

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

November 30, 2012

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

PSF No: 97OD-159
OAHU

Amend Prior Board Action of March 24, 1988, Item F-9, Acquisition of Land for Kukaniloko Birth Site Situate at Wahiawa, Oahu, TMK: (1) 7-1-001:004, as previously amended, by Changing the Recipient Agency of Set Aside by Governor's Executive Order from Division of State Parks to Office of Hawaiian Affairs.

BACKGROUND:

The Kukaniloko Birth Site (Kūkaniloko Birthstones site) is considered one of the most significant Hawaiian cultural sites on O'ahu, and is listed on both the National and Hawai'i Registers of Historic Places. Acquisition of the subject property together with access thereto, and issuance of an Executive Order setting aside the acquired property to the Division of State Parks (State Parks), pursuant to §171-11, HRS, were both approved by the Land Board on March 24, 1988, under Item F-9 of the Board meeting Agenda, attached hereto for reference as Exhibit A. A 5-acre parcel encompassing the original 0.585 acre Birthstones site and a buffer zone and parking area, together with a perpetual non-exclusive access easement, was acquired by the State of Hawai'i in 1992 by friendly condemnation for the purpose of preservation and maintenance of the historically significant site, for just compensation of \$249,500. A recent aerial photo, and a map of the subject property are attached for reference as Exhibits B and C, respectively.

Soon after acquisition, State Parks began developing plans for interpretation and management of the historic property consistent with the public purpose for which the land was acquired. A curator agreement between State Parks and the Hawaiian Civic Club of Wahiawa was approved by the Land Board on February 14, 1997, under its meeting Agenda Item E-1, for a period of five years with an option to extend. The agreement was subsequently extended for an additional five years through March 2008.

In May of 1999, State Parks, in cooperation with both the Hawaiian Civic Club of Wahiawa and the Friends of Kūkaniloko, completed an interpretive plan which focused on cultural history, resource management and the preservation of view corridors. Although the curator agreement with the Hawaiian Civic Club of Wahiawa has expired, the Civic Club remains an active partner in the preservation of the subject property.

The Twentieth Legislative Session of 1999 passed House Resolution 188 which urged State Parks to conduct a feasibility study to improve the potential of the subject property as a possible cultural tourism site and to consider the kinds of improvements that would need to be made. In December 1999, State Parks responded by submitting a feasibility study for the subject property, but, while State Parks was eager to make the recommended improvements, funding was unavailable at the time.

Management plans for the historic site were implemented soon after acquisition, however, documentation for the executive order to formally set it aside to State Parks was delayed by a lengthy lot consolidation and resubdivision process. In 2012, approval of a petition to Land Court for lot consolidation and resubdivision of the subject property and the surrounding parcels was finally obtained, clearing the way for processing of the Executive Order.

REMARKS:

The Office of Hawaiian Affairs (OHA), in a letter to DLNR dated July 31, 2012, and attached hereto as Exhibit D, has requested that the subject property be placed under its management and care via set aside by Executive Order, and also expressed an interest in eventual transfer of title. OHA's request letter is attached hereto as Exhibit D. While cooperative partnerships between State Parks, the Hawaiian Civic Club of Wahiawa, and Friends of Kūkaniloko have provided management and maintenance of the historic site in the past, State Parks concurs that OHA is an appropriate agency to manage and preserve this culturally important site for the future, in keeping with the original public purpose of the State's acquisition by condemnation.

OHA also recently confirmed that it is working towards the acquisition of roughly 511 acres surrounding the subject property from the private landowner. With this acquisition, OHA will be able to continue the work started by State Parks by implementing a program of integrated management and care to benefit both these lands and the subject property.

OHA's interest in acquiring title for the subject property will be addressed under a separate Board agenda item.

With respect to future use of the property, it shall continue to be restricted to the purpose for which the land was originally acquired by the State, which is for the preservation and maintenance of the historically significant Kūkaniloko Birthstone site.

RECOMMENDATION: That the Board:

- 1) Amend its prior Board action of March 24, 1988, under agenda item F-9, as previously amended, by:
 - a) replacing item 2 of the RECOMMENDATION section with the following item:

November 30, 2012


2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Office of Hawaiian Affairs 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.
- 2) All other terms and conditions listed in its March 24, 1988 approval to remain the same.

Respectfully Submitted,



Barbara J. Lee
Project Development Specialist

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson



JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 681
HONOLULU, HAWAII 96808

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

March 24, 1988

Board of Land and Natural Resources
Honolulu, Hawaii

Gentlemen:

OAHU

Subject: Acquisition of Land for the Kukaniloko Birth
Site Situate at Wahiawa, Oahu

STATUTE: Chapter 171, Hawaii Revised Statutes
appropriation: Act 347, SLH 1986, Item H-3
and 216, SLH 1987, H-19.

APPLICANT: Division of State Parks, Department of Land
and Natural Resources

FOR: Tax Map Key: 7-1-1:4 together with access thereto
Area: .585 acres
Location: Wahiawa, Oahu

OWNER: George Galbraith Trust, Estate

ZONING: State Land Use Commission: Agriculture
City and County of Honolulu: Agriculture-1

MARKET VALUE: To be determined by an independent appraiser,
same subject to the review and acceptance by the
Chairperson.

ENVIRONMENTAL
IMPACT

STATEMENT: To be completed by the Division of State Parks.

REMARKS: Kukaniloko is one of only two famous places in the
State for the birth of children of high ranking
Chieftesses, and the only such place located on
Oahu. Tradition holds that it was first
established in about the 12th century, A.D. and
used continuously well into historic times. Birth
at places such as Kukaniloko were held by the
Hawaiians to add a special divine gift to the high
rank held by the children of the Chiefs.
Extensive legendary materials still exists in
written form about the nature and process of
childbirth at Kukaniloko. Kukaniloko is a
hallowed and sacred place in the legends of
Hawaii.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
F-9 MEETING HELD ON

ITEM F-9

EXHIBIT "A" p.1

Board of Land and Natural Resources

March 24, 1988

RECOMMENDATION: That the Board:

1. Authorize the Chairperson to acquire the above-mentioned parcel together with access thereto by negotiations or if necessary, through condemnation proceedings.
2. Upon completion of the acquisition, authorize transmittal of a request to the Governor for the issuance of and Executive Order setting aside the acquired property under the control and management of the Division of State Parks, Department of Land and Natural Resources for State Park purposes.

Respectfully submitted,



MIKE SHIMABUKURO
Land Management Administrator

APPROVED FOR SUBMITTAL:



WILLIAM W. PATY, Chairperson

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
F-9..... MEETING HELD ON

ITEM F-9

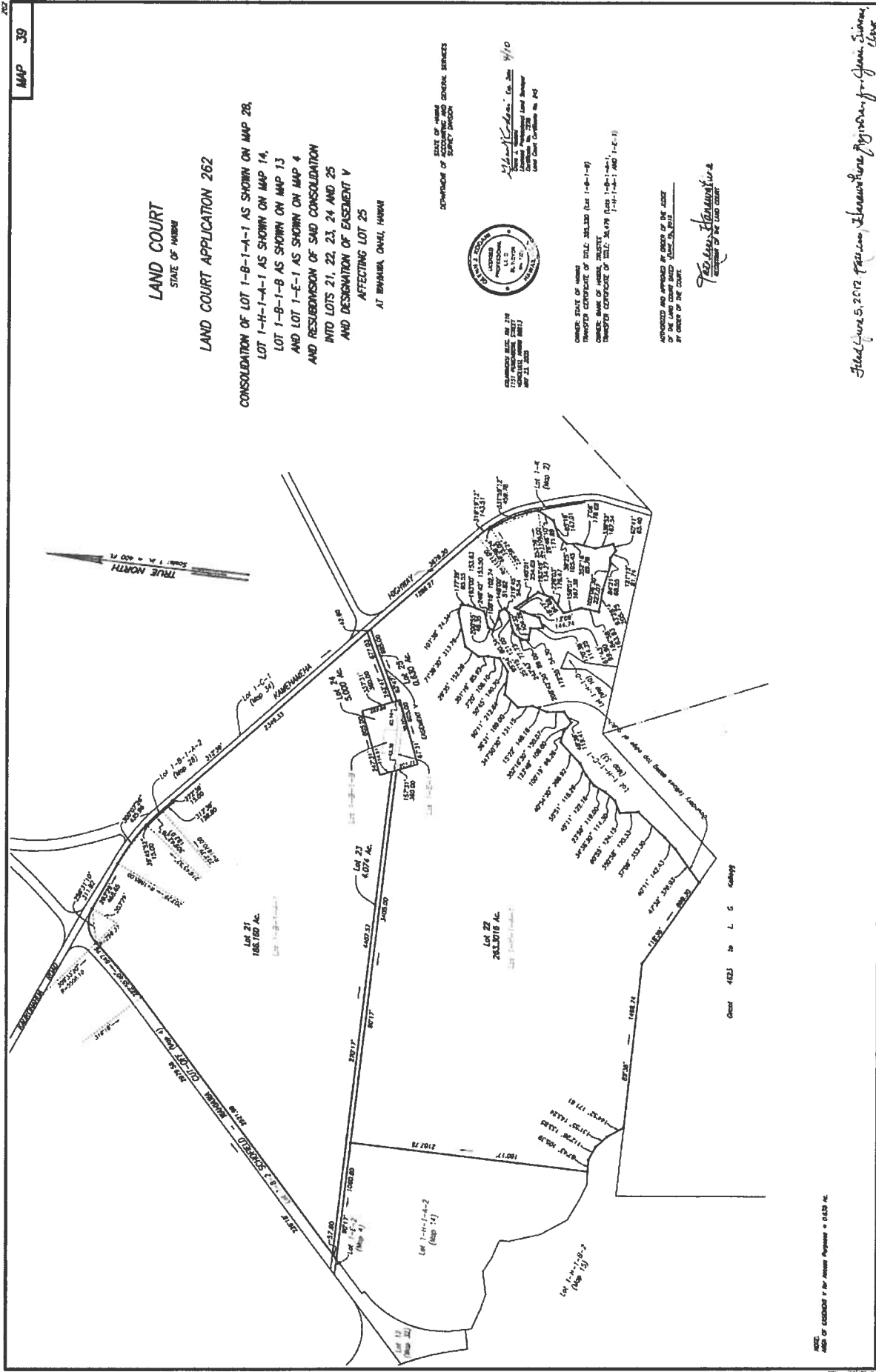
Approved as amended. Amended to add
under FOR: "and additional 15+ acres
surrounding parcel for buffer zone
and parking area."

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EXHIBIT B
Aerial View of Kūkaniloko Birthstones Site
TMK: (1) 7-1-001:004



EXHIBIT C
MAP 39, LAND COURT APPLICATION 262



LAND COURT
STATE OF HAWAII

LAND COURT APPLICATION 262

CONSOLIDATION OF LOT 1-B-1-A-1 AS SHOWN ON MAP 28,
LOT 1-H-1-A-1 AS SHOWN ON MAP 14,
LOT 1-B-1-B AS SHOWN ON MAP 13
AND LOT 1-E-1 AS SHOWN ON MAP 4
AND RESUBDIVISION OF SAID CONSOLIDATION
INTO LOTS 21, 22, 23, 24 AND 25
AND DESIGNATION OF EASEMENT V
AFFECTING LOT 25
AT WAIKANA OHALE, HAWAII

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES



CLARENCE B. BIRD, JR.
LAND COURT CLERK
APR 23, 2012

OWNER STATE OF HAWAII
TRANSFER CERTIFICATE OF TITLE 262,380 (Lot 1-B-1-A-1)
OWNER BANK OF HAWAII, TRUSTEE
TRANSFER CERTIFICATE OF TITLE 262,380 (Lot 1-B-1-B, 1-E-1 AND 1-H-1-A-1)

APPROVED AND APPROVED BY ORDER OF THE COURT
OF THE LAND COURT DATED JANUARY 29, 2013
BY ORDER OF THE COURT.

Patricia Hanawa
REGISTRAR OF THE LAND COURT

NOTE:
AREA OF LOT 23 OF THE ABOVE PROGRAM = 6.074 AC.

Filed June 5, 2012 1:00 PM
Honorable Registrar Patricia Hanawa
Land Court

For Map Page (1st Edition) 7-1-01, 4, 20, 25 and Plat. 8

27" x 38" = 4.7 5/8" PL.

EXHIBIT D

PHONE (808) 594-1888

FAX (808) 684-1866



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

July 31, 2012

Honorable William J. Aila, Jr., Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

12 AUG 01
11 32

RECEIVED

Re: Kūkaniloko Historic Site

Aloha Mr. Aila:

Pursuant to our formal discussions regarding the management of the Galbraith Estate and the sacred Hawaiian site Kūkaniloko, the Office of Hawaiian Affairs (OHA) requests the Department of Land and Natural Resource's consideration for an Executive Order for access as well as the land title transfer of the site to OHA.

Recognized by Native Hawaiians as one of the most significant cultural sites on O'ahu, Kūkaniloko is recognized and is listed on the National and Hawai'i Registers of Historic Places.

The Office of Hawaiian Affairs believes that the Kūkaniloko and surrounding properties would greatly benefit from OHA's integrated management and care.

Please do not hesitate to contact me for questions on this request. I have designated Corporate Counsel, Ernest Kimoto as OHA's staff contact who can be reached at 594-1954.

'O wao iho nō,

Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:ek