

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

December 12, 2014

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

Hawai'i

Authorization to Contract Qualified Professionals to Provide Technical and Advisory Services Relating to the Remediation of Existing State Owned Auwai (Ditch) at Piionua, South Hilo, Hawaii, Tax Map Keys: (3) 2-3-023:006.

Land Division, through the Engineering Division, desires to engage a consultant to provide specialized engineering services to assist the department in planning for the possible remediation of a State owned auwai (ditch) that passes through private property (Exhibit A). The ditch has been determined to be State owned¹ and the property owner is now asking the Land Division to implement repairs before any possible damage occurs to his property.

Earlier this year, the Hawaii District Land Office (HDLO) was notified by the property owner, Rudy Spencer (owner) that the ditch running through his property is beginning to collapse and that further erosion could disrupt the excessive flow of water resulting from heavy storm run-off and consequently cause flood damage to his home. Throughout the years, the existing ditch has been maintained by the owner through the clearing of vegetative debris and other trash collecting in the stream bed. A prior request for repairs to the embankment of the ditch was made in 1995. However, a review of the office files does not indicate any repairs being performed.

Staff will report to the Board on the consultant's findings when the report is finalized. The State Historic Preservation Division (SHPD) had previously determined the ditch to be a significant historic site. SHPD had asked that the existing condition of the stream bank be documented and recorded, and the extent of the new repairs also be recorded. Accordingly, Land Division will recommend the presence of SHPD staff to be on site for consultation.

Neither Land Division nor Engineering Division has the necessary personnel on staff to effectively assess the situation and determine the extent of repairs necessary. Effective assistance in this area will require the services of one or more civil engineers licensed in Hawaii. Requested contract services may include: (1) Review of applicable zoning code, building code, and other land use restrictions applicable to the property; (2) Preparation of conceptual designs for possible remediation of existing auwai; and (3) Consultation with the State of Hawaii Historical Preservation Division.

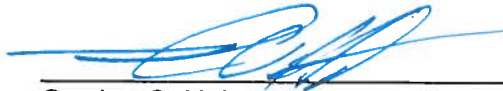
¹ Determination of ownership by State Abstractor, dated April 13, 1983.(Exhibit B)

The requested contract service will facilitate the administration of one of the few historic Auwai the department is responsible for. Funds for the work are available from the Special Land Development Fund.

RECOMMENDATION:

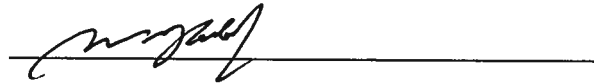
1. That the Board of Land and Natural Resources authorize the contracting of the work described above and authorize the Chairperson to sign the necessary documents pertaining to the project, subject to Governor's approval, and review and approval as to form by the Department of the Attorney General.
2. That the Board authorize the Chairperson, subject to review and approval as to form by the Department of the Attorney General, to enter into supplemental contracts to address unforeseen conditions and to sign the necessary documents to implement the additional work with the consultant.

Respectfully Submitted,



Gordon C. Heit
District Land Agent

APPROVED FOR SUBMITTAL:



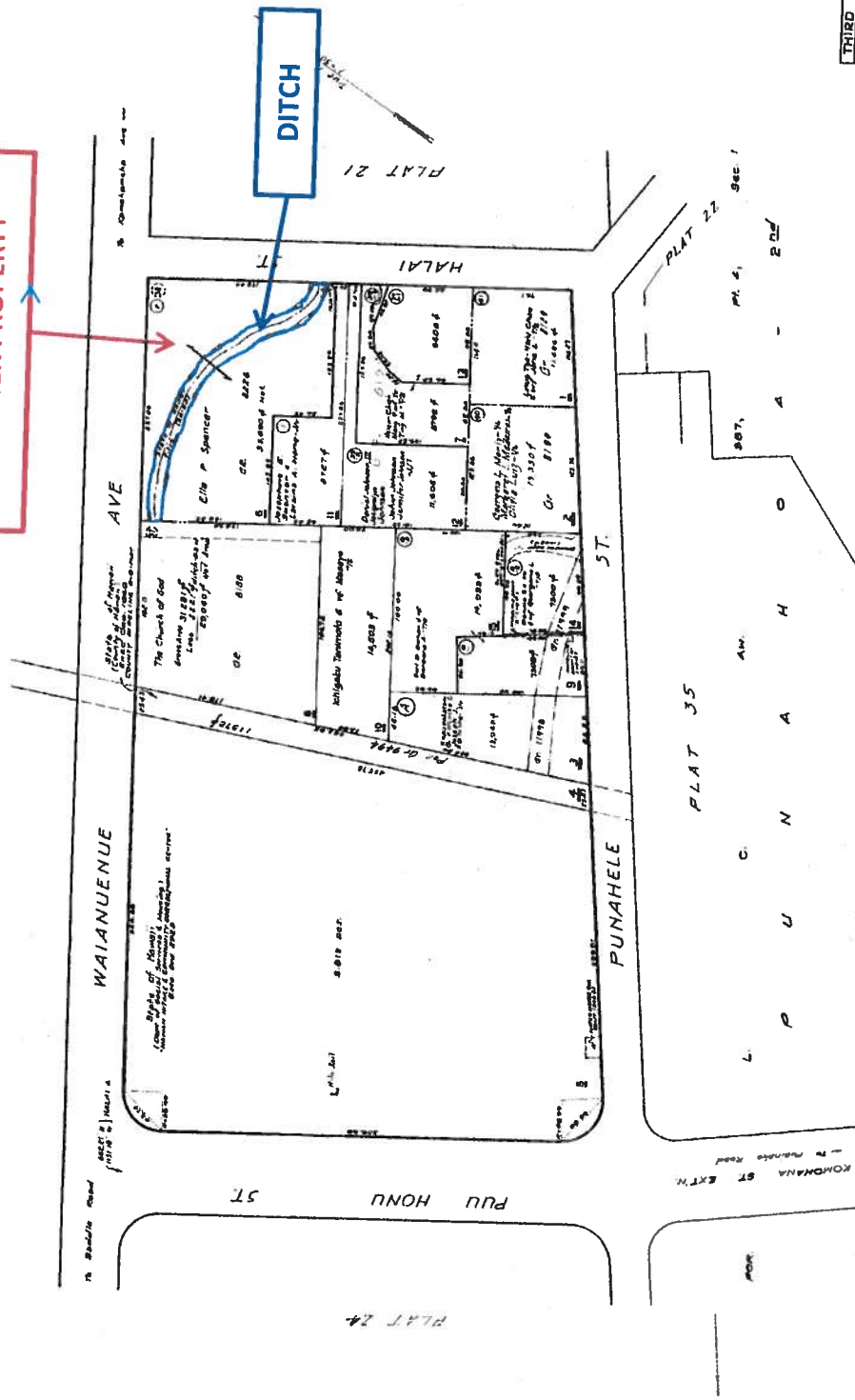
William J. Aila, Jr., Chairperson



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SPENCER PROPERTY

DITCH



THIRD DIVISION	2
ZONE SEC PLAT	3 23
CONTAINING PARCELS	
Scale 1 in. = 50 ft.	

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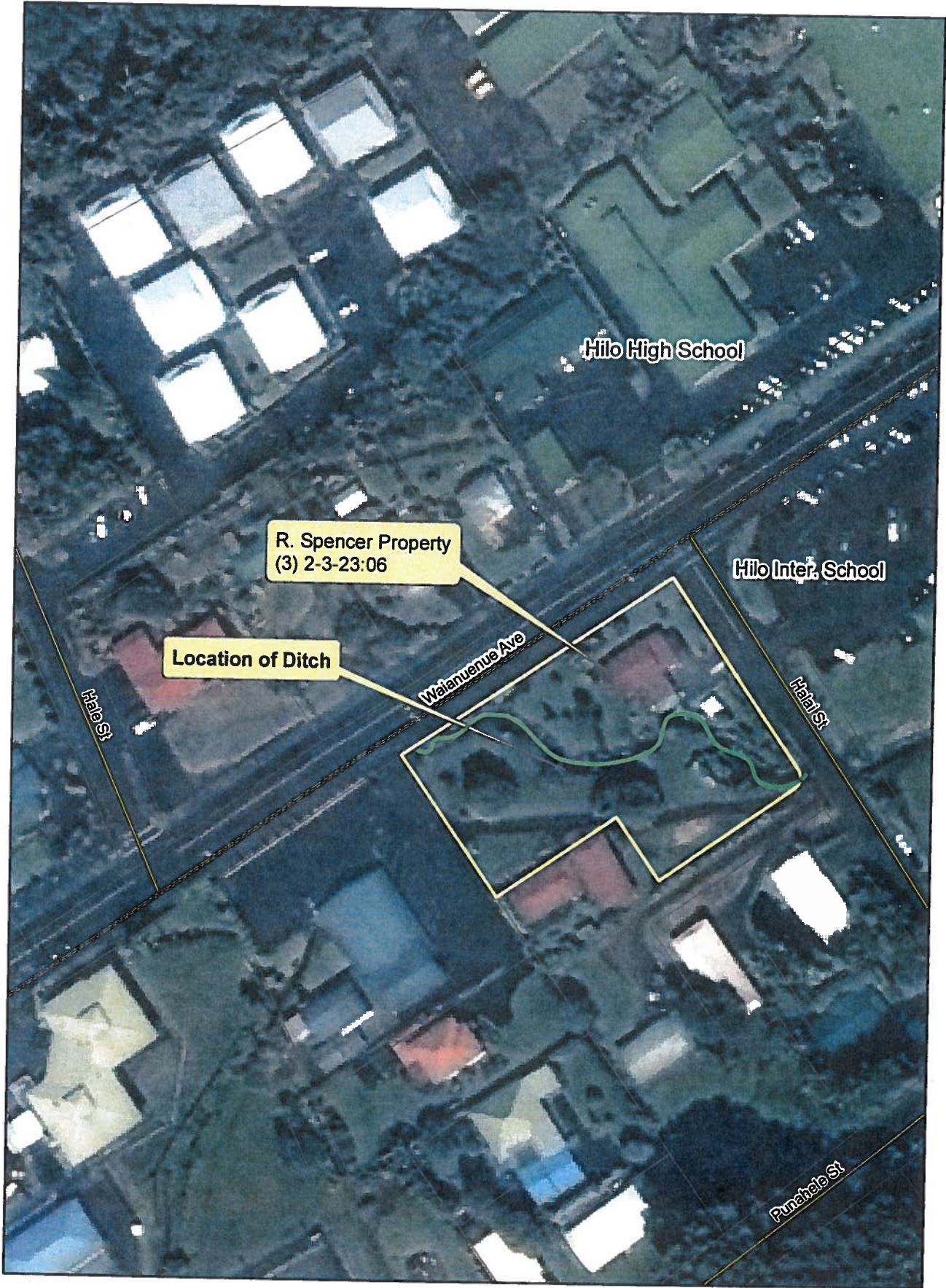
FOR PINNOKUA HOUSE LOTS, H.E. SERIES PINNOKUA, SO. HILO

Drawn by: M.T. DELANEY
 Source: Survey Data

EXHIBIT A

Spencer Property

EXHIBIT A



R. Spencer Property
(3) 2-3-23:06

Location of Ditch

Hilo High School

Hilo Inter. School

Hahaione St

Waiawa Ave

Hahaione St

Punahoa St



April 13, 1983

LMABS 8319

MEMORANDUM

TO: Mr. James J. Detor,
Land Management Administrator

FOR: Len Bautista,
Hawaii Land Agent

FROM: Staff Abstractor,
Land Management Division

SUBJECT: OWNERSHIP OF DITCH 15 FEET WIDE OVER LOT 38,
PIIHONUA HOUSE LOTS, 3RD SERIES, PIIHONUA, S. HILO,
HAWAII, LAND PATENT GRANT 8226, TAX MAP KEY,
(3) 2-3-23:06 (por)

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 15 11 21 AM '83

The Ahupuaa of Piihonua, situated on the Island of Hawaii, is one of many lands declared to be the private land of his Majesty Kamehameha III, said land regulated and disposed of according to his royal will and pleasure. Said land is subject only to the rights of tenants, as enumerated in the Indices of Awards made by the Board of Commissioners to Quiet Land Titles in the Hawaiian Islands.

At the overthrow of the Monarchy in 1893, all Crown and Government lands were taken over by the Provisional Government, operating under the name of the Republic of Hawaii, then Territory of Hawaii. Under the provisions of the State Constitution adopted July 22, 1950, Territory of Hawaii became known as the State of Hawaii.

An exchange of lands was executed by the TERRITORY OF HAWAII to KAHANANUI AHULAU, widow, EMMA AHULAU PUA, JULIA PAAHANAOLE BISSEN, HEIRS OF LAMEHA AHULAU, DECEASED, recorded May 17, 1923 in Liber 694, Page 155 (Land Office Deed No. 2169), conveying LOT 38 as aforesaid; EXCEPTING AND RESERVING therefrom a ditch 15 feet wide for the Hilo Boarding School across this lot, containing an area of 3,810. As a result thereof, Land Patent Grant No. 8226, dated May 29, 1923 was issued to said KAHANANUI AHULAU, EMMA AHULAU PUA, JULIA PAAHANAOLE BISSEN, HEIRS OF LAMEKA AHULAU, DECEASED; EXCEPTING AND RESERVING DITCH 15 FEET WIDE, as aforesaid.

mf
ent

Mr. James J. Detor
Page 2
April 13, 1983

LM-ABS 8319

The records in the Department of Land and Natural Resources do not disclose a Deed nor Grant of Easement of said ditch. Therefore, said 15 foot wide ditch is vested in the STATE OF HAWAII.

ATTENTION is called to a Grant executed by the TRUSTEES OF THE HILO BOARDING SCHOOL to COUNTY OF HAWAII, dated January 22, 1943, recorded February 15, 1943 in Liber 1743, Page 184, conveying water right in Wailuku River appurtenant to Land Commission Award 387, Part 4, Sec. 1, together with all water, water rights, ditches, easements, intakes and dams connected with or appurtenant to said water rights. Further information should be obtained from the County of Hawaii, particularly the Survey Division, as to the extent of said water rights.

Helen K. Kane

STAFF ABTRACTOR