

NEIL ABERCROMBIE
GOVERNOR



FORD N. FUCHIGAMI
INTERIM DIRECTOR

Deputy Directors
RANDY GRUNE
AUDREY HIDANO
ROSS M. HIGASHI
JADINE URASAKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

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

Hawaii

Withdrawal from Governor's Executive Order No. 1988 to Department of Transportation for Receiving or Discharging Passengers, and for Loading and Landing Merchandise, with Warehouse or Warehouse Space, Office or Office Space, Storage for Wares and Merchandise, Kawaihae 1st, South Kohala, Island of Hawaii, Tax Map Key: 3rd/6-1-03:25 (Portion)

APPLICANT:

Department of Transportation

LEGAL REFERENCE:

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

LOCATION:

Parcels E-1 and E-2 of Kawaihae Harbor Project situated at Kawaihae 1st, South Kohala, Island of Hawaii identified by Tax Map Key: 3rd/6-1-03:25 (Portion), as shown on the attached map labeled Exhibit A.

AREA:

Parcel E-1: 17.999 acres, more or less
Parcel E-2: 1.974 acres, more or less

ITEM M-4

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

CURRENT USE STATUS:

Governor's Executive Order No. 1988 setting aside 36.824 acres to the Department of Transportation for Receiving or Discharging Passengers, and for Loading and Landing Merchandise, with Warehouse or Warehouse Space, Office or Office Space, Storage for Wares and Merchandise 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.

REMARKS:

Governor's Executive Order (GEO) No. 1988 (See Exhibit B) dated December 21, 1961 set aside 39.74 acres to the Department of Transportation for receiving or discharging passengers, and for loading and landing merchandise, with warehouse or warehouse spaces office or office space, storage for wares and merchandise purposes. On August 19, 1964 by GEO No. 2162 (See Exhibit C) 2.196 acres was withdrawn from GEO 1988 after it was determined that the area was no longer needed for harbor purposes.

Staff has reviewed Harbors' lands situated at Kawaihae and have determined that the areas labeled Parcel E-1 and E-2 are no longer needed for harbor purposes.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 19.973 acres, more or less from the Governor's Executive Order No. 1988, subject to:
 - 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

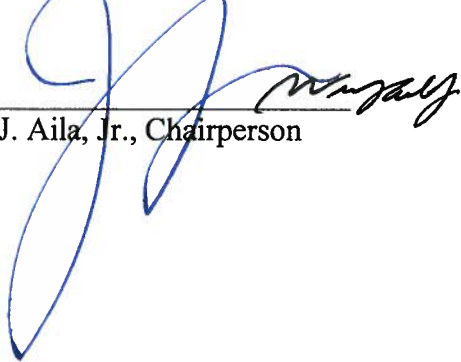
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

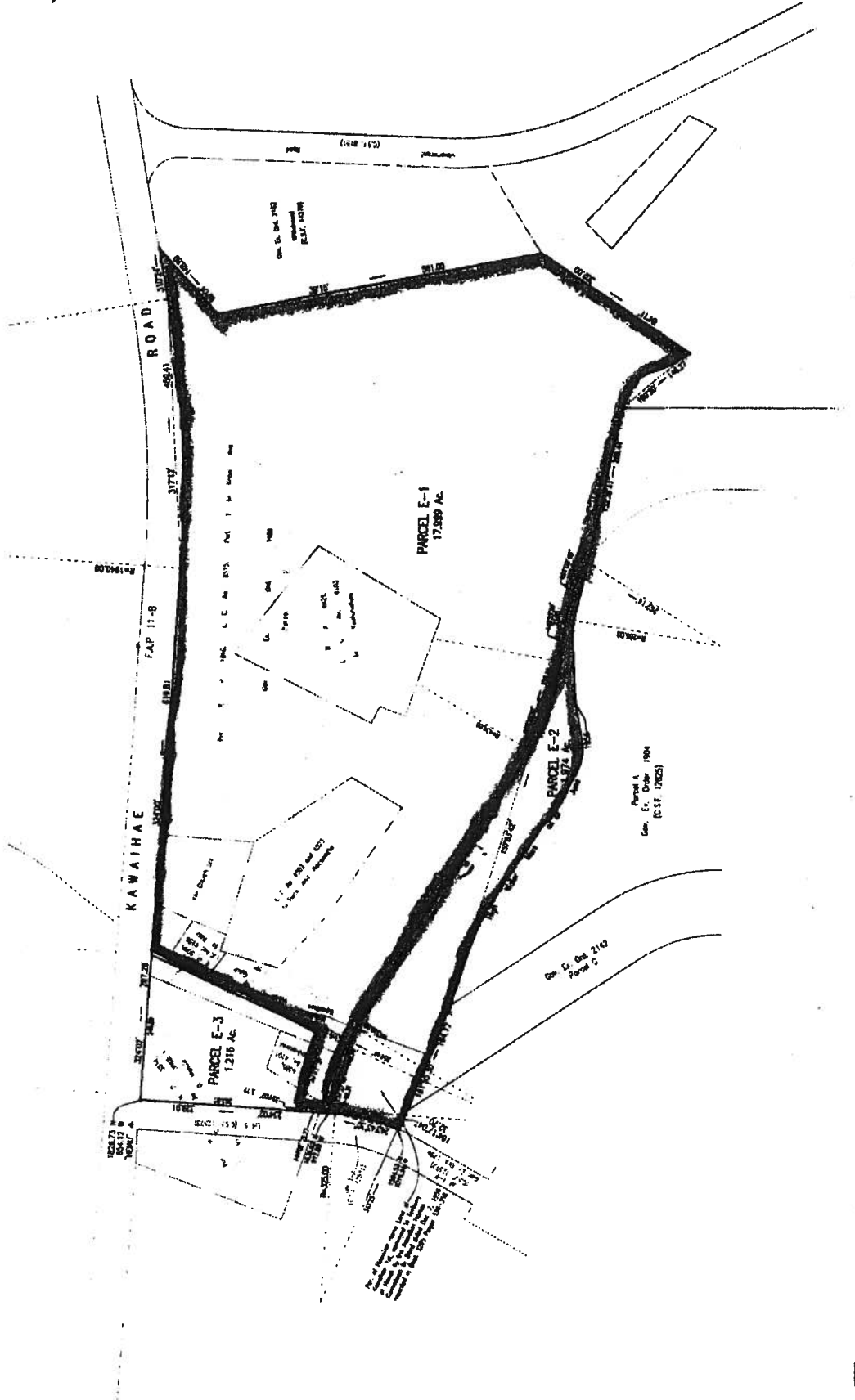


FORD N. FUCHIGAMI
Interim Director of Transportation

APPROVED FOR SUBMITTAL:



for William J. Aila, Jr., Chairperson



PLAN SHOWING
SUBDIVISION OF PARCEL E OF KAWAIIHAE HARBOR PROJECT
 (GOVERNOR'S EXECUTIVE ORDER 1988)
 AS SHOWN ON C.S.F. 13278
 INTO PARCELS E-1, E-2 AND E-3
 AT KAWAIIHAE, SOUTH KONA, ISLAND OF HAWAII, HAWAII

Prepared by: [illegible]
 Date: [illegible]
 Scale: [illegible]

Map:
 Contours shown to 100' A

A CONCEPTUAL SURVEYING, INC.
 1000 KAWAIIHAE ROAD
 KAWAIIHAE, HAWAII 96741

EXHIBIT A

Executive Order No. ~~1088~~ 1988

Setting Aside Land for Public Purposes

By this Executive Order, I, the undersigned, Governor of the Territory of Hawaii, by virtue of the authority in me vested by Section 91 of the Hawaiian Organic Act, 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 uses and purposes of the United States of America.

FOR receiving or discharging passengers, and for loading and landing merchandise, with warehouse or warehouse space, office or office space, storage for wares and merchandise, and the like, to be under the control and management of the Department of Transportation.

KAWAIHAE HARBOR PROJECT

PARCEL D

Kawaihae Ist, South Kohala, Hawaii

comprising the following:

1. Portion of the Hawaiian Home Land of Kawaihae Ist, conveyed to the Territory by the Hawaiian Homes Commission by deed dated December 7, 1936 and recorded in Book 3205, Pages 339-358. (Land Office Deed 14057).
2. Portion of R.P. 5233, L.C.Aw. 4094 to Kepainaka conveyed to the Territory of Hawaii by Jack Paulo by deed dated December 8, 1939 and recorded in Book 1538, Pages 391-398. (Land Office Deed 6417).
3. Portion of R.P. 69, L.C.Aw. 4884 to William French and portion of R.P. 5240, L.C.Aw. 3669 to Makahi (Parcel 13, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3660, Page 439. (Land Office Deed 15955).
4. Portion of Grant 8731 to William Davies (portion Parcel 8, Kawaihae Harbor Front) acquired by the Territory of Hawaii by FINAL ORDER OF CONDEMNATION (CIVIL 245 and 276) dated January 30, 1957 and recorded in Book 3568, Page 98. (Land office Deed 15995).
5. Portion of R.P. 5514, L.C.Aw. 3668 Apana 2 to D. Manuia, (Parcel 7, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3660, Page 439. (Land Office Deed 15955).

EXHIBIT B

6. Portion of R.P. 5246, L.C.Aw. 3826 to Punihaniha (Parcel 6, Kawaihae Harbor Front) acquired by Territory of Hawaii by FINAL ORDER OF CONDEMNATION (CIVIL 245 and 276) dated January 30, 1959 and recorded in Book 3568, Page 100. (Land Office Deed 15996).
7. R.P. 6692, L.C.Aw. 9971 Apana 2 to W. P. Leleiohoku (Parcel 5, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3656, Page 421. (Land Office Deed 15956).
8. Portion of Grant 9050 to Mrs. Elizabeth J. White and portion of R.P. 6692, L.C.Aw. 9971, Apana 55 to W. P. Leleiohoku (Parcel 4, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Elizabeth Jane White by deed dated December 1, 1958 and recorded in Book 3543, Pages 336-341. (Land Office Deed 15592).
9. Portion Grant 8942 to John K. Lelepali (Parcel 3, Kawaihae Harbor Front) conveyed to the State of Hawaii by Masaru Doi, et al, by deed dated November 30, 1959 and recorded in Book 3751, Pages 28-35. (Land Office Deed 16272).
10. Portion of R.P. 5514, L.C.Aw. 3668 Apana 1 to D. Manuia (Parcel 2, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3656, Page 421. (Land Office Deed 15956).

Beginning at the east corner of this parcel of land, the north corner of Lot 5 of Kawaihae Harbor Project and on the southwest side of Kawaihae Road (Federal Aid Project 11-B), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 1857.20 feet North and 683.49 feet West, as shown on Government Survey Registered Map 2958, and running by azimuths measured clockwise from True South:-

1. 54° 02' 329.91 feet along Lot 5 and 1-A of Kawaihae Harbor Project;
2. Thence along Lot 1-A of Kawaihae Harbor Project, on a curve to the right having a radius of 275.00 feet, the chord azimuth and distance being: 63° 43' 30" 92.59 feet to highwater mark of June 1956;
3. Thence along highwater mark of June 1956, along Parcel B of Kawaihae Harbor Project, the direct azimuth and distance being: 138° 06' 25" 3605.03 feet;

4. 265° 18' 2.60 feet along the south side of Kawaihae Road (Federal Aid Project 11-B);
5. Thence along the south side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the right having a radius of 208.80 feet, the chord azimuth and distance being: 288° 14' 15" 162.75 feet;
6. 311° 10' 30" 462.04 feet along the south side of Kawaihae Road (Federal Aid Project 11-B);
7. Thence along the south side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the left having a radius of 985.00 feet, the chord azimuth and distance being: 299° 21' 30" 403.42 feet;
8. 287° 32' 30" 413.27 feet along the south side of Kawaihae Road (Federal Aid Project 11-B);
9. Thence along the southwest side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the right having a radius of 686.30 feet, the chord azimuth and distance being: 303° 30' 377.38 feet;
10. 319° 27' 30" 356.95 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
11. Thence along the southwest side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the right having a radius of 5700.00 feet, the chord azimuth and distance being: 321° 45' 455.85 feet;
12. 324° 02' 30" 288.36 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
13. 324° 02' 965.63 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B) to the point of beginning and containing a GROSS AREA OF 22.12 ACRES and a NET AREA of 16.08 ACRES after excluding therefrom Parcel C of Kawaihae Harbor Project (Governor's Executive Order 1862 - Area - 6.04 Acres), as shown on C.S.F. No. 13,277, prepared by the Survey Division, Department of Accounting and General Services.

KAWAIHAE HARBOR PROJECT

PARCEL E

Kawaihae 1st and 2nd, South Kohala, Hawaii

Comprising the following:

1. Portion of R.P. 5514, L.C.Aw. 3668 Apana 1 to D. Manuia (Parcel 2, Kawaihae Harbor Front) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3656, Page 421. (Land Office Deed 15956).
2. R.P. 6385, L.C.Aw. 4101 to Kahananui (Parcel 1, Kawaihae Harbor Front) acquired by the Territory of Hawaii by FINAL ORDER OF CONDEMNATION (CIVIL 245 and 276) dated January 30, 1956 and recorded in Book 3568, Page 108. (Land Office Deed 15997).
3. R.P. 5098, L.C.Aw. 4106 to Kauli (Parcel 18, Kawaihae Harbor Project) conveyed to the Territory of Hawaii by Richard Smart by deed dated July 2, 1959 and recorded in Book 3660, Page 439. (Land Office Deed 15955).
4. L.C.Aw. 4522 and 4523 to Puna and Kaoanaaha (Parcel 19, Kawaihae Harbor Project) acquired by the Territory of Hawaii by FINAL ORDER OF CONDEMNATION (CIVIL 245 and 276) dated January 7, 1959 and recorded in Book 3789, Pages 76-81. (Land Office Deed 16330).
5. R.P. 4929, L.C.Aw. 4103 to Kaahumaliiole (Parcel 20, Kawaihae Harbor Project) conveyed to the Territory of Hawaii by Richard Smart by deed dated April 16, 1959 and Book 3624, Page 369. (Land Office Deed 15855).
6. Portions of R.P. 1666, L.C.Aw. 8515 Part 1 to Keoni Ana (Parcels 17, 21 and 22, Kawaihae Harbor Project) acquired by the Territory of Hawaii by FINAL ORDER OF CONDEMNATION (CIVIL 245 and 276) dated December 31, 1958 and recorded in Book 3789, Pages 82-93. (Land Office Deed 16331).
7. Portion of the Hawaiian Home Land of Kawaihae 1st, conveyed to the Territory of Hawaii by the Hawaiian Homes Commission by deed dated December 7, 1956 and recorded in Book 3205, Pages 339-358. (Land Office Deed 14057).

Beginning at the north corner of this parcel of land, the east corner of Lot 5 of Kawaihae Harbor Project and on the southwest side of Kawaihae Road (Federal Aid Project 11-B), the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 1826.73 feet North and 654.12 feet West, as shown on Government Survey Registered Map 2953, and running by azimuths measured clockwise from True South:-

1. 324° 02' 287.28 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
2. 324 ° 00' 619.81 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
3. Thence along the southwest side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the left having a radius of 1940.00 feet, the chord azimuth and distance being: 317° 12' 459.41 feet;
4. 310° 24' 186.57 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
5. Thence along the southwest side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 1° 17' 30" 77.60 feet;
6. 52° 11' 448.29 feet along the northwest side of Government Road to Spencer Park;
7. Thence along the northwest side of Government Road to Spencer Park, on a curve to the left having a radius of 598.70 feet, the chord azimuth and distance being: 48° 35' 32" 75.00 feet;
8. 108° 23' 173.81 feet along the remainder of R.P. 1666, L.C.Aw. 8515 Part 1 to Keoni Ana;
9. 84° 11' 302.00 feet along the remainder of R.P. 1666, L.C.Aw. 8515 Part 1 to Keoni Ana to highwater mark as of June 1956;
10. Thence along highwater mark as of June 1956, along Parcel A of Kawaihae Harbor Project, the direct azimuth and distance being: 160° 19' 10" 1409.93 feet;
11. Thence along Lot 1-A of Kawaihae Harbor Project, on a curve to the left having a radius of 325.00 feet, the chord azimuth and distance being: 243° 43' 30" 109.42 feet;

12. 234° 02'

329.91 feet along Lots 1-A and 5 of
Kawaihae Harbor Project
to the point of beginning
and containing an AREA OF
23.66 ACRES, as shown on
C.S.F. No. 13,278, prepared
by the Survey Division, De-
partment of Accounting and
General Services.

In Witness Whereof, I have hereunto set my hand and
State
caused the Great Seal of the Territory of Hawaii to be affixed.

Done at the Capitol at Honolulu this 12th day of
December, Nineteen Hundred and 1911

William L. Quinn
Governor of the Territory of Hawaii

Approved as to form:

[Signature]
L. S. Attorney General

by

Checked by: [Signature]

STATE
~~Territory~~ of Hawaii

Lieutenant Governor
Office of the ~~Secretary~~

This is to Certify That the within is a true copy of Executive Order No. F 1588

setting aside land for public purposes, the original of which is on file in this office.

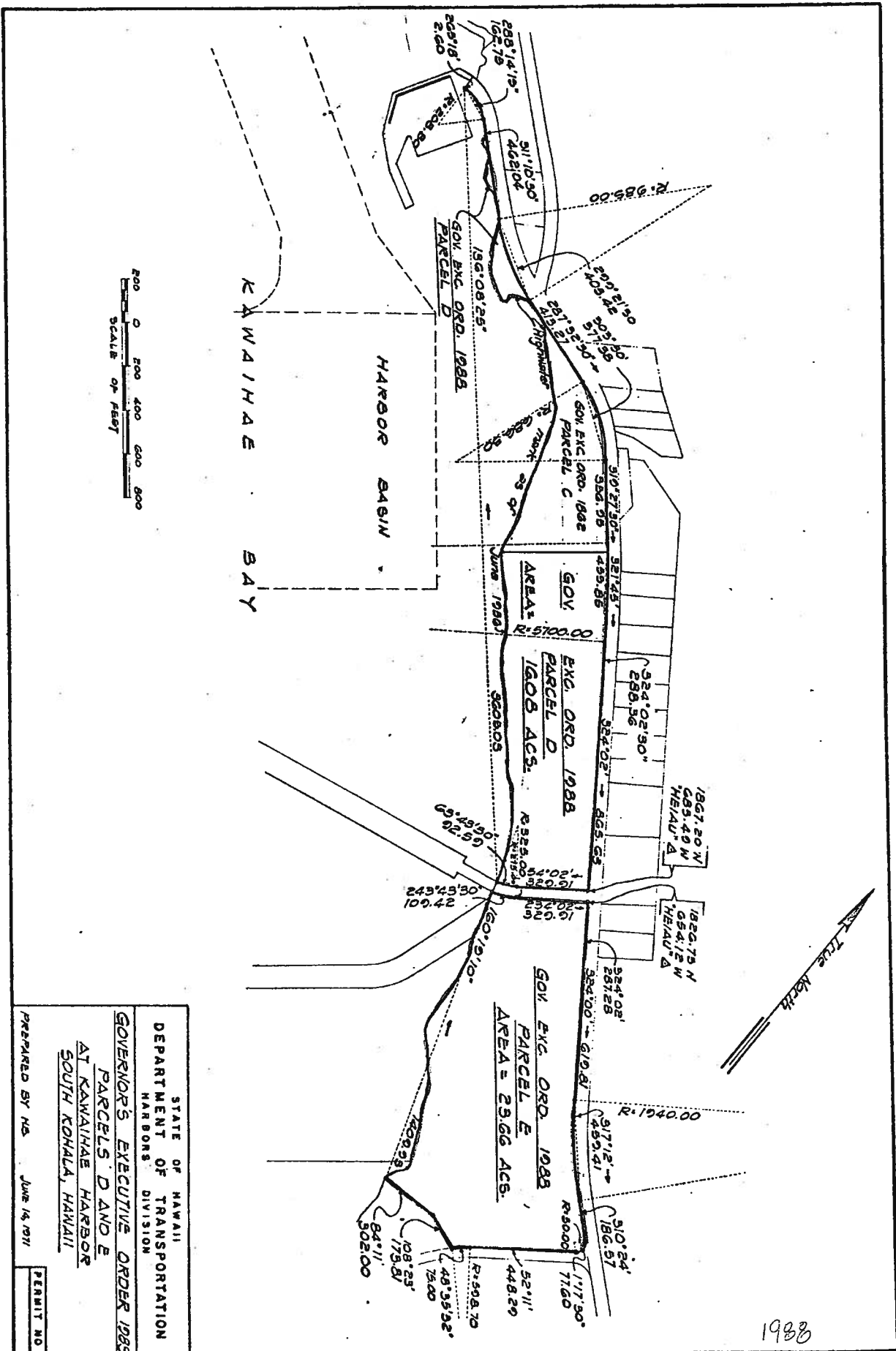
In Testimony ~~Whereof~~, the ~~Secretary~~ of the ~~Territory~~ of
Lieutenant Governor State
Hawaii, has hereunto subscribed his name and caused
the Great Seal of the ~~Territory~~ ^{State} to be affixed.

James H. Keesee
12th
DONE in Honolulu, this day of
December, A. D. 19 *61*

F 1588

Executive Order No. _____
Setting Aside Land for
Public Purposes

Land.....
Purpose.....
Date.....



STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
 HARBORS DIVISION

GOVERNOR'S EXECUTIVE ORDER 1988
PARCELS D AND E
AT KAWAIIHAE HARBOR
SOUTH KOHALA, HAWAII

PREPARED BY HS June 14, 1971 PERMIT NO.

1988

EXECUTIVE ORDER NO. 2162

WITHDRAWING LAND FROM THE OPERATION OF GOVERNOR'S
EXECUTIVE ORDER NO. 1988
DATED DECEMBER 12, 1961

WHEREAS, by Governor's Executive Order No. 1988, dated December 12, 1961, certain lands situate at Kawaihae 2nd, South Kohala, Hawaii, State of Hawaii, were set aside for the Kawaihae Harbor Project, under the control and management of the Department of Transportation.

WHEREAS, the Department of Transportation by letter dated March 9, 1964, requested that a portion of the above-mentioned land be withdrawn from said Executive Order No. 1988, as it is no longer required for harbor purposes.

WHEREAS, the Board of Land and Natural Resources at its meeting held on March 25, 1964, approved of the withdrawal.

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, by virtue of the authority vested in me by the laws of the State of Hawaii, and every other authority me hereunto enabling, do hereby order that the following described land be, and the same is, hereby withdrawn from the operation of Governor's Executive Order No. 1988:

PORTION OF PARCEL E

KAWAIIHAE HARBOR PROJECT

Kawaihae 2nd, South Kohala, Hawaii

EXHIBIT C

Being a portion of the land covered by Executive Order 1908

Being also a portion of R.P. 1666, L.C. Aw. 8515, Apana 1 to Keoni Ana (Parcel 22 of Kawaihae Harbor Project) acquired by the Territory of Hawaii from Queen's Hospital by FINAL ORDER OF CONDEMNATION (Civil 245 and 276) dated December 31, 1958 and recorded in Book 3789 Page 82 (Land Office Deed 16331)

Beginning at the southwest corner of this parcel of land at an angle in the southerly boundary of Parcel E, Kawaihae Harbor Project (Governor's Executive Order 1908), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KUIAU" being 237.57 feet North and 243.95 feet West, as shown on Government Survey Registered Map M.T.S. Plat 419, thence running by azimuths measured clockwise from True South:-

1. 219° 15' 561.00 feet along the remainder of Parcel E, Kawaihae Harbor Project (Governor's Executive Order 1908), to the middle of Pohaukole Gulch;
2. Thence up and along the middle of Pohaukole Gulch, along the remainder of Parcel E, Kawaihae Harbor Project (Governor's Executive Order 1908), to the southwest side of Kawaihae Road (Federal Aid Project 11-B), the direct azimuth and distance being: 279° 01' 148.89 feet;
3. 310° 24' 98.57 feet along the southwest side of Kawaihae Road (Federal Aid Project 11-B);
4. Thence along the southwest side of Kawaihae Road (Federal Aid Project 11-B), on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 1° 17' 30" 77.60 feet;
5. 52° 11' 448.29 feet along the northwesterly side of Government Road to Spencer Park;

6. Thence along the northwest side of Government Road to Spencer Park, on a curve to the left having a radius of 500.70 feet, the chord azimuth and distance being: 43° 35' 32" 75.00 feet;

7. 108° 23' 173.31 feet along the remainder of H.P. 1686, L.C. Aw. 8318, Areas 1 to Faeni and to the point of beginning and containing an AREA OF 2.918 ACRES. SUBJECT to disapproval by the Legislature by a Concurrent Resolution 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 19th day of August, Nineteen Hundred and 64.

Approved as to form:

John A. Burns
Governor of the State of Hawaii

Raymond W. Jones
Deputy Attorney General
Dated: August 19, 1964

State of Hawaii

Office of the Lieutenant Governor

2162

This is to Certify. That the within is a true copy of Executive Order No..... withdrawing land from the operation of Executive Order No..... and setting aside land for public purposes, the original of which is on file in this office.

In Testimony Whereof, the Lieutenant Governor of the State of Hawaii, has hereunto subscribed his name and caused the Great Seal of the State to be affixed.

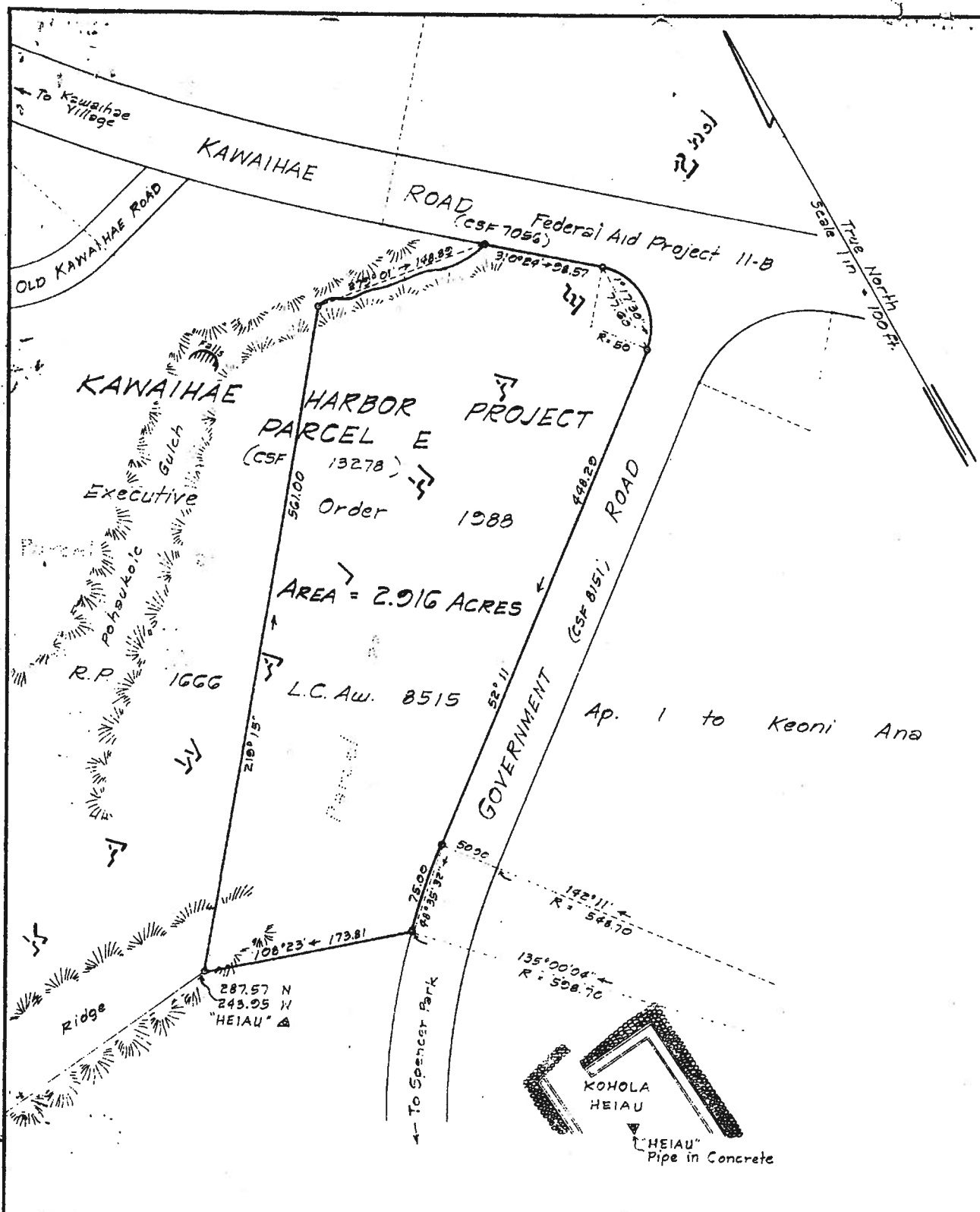
William Richardson

DONE in Honolulu, this 19th day of August, A.D. 1964

Executive Order No. 2162

Withdrawing Land from the Operation of Executive Order No. and Setting Aside Land for Public Purposes

Land Purpose Date



WITHDRAWAL
 PORTION OF PARCEL E
 KAWAIIHAE HARBOR PROJECT
 Kawaihae 2nd, South Kohala, Hawaii
 Scale 1 inch = 100 feet

JOB 1811
 C. BK

2162

TAX MAP G-1-03

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

C. S. F. No. 14275

D. Galloway April 16 1954