

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

May 27, 2016

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

PSF No.: 16MD-055

Maui

Cancellation of Governor's Executive Order No. 3333 and Reset Aside to the Department of Education for Teachers' Cottage Purposes, Kawaipapa, Hana, Maui, Tax Map Key:(2) 1-3-004:022.

CONTROLLING AGENCY:

Hawaii Public Housing Authority (HPHA)

APPLICANT:

State of Hawaii, Department of Education (DOE)

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kawaipapa situated at Hana, Maui identified by Tax Map Key: (2) 1-3-004:022, as shown on the attached map labeled Exhibit A.

AREA:

2.409 acres, more or less.

ZONING:

State Land Use District: Rural
County of Maui CZO: Interim

EXHIBITS:

- Exhibit A – Tax map of the subject parcel.
- Exhibit B -- CSF map #19094
- Exhibit C – Metes and bounds description of the subject property.
- Exhibit D – Topographic photo of the subject property and cottages.
- Exhibit E – Executive Order No. 3333.
- Exhibit F – Letter dated October 5, 2012, from Hakim Ouansafi requesting cancellation of EO-3333 to Land Division Administrator Russell Tsuji.
- Exhibit G – Letter dated July 30, 2012, from Hakim Ouansafi to Kathryn S. Matayoshi and Raymond L'Heureux of the DOE, acknowledging Transfer of Teachers' Housing Program from HPHA to DOE.

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. 3333 setting aside 2.445 acres to the Hawaii Public Housing Authority for Teachers' cottage purposes.

PURPOSE OF SET ASIDE:

Teachers' cottage purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is 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" and Item No. 43, which states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order."

REMARKS:

The subject property consisting of 2.409 acres is currently encumbered under Governor's Executive Order No. 3333, to the Hawaii Public Housing Authority (HPHA) for teachers'

cottage purposes. Executive Order No. 3333 was approved by Governor George Ariyoshi on April 24, 1986.

By memorandum dated October 5, 2012, Mr. Hakim Ouansafi, Executive Director of HPHA, requested the approval of the Board of Land and Natural Resources to cancel Governor's Executive Order No. 3333 and to re-set aside such lands to the Department of Education (DOE) for Teachers' Cottage purposes. See attached Exhibit "F".

The purpose for this request is to acknowledge the transfer of control and management of the Teacher Housing program from the HPHA and its predecessor entities, up to July 1, 2008, when the program and teachers' housing properties were transferred in an as-is condition to the DOE in accordance with Act 204, SLH 2005. See attached Exhibit "G".

Standard requirement for taking property back into the DLNR inventory is to have the controlling agency or tenant conduct a Level one (1) hazardous waste evaluation prior to the cancellation of the subject disposition. In this particular case, the use of the property is not being terminated, therefore, to relieve the HPHA of its Level one (1) hazardous waste evaluation obligations the DOE has agreed to accept the land and improvements thereon in an "as is, where is, with all faults and defects, whether patent or latent" condition. Executive Order No. 3333 is being mutually cancelled, so a new executive order for use of the same teachers' cottages can be issued to the DOE. The mutual cancellation and new executive order will be executed simultaneously, and there will be no break in tenancy. Under these circumstances, staff does not believe a Level one (1) hazardous waste evaluation should be required, and recommends that it be deferred to such time as a termination occurs under the new executive order.

This request is being made for record keeping/maintenance purposes as the transfer of jurisdiction of the teachers' cottages from HPHA to DOE was never properly documented and executed.

No comments were solicited from government agencies or interest groups as there will be no change in land use of the subject property.

RECOMMENDATION:

That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 3333 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.

3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Education 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.

4. Authorize the issuance of an immediate management right-of-entry to the Department of Education, for the planning, constructing, repair, maintaining, and operating of the teachers' cottage, 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 management right-of-entry form, as may be amended from time to time;
 - B. The term of this management right-of-entry shall commence upon the date of this Land Board action and shall expire upon the issuance of the subject set aside document; and

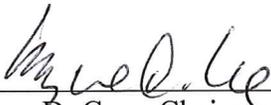
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully Submitted,

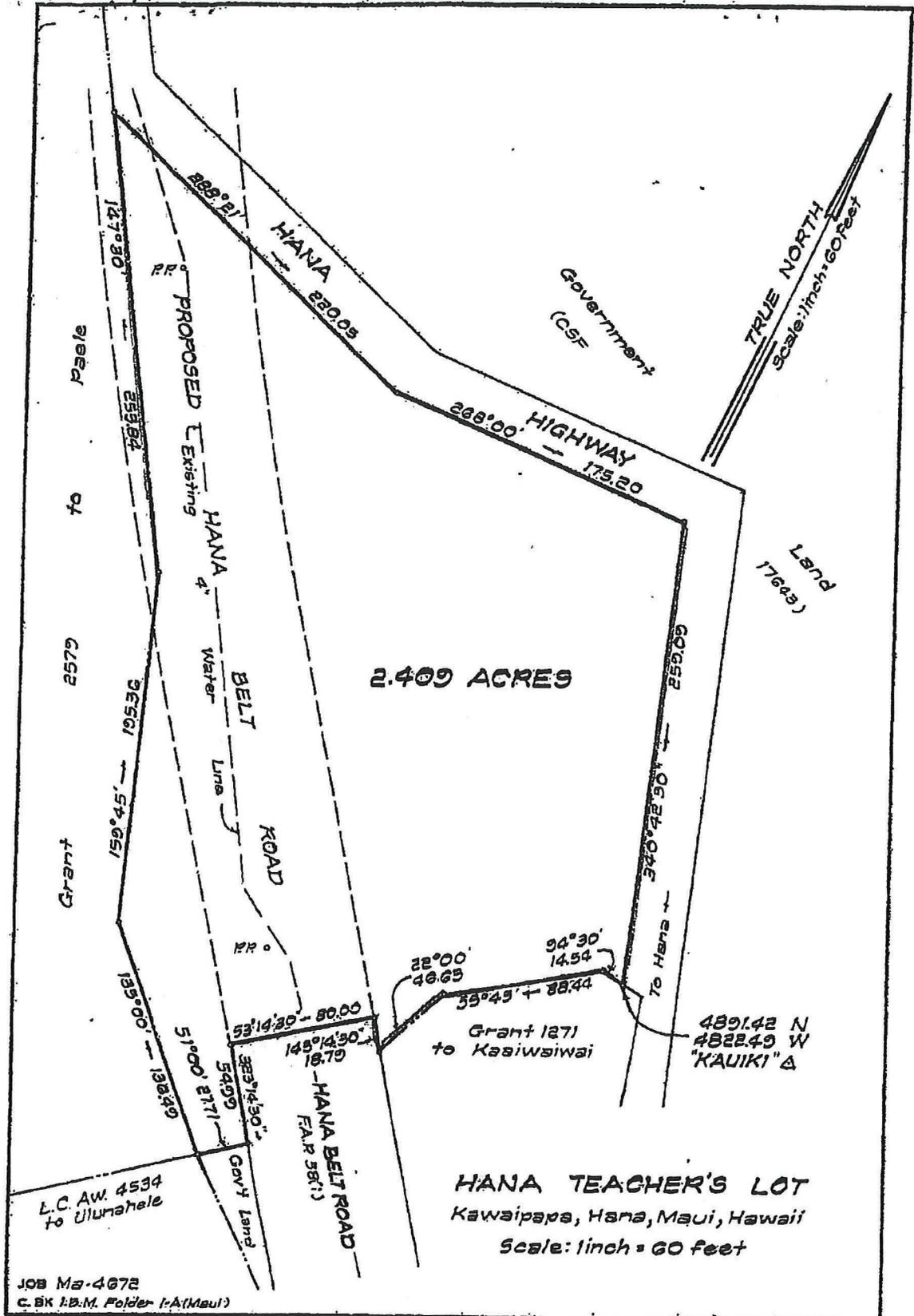


Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



2.409 ACRES

HANA TEACHER'S LOT
 Kawaiipapa, Hana, Maui, Hawaii
 Scale: 1 inch = 60 feet

JOB Ma-4672
 C. BK 1-B.M. Folder 1-A (Maui)

TAX MAP 1-3-04:22 SURVEY DIVISION DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES EXHIBIT "B"
 G. S. P. No. 19094 STATE OF HAWAII JMM Dec. 12, 1980

EXHIBIT " B "



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

December 12, 1980

C.S.F. No. 19,094

HANA TEACHER'S LOT

Kawaipapa, Hana, Maui, Hawaii

Being a portion of the Government Land of Kawaipapa.

Beginning at the southeast corner of this parcel of land, the north boundary of Grant 1271 to Kaaiwaiwai and on the westerly side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIXI" being 4891.42 feet North and 4822.49 feet West, thence running by azimuths measured clockwise from True South:-

1. 94° 30' 14.54 feet along Grant 1271 to Kaaiwaiwai;
2. 55° 45' 88.44 feet along Grant 1271 to Kaaiwaiwai;
3. 22° 00' 46.63 feet along Grant 1271 to Kaaiwaiwai;
4. 143° 14' 30" 18.79 feet along the northeast side of Hana Belt Road, F.A.P. 58 (1);
5. 53° 14' 30" 80.00 feet along the northwest end of Hana Belt Road, F.A.P. 58 (1);
6. 323° 14' 30" 54.99 feet along the southwest side of Hana Belt Road, F.A.P. 58 (1);
7. 51° 00' 27.71 feet along the remainder of Government Land;
8. 135° 00' 136.49 feet along Grant 2579 to Paels;
9. 159° 45' 195.36 feet along Grant 2579 to Paels;
10. 147° 30' 253.84 feet along Grant 2579 to Paels;
11. 288° 21' 220.05 feet along the southerly side of Hana Highway;
12. 268° 00' 175.20 feet along the southerly side of Hana Highway;
13. 340° 42' 30" 259.09 feet along the westerly side of Hana Highway to the point of beginning and containing an AREA OF 2.409 ACRES.

SUBJECT AREA



Executive Order No. 3333

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 171-11, Hawaii Revised Statutes, 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 TEACHERS HOUSING FACILITIES, to be under the control and management of the Hawaii Housing Authority, State of Hawaii, situate at Kawaipapa, Hana, Maui, Hawaii, being a portion of government land of Kawaipapa containing an area of 2.409 acres, more or less, subject to an existing power line, an existing 4 inch water line and the proposed Hana Belt Road, more particularly described in Exhibit "A" and shown on "B", both exhibits being attached hereto and made a part hereof, being a survey description and a survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being C.S.F. No. 19,094 and dated December 12, 1980.

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 20th day of April, Nineteen Hundred and 80

George Ariyoshi
Governor of the State of Hawaii

Approved as to form:
William M. Fa
Dated: 4/20/80 Deputy Attorney General

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
P.O. BOX 17907
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

IN REPLY REFER TO:

12:CMS/100

October 5, 2012

Mr. Russell Y. Tsuji
Land Division Administrator
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Tsuji:

Subject: Request for Cancellation of Executive Order No. 3333 and New Executive Order to Reset Aside Such Lands (Wakiu Teachers' Cottages, 2.409 acres; TMK (2) 1-3-004:022)

The Hawaii Public Housing Authority (HPHA) requests approval of the Board of Land and Natural Resources, regarding Wakiu Teachers' Cottages, as follows: Cancellation of Executive Order No. 3333 to withdraw lands and a new Executive Order to reset aside such lands to the Department of Education (DOE) for Teachers' Cottage purposes, pursuant to Act 204, Session Laws of Hawaii 2005, as amended, and as codified within section 302A-831, Hawaii Revised Statutes (hereinafter "Request").

Please find two copies of the following incorporated documents in support of this Request:

1. Attachment 1: Site Plan of Wakiu Teachers' Cottages at Hana-Wakiu, Maui, Hawaii.
2. Attachment 2: Executive Order No. 3333 (with internal Exhibits A and B).
3. Attachment 3: July 30, 2012 letter request to the DOE from the HPHA for DOE Acknowledgement and Acceptance of Teachers' Housing Program, pursuant to Act 204, Session Laws of Hawaii 2005 (hereinafter "Transfer").
4. Attachment 4: Executed Acknowledgement and Acceptance of the Transfer, effective July 1, 2008, by and between the DOE and the HPHA.
5. Attachment 5: Act 204, Session Laws of Hawaii 2005.

Mr. Russell Y. Tsuji
October 5, 2012
Page 2

6. Attachment 6: Section 302A-831, Hawaii Revised Statutes (HRS).

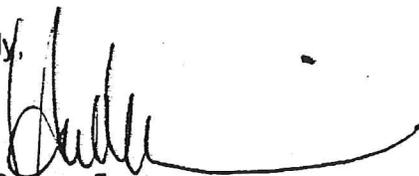
7. Attachment 7: July 30, 2008 letter to the Department of Accounting and General Services from the HPHA, regarding the Transfer.

As reflected within Attachments 1 through 7, the administration of the Teachers' Housing program was transferred to the DOE from the HPHA, effective July 1, 2008, under Act 204, Session Laws of Hawaii 2005, as amended, and as codified in section 302A-831, HRS.

The HPHA therefore submits this Request to the Board of Land and Natural Resources for approval to cancel Executive Order No. 3333 and to issue a new executive order to reset such lands to the DOE, regarding Wakiu Teachers' Cottages, TMK (2) 1-3-004:022, situate at Hana-Wakiu, Maui, Hawaii.

If you should have any questions regarding this request, please contact Mr. Nicholas Birck, Chief Planner at (808) 832-4673. Thank you for your attention to this matter.

Sincerely,



Hakim Ounsafi
Executive Director

c: Kathryn Matayoshi, Superintendent
Department of Education

NEIL ABERCROMBIE
GOVERNOR



2 AUG -6 P 2 :24

HAKIM QUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
P.O. BOX 17907
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

IN REPLY REFER TO:

12:CMS/057

JUL 31 2012

July 30, 2012

The Honorable Kathryn S. Matayoshi
Superintendent
Raymond L'Heureux
Assistant Superintendent
The Department of Education
Office of School Facilities and Support Services
State of Hawai'i
P.O. Box 2360
Honolulu, Hawai'i 96804

Subject: Acknowledgement of Transfer of Teachers' Housing Program From HPHA to DOE pursuant Act 249, SLH 2004, as amended by Act 204, SLH 2005

Dear Superintendent Matayoshi and Assistant Superintendent L'Heureux:

The purpose of this letter is to respectfully request your acknowledgement of the transfer of the Teacher Housing program which was under the control and management of the Hawai'i Public Housing Authority (HPHA), and its predecessor entities, up to July 1, 2008, when the program and the teachers' housing properties were transferred in an as-is condition to the Department of Education in accordance with Act 204, SLH 2005. Accordingly, Act 204 effectively by operation of law, cancelled the respective Executive Orders which previously had assigned the Teachers Housing properties to HPHA or its predecessors (See, Exhibits "A", Session Law 2005, Act 204, A Bill for an Act Relating to Education, "B", Session Law 2007, Act 204, which recognizes Housing and Community Development Corporation of Hawaii as the Hawaii Public Housing Authority, and "C", Subpart E, Teachers' Housing, attached).

Our present request is actually due because of a recent request we received from the Department of Land and Natural Resources (DLNR) Land Management Branch that for its own record purposes, DLNR requires a formal documented acknowledgement that DOE accepted the as-is transfer, control and management of the various Teachers Housing Program and the respective properties and cottages from HPHA on July 1, 2008. (See also, Exhibit "D", July 30, 2008 letter from HPHA executive director Chad Taniguchi to Wayne Horie, Department of Accounting and General Services).

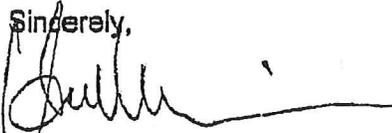
EXHIBIT "G"

1 of 2

The Honorable Kathryn S. Matayoshi
Superintendent
Raymond L'Heureux
Assistant Superintendent
July 23, 2012
Page 2

We appreciate your cooperation and assistance in formally executing the attached Acknowledgment for DLNR's purposes and completing what essentially had already been accomplished on July 1, 2008, and return to us for final processing. If you have any questions, please feel free to contact me at (808) 832-4694 or Ms. Becky Choi, State Housing Development Administrator at (808) 832-5315.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hakim', with a long horizontal line extending to the right.

Hakim Ouansafi
Executive Director

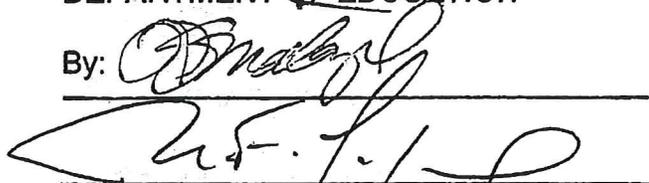
**ACKNOWLEDGEMENT AND ACCEPTANCE
OF TEACHERS HOUSING PROGRAM
PURSUANT TO ACT 204, SLH 205**

The Department of Education (DOE), State of Hawai'i, and the Hawai'i Public Housing Authority (HPHA), hereby agree and acknowledge, that pursuant to Act 204, SLH 2005, the Teachers Housing Program, including the responsibility, management and control of the respective properties and fixtures included in the Program in their present condition, were transferred to, and accepted by, DOE, on July 1, 2008.

ACKNOWLEDGED AND AGREED:

DEPARTMENT OF EDUCATION

By:



Kathryn S. Matayoshi, Superintendent
Raymond L'Heureux, Assistant Superintendent
Dated: 8/24/12

HAWAII PUBLIC HOUSING AUTHORITY

By:



Hakim Ouansafi, Executive Director
Dated: AUG 09 2012

EXHIBIT "H"

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2016

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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. 3333 and Reset Aside to the Department of Education for Teachers' Cottage Purposes

Project / Reference No.: 16MD-055

Project Location: Kawaipapa, Hana, Maui, Tax Map Key:(2) 1-3-004:022.

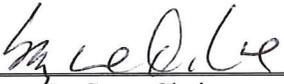
Project Description: Re-set aside for teachers' cottage purposes

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is 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" and Item No. 43, which states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order."

Consulted Parties: State of Hawaii, Department of Education

Recommendation: That the Board finds that this project will probably have minimal or no significant impact on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson
Date: 5/19/16