

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-056

Maui

Cancellation of Governor's Executive Order No. 2365 and Reset Aside to the Department of Education for Teachers' Cottage Purposes, Kaunakakai, Molokai, Tax Map Key:(2) 5-3-002:072.

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 Kaunakakai, Molokai identified by Tax Map Key: (2) 5-3-002:072, as shown on the attached map labeled Exhibit A.

AREA:

81,310 square feet, 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 No. 16956
- Exhibit C – Topographic photo of the subject property and cottages.
- Exhibit D – Executive Order No. 2365.
- Exhibit E – Letter dated October 5, 2012, from Hakim Ouansafi requesting cancellation of EO-2365 to Land Division Administrator Russell Tsuji.
- Exhibit F – 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.
- Exhibit G – Acknowledgement and acceptance letter of Teachers Housing Program pursuant to Act 204, SLH 205.
- Exhibit H- Executive Order No. 3364, Withdrawal of a parcel of land from Governor’s Executive Order No. 2365.

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. 2365 setting aside 81,310 square feet 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 originally consisting of 110,795 sf was encumbered under Governor's Executive Order No. 2365, to the Hawaii Public Housing Authority (HPHA) for teachers' cottage purposes. Executive Order No. 2365 was approved by Governor John A. Burns on March 12, 1968.

On January 26, 1973, the Board of Land and Natural Resources approved the withdrawal of 29,485 square feet of land from Governor's Executive Order No. 2365, for the construction, use, and maintenance of residential cottages for use by the Maui Police Department and its officers who are assigned to service the island of Molokai from Maui. Governor's Executive Order No. 3364 documents the withdrawal.

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. 2365 and to re-set aside the remaining 81,310 sf to the Department of Education (DOE). 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 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. 2365 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.

APPLICANT REQUIREMENT:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

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. 2365 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,



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Daniel Ornellas  
District Land Agent

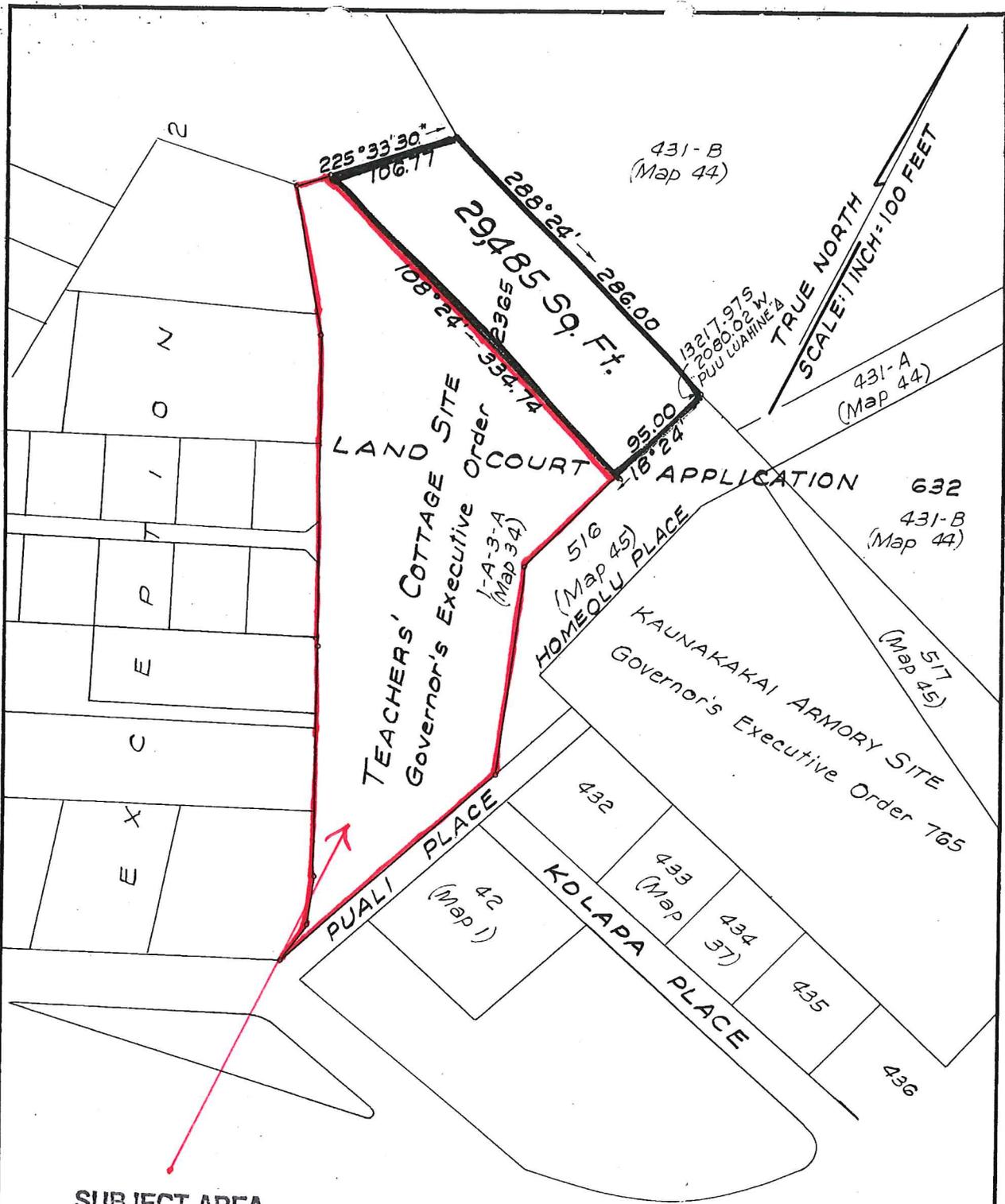
APPROVED FOR SUBMITTAL:


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Suzanne D. Case, Chairperson





SUBJECT AREA

**WITHDRAWAL**  
 Portion of Teachers' Cottage Site  
 (Governor's Executive Order 2365)  
 Kaunakakai, Molokai, Hawaii

Scale: 1 inch = 100 feet

JOB NO. MO-8123  
 C. BK

TAX MAP 5-3-02

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

**EXHIBIT "B"**

C. S. F. No. 16956

Oct. 31, 1973 J.C.



Not to scale  
Sub lot A Parcel

EXHIBIT "C"

Executive Order No. 2375

## Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the State of Hawaii, Section 103A-11, R.L.H. 1955, as amended, 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 TEACHERS' COTTAGE SITE, to be under the control and management of the Hawaii Housing Authority.

### TEACHERS' COTTAGE SITE

Kaunakakai, Molokai, Hawaii

LOT 1-A-3-A, containing an area of 110,798 square feet, all as shown on Map 34, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 632 of American Sugar Company, Limited, and being portion of the land described in Transfer Certificate of Title No. 16,897 issued to the Territory of Hawaii.

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 12<sup>th</sup> day of March, Nineteen Hundred and 68

*James A. Burnes*  
Governor of the State of Hawaii

Approved as to form:

*Clarence Law*  
Deputy Attorney General

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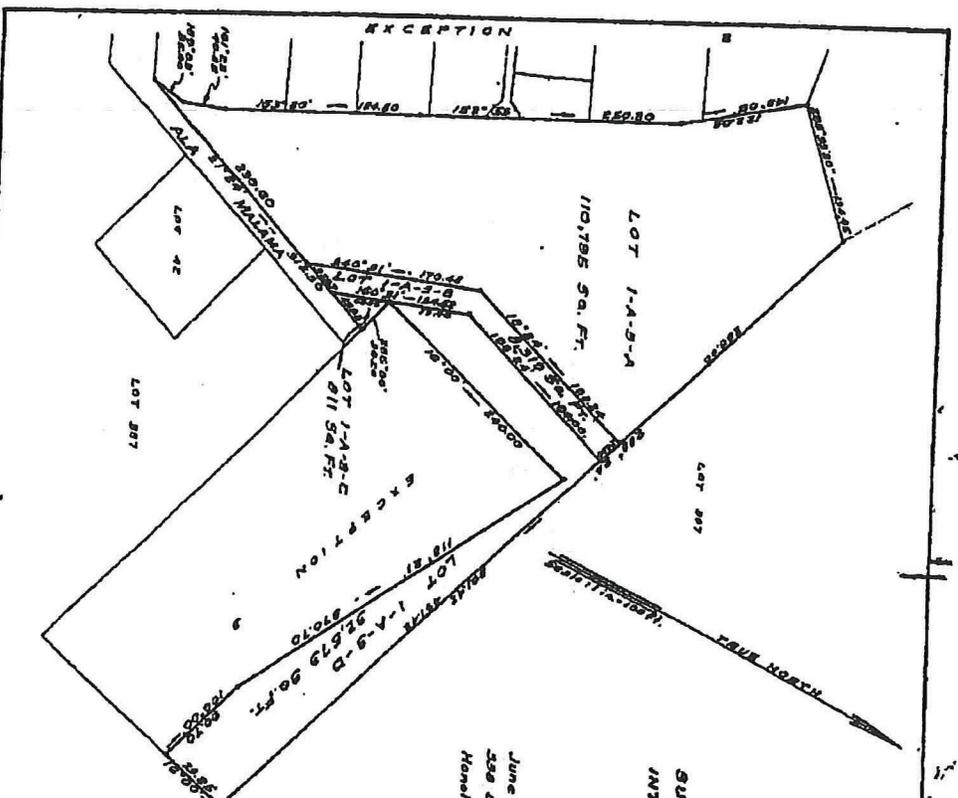
Proofed by...

Dated: 3-8-68

EXHIBIT "D"

1 of 2

TAM MAP KEY 2<sup>ND</sup> DIV. 03-02-72 & FOR 4  
 03-12-80  
 03-12-80



MAP 34

LAND COURT  
 TERRITORY OF HAWAII  
 LAND COURT APPLICATION 692

SUBDIVISION OF LOT 1-A-9 AS SHOWN ON MAP 5  
 INTO LOTS 1-A-9-A, 1-A-9-B, 1-A-9-C AND 1-A-9-D.  
 AT KAUNAKAKAI, MOLOKAI, T.M.



*John Edwin Brown*  
 Registered Professional Surveyor  
 Certificate Number 574  
 Land Court Surveyor  
 Certificate Number 62

OWNER: TERRITORY OF HAWAII  
 OWNER'S CERTIFICATE OF TITLE: 18997

AUTHORIZED AND APPROVED BY ORDER OF THE  
 JUDGE OF THE LAND COURT DATED AUGUST 3, 1982  
 BY ORDER OF THE COURT *Paul J. Kelly*  
 JUDGE, REGISTRAR OF THE LAND COURT

*Paul J. Kelly*  
 August 16, 1982  
 Registrar of the Land Court

NEIL ABERCROMBIE  
GOVERNOR



HAKIM GUANSAFI  
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/099

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. 2365 and New Executive Order to Reset Aside Such Lands (Kaunakakai, Molokai Teachers' Cottages, 81,310 square feet; TMK (2) 5-3-002:072)**

The Hawaii Public Housing Authority (HPHA) requests approval of the Board of Land and Natural Resources, regarding Kaunakakai, Molokai Teachers' Cottages, as follows: Cancellation of Executive Order No. 2365 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 Kaunakakai, Molokai Teachers' Cottages.
2. Attachment 2: Executive Order No. 2365, originally consisting of 110,795 square feet.
3. Attachment 3: Executive Order No. 3364 (with internal Exhibits A and B), Withdrawing 29,485 square feet from Executive Order 2365 for use by the County of Maui (with internal Exhibits A and B).
4. Attachment 4: 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").

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

5. Attachment 5: Executed Acknowledgement and Acceptance of the Transfer, effective July 1, 2008, by and between the DOE and the HPHA.
6. Attachment 6: Act 204, Session Laws of Hawaii 2005.
7. Attachment 7: Section 302A-831, Hawaii Revised Statutes (HRS).
8. Attachment 8: July 30, 2008 letter to the Department of Accounting and General Services from the HPHA, regarding the Transfer.

As reflected within Attachments 1 through 8, 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. 2365 and to issue a new executive order to reset such lands to the DOE, regarding Kaunakakai, Molokai Teachers' Cottages, TMK (2) 5-3-002:072, situate at Kaunakakai, Molokai, 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 Ouansafi  
Executive Director

c: Kathryn Matayoshi, Superintendent  
Department of Education

NEIL ABERCROMBIE  
GOVERNOR



2 AUG -6 P2:24

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/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).

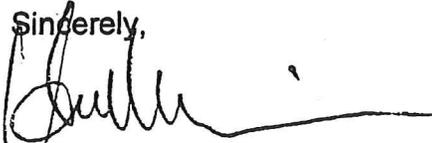
EXHIBIT " F "

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,



Hakim Ouansafi  
Executive Director

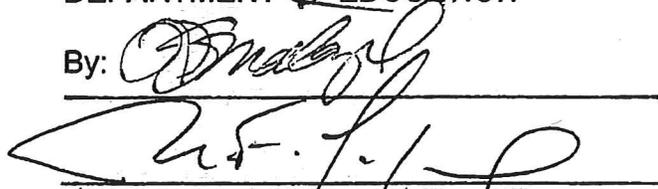
**ACKNOWLEDGEMENT AND ACCEPTANCE  
OF TEACHERS HOUSING PROGRAM  
PURSUANT TO ACT 204, SLH 205**

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

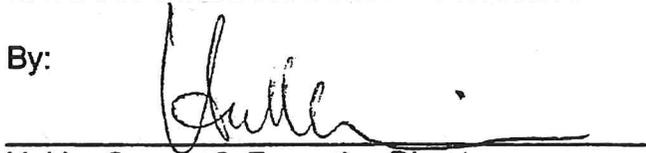
By:



Kathryn S. Matayoshi, Superintendent  
Raymond L'Heureux, Assistant Superintendent  
Dated: 8/2/12

HAWAI'I PUBLIC HOUSING AUTHORITY

By:



Hakim Ouansafi, Executive Director  
Dated: AUG 09 2012

**EXHIBIT " G "**

EXECUTIVE ORDER NO. 2364  
WITHDRAWAL OF A PARCEL OF LAND  
FROM GOVERNOR'S EXECUTIVE ORDER NO. 2365  
DATED MARCH 12, 1968

WHEREAS, Governor's Executive Order No. 2365 dated March 12, 1968 set aside certain lands situate at Kaunakakai, Island of Molokai, State of Hawaii, for a teacher's cottage site to be under the control and management of the Hawaii Housing Authority; and

WHEREAS, the County of Maui has requested the use of 29,485 square feet of land from the lands set aside by Governor's Executive Order No. 2365 for the construction, use and maintenance of residential cottages for the police department; and

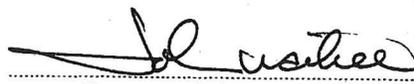
WHEREAS, the Hawaii Housing Authority has consented to said withdrawal; and

WHEREAS, the Board of Land and Natural Resources at its meeting of January 26, 1973 approved of the withdrawal.

NOW, THEREFORE, I, JOHN WAIHEE, Governor of the State of Hawaii, by virtue of the authority vested in me under Section 171-11, Hawaii Revised Statutes, do hereby order that the following described land, more particularly described in Exhibit "A" and delineated on Exhibit "B", both of which are attached hereto and made a part hereof, said exhibits being, respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, designated C.S.F. No. 16,956 and dated October 31, 1973, be and the same is hereby withdrawn from the operation of Governor's Proclamation dated March 12, 1968.

SUBJECT to the 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 26<sup>th</sup> day of May, Nineteen Hundred and 87.

  
Governor of the State of Hawaii

Approved as to form:

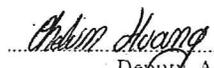
  
Deputy Attorney General  
Dated: January 6, 1987

EXHIBIT " H "



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 16,956

October 31, 1973

WITHDRAWAL

PORTION OF TEACHERS' COTTAGE SITE

(Governor's Executive Order 2365)

Kaunakakai, Molokai, Hawaii

Being also a portion of Lot 1-A-3-A as shown on Map 34 of Land Court Application 632, said Lot 1-A-3-A covered by Transfer Certificate of Title 16897 issued to the State of Hawaii. (Land Office Deed 5625).

Beginning at the northeast corner of this parcel of land, being also the north corner of Homeolu Place (Lot 516 of Land Court Application 632), the coordinates of said point of beginning referred to Government Survey Triangulation Station "FUU LUAHINE" being 13217.97 feet South and 2080.02 feet West, thence running by azimuths measured clockwise from True South:-

1. 18° 24' 95.00 feet along the west side of Homeolu Place (Lot 516, Land Court Application 632);
2. 108° 24' 334.74 feet along the remainder of Lot 1-A-3-A of Land Court Application 632;
3. 225° 33' 30" 106.77 feet along Exception 2 of Land Court Application 632;
4. 288° 24' 286.00 feet along Lot 431-B of Land Court Application 632 to the point of beginning and containing an AREA OF 29,485 SQUARE FEET.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: James Chrystal, Jr.  
James Chrystal, Jr.  
Land Surveyor

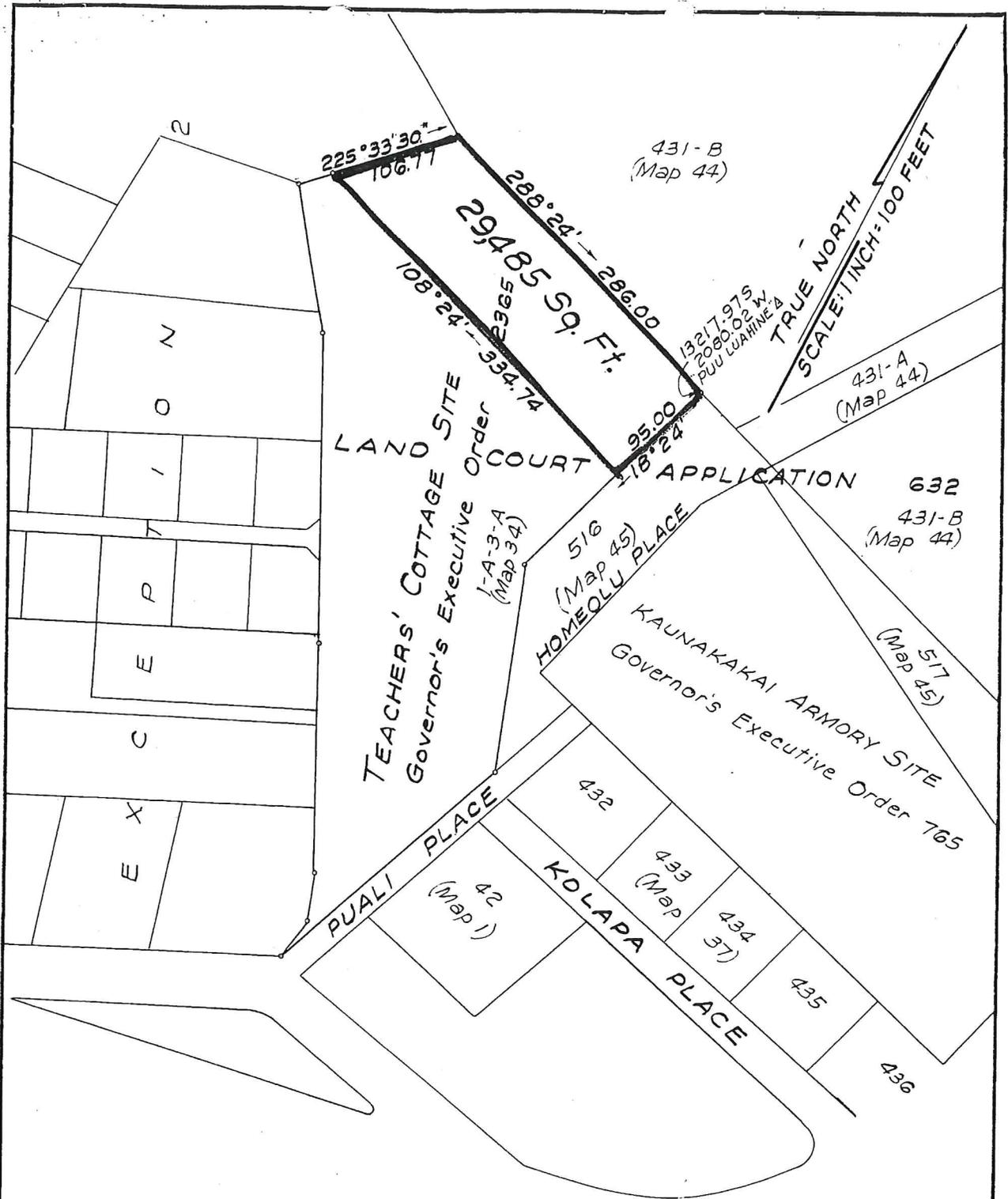
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Compiled from  
Govt. Survey Records.

EXHIBIT "A"

EXHIBIT "H"

2 of 3



**WITHDRAWAL**  
 Portion of Teachers' Cottage Site  
 (Governor's Executive Order 2365)  
 Kaunakakai, Molokai, Hawaii

Scale: 1 inch = 100 feet

**EXHIBIT "H"**

3 of 3

JOB NO. MO-6123  
C. BK

TAX MAP 5-3-02

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
 STATE OF HAWAII

**EXHIBIT "B"**

C. S. F. No. 16956

OCT. 31, 1973 J.C.

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 27, 2016

**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. 2365 and Reset Aside to the Department of Education for Teachers' Cottage Purposes

Project / Reference No.: 16MD-056

Project Location; Kaunakakai, Molokai, Tax Map Key: (2) 5-3-002:072.

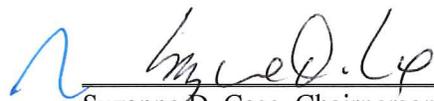
Project Description: Re-set aside for teachers' cottage purposes

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: 5/27/16