

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

January 8, 2016

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

PSF No.: 06HD-071

Hawai'i

Issuance of Right-of-Entry Permit for Construction and Land Maintenance Purposes to the County of Hawaii, Department of Parks and Recreation, Onto State Land Situated Between Kamehameha Ave., Manono St. and Kuawa St., Waiakea, South Hilo, Hawaii Tax Map Key. (3) 2-2-032:003, 004, 008, 019 & 087.

APPLICANT:

County of Hawaii, Department of Parks and Recreation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key. (3) 2-2-032:003, 004, 008, 019 & 087, as shown on the attached maps labeled Exhibit A.

AREA:

9.06 acres, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Open

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:

Unencumbered State Land

CHARACTER OF USE:

Park and other recreational related purposes.

TERM OF RIGHT-OF-ENTRY:

This right-of-entry will terminate upon completion of the set aside to the County of Hawaii.

CONSIDERATION:

Gratis. Right-of-entry involves a government agency.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC Environmental Notice on June 23, 2015 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Not applicable, applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

At its meeting of May 12, 2006, Item D-2, the Board of Land and Natural Resources approved, 1) rescind prior approval for set aside to the Division of Boating and Ocean Recreation for boatyard purposes, and 2) a set aside to the County of Hawaii, Department of Parks and Recreation for park and related recreational purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:003, 004, 008, 019 & 087. Exhibit B.

As a condition to the Board approval, the County was required to process and obtain consolidation/subdivision and provide survey maps and descriptions according to DAGS Survey standards. During this process, it was discovered that several lots within the subject area are part of the land court system. After consultation with DLNR Land

Division, it was determined it would be necessary to deregister those parcels before the consolidation/subdivision could be completed. It is anticipated that this will be a lengthy process. In the interim, the County has hired an engineering consultant to design and complete the plans for the park. Those plans are near completion and the Kuawa Street Park funding was included in the recent County bond float. Once the design is complete, funding has been appropriated for the project and the County would like to begin the construction of the park site while the consolidation/subdivision process is completed.

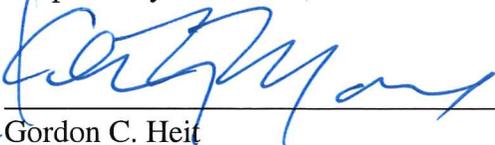
The County is now asking for a construction right-of-entry so that they may proceed with the preliminary construction of the Kuawa Street Park (Exhibit C) and perform routine land maintenance on the subject property. The County will continue the consolidation/subdivision process and submit survey maps and descriptions for DAGS Survey Division to review once the consolidation/subdivision is completed.

The right-of-entry shall be effective the date of this Board meeting, and shall terminate upon execution of the Governor's Executive Order.

RECOMMENDATION: That the Board

1. Authorize the issuance of a right-of-entry permit to the County of Hawaii covering the subject areas under the terms and 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 right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



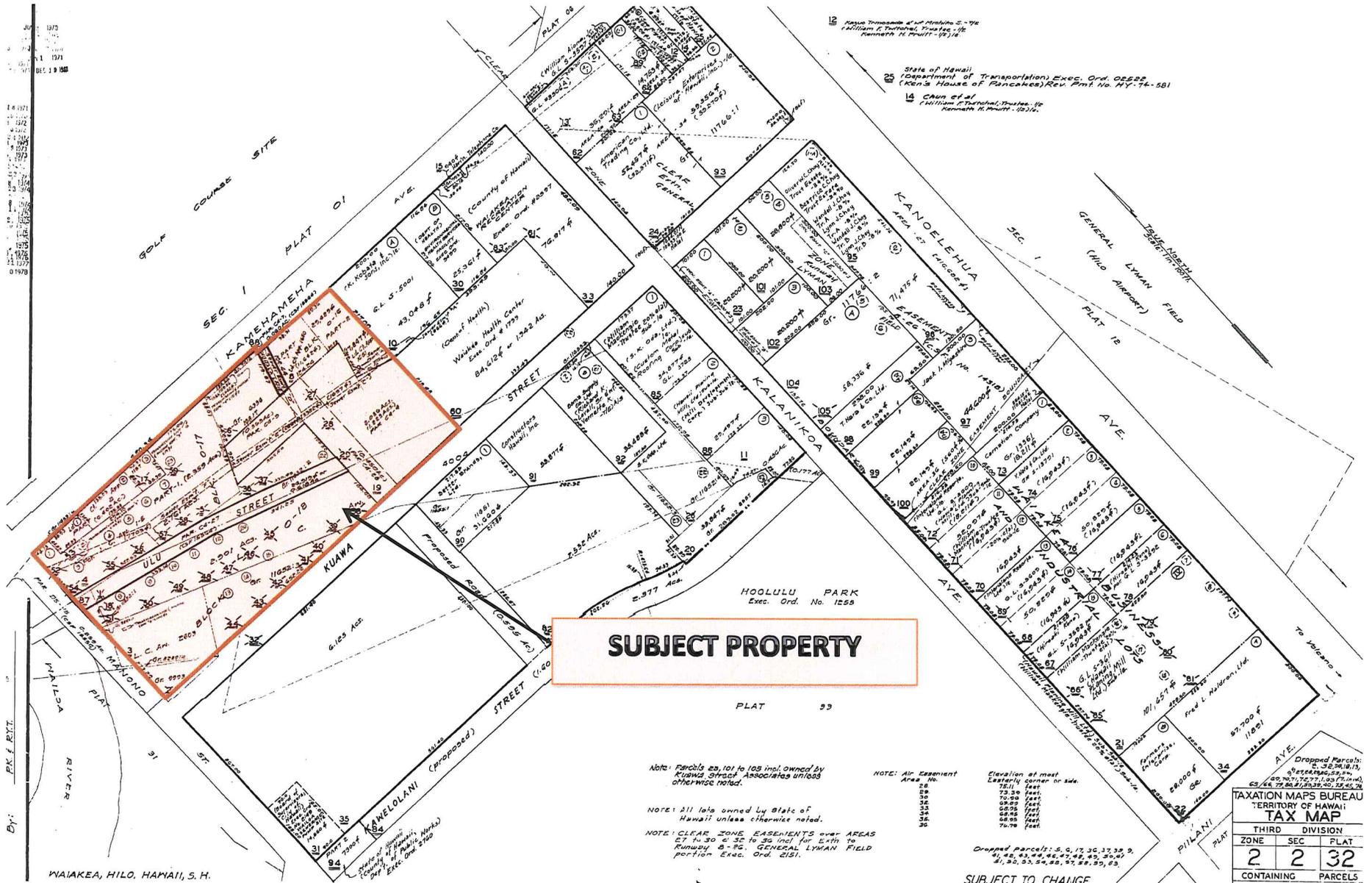
Gordon C. Heit
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A



SUBJECT PROPERTY

Note: Parcels 23, 101 to 103 incl. owned by KUAWA OFFICE ASSOCIATES UNLESS otherwise noted.

NOTE: All lots owned by State of Hawaii unless otherwise noted.

NOTE: CLEAR ZONE EASEMENTS over AREAS of 14, 30, 32 to 35 INCL. for EXH. to RUNWAY & PG. GENERAL LYMAN FIELD portion Exec. Ord. 2151.

NOTE: Air Easement

Area, No.	Elevation of most Easemently corner or side.
18	20 feet
19	25 feet
20	30 feet
21	35 feet
22	40 feet
23	45 feet
24	50 feet
25	55 feet
26	60 feet
27	65 feet
28	70 feet

Elevation of most Easemently corner or side.

18	20 feet
19	25 feet
20	30 feet
21	35 feet
22	40 feet
23	45 feet
24	50 feet
25	55 feet
26	60 feet
27	65 feet
28	70 feet

Dropped parcels: 5, 6, 17, 30, 37, 39, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 63.

Dropped parcels: 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.

TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP

THIRD DIVISION		
ZONE	SEC	PLAT
2	2	32
CONTAINING PARCELS		

SUBJECT TO CHANGE

1970
1971
1972
1973
1974
1975
1976
1977
1978

By: P.K.F. RYT.

WAIKAEA, HILO, HAMAII, S. H.

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

May 12, 2006

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

PSF No.: 06HD-071

Island of Hawaii

Rescind Prior Board Approval for Set Aside to Division of Boating and Ocean Recreation for Boatyard; Set Aside to County of Hawaii for Park and Related Recreational Purposes, Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-2-32: 3, 4, 8, 19, 87 & 88

APPLICANT:

County of Hawaii, whose mailing address is 25 Aupuni Street, Hilo, Hawaii 96720

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Keys: 3rd/ 2-2-32: 3, 4, 8, 19, 87 & 88, as shown on the attached map labeled Exhibit A.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

MAY 12, 2006

EXHIBIT B

D-2

AREA, ZONING, TRUST LAND STATUS & DHHL ENTITLEMENT:

Tax Map Key	Area	Trust Land Status	DHHL Entitlement	SLU Designation	County of Hawaii Zoning
3/ 2-2-32: 03	2.901 acres	Acquired after 8/59	No	Urban	Open
3/ 2-2-32: 04	2.761 acres	Acquired after 8/59	No	Urban	Open
3/ 2-2-32: 08	.677 acres	Acquired after 8/59	No	Urban	Open
3/ 2-2-32: 019	2.036 acres	5(b)	No	Urban	Open
3/ 2-2-32: 087	.618 acres	Acquired after 8/59	No	Urban	Open
3/ 2-2-32: 088	.060 acres	5(b)	No	Urban	Open

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Park and other recreational related 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.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

At its meeting of April 23, 1999, the Board of Land and Natural Resources, under Agenda Item D-12, approved a set aside of the subject area to our Division of Boating and Ocean Recreation for Boat Yard and Allied Purposes including a management right-of-entry. DOBOR was already charging fees for storage, utilizing a portion of the area for boat storage that was previously fenced for a construction staging area by the contractor on a nearby bridge project. The area had substandard fencing with chainlink material with posts but no top rails and minimal gravel. DOBOR struggled with maintaining the area and had no funding to plan and construct a functional boat storage. Existing entry gates were located close to an intersection resulting in boats blocking the intersection while trying to enter the storage area. The storage had accumulated a collection of abandoned and non-functioning vessels posing an eyesore for the area.

As such, a few years ago, DOBOR informed Land Division that they did not plan to pursue the development of the boat yard and would like to return the area to Land Division. The area was attracting significant dumping of trash, car parts, batteries, old tires, etc. including unauthorized transient occupants. Due to the accumulation of debris and overgrowth, Land Division removed the substandard chainlink fencing and cleared the majority of the area thereby reducing the problems and making it easier for future maintenance.

The subject area is adjacent to major recreational facilities managed by the County of Hawaii. Due to Land Division's clearing of the area, the County of Hawaii became interested in using the area to supplement and add to their adjacent recreational facilities. By letter dated February 7, 2006 (Exhibit B), the County of Hawaii has requested a set aside of the area to expand on the Hoolulu Recreational Complex. Staff has attached an aerial photo of the area for the Board's reference as Exhibit C.

The area is within the tsunami inundation area making development of the parcel difficult and improbable. As such, staff feels that the subject use would be appropriate and supports the County's request. The no action alternative would result in Land Division being saddled with perpetual maintenance with very development improbable.

The submittal was circulated to the standard agencies for comments. The only two agencies submitting any substantive comments were the Department of Transportation, Highways Division (Exhibit D) and the Department of the Army, Regulatory Branch (Exhibit E). The comments are not of the nature that would be added as conditions to a Governor's Executive Order and staff will forward such comments to the Applicant for their consideration in their planning process.

The property contains some active sewer lines within the property and the County will have to address it as part of any use and development of the property. The property also contains a concrete pedestal that was supposedly the base of the flag pole for the railroad

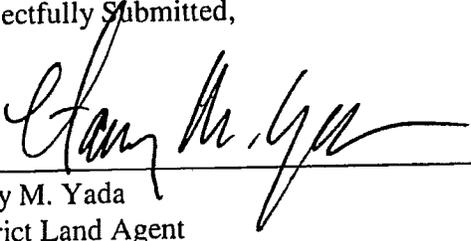
depot. Again, any historic significance will be addressed by the County as part of their use and development of the property.

RECOMMENDATION:

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

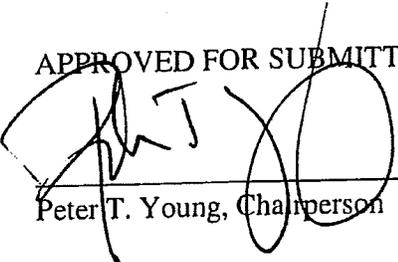
1. Rescind its action taken at its meeting of April 23, 1999, under Agenda Item D-12, approving a set aside of the subject area to our Division of Boating and Ocean Recreation for Boat Yard and Allied Purposes including a management right-of-entry.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to 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.

Respectfully Submitted,



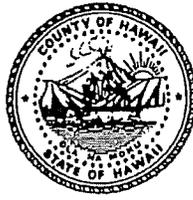
Harry M. Yada
District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

Harry Kim
Mayor



Dixie Kaetsu
Managing Director

Peter Hendricks
Deputy Managing Director

COUNTY OF HAWAII

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

February 7, 2006

Harry Yada
Hawaii District Land Agent
DLNR, Land Division
P.O. Box 936
Hilo Hi 96721-0936

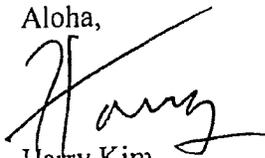
Re: State Properties Bordered By Kamehameha Avenue, Manono Street, Kuawa Street, Waiakea Health Center and Firehouse Restaurant. TMKs: 2-2-32:3,4,8,19,87,88

Dear Harry.

In our continued effort to expand recreational opportunities for Hawai'i's people, the County of Hawai'i is interested in managing the properties described above. The site will be planned for various future active recreational activities, and may also be utilized in part to expand the Hoolulu Complex with additional parking for Walter Victor Stadium. We ask that the State of Hawai'i turn the property over to the County of Hawai'i through an Executive Order for future planning of park facilities.

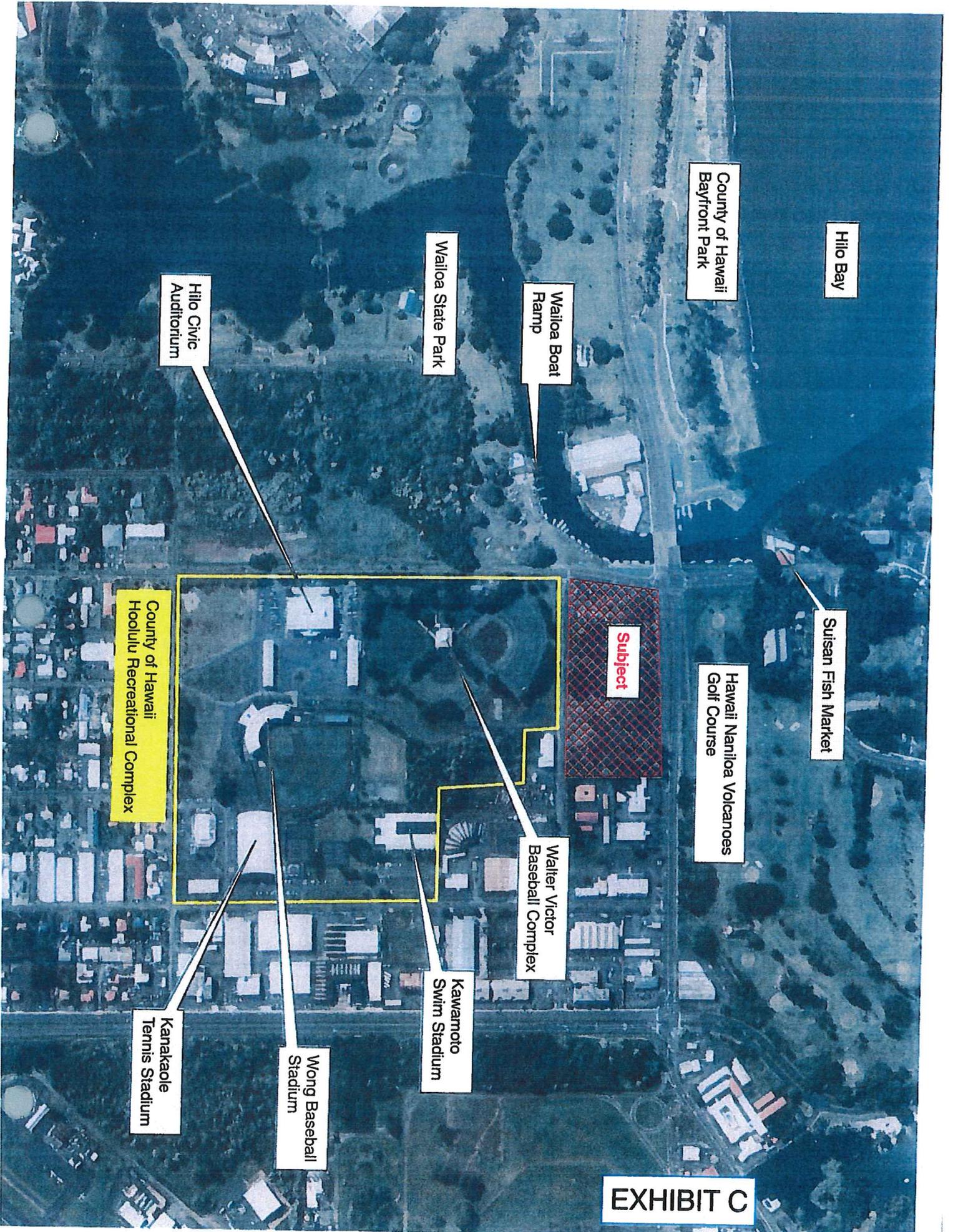
I would like to take this opportunity to thank you for your overwhelming assistance and support over the years. This parcel could be used to increase the available recreational areas for the people of Hawai'i island, and your consideration and assistance is greatly appreciated.

Aloha,


Harry Kim
Mayor

Thanks!

cc: Parks & Recreation



Hilo Bay

County of Hawaii
Bayfront Park

Wailoa Boat
Ramp

Wailoa State Park

Hilo Civic
Auditorium

Suisan Fish Market

Hawaii Naniloa Volcanoes
Golf Course

Subject

Walter Victor
Baseball Complex

County of Hawaii
Hoolulu Recreational Complex

Kawamoto
Swim Stadium

Wong Baseball
Stadium

Kanakaole
Tennis Stadium

EXHIBIT C

Ref. No. 06HD-071
Author: LD-HY
Dated March 30 2006
Suspense by: April 14, 2006
From Harry Yada, DLA

1. Comments should be coordinated with the County of Hawaii, Department of Public Works. Kuawa Street is under their jurisdiction.

2. We recommend that there be no vehicular or pedestrian access to the recreational facilities along Kamehemeha Avenue or Manono Street.



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

April 3, 2006

File No. POH-2006-153

Regulatory Branch

Mr. Harry Yada
District Land Agent
Land Division
Hawaii Department of Land and Natural Resources
75 Aupuni Street, Room 204
Hilo, Hawaii 96720

2006 APR -6 1 P 12:52
LAND DIVISION
HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

Dear Mr. Yada:

This responds to your request for comments for the proposed transfer of land to the County of Hawaii for addition to its Hoolulu recreational Complex, Waiakea, South Hilo District, Hawaii Island (TMKs (3) 2-2-032: por. 3, 4, 8, 19, 87, 88 (9.053ac)). We have reviewed the information submitted under the Corps' authority to issue Department of the Army (DA) permits pursuant to Section 404 of the Clean Water Act (CWA) (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 USC 403). Based on the information provided and our records, I have determined that the action to grant the transfer and subsequent lease does not involve ground disturbing activities which involve either excavation of sediments or discharge of dredged or fill material into on-site jurisdictional waters of the United States (i.e. undelineated anchialine ponds and/or wetlands). Therefore, a DA permit will not be required for the proposed administrative transfer. This determination does not excuse the applicant from complying with other federal, state, or county permits, certifications or requirements which may be required.

In the future, if the County of Hawaii land management program or the County Department of Parks and Recreation proposes activities in, adjacent to, or over jurisdictional waters (namely, any portion of undelineated anchialine ponds and/or wetlands) which require excavation, dredging, or the placement of dredged or fill material, consultation should take place with Mr. Farley Watanabe of our Regulatory Branch at 808-438-7701 to determine if a DA permit may then be required. Please refer to the file number above if you or the County of Hawaii need additional clarification or information.

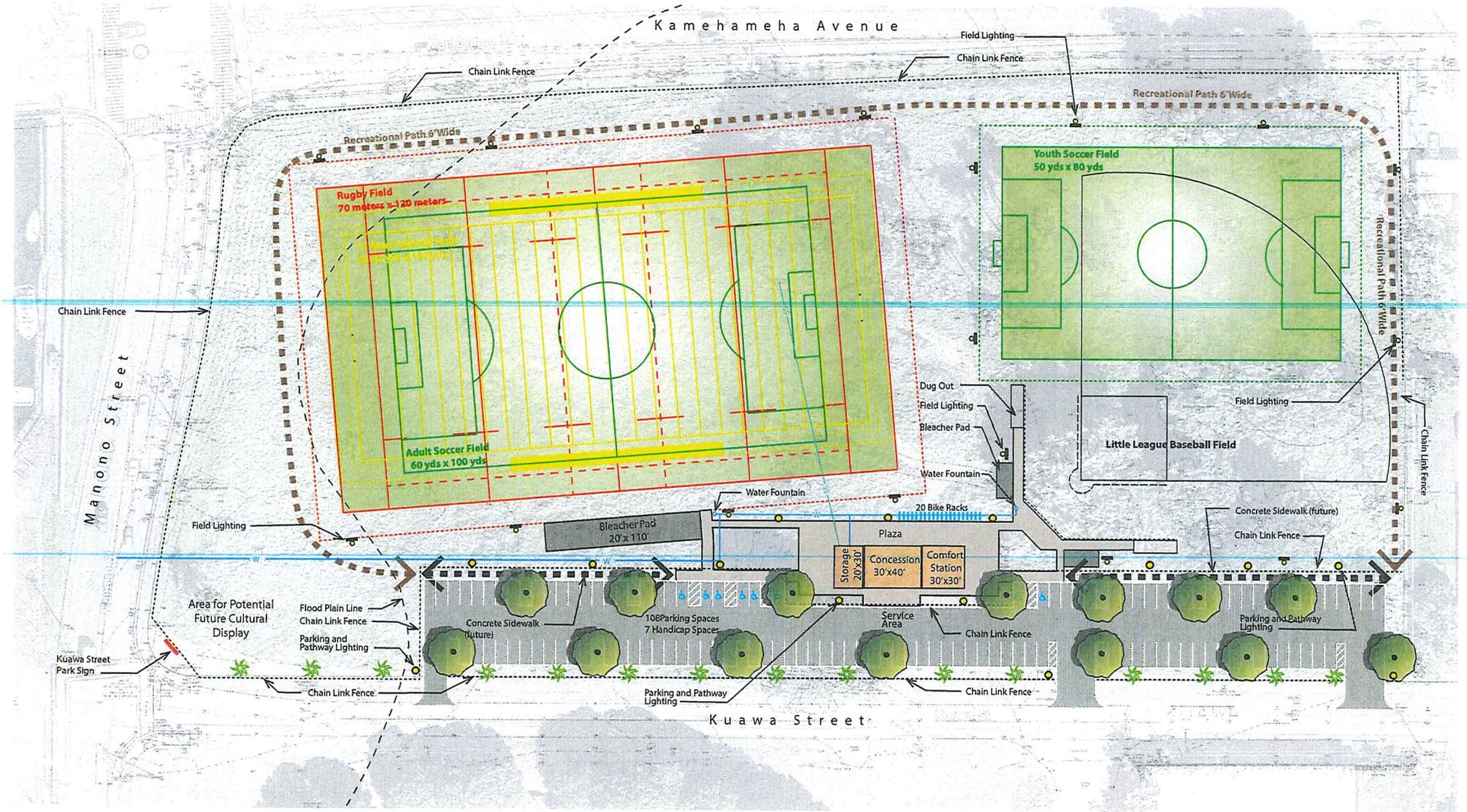
Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch

Copy Furnished:

Denis R. Lau, Clean Water Branch, State Department of Health, POB 3378, Honolulu, HI 96801
John Nakagawa, Office of Planning, Coastal Zone Management, POB 2359, Honolulu, HI 96804

EXHIBIT C



Kuawa Street New Field Development

County of Hawaii, Department of Parks and Recreation
 Hilo, Hawaii Island
 SSFM International, Inc.

