

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

ROSS M. HIGASHI  
INTERIM DIRECTOR

Deputy Directors  
JEFFREY CHANG  
RANDY GRUNE  
AUDREY HIDANO  
JADINE URASAKI

IN REPLY REFER TO:

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

Hawaii

Withdrawal from Governor's Executive Order No. 1904 to Department of Transportation for Receiving or Discharging Passengers, and for Loading and Landing Merchandise, with Warehouse or Warehouse Space, Office or Office Space, Storage for Wares and Merchandise and Governor's Executive Order No. 2142 Department of Transportation for Addition to Kawaihae Harbor. Kawaihae 1<sup>st</sup>, South Kohala, Island of Hawaii, Tax Map Key: 3<sup>rd</sup>/6-1-03:26 (Portion)

APPLICANT:

Department of Transportation

LEGAL REFERENCE:

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

LOCATION:

Parcels A-2 and G-2 of Kawaihae Harbor Project situated at Kawaihae 1<sup>st</sup>, South Kohala, Island of Hawaii identified by Tax Map Key: 3<sup>rd</sup>/6-1-03:26 (Portion), as shown on the attached map labeled Exhibit A.

AREA:

Parcel A-2: 14.987 acres, more or less  
Parcel G-2: 3.142 acres, more or less

**ITEM M-3**

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

CURRENT USE STATUS:

Governor's Executive Order No. 1904 setting aside 52.98 acres to the Department of Transportation for Receiving or Discharging Passengers, and for Loading and Landing Merchandise, with Warehouse or Warehouse Space, Office or Office Space, Storage for Wares and Merchandise purposes.

Governor's Executive Order No. 2142 setting aside 6.37 acres to the Department of Transportation for Addition to Kawaihae Harbor.

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.

REMARKS:

Governor's Executive Order (GEO) No. 1904 (See Exhibit B) dated March 17, 1960 set aside 52.98 acres to the Department of Transportation for receiving or discharging passengers, and for loading and landing merchandise, with warehouse or warehouse spaces office or office space, storage for wares and merchandise purposes. On June 2, 1964 by GEO No. 2142 (See Exhibit C) 6.37 acres was set aside for addition to Kawaihae Harbor.

Staff has reviewed Harbors' lands situated at Kawaihae and have determined that the areas labeled Parcel A-2 and G-2 are no longer needed for harbor purposes.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 14.987 acres, more or less from the Governor's Executive Order No. 1904, subject to:
  - 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 issuance of an executive order withdrawing 3.142 acres, more or less from the Governor's Executive Order No. 2142, subject to:
- 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,



ROSS M. HIGASHI  
Interim Director of Transportation

APPROVED FOR SUBMITTAL:



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William J. Aila, Jr., Chairperson



## Setting Aside Land for Public Purposes

### STATE

By this Executive Order, I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by paragraphs of Section 5 of the Hawaiian Organic Act, and every other authority me hereunto enabling, do hereby order that the public land hereinafter described is hereby set aside for the following public purposes:

FOR receiving or discharging passengers, and for loading and landing merchandise, with warehouse or warehouse space, office or office space, storage for wares and merchandise, and the like, to be under the control and management of the Board of Harbor Commissioners.

### KAWAIHAE HARBOR PROJECT

#### PARCEL A

Kawaihae 1st and 2nd, South Kohala, Hawaii

PARCEL A -- Being a filled area situate at Kawaihae 1st and 2nd.

Beginning at the northeast corner of this parcel of land, the southeast corner of Lot 1-B, Kawaihae Harbor Project, (Executive Order 1759), the southwest corner of Lot 1-A, Kawaihae Harbor Project, and on highwater mark at seashore as of June 1956, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 1584.53 feet North and 1019.26 feet West, as shown on Government Survey Registered Map 2958, thence running by azimuths measured clockwise from True South:--

1. Along highwater mark of June 1956, the direct azimuth and distance being: 337° 03' 10" 1205.35 feet;
2. 50° 00' 675.91 feet;
3. Thence on a curve to the right having a radius of 455.00 feet, the chord azimuth and distance being: 83° 30' 502.26 feet;

4. 117° 00' 1130.87 feet;
5. 140° 00' 460.11 feet;
6. 230° 00' 110.00 feet along Lot 2 (Revised), Kawaihae Harbor Project (Executive Order 1759);
7. 140° 00' 454.74 feet along Lot 2 (Revised), Kawaihae Harbor Project (Executive Order 1759);
8. 260° 00' 115.47 feet along Lot 1-B, Kawaihae Harbor Project (Executive Order 1759);
9. 320° 00' 834.73 feet along Lot 3, Kawaihae Harbor Project (Executive Order 1759);
10. 230° 00' 450.00 feet along Lot 3, Kawaihae Harbor Project (Executive Order 1759);
11. 140° 00' 574.92 feet along Lot 3, Kawaihae Harbor Project (Executive Order 1759);
12. 260° 00' 1253.87 feet along Lot 1-B, Kawaihae Harbor Project (Executive Order 1759);
13. 170° 00' 30.00 feet along Lot 1-B, Kawaihae Harbor Project (Executive Order 1759);
14. 260° 00' 138.11 feet along Lot 1-B, Kawaihae Harbor Project (Executive Order 1759);
15. Thence along Lot 1-B, Kawaihae Harbor Project (Executive Order 1759), on a curve to the left having a radius of 325.00 feet, the chord azimuth and distance being: 256° 42' 30" 37.32 feet to the point of beginning and containing an AREA OF 52.98 ACRES

EXCEPTING AND EXCLUDING from said Parcel A portion of Lot 2, Governor's Executive Order 1759, as shown on plan attached hereto and made a part hereof and more particularly described as follows:

Beginning at the west corner of this parcel of land, being also the end of Course 5 of the hereinabove described Parcel A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 775.39 feet North and 2738.30 feet West, thence running by azimuths measured clockwise from True South:-

1. <sup>230° 00'</sup> **230° 00'** <sup>110.00</sup> **110.00** feet across lot 2, Governor's Executive Order 1789;
2. <sup>520° 00'</sup> **520° 00'** <sup>427.73</sup> **427.73** feet;
3. thence on a curve to the left having a radius of <sup>445.00</sup> **445.00** feet, the chord azimuth and distance being: <sup>275° 00'</sup> **275° 00'** <sup>629.32</sup> **629.32** feet;
4. <sup>230° 00'</sup> **230° 00'** <sup>813.87</sup> **813.87** feet;
5. thence on a curve to the left having a radius of <sup>245.00</sup> **245.00** feet, the chord azimuth and distance being: <sup>213° 13'</sup> **213° 13'** <sup>141.49</sup> **141.49** feet;
6. <sup>196° 36'</sup> **196° 36'** <sup>475.00</sup> **475.00** feet to highwater mark at southeast corner of one 1956;
7. thence along highwater mark at southeast corner of one 1956, the direct azimuth and distance being: <sup>341° 55'</sup> **341° 55'** <sup>194.17</sup> **194.17** feet;
8. <sup>10° 30'</sup> **10° 30'** <sup>315.00</sup> **315.00** feet;
9. thence on a curve to the right having a radius of <sup>355.00</sup> **355.00** feet, the chord azimuth and distance being: <sup>83° 13'</sup> **83° 13'** <sup>205.01</sup> **205.01** feet;
10. <sup>50° 00'</sup> **50° 00'** <sup>813.87</sup> **813.87** feet;
11. thence on a curve to the right having a radius of <sup>555.00</sup> **555.00** feet, the chord azimuth and distance being: <sup>73° 12'</sup> **73° 12'** <sup>56° 437.58</sup> **437.58** feet;
12. <sup>117° 00'</sup> **117° 00'** <sup>389.98</sup> **389.98** feet;
13. thence on a curve to the right having a radius of <sup>555.00</sup> **555.00** feet, the chord azimuth and distance being: <sup>128° 47'</sup> **128° 47'** <sup>04' 295.5</sup> **295.5** feet;
14. <sup>140° 00'</sup> **140° 00'** <sup>437.73</sup> **437.73** feet to the point of beginning and containing an area of **6.37** acres, and thence an area of **44.01** acres.

6.37 ACRES

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the <sup>State</sup> Territory of Hawaii to be affixed. Done at the Capitol at Honolulu this 17th day of March Nineteen Hundred and Sixty

*William J. Ferguson*  
Governor of the Territory of Hawaii

Approved as to form:  
*Miss Perkins*  
Attorney General  
Checked by: *3210*

STATE  
Territory of Hawaii

Lieutenant Governor  
Office of the ~~Secretary~~

This is to Certify That the within is a true copy of Executive Order No. 1904  
setting aside land for public purposes, the original of which is on file in this office.

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

*Charles K. Robinson*

DONE in Honolulu, this 19th day of  
March, A. D. 1904

Executive Order No. 1904

Setting Aside Land for  
Public Purposes

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





## Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, <sup>ACTING</sup> Governor of the State of Hawaii, by virtue of the authority in me vested by Act 32, Session Laws of Hawaii 1962, 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 Addition to Kawaihae Harbor, to be under the control and management of the Department of Transportation, State of Hawaii.

### KAWAIIHAE HARBOR PROJECT

#### PARCEL G

Kawaihae 1st and 2nd, South Kohala, Hawaii

Being portion of the filled area of Kawaihae Bay returned to the State of Hawaii by the United States of America by Deed dated August 12, 1963 and recorded in Liber 4580, Pages 257-260 (Land Office Deed S-20508)

Beginning at the west corner of this parcel of land and the south corner of the remainder of Lot 2, Governor's Executive Order 1759, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 775.54 feet North and 2838.43 feet West, as shown on Government Survey Registered Map 2958, thence running by azimuths measured clockwise from True South:-

1. 230° 00' 110.00 feet along remainder of Lot 2, Governor's Executive Order 1759;
2. 320° 00' 437.92 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;
3. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the left with a radius of 445.00 feet, the chord azimuth and distance being: 275° 00' 629.32 feet;
4. 230° 00' 813.87 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;

5. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the left with a radius of 243.00 feet, the chord azimuth and distance being: 213° 13' 141.49 feet;
6. 196° 26' 475.00 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;
7. 341° 55' 30" 194.17 feet along Parcel B of Kawaihae Harbor Project, Governor's Executive Order 1988;
8. 16° 26' 315.00 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;
9. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 355.01 feet, the chord azimuth and distance being: 33° 13' 205.01 feet;
10. 50° 00' 313.87 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;
11. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 555.01 feet, the chord azimuth and distance being: 73° 12' 56" 437.55 feet;
12. 117° 00' 389.98 feet;
13. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 555.0 feet, the chord azimuth and distance being: 138° 47' 04" 23.55 feet;
14. 140° 00' 437.92 feet to the point of beginning and containing an AREA OF 6.37 ACRES.

SUBJECT to disapproval by the Legislature by a Concurrent Resolution 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 2nd day  
June, Nineteen Hundred and 64

*William A. Richards*  
 ACTING Governor of the State of Hawaii

Approved as to form:

*Richard L. ...*  
 Deputy Attorney General  
 Date: 5-26-64

State of Hawaii

Office of the Lieutenant Governor

2142

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.

*William S. Richardson*

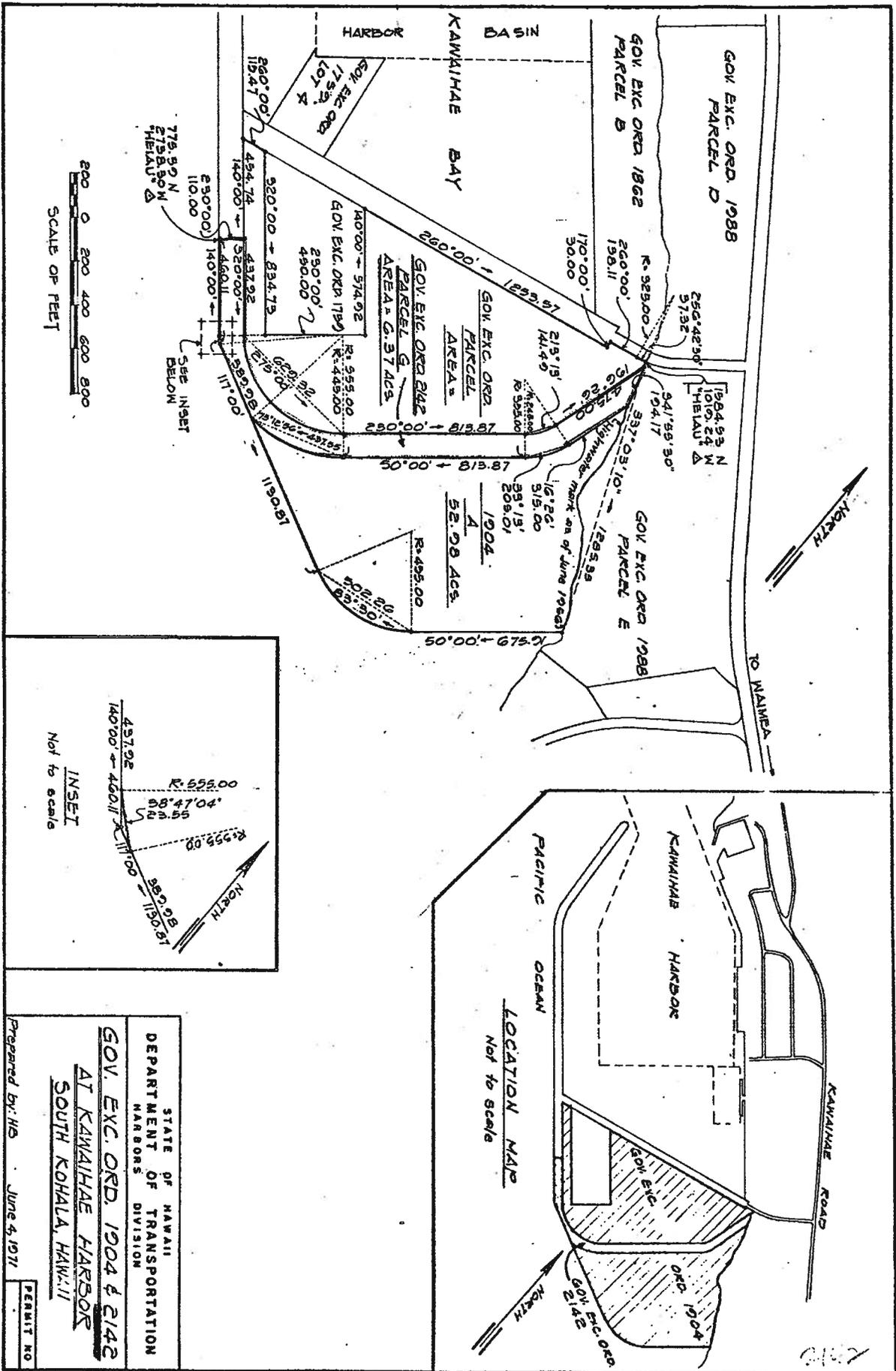
DONE in Honolulu, this *2nd* day of  
*June*, A.D. 19*64*

2142

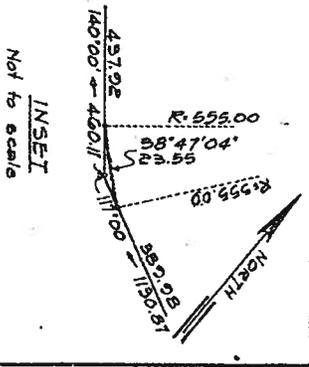
Executive Order No. \_\_\_\_\_

Setting Aside Land for  
Public Purposes

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



800 0 200 400 600 800  
SCALE OF FEET



INSET  
Not to scale

LOCATION MAP  
Not to scale

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
GOV. EXC. ORD. 1904 & 2142  
AT KAWAIHAE HARBOR  
SOUTH KOHALA, HAWAII  
Prepared by: HBS June 4, 1971  
PERMIT NO.