

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

April 24, 2015

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

PSF No: 14MD-204
Maui

Cancellation of Governor's Executive Order No. 2129 to the Board of Supervisors of the County of Maui, for Home for the Care of the Aged; and Issuance of a New Governor's Executive Order to the County of Maui, Department of Housing and Human Concerns, to Serve the Frail, Elderly or Disabled, and Other Allied Purposes; and Consent to a New Lease Agreement between the County of Maui, Department of Housing and Human Concerns, as Lessor, and the Hale Makua Health Services, as Lessee, at Papohaku, Wailuku, Maui, Tax Map Key: (2) 3-4-019:002.

CONTROLLING AGENCY :

County of Maui, Department of Housing and Human Concerns.

APPLICANT:

Hale Makua Health Services, a domestic non-profit corporation.

LEGAL REFERENCE:

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

ZONING:

State Land Use District: Urban
County of Maui CZO: R-1 Residential & M-1 Light Industrial District

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Governor’s Executive Order No. 2129 to the Board of Supervisors of the County of Maui, for home for the care of the aged purposes.

LOCATION:

Portion of Government lands of Papohaku, situated at Wailuku, Maui, identified by Tax Map Key: (2) 3-4-019:002, as shown on the attached map labeled Exhibit A.

AREA:

0.71 acre, more or less.

PURPOSE OF SET-ASIDE:

To serve the frail, elderly or disabled and other allied purposes.

LEASE UNDER NEW EXECUTIVE ORDER:

Character of Use:

Provide facilities and programs to serve the frail, elderly or disabled and other any other uses reasonably associated with care for the aged.

Term:

Commencing upon lease execution and expiring on the 30th day of June 2064, unless sooner terminated.

Rent Amount:

\$1.00 per annum.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

With respect to the cancellation of the existing executive order and reset-aside of the lands, the 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.

With respect to the consent to lease, in accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from

the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: " Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing".

DCCA VERIFICATION:

Hale Makua Health Services

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

REMARKS:

Hale Makua Health Services was established in 1946 to provide a home for elders who had no one to care for them or means to pay for care. It is the only Eden Alternative registered home in the state of Hawaii and is one of Maui’s largest non-government employers. The Wailuku facility is one of two nursing homes on the island of Maui. As a home health care agency it is equipped with a rehab center that specializes in both in and out-patient physical, occupational and speech therapies, an adult day health center, and an adult residential care home.

In March of 2014, the Hale Makua Health Services administration approached the County of Maui with a request for a modification to the originally approved language for the character of use for the Executive Order area. The current use is described as “For home for the care of the aged”. The requested change, if approved, will reflect a more detailed description of what is actually occurring on the subject premises. The new description will state: “Serve the Frail, Elderly or Disabled and Other Allied Purposes”. The requested change in use is consistent with the purpose of the set aside and staff has no objections to this request.

A change in the controlling agency for Executive Order number 2129 is also required as the Board of Supervisors of the County of Maui no longer exists. The new controlling agency will be identified as the County of Maui, Department of Housing and Human Concerns.

The County of Maui has also requested the consent from the State of Hawaii, Board of Land and Natural Resources to a new long term lease agreement with Hale Makua Health Services which would begin upon the execution of this document and expire on the 30th day of June 2064.

Upon review of the requested changes by the Hale Makua Health Services and the County of Maui, Department of Housing and Human Concerns, staff is recommending the cancellation of the existing Governor’s Executive Order No. 2129 and the issuance of a new Governor’s Executive Order to the new managing department with the updated character of use and term.

Staff did not solicit any agency or community comments. There are no pertinent issues or concerns relative to this change in use.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 2129 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 County of Maui, Department of Housing and Human Concerns 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. Consent to a new lease agreement between the County of Maui, Department of Housing and Human Concerns, as lessor, and the Hale Makua Health Services, as lessee, to begin upon the execution of the lease and expire on the 30th day of June 2064, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current consent to lease form, as may be amended from time to time;

- B. Review and approval by the Department of the Attorney General; and
- C. 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

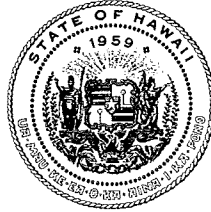
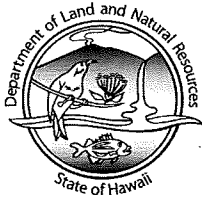
APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson



DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 24, 2015

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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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. 2129 to the Board of Supervisors of the County of Maui, for Home for the Care of the Aged; and Issuance of a New Governor's Executive Order to the County of Maui, Department of Housing and Human Concerns, to Serve the Frail, Elderly or Disabled, and Other Allied Purposes; and Consent to a New Lease Agreement between the County of Maui, Department of Housing and Human Concerns, as Lessor, and the Hale Makua Health Services, as Lessee

Project / Reference No.: PSF# 14MD-204

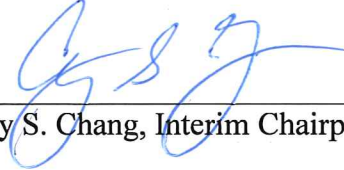
Project Location: Papohaku, Wailuku, Maui, Tax Map Key: (2) 3-4-019:002

Chap. 343 Trigger(s): Use of State Land


Exemption Class No. and Description: In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: " Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing".

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

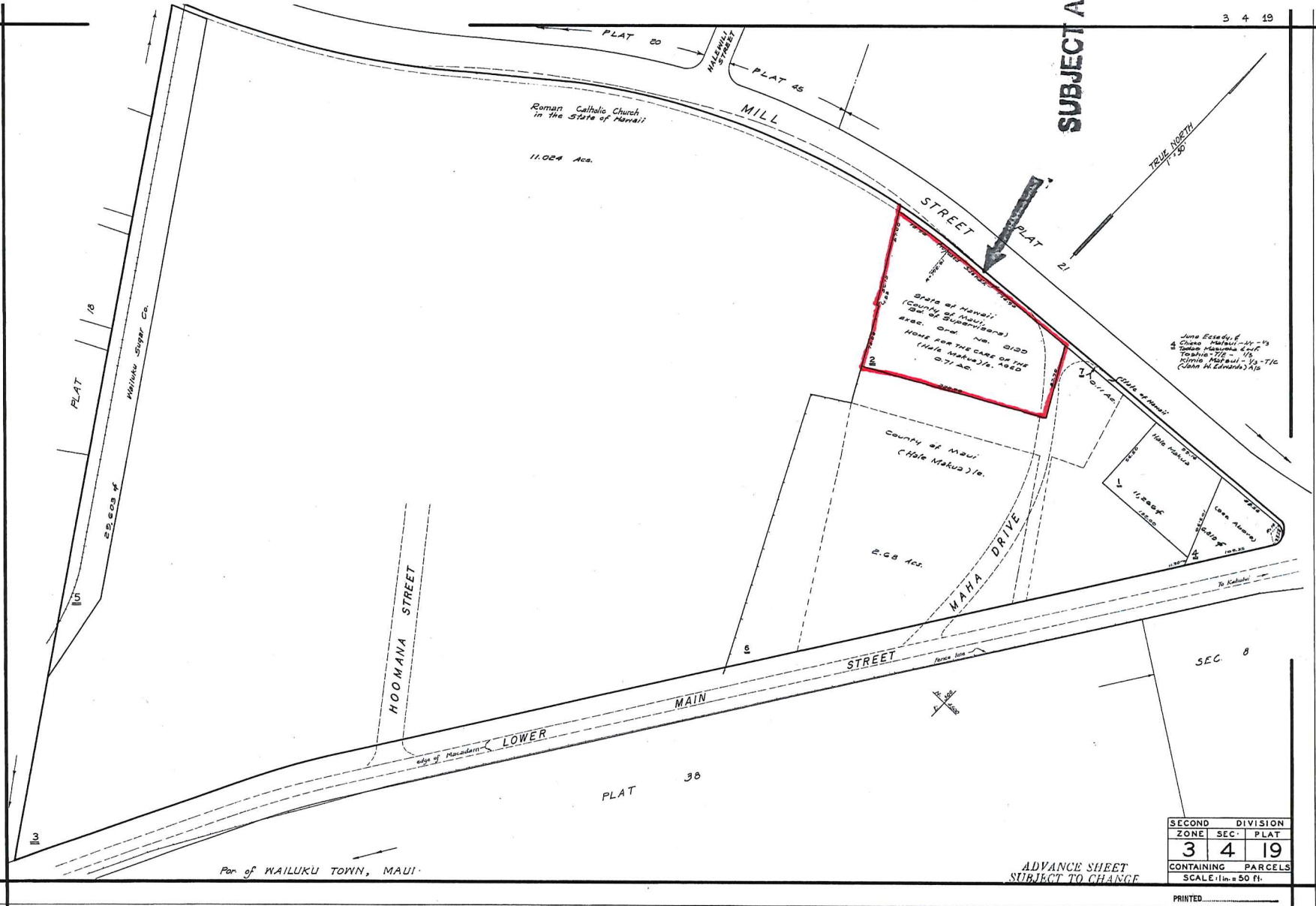


Carty S. Chang, Interim Chairperson


Date 4/4/15

CORRECTED
 MAY 1 1947
 OCT 1 1947
 NOV 28 1950
 DEC 14 1950
 JAN 11 1951
 FEB 14 1951
 MAR 14 1951
 APR 14 1951
 MAY 14 1951
 JUN 14 1951
 JUL 14 1951
 AUG 14 1951
 SEP 14 1951
 OCT 14 1951
 NOV 14 1951
 DEC 14 1951

City No. 1872
 Date of Issue
 Date of Revision
 Date of Cancellation
 Date of Reissuance
 Date of Surrender
 Date of Withdrawal
 Date of Revocation
 Date of Reinstatement
 Date of Renewal
 Date of Extension
 Date of Termination
 Date of Expiration
 Date of Annulment
 Date of Rescission
 Date of Voidance
 Date of Invalidation
 Date of Nullification
 Date of Annulment
 Date of Rescission
 Date of Voidance
 Date of Invalidation
 Date of Nullification



SECOND DIVISION		
ZONE	SEC.	PLAT
3	4	19
CONTAINING PARCELS		
SCALE: 1 in. = 50 ft.		
PRINTED		

ADVANCE SHEET
SUBJECT TO CHANGE

Par. of WAILUKU TOWN, MAUI.

Tmk: (2) 3-4-019:002

- Controls**
- Available Layers
- Parcels
 - Yearly Sales
 - Parcel Numbers
 - Roads
 - Tsunami Evacuation Zones
 - Flood Hazard Areas
 - State Land Use Districts
 - Special Management Area
 - Streets (Google)
 - Satellite (Google)
 - Hybrid (Google)
 - Physical (Google)



Show Scale



Reports

Parcel

View as: [Pictometry](#) | [Google Maps & Street View](#)

Parcel ID	
Selected Parcel	
Land Size	
Name	
Mailing Address	
Situs/Physical Address	
Assd Land Value	
Assd Building Value	
Total Assd Value	
Exempt Value	
Taxable Value	
	Recent Sale
Date	Price

[Parcel List](#)
[Legend](#)
[Measure](#)

Parcel Detail for: (2) 3-4-019:002



TMK:	(2) 3-4-019:002	Alternate ID:	
County:	Maui	Fee Owner:	DLNR
Island:	Maui	Parcel Acreage:	0.7100
Owner(s) per Maui Tax Office:	STATE OF HAWAII	Unencumbered Acreage:	
Address of Point Clicked:	Wailuku, HI 96793	Date Acquired:	
County Zoning:	M-1 Light Industrial, R-1 Residential	Acquisition Deed:	
State Land Use District:	Urban		

Parcel Description:

Agency Notes:

User Notes:

Trust Land Status

Trust Land Status	Status Acreage	Determination Method
5(b)	0.7100	

Encumbrances reported by DLNR-LD

Identifier	Lessor Agency	Lessee	Area (ac)	Subtype	Character of Use	Annual Rent	Rent Notes
eo2129	DLNR-LD	COM	0.7100	Executive Order		\$0.00	