

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

February 26, 2016

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

SUBJECT: Requesting Approval for the Chairperson to Negotiate and Sign a Memorandum of Agreement (MOA) Between the Board of Land and Natural Resources and the County of Maui for the Operation, Management, and Maintenance of the Central Maui Regional Sports Complex, Maui; and

Requesting Approval for a Right of Entry for the County of Maui to Operate, Manage, and Maintain Completed Phases of the Central Maui Regional Sports Complex, For Waikapu, Wailuku, Maui, Tax Map Key: (2) 3-8-007: 104

APPLICANT:

Department of Land and Natural Resources, Division of State Parks ("State Parks").

LEGAL REFERENCE:

Sections 171-11 and 184, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated at Waikapu, Wailuku, Maui, identified by Tax Map Key: (2) 3-8-007:104, as shown on the attached map labeled Exhibit A.

AREA:

65.378 acres, more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: Agricultural

ITEM E-2

TRUST LAND STATUS:

Acquired after statehood.

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

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Public park and ancillary purposes.

EXHIBITS:

- A. Central Maui Regional Sports Complex Site Plan.
- B. December 2, 2014 letter from DLNR to Mayor Arakawa, County of Maui.
- C. Draft Memorandum of Agreement (MOA) and attachments.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the Central Maui Regional Park aka Central Maui Regional Sports Complex (CMRSC or Complex) was published in the OEQC's Environmental Notice on June 23, 2013, with a Finding of No Significant Impact (FONSI).

REMARKS:

At its meeting of December 9, 2011, under agenda item E-3, the Board of Land and Natural Resources (BLNR) approved in concept the acquisition of private lands at Waikapu, Wailuku, Maui, for the purposes of creating CMRSC. DSP conducted all due diligence for the acquisition.

At the March 28, 2014 BLNR meeting, under agenda item E-3, DSP reported the results of their due diligence and the BLNR approved the acquisition of private lands for park purposes. In the report to the BLNR, DSP also indicated the most appropriate jurisdiction for maintenance and management of CMRSC is at the County level. Notwithstanding the above, discussions with the County were ongoing at the time, so DSP indicated a recommendation on a set aside for the CMRSC would be presented to the BLNR once that determination was made and after the State acquired the CMRSC land.

At its meeting of June 13, 2014, under agenda item E-1, DSP recommended and the BLNR authorized the acquisition of the subject property subject to the terms and conditions of a Warranty Deed with Reservations of Easements, Covenants, Reservations and Restrictions, a copy of which was attached. Pursuant to the BLNR's approval, the 65.378 acres of land situate at Waikapu, Wailuku, Maui, further identified by TMK as (2) 3-8-007:104 was acquired and is now unencumbered public land.

On August 22, 2014, under agenda item D-19, the BLNR approved the issuance of a construction and management right-of-entry permit to the Division of DSP for the subject 65.378 acre parcel. The Department of Land & Natural Resources, Engineering Division (Engineering) oversees the construction of CMRSC. Due to the high cost of its construction, the Complex was planned in three phases – refer to Exhibit A for the site layout of the CMRSC:

- Phase 1 – large open field area, two (2) softball fields, one stand-alone comfort station, one concession stand, irrigation well and reservoir, landscaping, drainage swale and basin, utility and infrastructure elements, roadway, parking stalls, grading and related improvements. This phase was completed in November 2015.
- Phase 2 – two (2) additional softball fields to complete the softball quad, the CMRSC's parking areas, roadway improvements, mass grading of the little league fields, parking stalls and related improvements. The second phase has started and anticipated to be completed in late 2016.
- Phase 3 – completion of the four (4) little league fields creating the quad, second concession stand, second stand-alone comfort station open space fields, overflow parking stalls and related improvements (the scope of this phase is still under review and negotiation in relation to available funds). Phase 3 will start soon after Phase 2 completion and is anticipated to be completed in mid-late 2017.

To date, over \$29,000,000 has been encumbered for land acquisition, design and construction of the CMRSC. Due to high construction costs, Phase 3 completion may require additional funding, this is still being reviewed.

In December 2, 2014, DLNR transmitted a formal request to continue discussion between DSP and County staff on the MOA; refer to Exhibit B. In 2014, the County expressed interest in utilizing the completed portions of CMRSC while the remaining phases are under construction. To accommodate this use of the completed portions, staff from DSP, the County, County of Maui Corporation Counsel and the Department of Attorney General worked on the drafts of the MOA.

The current draft of the MOA and attachments are provided in Exhibit C. We note that this draft is provided for information and its review and negotiations are still in progress. The final MOA may be modified subject to final agreements.

Staff is requesting that the BLNR approval of DLNR entering an agreement with the County for the operation and management of Phase 1 and subsequent phases of CMRSC. All agencies are in agreement that the County has the appropriate expertise and resources to manage and maintain the Complex and the staffing and experience in providing this type of recreational venue for the residents of Maui.

RECOMMENDATION:

That the Board:

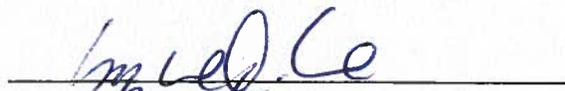
1. Approve DLNR entering into an MOA with the County of Maui for the operation and management of completed portions of the CMRSC and authorize the Chairperson to negotiate, approve and execute the MOA, with the Department of Attorney General approval.
2. Approve a right of entry to the County for the operation and management of the completed Phase 1 portion of the CMRSC from March 1, 2016 till the execution of the MOA with the following:
 - A. The right of entry is necessary to authorize the County to operate and manage Phase 1 as the final settlement and execution of the MOA will exceed March 1, 2016;
 - B. Authorize the Chairperson to finalize and execute the right of entry; and
 - C. Allow the staff from the Department of Land and Natural Resources, Land Division, to assist in the drafting of the right of entry and work with DLNR staff on the set aside of the CMRSC to the County of Maui.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Curt A. Cottrell,
Administrator, Division of State Parks

APPROVED FOR SUBMITTAL:



Suzanne D. Case
Chairperson, Department of Land and Natural Resources