

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

February 14, 2014

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

Land Board Members:

**SUBJECT: SET ASIDE OF A 7.97 ACRE PORTION OF TMK 3-8-01 por. 19,  
MAKAI OF AMALA PLACE, AT THE WESTERN BOUNDARY OF  
THE TMK, FOR INCLUSION IN THE KANAHA POND WILDLIFE  
SANCTUARY, MAUI**

**BACKGROUND:**

Pursuant to Hawaii Revised Statutes (“HRS”) Chapter 183D-4, the Department of Land and Natural Resources (“DLNR”) shall establish, maintain, manage, and operate Wildlife Sanctuaries for the purpose of preserving, protecting, conserving, and propagating wildlife. The lands identified as Tax Map Key (“TMK”) 3-8-01 por. 19, formerly the Naval Air Station, Kahului, were conveyed to the Territory of Hawaii by Quitclaim Deed in 1956, and set aside to the Department of Transportation (“DOT”) by Executive Order No. 2427 on February 12, 1969. The Kanaha Pond Wildlife Sanctuary is composed of portions of TMK No. 3-8-01 por. 19 that were identified for wildlife conservation under a Memorandum of Agreement between DLNR, DOT, and the Federal Aviation Administration (“FAA”). That Agreement was superseded by a Memorandum of Understanding established in 1996 that identified the present Sanctuary lands composed of 236 acres and managed for the protection of wildlife and endangered birds. The Sanctuary is managed by the Division of Forestry and Wildlife and subject to regulation under Chapter 13-126, Hawaii Administrative Rules.

In 1996, Executive Order 3693 withdrew a portion of TMK 3-8-01 por. 19, makai of Amala Place, along the western boundary of the TMK, from HDOT. Executive Order 3694 set it aside to the Division of Forestry and Wildlife for control and management for Forestry and Wildlife purposes. The set aside placed the subject lands under the control of the Division but did not specify a land management designation for which the Division has administrative rules to regulate activities. As a result, regulation and enforcement to protect natural resources at the site are limited and negative impacts to the natural resources of the site are increasing due to human use.

## DISCUSSION

The subject area represents approximately 7.97 acres of a former indigenous sand dune ecosystem that connects the wetland areas of the Sanctuary to the sea. It currently contains a considerable stand of tree-tobacco plants important for the endangered Blackburn's Sphinx moth larvae as forage, and these specific plants at this location are expected to play an important role in addressing recovery of the moth on Maui's North shore. The site is presently composed of introduced plants that have displaced native species, and is highly degraded but restorable through management actions that will remove invasive plants and restore native sand dune and strand ecosystem elements. In addition, recent years have seen an increase in harmful human activities in the area, including the establishment of long term camp sites by homeless persons and dumping and accumulation of trash and refuse. The lack of administrative rules to regulate and enforce resource protection actions severely limits the department's ability to protect and restore the natural resources of the subject lands. The purpose of this request is to set aside the subject lands for control and management as a state wildlife sanctuary subject to regulation and enforcement under HAR Chapter 13-126.

Should the subject area be approved for inclusion in the Kanaha Pond Wildlife Sanctuary by the BLNR and Governor via Executive Order, the Division would initiate a change to HAR Chapter 13-126 to specify any restrictions on public access to the area. Based on a preliminary assessment of resource management needs, the Division does not anticipate that any restrictions on public access would be warranted. Most current daily uses of the site that include access to the shoreline and fishing are compatible with management needs.

## CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the BLNR represents a transfer in management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of HRS Chapter 343 relating to environmental impact statements. DOFAW shall be responsible for compliance with Chapter HRS 343 for DOFAW Wildlife Program activities on the land that are not otherwise included in existing environmental compliance documents for that parcel. Pursuant to HAR § 11-200-8, foreseeable uses of the State lands by the DOFAW Wildlife Program include:

**Exemption Class:** DLNR, Division of Forestry and Wildlife, Class 1, Item 8

- **Exempt Item Description:** Weed, brush and noxious tree control using hand tools, small motorized equipment (chainsaws and weed-eaters), and approved herbicides on DOFAW program areas, campsites, picnic grounds, viewpoints, base yards, wildlife water units, trails, captive propagation facilities, arboreta, plant nurseries, checking stations, and public use facilities.

**Exemption Class:** DLNR, Division of Forestry and Wildlife, Class 1, Item 17

- **Exempt Item Description:** Animal damage control actions, when needed to maintain resource values, in Division of Forestry and Wildlife (DOFAW) program areas, including application of approved rodenticides, and ungulate removal.

**Exemption Class:** Department of Land and Natural Resources Class 3, Item 1

- **Exempt Item Description:** Fences around or to manage threatened or endangered plants; covered and open areas for endangered species, game birds and mammals; auxiliary buildings for food storage, equipment storage, incubators and brooders; open-top breeding and release pens, field aviaries and hacking boxes; and for watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.

**Exemption Class:** Department of Land and Natural Resources Class 3, Item 2

- **Exempt Item Description:** Cabins, resident workers' quarters, warehouse workshops, mobile camping structures, weather stations, checking stations for hunters, hikers, and campers; meat safes, viewing kiosks and platforms, wildlife viewing towers, sanitary facilities, trail shelters, equipment shelters, fire equipment caches, arboreta, and plant nurseries.

**Exemption Class:** Department of Land and Natural Resources Class 4, Item 1

- **Exempt Item Description:** Establishment of heliports.

**Exemption Class:** Department of Land and Natural Resources Class 4, Item 7

- **Exempt Item Description:** Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat.

**Exemption Class:** Department of Land and Natural Resources Class 5, Item 2

- **Exempt Item Description:** Game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling, collection and captive propagation (involves walking, driving, and flying in the field, helicopters, light aircraft), use of nets and firearms, temporary traps including snares, mist nets, corral traps, drop door traps or leg hold traps.

**Dates of Agency Exemption Lists:** July 18, 2011, June 12, 2008.

RECOMMENDATIONS: That the Board:

- 1) Approve of and recommend to the Governor the issuance of an Executive Order setting aside approximately 7.97 acres, 3-8-01 por. 19, Maui, to the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, for inclusion in the Kanaha Pond Wildlife Sanctuary, 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.

Respectfully Submitted,



Lisa Hadway, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

  
WILLIAM J. AILA, JR., Chairperson

Attachment 1: Executive Order 2427 setting aside lands identified as TMK 3-8-01 por. 19 to the Department of Transportation.

Attachment 2: Memorandum of Understanding between DOT, DLNR, and FAA for management of a 236 acre portion of TMK 3-8-01 por. 19 as a state Wildlife Sanctuary.

Attachment 3: Executive Order 3693 withdrawing the subject lands from the Department of Transportation.

Attachment 4: Executive Order 3694 setting aside the subject lands to the Division of Forestry and Wildlife.

## Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, by virtue of the authority in me vested by Section 103A-11, Revised Laws of Hawaii 1955, as amended, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described be, and the same is, hereby set aside for the following public purposes:

**FOR KAHULUI AIRPORT, to be under the control and management of the Department of Transportation.**

### **KAHULUI AIRPORT**

### **PARCELS A AND B**

**Kahului, Wailuku, Maui, Hawaii**

#### **PARCEL A:**

**Being portions of Grant 3343 to Claus Spreckels conveyed as follows:**

- (a) Portion of Parcel 1 of the former Naval Air Station at Kahului, conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299, and modified by instrument dated August 11, 1963. (Land Office Deeds S-16432 and S-18727).**
- (b) Quitclaim deed dated November 7, 1968, releasing Easement 2 reserved for railroad purposes, from Alexander and Baldwin, Inc., successor to Hawaiian Commercial and Sugar Co., Ltd., to the State of Hawaii, recorded in Liber 6301, Page 402. (Land Office Deed S-24630).**

**Beginning at the southwesterly corner of this parcel of land and on the northeasterly side of Hana Highway (Hawaii Project DA-MC-8 (1)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE" being 3265.22 feet South and 21,404.06 feet West, thence running by azimuths measured clockwise from True South:-**

1. 216° 25' 103.15 feet along the remainder of Grant 3343 to Claus Spreckels;
2. 161° 56' 985.85 feet along the remainder of Grant 3343 to Claus Spreckels and Kahului Townsite;
3. 180° 13' 518.20 feet along the remainder of Grant 3343 to Claus Spreckels and Kahului Townsite;
4. 198° 30' 506.70 feet along the remainder of Grant 3343 to Claus Spreckels and Kahului Townsite;
5. 160° 21' 954.60 feet along the remainder of Grant 3343 to Claus Spreckels and Kahului Townsite;

Thence along highwater mark at seashore for the next ten (10) courses, the direct azimuths and distances being:

6. 263° 45' 140.00 feet;
7. 276° 50' 1200.00 feet;
8. 278° 20' 980.00 feet;
9. 259° 20' 790.00 feet;
10. 262° 15' 300.00 feet;
11. 256° 30' 310.00 feet;
12. 254° 00' 300.00 feet;
13. 242° 15' 300.00 feet;
14. 220° 55' 270.00 feet;
15. 244° 50' 62.47 feet;
16. 335° 00' 970.03 feet along Kanaha Beach Park, Governor's Executive Order 2358;
17. 245° 00' 3950.00 feet along Kanaha Beach Park, Governor's Executive Order 2358;
18. 180° 00' 756.43 feet along Kanaha Beach Park, Governor's Executive Order 2358;

Thence along highwater mark at seashore for the next six (6) courses, the direct azimuths and distances being:

19.	253°	55'	497.67 feet;
20.	244°	01' 30"	311.36 feet;
21.	208°	03'	82.67 feet;
22.	245°	00'	255.00 feet;
23.	237°	20'	300.00 feet;
24.	203°	32'	89.42 feet;
25.	330°	47'	76.15 feet along the remainder of Grant 3343 to Claus Spreckels;
26.	246°	14'	625.00 feet along the remainder of Grant 3343 to Claus Spreckels;
27.	241°	10' 30"	622.30 feet along the remainder of Grant 3343 to Claus Spreckels, along the northerly side of Spreckelsville Beach Road;
28.	193°	18'	204.30 feet along the remainder of Grant 3343 to Claus Spreckels, along the northerly side of Spreckelsville Beach Road;
29.	249°	46'	932.50 feet along the northerly side of Spreckelsville Beach Road and Addition to Kahului Airport (Governor's Executive Order 2346);
30.	263°	04'	383.50 feet along Addition to Kahului Airport (Governor's Executive Order 2346);
31.	276°	11'	153.30 feet along Addition to Kahului Airport (Governor's Executive Order 2346);
32.	286°	45'	1027.60 feet along Addition to Kahului Airport (Governor's Executive Order 2346);
33.	43°	05'	920.95 feet along Addition to Kahului Airport (Governor's Executive Order 2346);
34.	338°	59'	1237.25 feet along Addition to Kahului Airport (Governor's Executive Order 2346), remainder of Grant 3343 to Claus Spreckels and the westerly end of Paia Spur (N.R.S.H. 17-A);

35. 341° 30' 1027.80 feet along the westerly end of Paia Spur (N.R.S.H. 17-A) and the remainder of Grant 3343 to Claus Spreckels;
36. 329° 01' 30" 1171.20 feet along remainder of Grant 3343 to Claus Spreckels;
37. Thence along the northwesterly side of Hana Highway (Hawaii Project DA-NC-8 (1)), on a curve to the right with a radius of 5679.58 feet, the chord azimuth and distance being:  
29° 56' 55.5" 96.35 feet;
38. 53° 00' 30" 2211.20 feet along the remainder of Grant 3343 to Claus Spreckels;
39. 96° 17' 93.95 feet along the remainder of Grant 3343 to Claus Spreckels;
40. 129° 33' 93.90 feet along the remainder of Grant 3343 to Claus Spreckels;
41. 112° 49' 154.90 feet along the remainder of Grant 3343 to Claus Spreckels;
42. 130° 50' 296.80 feet along the remainder of Grant 3343 to Claus Spreckels;
43. 151° 04' 30" 241.70 feet along the remainder of Grant 3343 to Claus Spreckels;
44. 91° 04' 194.00 feet along the remainder of Grant 3343 to Claus Spreckels;
45. 78° 10' 457.70 feet along the remainder of Grant 3343 to Claus Spreckels;
46. 57° 39' 30" 243.85 feet along the remainder of Grant 3343 to Claus Spreckels;
47. 1° 45' 30" 374.30 feet along the remainder of Grant 3343 to Claus Spreckels;
48. 22° 35' 30" 210.65 feet along the remainder of Grant 3343 to Claus Spreckels;
49. 2° 54' 148.90 feet along the remainder of Grant 3343 to Claus Spreckels;

50. 355° 38' 213.70 feet along the remainder of Grant 3343 to Claus Spreckels;
51. 86° 06' 30" 162.63 feet along the remainder of Grant 3343 to Claus Spreckels;
52. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the left with a radius of 575.24 feet, the chord azimuth and distance being: 68° 33' 15" 346.99 feet;
53. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the left with a radius of 750.00 feet, the chord azimuth and distance being: 25° 30' 645.77 feet;
54. 360° 00' 360.00 feet along the remainder of Grant 3343 to Claus Spreckels;
55. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the right with a radius of 865.00 feet, the chord azimuth and distance being: 10° 45' 322.69 feet;
56. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the right with a radius of 464.00 feet, the chord azimuth and distance being: 59° 15' 568.14 feet;
57. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the right with a radius of 864.00 feet, the chord azimuth and distance being: 111° 00' 418.04 feet;
58. 125° 00' 1663.12 feet along the remainder of Grant 3343 to Claus Spreckels;
59. Thence along the remainder of Grant 3343 to Claus Spreckels, on a curve to the left with a radius of 213.50 feet, the chord azimuth and distance being: 91° 16' 237.12 feet;
60. 57° 32' 6.87 feet along the remainder of Grant 3343 to Claus Spreckels;

61. Thence along the remainder of Grant 3343 to Claus Spreckels,  
on a curve to the right  
with a radius of 598.69  
feet, the chord azimuth  
and distance being:  
65° 36' 168.02 feet;
62. 73° 40' 541.40 feet along the remainder of  
Grant 3343 to Claus  
Spreckels;
63. 163° 40' 50.00 feet along the remainder of Grant  
3343 to Claus Spreckels,  
crossing Haleakala Road;
64. Thence along the northerly side of Haleakala Road, on a curve  
to the left with a radius  
of 1935.08 feet, the chord  
azimuth and distance being:  
69° 21' 30" 290.74 feet;
65. 65° 03' 137.23 feet along the northerly side of  
Haleakala Road;
66. Thence along the northerly side of Haleakala Road, on a curve  
to the right with a radius  
of 548.69 feet, the chord  
azimuth and distance being:  
78° 44' 259.59 feet;
67. 92° 25' 515.08 feet along the northerly side of  
Haleakala Road;
68. Thence along the northerly side of Haleakala Road, on a curve  
to the left with a radius  
of 1935.08 feet, the chord  
azimuth and distance being:  
86° 53' 30" 372.61 feet;
69. 81° 22' 323.00 feet along the northerly side of  
Haleakala Road;
70. 169° 55' 30" 176.50 feet along the remainder of Grant  
3343 to Claus Spreckels;
71. 79° 02' 119.00 feet along the remainder of Grant  
3343 to Claus Spreckels;
72. 166° 58' 81.80 feet along the remainder of Grant  
3343 to Claus Spreckels;
73. 75° 04' 30" 663.00 feet along the remainder of Grant  
3343 to Claus Spreckels;
74. 70° 25' 30" 161.10 feet along the remainder of Grant  
3343 to Claus Spreckels;
75. 151° 02' 30" 170.80 feet along the remainder of Grant  
3343 to Claus Spreckels;
76. 149° 44' 239.55 feet along the remainder of Grant  
3343 to Claus Spreckels and  
crossing Keolani Place;

77. 61° 25' 115.55 feet along the northerly side of Keolani Place;
78. 331° 25' 10.00 feet along a jog of Keolani Place;
79. 61° 25' 766.70 feet along the northerly side of Keolani Place;
80. Thence along the northerly side of Keolani Place, on a curve to the right with a radius of 543.00 feet, the chord azimuth and distance being: 74° 30' 45" 246.07 feet;
81. 357° 36' 30" 3.50 feet along a jog of Keolani Place;
82. 87° 35' 27.25 feet along the northerly side of Haleakala Road;
83. Thence along the northerly side of Haleakala Road, on a curve to the right with a radius of 2839.93 feet, the chord azimuth and distance being: 91° 25' 379.72 feet;
84. 95° 15' 978.60 feet along the northerly side of Haleakala Road;
85. Thence along the northerly side of Haleakala Road, on a curve to the right with a radius of 856.95 feet, the chord azimuth and distance being: 103° 28' 05" 244.99 feet;
86. Thence along the northeasterly side of Hana Highway (Hawaii Project DA-NC-8 (1)), on a curve to the right with a radius of 22,844.32 feet, the chord azimuth and distance being: 125° 50' 49.5" 454.19 feet;
87. 126° 25' 372.25 feet along the northeasterly side of Hana Highway (Hawaii Project DA-NC-8 (1)), to the point of beginning and containing an AREA OF 1260.584 ACRES.

Together with, an easement in favor of the State of Hawaii, for a gasoline pipeline as described in that certain Grant of Easement dated January 1, 1964 and recorded in Liber 3131, Pages 178-183, in the Bureau of Conveyances at Honolulu, Oahu, Hawaii.

The above-described Parcel A is subject, however, to the following:

- (a) Easements 1, 3, 4, 5, 6, 7 and 8 as reserved to the Hawaiian Commercial and Sugar Company, Limited, its successors and assigns by that certain Order and Judgment on Declaration of Taking, filed August 10, 1945, in Civil 564 in the District Court of the United States for the District of Hawaii.
- (b) Road Easement in favor of Russell and Gay B. Lloyd, covered by General Lease S-3923.
- (c) General Lease S-5012 to Kenneth K. Otani as shown on Government Survey Registered Map 4147.

**PARCEL B: WATER PURIFICATION PLANT SITE.**

Being a portion of Grant 3343 to Claus Spreckels.

Being also Parcel 2, Water Purification Plant Site of Kahului Naval Air Station, conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299, and modified by instrument dated August 11, 1963. (Land Office Deeds S-16432 and S-18727).

Beginning at the northerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "FVV HERR" being 9,162.72 feet South and 3,247.88 feet East, thence running by azimuths measured clockwise from True South:-

- |    |          |  |
|----|----------|--|
| 1. | 320° 20' | 450.00 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 2. | 6° 45'   | 250.00 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 3. | 60° 07'  | 309.44 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 4. | 96° 43'  | 218.00 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 5. | 147° 00' | 350.00 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 6. | 186° 45' | 220.00 feet along the remainder of Grant 3343 to Claus Spreckels;  |
| 7. | 241° 40' | 445.00 feet along the remainder of Grant 3343 to Claus Spreckels, to the point of beginning and containing an AREA OF 8.354 ACRES. |

Together with easements from the Hawaiian Commercial and Sugar Company, Limited for a gravity line from the Lowrie Ditch through the Water Purification Plant Site, identified as Parcel B hereof, to the Kahului Airport, identified as Parcel A hereof, said easements being further identified as the Screen Inlet Lot and Easements 1, 2, 3 and 4, as shown on 14th Naval District Drawing No. NA-W1-182, said easements were acquired by the United States of America by that certain easement dated December 1, 1943, recorded in Liber 2145, Pages 465-470, in the Bureau of Conveyances at Honolulu, Oahu, Hawaii.

SUBJECT to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed. Done at the Capitol at Honolulu this 12<sup>th</sup> day of February, Nineteen Hundred and 69.

Approved as to form:

John A. Burns  
Governor of the State of Hawaii

U. P. Ho  
Deputy Attorney General

1t

Proofed by: lp

Dated: 2-5-69 -9-

**State of Hawaii**

**Office of the Lieutenant Governor**

**2427**

This is to Certify That the within is a true copy of Executive Order No.....  
setting aside land for public purposes, the original of which is on file in this office.

**In Testimony Whereof**, the Lieutenant Governor of the  
State of Hawaii, has hereunto subscribed his name  
and caused the Great Seal of the State to be affixed.

DONE in Honolulu, this ..... day of  
....., A.D. 19.....

**2427**  
Executive Order No. \_\_\_\_\_

**Setting Aside Land for  
Public Purposes**

Land .....
.....
Purpose .....
.....
Date .....
.....



EXECUTIVE ORDER NO. 3693

WITHDRAWING LAND FROM THE OPERATION OF  
GOVERNOR'S EXECUTIVE ORDER NO. 2427  
DATED FEBRUARY 12, 1969

WHEREAS, by Governor's Executive Order No. 2427 dated February 12, 1969, certain lands situate at Kahului, Wailuku, Maui, Hawaii, were set aside for Kahului Airport; and

WHEREAS, the Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawaii, has requested that an area within Executive Order No. 2427 dated February 12, 1969, be withdrawn for forestry and wildlife purposes; and

WHEREAS, the Board of Land and Natural Resources at its meeting of August 27, 1993, approved the withdrawal of a portion of land from Executive Order No. 2427, dated February 12, 1969.

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, by virtue of the authority vested in me under Section 171-11, Hawaii Revised Statutes, as amended, do hereby order that the following described land, identified as "Withdrawal Portion of Parcel A, Kahului Airport, Governor's Executive Order 2427," situate at Kahului, Wailuku, Maui, Hawaii, being a portion of Grant 3343 to Claus Spreckels conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299 and modified by instrument dated August 11, 1965 (Land Office Deeds 16432 and S-18727), containing an area of 10.004 acres, more or less, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 22,344 and dated August 17, 1995, is hereby withdrawn from the operation of Governor's Executive Order No. 2427, dated February 12, 1969, effective September 30, 1996.

SUBJECT to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and  
caused the Great Seal of the State of Hawaii to be affixed.  
Done at the Capitol at Honolulu this 11<sup>th</sup> day of  
September, Nineteen Hundred and 96

Benjamin J. Cayetano  
Governor of the State of Hawaii

Approved as to form:

Kevin Watson  
Deputy Attorney General

Dated: July 18, 1996

2638(5)

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. 302 withdrawing land from the operation of Executive Order No. 2421, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed her name and caused the Great Seal of the State to be affixed.

*Margi K. Hironaka*

DONE in Honolulu, this 12TH day of SEPTEMBER, A.D. 1996



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 22,344

August 17, 1995

WITHDRAWAL  
PORTION OF PARCEL A, KAHULUI AIRPORT  
Governor's Executive Order 2427

Kahului, Wailuku, Maui, Hawaii

Being a portion of Grant 3343 to Claus Spreckels conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299 and modified by instrument dated August 11, 1965 (Land Office Deeds 16432 and S-18727).

Beginning at the southeast corner of this parcel of land and on the west boundary of Wastewater Treatment Plant Site, Governor's Executive Order 3006, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE" being 1232.31 feet South and 21,115.21 feet West, thence running by azimuths measured clockwise from True South:-

1. 74° 50' 136.94 feet along the remainder of Parcel A of Kahului Airport, Governor's Executive Order 2427;
2. Thence along the remainder of Parcel A of Kahului Airport, Governor's Executive Order 2427 on a curve to the right with a radius of 544.00 feet, the chord azimuth and distance being:  
78° 47' 74.95 feet;
3. 82° 44' 183.99 feet along the remainder of Parcel A of Kahului Airport, Governor's Executive Order 2427;
4. 198° 30' 63.78 feet along the remainder of Grant 3343 to Claus Spreckels;
5. 160° 21' 954.60 feet along the remainder of Grant 3343 to Claus Spreckels to highwater mark at seashore;

Thence along highwater mark at seashore for the next two (2) courses, the direct azimuths and distances between points along said highwater mark at seashore being:

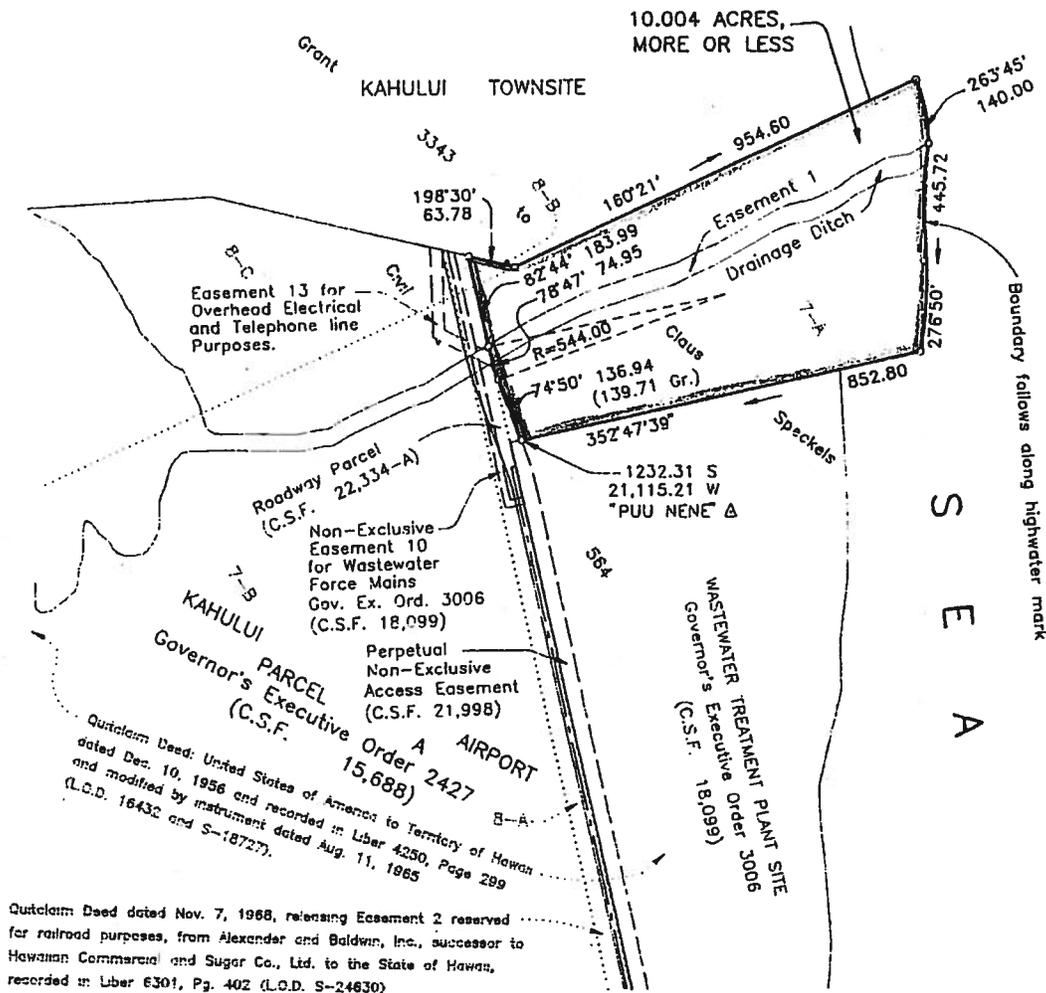
- 6. 263° 45' 140.00 feet;
- 7. 276° 50' 445.72 feet;
- 8. 352° 47' 39" 852.80 feet along Wastewater Treatment Plant Site, Governor's Executive Order 3006 to the point of beginning and containing an AREA OF 10.004 ACRES, MORE OR LESS.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Glenn J. Kodani  
Glenn J. Kodani  
Land Surveyor gm

Compiled from Reg. Map 4147  
and other Govt. Survey  
Records.  
TMK: 3-8-01:Por. 19

TRUE NORTH  
Scale: 1in. = 300ft.



REDUCED  
NOT TO SCALE

WITHDRAWAL  
PORTION OF PARCEL A, KAHULUI AIRPORT  
Governor's Executive Order 2427  
Kahului, Wailuku, Maui, Hawaii  
Scale: 1 inch = 300 feet

JOB Ma - 15(94)

C. BK.2, Kodani

TAX MAP J-8-01:por 19

C.S.F. NO. 22,344

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

EXHIBIT "B"

C.G. August 17, 1995



Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299 and modified by instrument dated August 11, 1965 (Land Office Deeds 16432 and S-18727), containing an area of 7.971 acres, more or less, Reserving to the State of Hawaii, its successors and assigns, the following:

- a. Easement 1 for drainage ditch purposes; and
- b. Easement 13 for overhead electrical and telephone line purposes; and
- c. the public right for the flight of aircraft over the land; and
- d. the public right to cause inherent aircraft noise over the land, in flight to and from, and/or by the operation on the airport; and
- e. the right to prohibit the erection of structures or growth of natural objects that would constitute an obstruction to air navigation; and
- f. the right to prohibit any activity on the land that would interfere with or be a hazard to the flight of aircraft over land or to and from the airport.

All more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 22,345 and dated August 17, 1995, effective October 1, 1996.

SUBJECT, HOWEVER, that upon cancellation of this executive order and/or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the Division of Forestry and Wildlife shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and  
caused the Great Seal of the State of Hawaii to be affixed.  
Done at the Capitol at Honolulu this 20th day  
of September, Nineteen Hundred and 96.

Benjamin J. Cayetano  
Governor of the State of Hawaii

APPROVED AS TO FORM:

Kevin Watson  
Deputy Attorney General

Dated: July 18, 1996

2638(4)

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of Executive Order No. 3694 setting aside land for public purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed her name and caused the Great Seal of the State to be affixed.

*Mazie Hironaka*

DONE in Honolulu, this 20TH day of  
SEPTEMBER, A.D. 1996



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

August 17, 1995

C.S.F. No. 22,345

PORTION OF GRANT 3343 TO CLAUS SPRECKELS

Kahului, Wailuku, Maui, Hawaii

Being a portion of Grant 3343 to Claus Spreckels conveyed to the Territory of Hawaii by the United States of America by Quitclaim Deed dated December 10, 1956, recorded in Liber 4250, Page 299 and modified by instrument dated August 11, 1965 (Land Office Deeds 16432 and S-18727).

Beginning at the southeast corner of this parcel of land and on the west boundary of Wastewater Treatment Plant Site, Governor's Executive Order 3006, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU NENE" being 1232.31 feet South and 21,115.21 feet West, thence running by azimuths measured clockwise from True South:-

1. 74° 50'                      139.71 feet along Roadway Parcel;
2. Thence along Roadway Parcel on a curve to the right with a radius of 544.00 feet, the chord azimuth and distance being:  
78° 47'                      74.95 feet;
3. 82° 44'                      183.99 feet along Roadway Parcel;
4. 198° 30'                      63.78 feet along the remainder of Grant 3343 to Claus Spreckels;
5. 160° 21'                      743.22 feet along the remainder of Grant 3343 to Claus Spreckels to vegetation line at seashore;

Thence along vegetation line at seashore for the next three (3) courses, the direct azimuths and distances between points along said vegetation line at seashore being:

6. 253° 00'                      192.83 feet;
7. 272° 11'                      143.00 feet;
8. 281° 50'                      210.00 feet;

**EXHIBIT "A"**

22,345

C.S.F. No. \_\_\_\_\_

August 17, 1995

9. 352° 47' 39" 699.41 feet along Wastewater Treatment Plant Site,  
Governor's Executive Order 3006 to the  
point of beginning and containing an  
AREA OF 7.971 ACRES, MORE OR  
LESS.

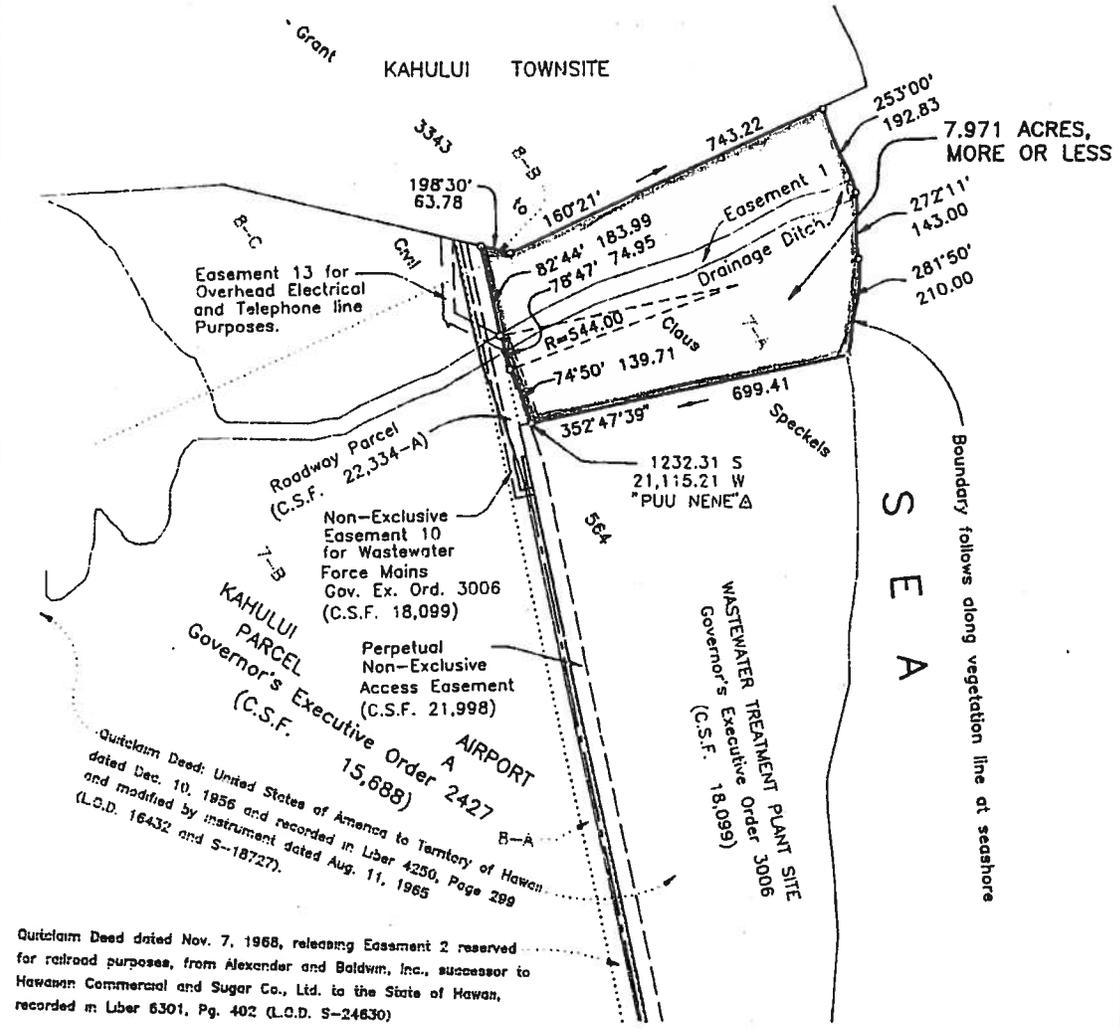
Reserving to the State of Hawaii, its successors and assigns,  
Easement 1 for drainage ditch purposes and Easement 13 for overhead electrical and  
telephone line purposes as shown on plan attached hereto and made a part hereof.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Glenn J. Kodani  
Glenn J. Kodani  
Land Surveyor gm

Compiled from Govt. Survey  
Records.  
TMK: 3-8-01:Por. 19

TRUE NORTH  
Scale: 1 in. = 300 ft.



Quitclaim Deed: United States of America to Territory of Hawaii dated Dec. 10, 1956 and recorded in Liber 4250, Page 299 and modified by instrument dated Aug. 11, 1965 (L.C.D. 16432 and S-18727).

Quitclaim Deed dated Nov. 7, 1968, releasing Easement 2 reserved for railroad purposes, from Alexander and Baldwin, Inc., successor to Hawaiian Commercial and Sugar Co., Ltd. to the State of Hawaii, recorded in Liber 6301, Pg. 402 (L.C.D. S-24630)

REDUCED  
NOT TO SCALE

PORTION OF GRANT 3343 TO CLAUSS SPRECKELS  
Kahului, Wailuku, Maui, Hawaii  
Scale: 1 inch = 300 feet

JOB No - 15(84)  
C. BK. 2, Kadant

MEMORANDUM OF UNDERSTANDING FOR THE PRESERVATION OF  
KANAHA POND, KAHULUI, MAUI, AS A  
WILDLIFE SANCTUARY FOR NATIVE BIRDS

This understanding made the 31 day of  
October, 1991, by and between the State Department of  
Transportation, hereinafter referred to as "DOT" and the State  
Department of Land and Natural Resources, hereinafter referred to  
as "DLNR":

WITNESSETH:

WHEREAS, Kanaha Pond has been established as a Wildlife  
Sanctuary to protect native waterbird inhabitants and their  
habitat;

WHEREAS, the Hawaiian Stilt, Hawaiian Coot and Hawaiian Duck  
classified by the U.S. Fish and Wildlife Service and the State of  
Hawaii as endangered species are native residents of Kanaha Pond;

WHEREAS, the purpose of this Memorandum of Understanding  
(MOU) is to provide further definition and agreement to the  
Memorandum of Agreement (MOA) of June 22, 1973 and to the 1984  
land exchange between the DOT, DLNR and Department of Hawaiian  
Home Lands (DHHL);

WHEREAS, it is understood that several Federal and State  
Laws have been passed since 1973 that impact upon the management  
of Kanaha Pond, and DLNR is responsible for managing Kanaha Pond  
Wildlife Sanctuary in accordance with these laws, particularly  
the Endangered Species Act of 1973;

WHEREAS, it is further understood that all conditions  
contained in the MOA remain in effect except as modified by this  
MOU as required by Federal and State Laws;

WHEREAS, Habitat improvement work at Kanaha Pond Wildlife  
Sanctuary shall be conducted in a manner so as not to jeopardize  
the air safety of aircraft flights at the neighboring Kahului  
Airport;

WHEREAS, NOW, THEREFORE, the Cooperators, in consideration  
of the following terms and conditions hereinafter set forth, do  
hereby enter into a cooperative effort to preserve and protect  
Kanaha Pond and its native wildlife inhabitants with  
consideration for the safety aspects of Kahului Airport:

1. The term(s) of this MOU shall be for perpetuity.
2. Kanaha Pond Wildlife Sanctuary is shown on Attachment No. 1 encompassing a total area of approximately ±235 acres.
3. Kanaha Pond Wildlife Sanctuary will remain within the Kahului Airport boundary. Airports Division of DOT will be accountable to the Federal Aviation Administration (FAA) for the aeronautical safety in the vicinity of Kanaha Pond Wildlife Sanctuary. DLNR in cooperation with the DOT shall conduct an annual wildlife survey of the pond and the results shall be sent to Airports Division of DOT which will then be forwarded to the FAA.
4. Depending on the availability of funds, DLNR may conduct habitat improvement work to assure and maintain suitable habitat for rare and endangered species of wildlife at Kanaha Pond Wildlife Sanctuary. The habitat improvements at Kanaha Pond will not cause migratory waterfowl (ducks) numbers to increase because it is recognized that the great reduction in their numbers are the result of changes in their North American breeding grounds. Improvements will be subject to the concurrence of the FAA and Hawaii-DOT.
5. Introduced wildlife species such as the cattle egret which would present a potential aeronautical safety hazard at the airport may need to be controlled.
6. The Cooperators may amend or modify this MOU at anytime provided that the Cooperators of this MOU and the MOA mutually agree to the proposed changes.

IN WITNESS WHEREOF, the Cooperators hereto have executed the Memorandum of Understanding as of the day and year first above written.

BOARD OF LAND AND NATURAL  
RESOURCES

By   
MICHAEL D. WILSON  
Chairperson and Member

DEPARTMENT OF TRANSPORTATION

By   
KAZU HAYASHIDA  
Director

APPROVED AS TO FORM:

  
Deputy Attorney General

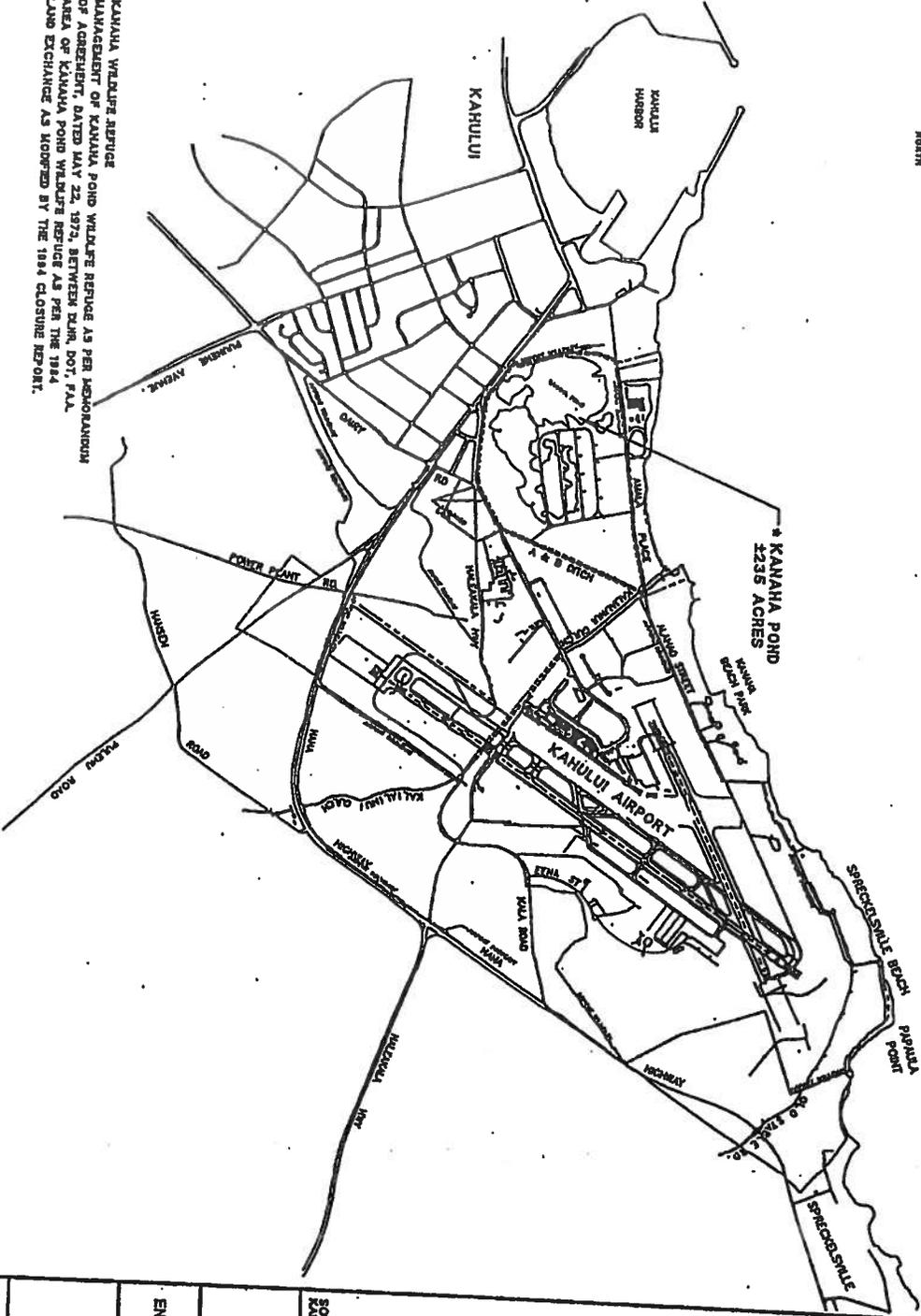
Approved by the Board  
at its meeting held on

5-24-96 Item C-2

c: DLNR, Michael Buck  
FAA, Howard S. Yoshioka



PACIFIC OCEAN



\* KAHANA WILDLIFE REFUGE  
 MANAGEMENT OF KAHANA POND WILDLIFE REFUGE AS PER MEMORANDUM  
 OF AGREEMENT, DATED MAY 22, 1972, BETWEEN DNR, DOT, FAL  
 AREA OF KAHANA POND WILDLIFE REFUGE AS PER THE 1984  
 LAND EXCHANGE AS REPORTED BY THE 1984 CLOSURE REPORT.



**Airports Division**  
 DEPARTMENT OF TRANSPORTATION  
 STATE OF HAWAII

Attachment No. 1

0 1000 2000 3000  
 GRAPHIC SCALE IN FEET

SOURCE: AIRPORT MASTER PLAN

  
**Edward K. Noda**  
 and Associates, Inc.

**KAHULUI AIRPORT  
 ENVIRONMENTAL IMPACT  
 STATEMENT**

**KAHANA  
 POND**