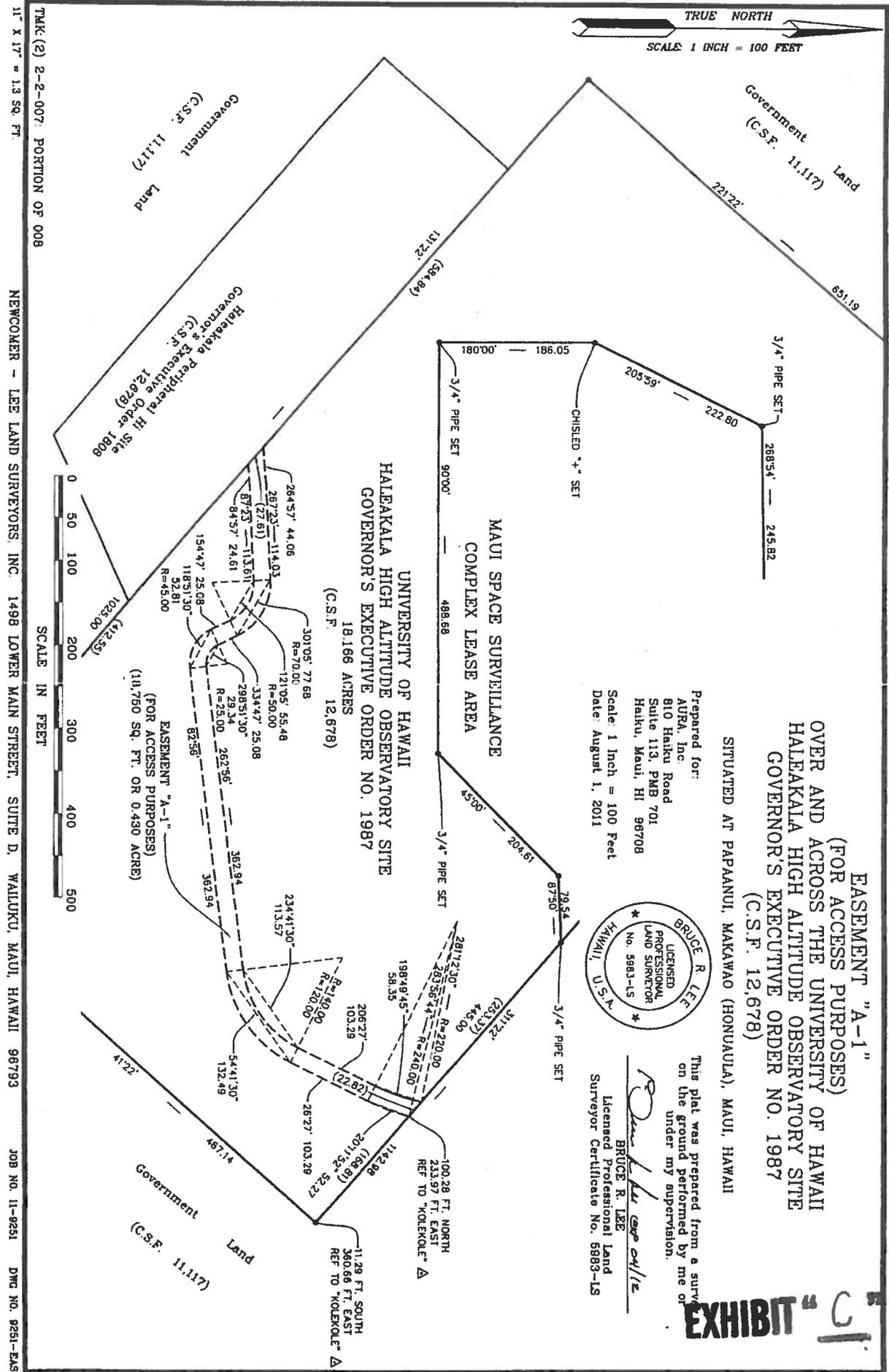
SECOND DIVISION	2
SECTION	2
CONTAINING PARCELS	07

SCALE 1 IN. = 1000 FT.

EXHIBIT A

TRUE NORTH

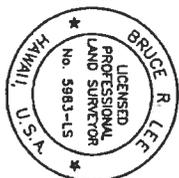
SCALE: 1 INCH = 100 FEET



EASEMENT "A-1"
 (FOR ACCESS PURPOSES)
 OVER AND ACROSS THE UNIVERSITY OF HAWAII
 HALEAKALA HIGH ALTITUDE OBSERVATORY SITE
 GOVERNOR'S EXECUTIVE ORDER NO. 1987
 (C.S.F. 12,678)
 SITUATED AT PAPAANUI, MAKAWAO (HONUAULUA), MAUI, HAWAII

Prepared for:
 AURA, Inc.
 810 Haku Road
 Suite 113, PMB 701
 Haku, Maui, HI 96708

Scale: 1 inch = 100 Feet
 Date: August 1, 2011



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. 5983-1S

EXHIBIT "C"

TAK: (2) 2-2-007: PORTION OF 008
 NEWCOMER - LEE LAND SURVEYORS, INC. 1498 LOWER MAIN STREET, SUITE D, WAILUKU, MAUI, HAWAII 96793
 JOB NO. 11-9251 DWG NO. 9251-EASE