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

Withdrawal from Governor's Executive Order No. 1904 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 and Governor’s Executive Order No. 2142 Department of Transportation for Addition to Kawaihae Harbor. Kawaihae 1st, South Kohala, Island of Hawaii, Tax Map Key: 3rd/6-1-03:26 (Portion)

APPLICANT:

Department of Transportation

LEGAL REFERENCE:

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

LOCATION:

Parcels A-2 and G-2 of Kawaihae Harbor Project situated at Kawaihae 1st, South Kohala, Island of Hawaii identified by Tax Map Key: 3rd/6-1-03:26 (Portion), as shown on the attached map labeled Exhibit A.

AREA:

Parcel A-2: 14.987 acres, more or less
Parcel G-2: 3.142 acres, more or less
TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

CURRENT USE STATUS:

Governor’s Executive Order No. 1904 setting aside 52.98 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.

Governor’s Executive Order No. 2142 setting aside 6.37 acres to the Department of Transportation for Addition to Kawaihae Harbor.

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. 1904 (See Exhibit B) dated March 17, 1960 set aside 52.98 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 June 2, 1964 by GEO No. 2142 (See Exhibit C) 6.37 acres was set aside for addition to Kawaihae Harbor.

Staff has reviewed Harbors’ lands situated at Kawaihae and have determined that the areas labeled Parcel A-2 and G-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 14.987 acres, more or less from the Governor’s Executive Order No. 1904, 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.

2. Approve of and recommend to the Governor issuance of an executive order withdrawing 3.142 acres, more or less from the Governor’s Executive Order No. 2142, 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,

ROSS M. HIGASHI
Interim Director of Transportation

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson
Executive Order No. 1904

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 paragraph 3, Article II of the Organic Act of the Territory of Hawaii and every other authority hereinabove enabling, do hereby order that the public land hereinafter described is hereby set aside for the following public purposes:

For receiving or discharging passengers, and for loading and unloading 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 Board of Harbor Commissioners.

KAWAIAE HARBOR PROJECT

PARCEL A

Kawaiae 1st and 2nd, South Kona, Hawaii

PARCEL A --- Being a filled area situated at Kawaiae 1st and 2nd.

Beginning at the northeast corner of this parcel of land, the southeast corner of Lot 1-B, Kawaiae Harbor Project, (Executive Order 1796), the southwest corner of Lot 1-A, Kawaiae Harbor Project, and on highwater mark at seashore as of June 1956, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEIAO" being 1584.35 feet North and 1019.86 East North, as shown on Government Survey Registered Map 1956, thence running by azimuth measured clockwise from True South:

1. Along highwater mark of June 1956, the direct azimuth and distance being: 337° 03' 10" 1235.35 feet;

2. 56° 00' 875.91 feet;

3. Thence on a curve to the right having a radius of 435.80 feet, the chord azimuth and distance being: 83° 50' 903.28 feet.
4. 117° 00' 1130.87 feet;
5. 140° 00' 460.11 feet;
6. 230° 00' 110.00 feet along Lot 2 (Revised), Kauaihai Harbor Project (Executive Order 1759);
7. 140° 00' 454.74 feet along Lot 2 (Revised), Kauaihai Harbor Project (Executive Order 1759);
8. 260° 00' 115.47 feet along Lot 1-B, Kauaihai Harbor Project (Executive Order 1759);
9. 320° 00' 634.73 feet along Lot 3, Kauaihai Harbor Project (Executive Order 1759);
10. 230° 00' 450.00 feet along Lot 3, Kauaihai Harbor Project (Executive Order 1759);
11. 140° 00' 574.92 feet along Lot 5, Kauaihai Harbor Project (Executive Order 1759);
12. 260° 00' 1353.87 feet along Lot 1-B, Kauaihai Harbor Project (Executive Order 1759);
13. 170° 00' 20.00 feet along Lot 1-B, Kauaihai Harbor Project (Executive Order 1759);
14. 260° 00' 135.11 feet along Lot 1-B, Kauaihai Harbor Project (Executive Order 1759);
15. Thence along Lot 1-B, Kauaihai Harbor Project (Executive Order 1759), on a curve to the left having a radius of 325.00 feet, the chord azimuth and distance being: 256° 42' 36" 37.22 feet to the point of beginning and containing an AREA OF 52.93 ACRES.

EXCEPTING AND EXCLUDING from said Parcel A portion of Lot 2, Governor's Executive Order 1759, as shown on plan attached hereto and made a part hereof and more particularly described as follows:

Beginning at the west corner of this parcel of land, being also the end of Course 5 of the hereinabove described Parcel A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "BRIAU" being 775.39 feet North and 2738.30 feet West, thence running by azimuths measured clockwise from True South.
3. Thence on a curve to the left having a radius of 605.00 feet, the chord azimuth and distance being: 255° 00' 627.92 feet

4. 550° 60' 213.97 acres

6. Thence on a curve to the left having a radius of 605.00 feet, the chord azimuth and distance being: 613° 13' 740.98 feet

6. 194° 26' 475.00 feet to highway centre of southerner as of June 1906

7. Thence along highway centre as southerner as of June 1906, the direct azimuth and distance being: 241° 25' 293.16 feet

8. 10° 50' 316.00 feet

9. Thence on a curve to the right having a radius of 570.00 feet, the chord azimuth and distance being: 22° 13' 309.09 feet

10. 60° 00' 225.00 feet

11. Thence on a curve to the right having a radius of 570.00 feet, the chord azimuth and distance being: 135° 47' 89.88 feet

12. 87° 00' 577.11

13. Thence on a curve to the right having a radius of 570.00 feet, the chord azimuth and distance being: 183° 47' 94.53 feet

14. 160° 00' 637.73 feet to the point of beginning and containing an 116.97 acres, and balance: 6.37 acres

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

Done at the Capitol at Honolulu this day of ___________ Nineteen Hundred and ___________

Approved as to form:

[Signature]
Attorney General

[Signature]
Governor of the Island of Hawaii
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. 1914 setting aside land for public purposes, the original of which is on file in this office.

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

DONE in Honolulu, this 1914 day of

[Signature]
A. D. 1914
Executive Order No. 2142

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 Act 32, Session Laws of Hawaii 1962, and every other authority 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 Addition to Kawaihale Harbor, to be under the control and management of the Department of Transportation, State of Hawaii.

KAWAIHAE HARBOR PROJECT

PARCEL G

Kawaihale 1st and 2nd, South Kohala, Hawaii

Being portion of the filled area of Kawaihale Bay returned to the State of Hawaii by the United States of America by Deed dated August 12, 1963 and recorded in Liber 4580, Pages 257-260 (Land Office Deed 5-20509)

Beginning at the west corner of this parcel of land and the south corner of the remainder of Lot 2, Governor's Executive Order 1759, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HEIAU" being 775.54 feet North and 2838.43 feet West, as shown on Government Survey Registered Map 2958, thence running by azimuths measured clockwise from True South:

1. 230° 00' 110.00 feet along remainder of Lot 2, Governor's Executive Order 1759;

2. 320° 00' 437.92 feet along Parcel A of Kawaihale Harbor Project, Governor's Executive Order 1904;

3. Thence along Parcel A of Kawaihale Harbor Project, Governor's Executive Order 1904, on a curve to the left with a radius of 445.00 feet, the chord azimuth and distance being: 275° 00' 629.32 feet;

4. 230° 00' 813.87 feet along Parcel A of Kawaihale Harbor Project, Governor's Executive Order 1904;
5. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the left with a radius of 243.00 feet, the chord azimuth and distance being: 213° 13' 141.49 feet;

6. 196° 26' 475.00 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;

7. 341° 55' 30" 194.17 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;

8. 16° 26' 315.00 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;

9. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 355.00 feet, the chord azimuth and distance being: 32° 13' 205.01 feet;

10. 50° 00' 813.67 feet along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904;

11. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 555.00 feet, the chord azimuth and distance being: 73° 12' 56" 437.55 feet;

12. 117° 00' 329.93 feet;

13. Thence along Parcel A of Kawaihae Harbor Project, Governor's Executive Order 1904, on a curve to the right with a radius of 535.00 feet, the chord azimuth and distance being: 138° 47' 54" 23.55 feet;

14. 140° 00' 437.92 feet to the point of beginning and containing an AREA OF 6.37 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 26th day of November, Nineteen Hundred and Nineteen.

William S. Richardson
ACTING Governor of the State of Hawaii

Approved as to form: 

Deputy Attorney General

DATE: 11-26-19
State of Hawaii
Office of the Lieutenant Governor

This is to Certify That the within is a true copy of Executive Order No. ..............
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 S. Richardson.

DONE in Honolulu, this .......... day of
........................................, A.D. 196...