

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

April 24, 2015

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

PSF No.: 10KD-194

Kauai

Amend Prior Board Action of September 23, 2011, Item D-1, Cancel Governor's Executive Order No. 4045 to County of Kauai for Residential Treatment Facility Purposes, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:063. The Purpose of the Amendment is To Approve the Reset Aside of the Premises to the County of Kauai for Hawaiian Stewardship Program Purposes.

CONTROLLING AGENCY:

County of Kauai

APPLICANT:

County of Kauai, through its Department of Parks and Recreation (DOPR).

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-008:063, as shown on the attached map labeled Exhibit A.

AREA:

1.182 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open District

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. 4045 setting aside 1.182 acres to County of Kauai for residential treatment facilities purposes.

PURPOSE OF SET ASIDE:

Hawaiian Stewardship Program 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. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended. See Exhibit G.

REMARKS:

Governor's Executive Order No. 1713 was issued to the County of Kauai as Hanapepe Dog Pound Site in December 1955. The Kauai Humane Society utilized the property from December 1955 to November 2001 when the new Humane Society facility was completed in Puhi.

A letter dated October 10, 2001 from then Mayor Maryanne Kusaka confirmed that the site would be vacated and available to the State after it was cleaned up. In March 2003, the site was cleared of remaining propane storage tanks.

In August 2003, then Mayor Bryan Baptiste requested the cancellation of Governor's Executive Order No. 1713 and reset aside to the County of Kauai for use as an adolescent residential treatment facility.

The Board at its December 12, 2003 meeting under agenda item D-37 approved the

cancellation of Governor's Executive Order 1713 to the County of Kauai for Hanapepe Dog Pound purposes and reset aside to the County of Kauai for a residential treatment facility purposes. See Exhibit B.

Former Governor Linda Lingle on April 26, 2004 executed Governor's Executive Order No. 4045 to the County of Kauai for residential treatment facility purposes. See Exhibit C.

In a letter dated August 10, 2010, Mayor Bernard P. Carvalho requested the cancellation of Governor's Executive Order No. 4045, due to both government and community opposition to the development of an adolescent residential treatment facility on the subject property. See Exhibit D.

The Board on September 23, 2011, under agenda item D-1, approved the cancellation of Governor's Executive Order No. 4045 to the County of Kauai for Residential Treatment Facility. See Exhibit E.

Upon reviewing the file for preparation of the cancellation of Governor's Executive Order No. 4045, the Department of Attorney General noted that a final inspection of the property should be conducted to verify its condition. A letter was sent to Mayor Carvalho requesting the property be cleaned and that an inspection be scheduled as directed by the Department of the Attorney General.

A response by the Mayor's Office dated December 2, 2014 requested reconsideration of the disposition of the premises. The County asked to keep management jurisdiction of the property under its DOPR to promote Hawaiian Stewardship amongst cultural practitioners, specifically with respect to salt making and the watershed. DOPR would like to develop the site in conjunction with cultural practitioners as a center depicting the culture of the area. See Exhibit F.

Comments were solicited from:

State Agencies:

DOH - Clean Water Br.	No environmental health concerns
Historic Preservation	No response by suspense date
OCCL	No comments
OHA	No response by suspense date

County Agencies

County Planning	No response by suspense date
Parks & Recreation	No objections
Water Dept.	No response by suspense date

Staff does not have any objection to the requested new executive order.

RECOMMENDATION: That the Board:

- I. 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.
- II. Amend its prior action of September 23, 2011, Item D-1, by adding a paragraph 2 to the recommendation section of the prior submittal to read as follows:
 2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai under the terms and conditions cited in the April 24, 2015 approval, 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.
- III. Confirm that, except as amended hereby, all terms and conditions listed in its September 23, 2011 approval are to remain the same.

Respectfully Submitted,



Marvin Mikasa
District Land Agent

APPROVED FOR SUBMITTAL:



Carty S. Chang, Acting Chairperson





Zoom County Zoom To Box Zoom In Zoom Out My Panby Hand Get Info Zoom To Parcel Center On Parcel Measure Area Tool Print Page Search Sales Additional Options **Project Location**

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Controls

Available Layers

- ☒ Parcels
- ☐ Parcel Numbers
- ☐ Address #
- ☐ Yearly Sales
- ☐ Buildings
- ☐ Streets (Google)
- ☐ Satellite (Google)
- ☒ Hybrid (Google)
- ☐ Physical (Google)

 [Show Scale](#)

EXHIBIT "A"



Kauai County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is

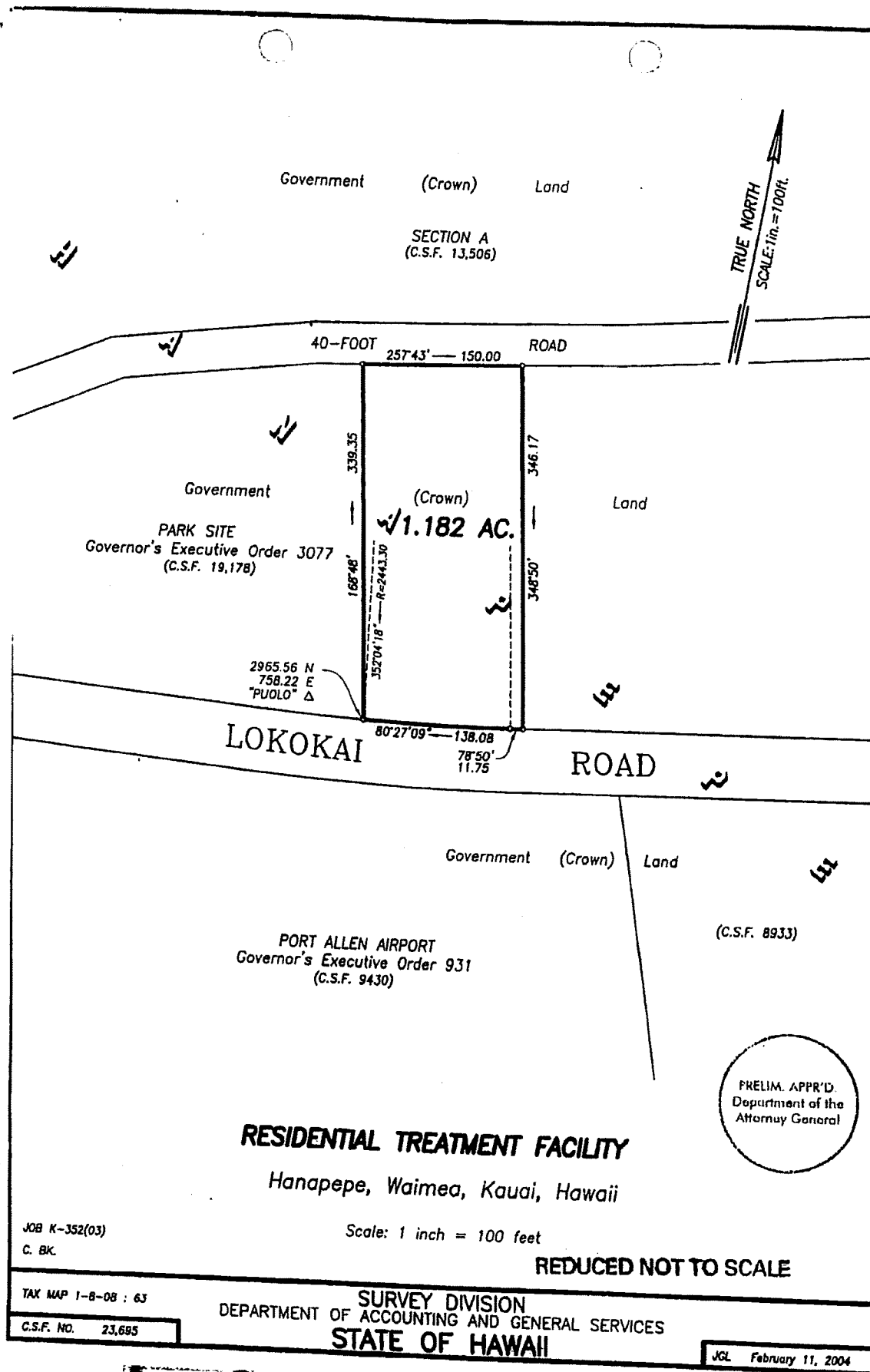


EXHIBIT "A"

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

December 12, 2003

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

PSF No. 01KD-337

KAUAI

Cancellation of Governor's Executive Order No. 1713 and
Reset Aside to County of Kauai for Residential Treatment
Facility, Hanapepe, Kauai, Tax Map Key 1-8-8: 63

CONTROLLING AGENCY (of subject executive order):

County of Kauai

APPLICANT (requesting set aside):

County of Kauai

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimea situated at por. of
Hanapepe, Waimea, Kauai, identified by Tax Map Key: 1-8-8: 63, as
shown on the attached map labeled Exhibit A.

AREA:

1.182 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open District "O"

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. 1713 setting aside 1.182 acres to
County of Kauai for Hanapepe Dogpound purposes.

EXHIBIT "B"

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON *KUK*
December 12 2003

ITEM D-37

PURPOSE OF SET ASIDE:

Residential treatment facility 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. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended, as may be necessary.

REMARKS:

History of the parcel. Governor's Executive Order No. 1713 was issued in December 1955. The Kauai Humane Society has utilized the property from that point to November 2001 when the new Humane Society facility was completed in Puhī. By letter dated 10/01, then Mayor Maryanne Kusaka confirmed that the site would be vacated and available to the State after the Humane Society cleaned the site. The last remaining item for cleanup was liquid propane gas storage tanks, the last of which was removed by the Gas Company in March 2003.

Staff was in the process of exploring the sale of a long term commercial lease for this site when it was notified by letter in August 2003 that the new Mayor Bryan Baptiste would like to cancel the existing Executive Order, and have a new one reissued to the County for use as an adolescent residential treatment facility.

Proposed use. The County is proposing to rehabilitate the two existing buildings. The first building is 1,226 sq.ft. and is proposed for an administration and meeting area. The second building is 1,195 sq.ft. and is proposed for activities and community bathrooms. There are three buildings that are proposed to be moved onto the site. These County owned "portable" buildings are currently located in Lihue across the parking lot from the Convention Center. Two buildings are 1,120 sq.ft in size and the third is 1,440 sq.ft. These three buildings will be clustered to provide a total of 24 beds. Gravel surface parking will also be provided. The projected construction cost for this rehab facility is \$560,000. Architect Ron Agor of Agor Architecture has donated his time in assisting the County in the preparation of the necessary plans to implement this project.

The County presently has \$200,000 for operational expenses. These expenses are also paid by the patients medical insurance. The County is prepared to request approximately \$500,000 during the coming legislative session for construction. Other private sources such as the Weinberg Foundation are also being pursued.

The County is also preparing an Environmental Assessment should this set aside request be approved.

Appropriateness of Applicant's proposed use of lands. Of the several State unencumbered land sites examined by the County, this site is the most appropriate based on the past residential, industrial and commercial use, access, the existing structures, size of the parcel, and its relative isolation.

Highest and best use of property. The property is zoned Open District "O". The highest and best use of the property is based on the grandfathered commercial, industrial, and residential use established by the County's use of the property for the past 46 years. As commented by the Planning Department, the County's proposal will require permit review prior to development.

Agency comments. Agency comments were requested from the Department of Health, Department of Hawaiian Home Lands, DLNR-Historic Preservation Division, Office of Hawaiian Affairs, County Planning, County Public Works, and County Water Departments.

County Public Works will comment when construction drawings are submitted for approval. Office of Hawaiian Affairs had no comments.

Department of Health: "We have reviewed the subject map submitted and offer the following environmental health concerns for your consideration:

1. The Wastewater Branch is unable to provide specific comments to the proposed project at this time. Wastewater disposal is not adequately addressed and wastewater disposal systems are not identified on the site plan. Our records indicate a cesspool serving the old kennel area (new activities and community bathroom area) and is located close to the newer buildings proposed to be moved on site. If the cesspool meets setback requirements, an evaluation by a licensed engineer would be required to determine if the cesspool is adequate for the new uses prior to relocating the newer buildings on site. Should the cesspool not meet setback requirements or is determined to be inadequate to dispose of the quantify and quality of wastewater projected to be generated, an upgrade to a treatment individual wastewater system (septic system or better) would be required.

A record of the existing cesspool presumed to serve the other existing building (new administration building) is not in Department of Health files. The applicant must have his/her engineer or contractor submit a completed existing cesspool information card for the cesspool with a plot plan showing its associated structure and relationship to property lines.

2. Temporary fugitive dust emissions could be produced when the site is prepared for construction and when the buildings are constructed and renovated. Effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by the construction and renovation work from impacting the surrounding areas in accordance with Title 11, Hawaii Administrative Rules (HAR, Chapter 11-60.1 entitled Air Pollution Control. This includes the off-site roadways used to enter and exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

The graveled parking area must be aggressively maintained to ensure the bare ground is completely covered at all times such that fugitive dust emissions are prevented from becoming airborne.

3. The disposal of the construction waste generated by the project shall be at a solid waste management facility that is in compliance with the applicable provisions of Title 11, HAR, Chapter 11-58, entitled Solid Waste Management Control.
4. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following activities:
 - a. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities.
 - b. Discharge of construction dewatering effluent.
5. The Clean Water Branch (CWB) requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.state.hi.us/doh/eh/cwb/forms/gen1-index.html>.
6. Hawaii Administrative Rules, Section 11-55-38, also requires the owner to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or

application has been or is being reviewed by SHPD. Please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.

7. Prior to commencing with demolition and renovation work, the presence or absence of asbestos and asbestos containing material shall be determined. The contractor shall complete and submit the form entitled Notification of Demolition and Renovation pertaining to asbestos removal or disturbance to the Noise, Radiation and Indoor Air Quality Branch of the Department of Health.
8. Noise will be generated during the construction and demolition phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, entitled Community Noise Control shall not be exceeded unless a noise permit is obtained from the Department of Health."

Department of Water: "The DOW will consider the project's use classification as commercial/public with use similar to that of a boarding house, school or medical facility. If the project's use classification, as determined by the Planning Department, is different from our determination as above, the DOW will re-evaluate the project using the Planning Department's use classification.

Any actual development of this area will be dependent on the adequacy of the source, storage and transmission facilities existing at that time. At the present time, the source and storage facilities are operating at capacity and adequacy of these facilities will be dependent on the approved water demand for the proposed development. The existing transmission facilities are not adequate to provide the recommended domestic and fire-flow demands of the proposed project. There is an existing 5/8-inch water meter presently serving this parcel.

Prior to the Department of Water recommending building permit approval, the applicant will be required to:

1. Submit water demand calculations for the proposed project along with appropriate meter size. Requirements may change depending on the approved water demand calculation.
2. Prepare and receive DOW's approval of construction drawings for necessary water system facilities and construct said facilities. These facilities shall include but not be limited to:
 - a. Installation of approximately 3,600 feet of 12-inch waterline and approximately 400 feet of 8-inch

waterline. The 12-inch waterline shall begin at the existing 12-inch waterline on Kaumualii Highway (near the intersection of Puolo Road and Kaumualii Highway) and continue west approximately 600 feet along Kaumualii Highway then south along Lele Road, approximately 1,900 feet, to the intersection of Lele and Lokokai Road and then West along Lokokai Road, approximately 1,100 feet. The 8-inch waterline shall connect to the 12-inch waterline and continue along Lokokai Road, approximately 400 feet, to the proposed development.

- b. The domestic service connection, if applicable.
 - c. The fire service connection.
 - d. The interior plumbing plans with the appropriate backflow prevention device.
3. Pay the applicable charges in effect at the time payment is made to the Department. At the present time, these charges will be dependent on the approved water meter size."

Planning Department: "The subject property is situated within the "open" designation of the Kauai General Plan and is in the Open District under the County Zoning Map ZM H 200. A portion of the property is within the Special Management Area of the County of Kauai. Uses and development standards permitted on the subject property are listed under Article 8 of the Kauai County Code, 1987. As such, appropriate County permits will be required for the proposed Adolescent Residential Treatment Facility. Additional comments of the Planning Department and/or other governmental agencies may be provided at the time of permit application(s) and/or review(s)."

The County of Kauai is currently facing a crisis situation on drug abuse and has a desperate need for a residential treatment site for adolescents. Kauai does not currently have residential treatment facilities for either adults or adolescents. Staff has no objections to this request.


RECOMMENDATION: That the Board:

- 1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 1713.
- 2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Kauai 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;

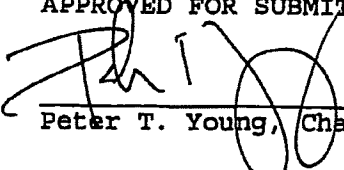
December 12, 2003

- 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,


MICHAEL L. LAURETA
Kauai Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

LAND COURT SYSTEM) REGULAR SYSTEM
Return by Mail () Pickup () To:

Total Number of Pages:
Tax Map Key No. (4)1-8-8:63

FROM: STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES
TO: COUNTY OF KAUAI
4444 Rice Street
Lihue, Hawaii 96766

EXECUTIVE ORDER NO. **4045**

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 Section 171-11, Hawaii Revised Statutes, 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 RESIDENTIAL TREATMENT FACILITY PURPOSES, to be under the control and management of the County of Kauai, being

84836_1

DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

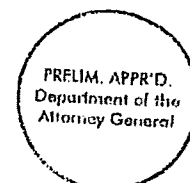


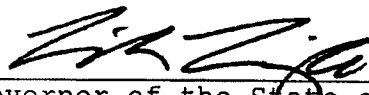
EXHIBIT "C"

that parcel of land situate at Hanapepe, Waimea, Kauai, Hawaii, designated as "Residential Treatment Facility," containing an area of 1.182 acres, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts 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, both being designated C.S.F. No. 23,695 and dated February 11, 2004.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Kauai shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, 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 24th day of April, 2004.


Governor of the State of Hawaii

APPROVED AS TO FORM:


Deputy Attorney General

Dated: April 1, 2004

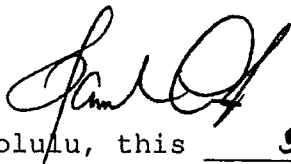
PRELIM. APPR'D.
Department of the
Attorney General

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of
Executive Order No. 4045 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.


DONE in Honolulu, this 3rd day of

May, A.D. 2004

PRELIM. APPR'D.
Department of the
Attorney General



STATE OF HAWAII

SURVEY DIVISION

**DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU**

C.S.F. No. 23,695

February 11, 2004

RESIDENTIAL TREATMENT FACILITY

Hanapepe, Waimea, Kauai, Hawaii

Being a portion of the Government (Crown) Land of Hanapepe.

Beginning at the southwest corner of this parcel of land and on the north side of Lokokai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUOLO" being 2965.56 feet North and 758.22 feet East, thence running by azimuths measured clockwise from True South:-

- | | |
|--------------------|--|
| 1. 168° 48' | 339.35 feet along Park Site, Governor's Executive Order 3077; |
| 2. 257° 43' | 150.00 feet along the south side of 40-Foot Road; |
| 3. 348° 50' | 346.17 feet along the remainder of the Government (Crown) Land of Hanapepe; |
| 4. 78° 50' | 11.75 feet along the north side of Lokokai Road; |

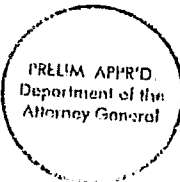


EXHIBIT "A"

C.S.F. No. 23,695

February 11, 2004

5. Thence along the north side of Lokokai Road on a curve to the right with a radius of 2443.30 feet, the chord azimuth and distance being:
80° 27' 09" 138.08 feet
to the point of beginning and containing
an AREA OF 1.182 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani

Glenn J. Kodani
Land Surveyor

gm

Compiled from CSF 12295
and other Govt. Survey Records.

PRELIM. APPR'D.
Department of the
Attorney General

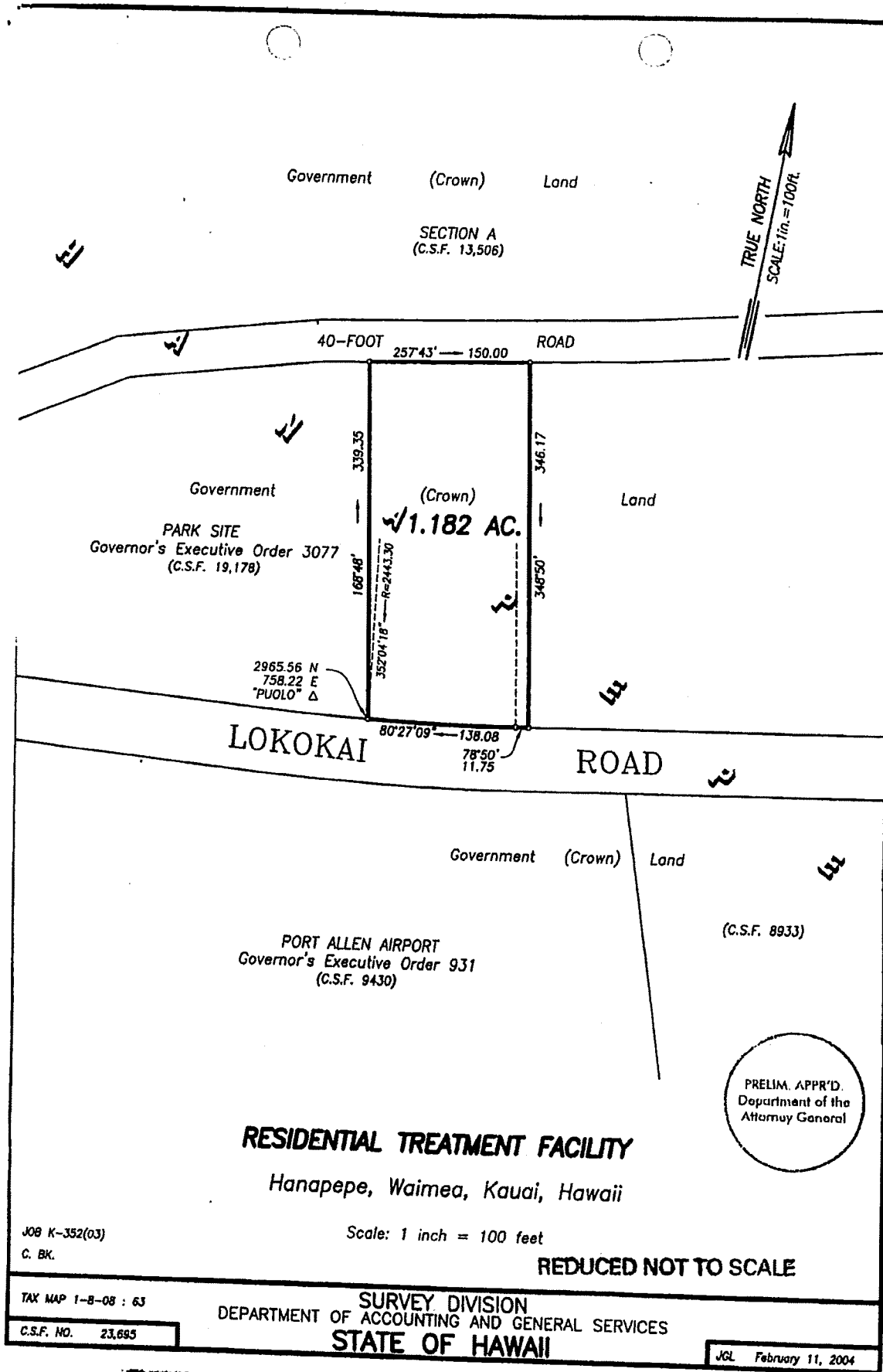


EXHIBIT "B"

Bernard P. Carvalho, Jr.
Mayor



109045
Gary K. Heu
Administrative Assistant

OFFICE OF THE MAYOR
County of Kauai, State of Hawaii
4444 Rice Street, Suite 235, Lihue, Hawaii 96766
TEL (808) 241-4900 FAX (808) 241-6877

DEPT OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

10 OCT 14 AM 14

RECEIVED

August 10, 2010

Ms. Laura H. Thielen, Chairperson
Board of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Thielen:

SUBJECT: Cancellation of Governor's Executive Order No. 4045 Setting Aside Lands, Hanapepe, Waimea, Kaua'i, TMK: (4) 1-2-08:63 For Residential Treatment Facility Purposes

Executive Order No. 4045 set aside to the County of Kaua'i approximately 1.182 acres of land for the purpose of establishing a Residential Treatment Facility in Hanapepe, Waimea, Kaua'i, TMK: (4) 1-2-08:63.

The County experienced government and community opposition relating to the development of an adolescent residential treatment facility at this location including information alleging potential negative environmental and cultural impacts.

For this reason, the County of Kaua'i is hereby requesting the cancellation of Executive Order No. 4045.

Please contact Ms. Theresa Koki, Anti-Drug Coordinator at (808)241-4925 if you have any questions.

Thank you for your favorable consideration of this request.

With warm aloha,

A handwritten signature in black ink, appearing to read "Bernard Carvalho", is written over a horizontal line.

Mayor Bernard P. Carvalho, Jr.

cc: Thomas Oi, Kaua'i Land Agent
Theresa Koki, Anti-Drug Coordinator
Enc: Copy of Executive Order No. 4045

DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2010 OCT 15 A 10:45

RECEIVED
LAND DIVISION

EXHIBIT "D"

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

September 23, 2011

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

PSF No.: 10KD 194

Kauai

Cancellation of Governor's Executive Order No. 4045 to
County Of Kauai for Residential Treatment Facility,
Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1 8 008: 63.

APPLICANT:

County Of Kauai

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanapepe situated at Hanapepe,
Waimea, Kauai, identified by Tax Map Key: (4)1-8-008:63, as shown
on the attached map labeled Exhibit A.

AREA:

1.182 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open District "O"

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

September 23, 2011

Bto

EXHIBIT "E"

CURRENT USE STATUS:

Governor's Executive Order No. 4045 setting aside 1.182 acres County Of Kauai for residential treatment facility 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:

The Board at its December 12, 2003 meeting under agenda Item D-37 approved the cancellation of Governor's Executive Order 1713 to the County of Kauai for Hanapepe Dog pound purposes and the set aside to the County of Kauai for residential treatment facility purposes

Governor Linda Lingle on April 26, 2004 executed Governor's Executive Order 4045 to the County Of Kauai for residential treatment facility purposes. (See Exhibit B)

In a letter dated August 10, 2010, Mayor Bernard P. Carvalho requested the cancellation of Governor's Executive Order 4045, due to both government and community opposition to the development of an adolescent residential treatment facility on the subject property.

On November 24, 2010 Ken Morikawa from the County of Kauai, Department of Public Works and Staff did an inspection of the property, which was cleaned with a boulder placed at the entrance to the property to stop trespassing on the property.

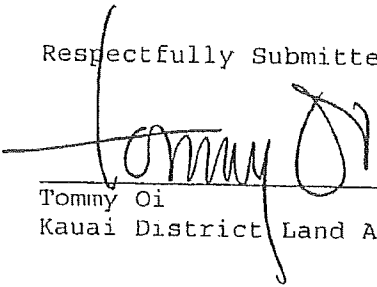
RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 4045, 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;

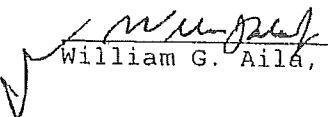
September 23, 2011

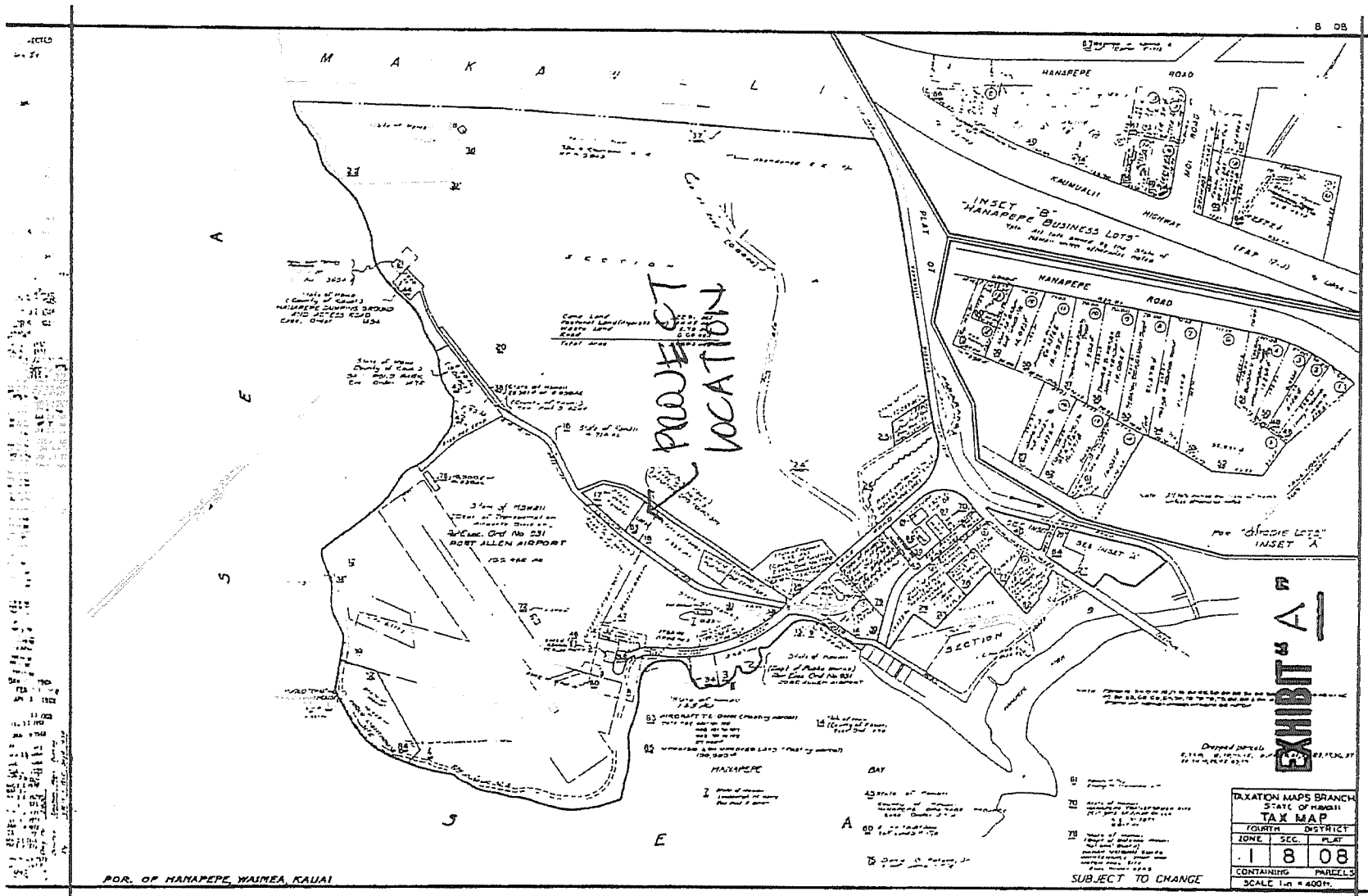
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:


William G. Aila, Chairperson



POR. OF HANALEI, WAIMEA, KAUAI

TAXATION MAPS BRANCH		
STATE OF HAWAII		
TAX MAP		
FOURTH	DISTRICT	PLAT
1	8	08
CONTAINING PARCELS		
SCALE 1" = 400'		

PRINTED

LAND COURT SYSTEM) REGULAR SYSTEM
Return by Mail () Pickup () To:

Total Number of Pages:
Tax Map Key No. (4)1-8-8:63

FROM: STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

TO: COUNTY OF KAUAI
4444 Rice Street
Lihue, Hawaii 96766

EXECUTIVE ORDER NO. **4045**

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 Section 171-11, Hawaii Revised Statutes, 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 RESIDENTIAL TREATMENT FACILITY PURPOSES, to be under the control and management of the County of Kauai, being

EXHIBIT "D"

84836_1

DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809


PRELIM. APPR'D.
Department of the
Attorney General

that parcel of land situate at Hanapepe, Waimea, Kauai, Hawaii, designated as "Residential Treatment Facility," containing an area of 1.182 acres, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts 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, both being designated C.S.F. No. 23,695 and dated February 11, 2004.

SUBJECT, HOWEVER, to the condition that upon cancellation of this executive order or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the County of Kauai shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, 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 20th day of April, 2004.


Governor of the State of Hawaii

APPROVED AS TO FORM:


Deputy Attorney General

Dated: April 1, 2004

PRELIM. APPR'D.
Department of the
Attorney General

84836_1

2

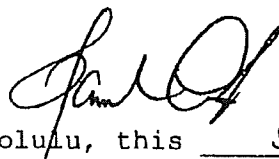
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of
Executive Order No. 4045 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.


DONE in Honolulu, this 9th day of

May, A.D. 2004

PRELIM APPR'D
Department of the
Attorney General



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

C.S.F. No. 23,695

February 11, 2004

RESIDENTIAL TREATMENT FACILITY

Hanapepe, Waimea, Kauai, Hawaii

Being a portion of the Government (Crown) Land of Hanapepe.

Beginning at the southwest corner of this parcel of land and on the north side of Lokokai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUOLO" being 2965.56 feet North and 758.22 feet East, thence running by azimuths measured clockwise from True South:-

- | | | |
|----|----------|---|
| 1. | 168° 48' | 339.35 feet along Park Site, Governor's Executive Order 3077; |
| 2. | 257° 43' | 150.00 feet along the south side of 40-Foot Road; |
| 3. | 348° 50' | 346.17 feet along the remainder of the Government (Crown) Land of Hanapepe; |
| 4. | 78° 50' | 11.75 feet along the north side of Lokokai Road; |

PRELIM. APPR'D.
Department of the
Attorney General

EXHIBIT "A"

C.S.F. No. 23,695

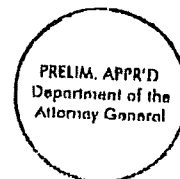
February 11, 2004

5. Thence along the north side of Lokokai Road on a curve to the right with a radius of 2443.30 feet, the chord azimuth and distance being:
80° 27' 09" 138.08 feet
to the point of beginning and containing
an AREA OF 1.182 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Glenn J. Kodani
Glenn J. Kodani
Land Surveyor gm

Compiled from CSF 12295
and other Govt. Survey Records.



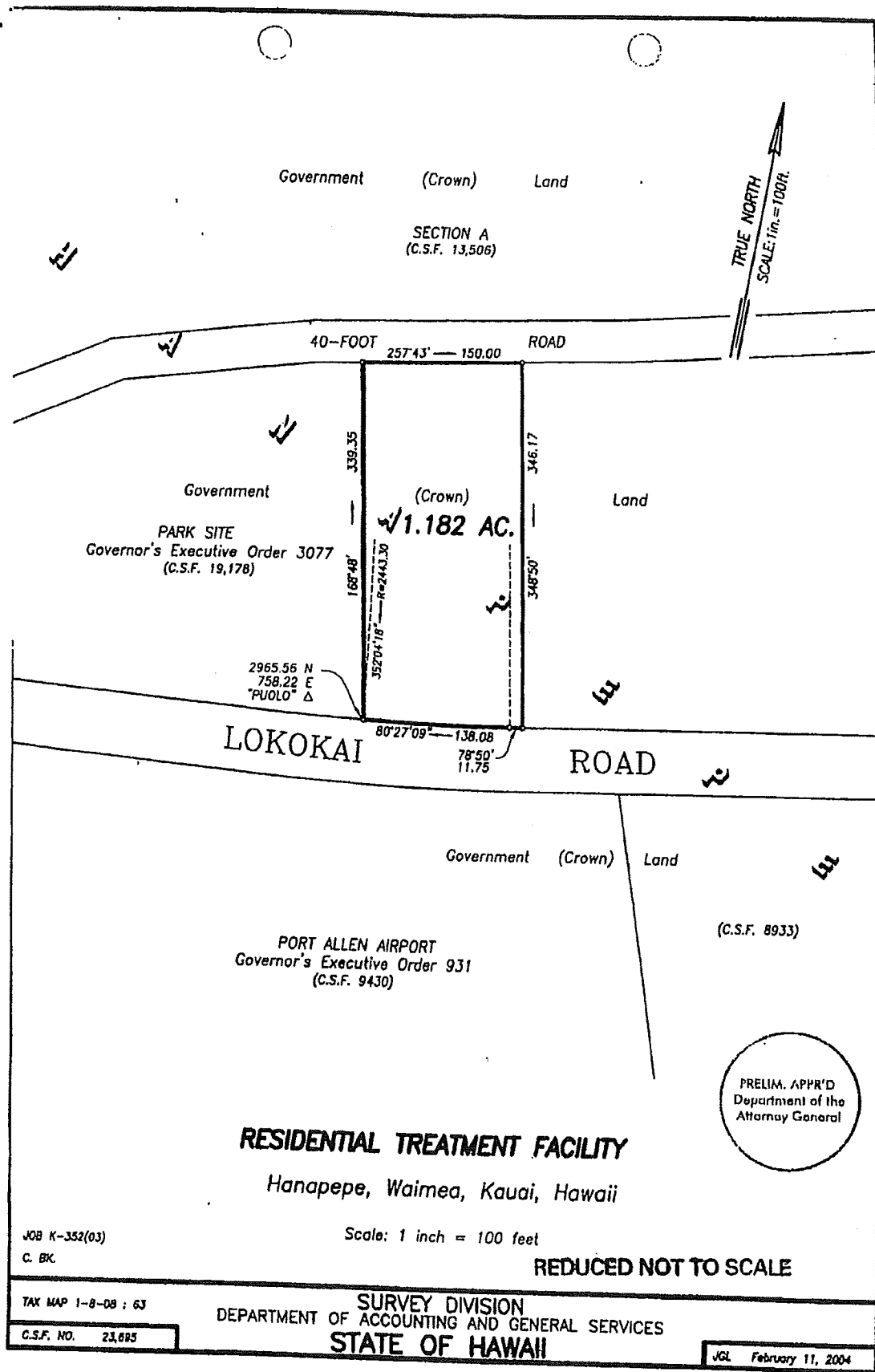
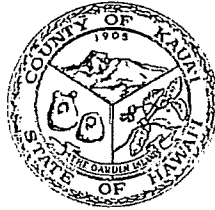


EXHIBIT "B"

Bernard P. Carvalho, Jr.
Mayor



Leonard A. Rapozo, Jr.
Director

Nadine K. Nakamura
Managing Director

Ian K. Costa
Deputy Director

DEPARTMENT OF PARKS & RECREATION

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 105, Lihue, Hawai'i 96766
TEL (808) 241-4460 FAX (808) 241-5126

December 2, 2014

Marvin Mikasa
Department of Land & Natural Resources
Land Division
3060 Eiwa Street, Room 208
Lihue, Hawaii 96766

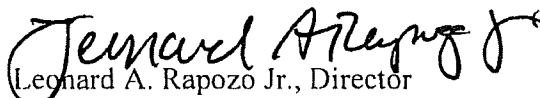
Dear Mr. Mikasa,

On April 26, 2004 the Department of Land and Natural Resources transferred approximately 1.182 acres (TMK No. (4) 1-8-008: 63 to the County of Kauai for the purpose of a residential treatment facility Governors Executive Order No.4045. On September 23, 2011 the Board of Land and Natural Resources cancelled Executive Order No.4045 but per Deputy County Attorney Jodi Sayegusa this action has not been finalized.

This letter is to request that the Board re-consider its action to cancel and have the County of Kauai continue to keep management jurisdiction of the property and place its management under the Department of Parks and Recreation (DOPR). The Mayor would like the purpose of the property to promote Hawaiian Stewardship amongst cultural practitioners in this case the salt makers and watershed. DOPR would like to develop this site in conjunction with the cultural practitioners as a center depicting the culture of the area.

This writer looks forward to your positive reply regarding this matter and should you have any questions please contact me at 241-4455.

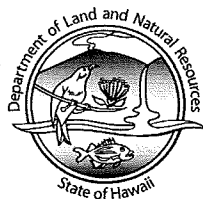
Sincerely,


Leonard A. Rapozo Jr., Director
County of Kauai
Department of Parks and Recreation

cc: Bernard Carvalho Jr., Mayor
Ian Costa, Deputy Director for DOPR
Mauna Kea Trask, County Attorney

An Equal Opportunity Employer

EXHIBIT " F "



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Eiwa Street, Room 208
Lihue, Hawaii 96766
PHONE: (808) 274-3491
FAX: (808) 241-3535

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Reset Aside of the lands to the County of Kauai for Hawaiian Stewardship Program Purposes.

Project / Reference No.: 10KD-194

Project Location: Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:063.

Project Description: Reset Aside of the lands to the County of Kauai for Hawaiian Stewardship Program Purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule, Section 11-200-8(a)(1)(4), 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 Class No.4, that states "Minor alteration in the conditions of land, water, or vegetation".

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. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

EXHIBIT G

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Carty S. Chang, Interim Chairperson



Date

4/6/15