

**PUBLIC LAND
POLICY IN
HAWAII:
LAND RESERVED FOR
PUBLIC USE**

8504483

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FOREWORD

This is one of a series of reports stemming from a program of research on Hawaii's public lands. This research was undertaken in response to a request by Hawaii's State Legislature that the Legislative Reference Bureau prepare an historical survey of public land management and policies of the federal government, state governments, and Hawaii, with particular emphasis on a review and analysis of Hawaii's public land policies during the period 1893 to the present.

The first portion of the Legislature's request was met through publication in 1962 of L.R.B. Report Number 5, a summary history of Public Land Policies of the United States and the Mainland States. Additional working papers already published or in preparation are designed to present an historical survey and analysis of Hawaii's public land policies, with a view to identifying the major objectives of land management, assessing their success or failure, and weighing them against present and reasonably predictable future requirements. Thus, these studies are based on the premise that public land policy is properly understood as long-range policy. The public land statutes now in force will materially affect the future--just as the public land laws of the past have contributed importantly to shaping contemporary Hawaii. The present research program is designed to assist the many individuals and agencies, both public and private, concerned with the formation and implementation of Hawaii's public land policies.

The execution of this study would not have been possible without the assistance of many individuals and agencies, including Philip Marcus of Michigan State University, and Ronald Wong, Carolyn Ige Chang, Carol Iijima, Merrily Brown, and Marie Gillespie of the Legislative Reference Bureau. Original sources in the State Archives were checked by Mavis Horwitz. Computer programming at Michigan State University was carried out by David Wright, while I.B.M. analysis in Hawaii was undertaken with the assistance of Tad Nakano and Roland Nishitani of the Department of Education's Data Processing Division. James Dunn, the State Surveyor, and Agnes Conrad, State Archivist, of the Department of Accounting and General Services, were extraordinarily generous as always in assisting us to locate hard-to-find land areas and documents. We are deeply indebted to Harold Yamada and Peggy Spencer of the Department of Land and Natural Resources for permission to incorporate in this study their detailed findings on federal land set aside by presidential proclamation and executive order. We are also grateful to Tom Tagawa, State Land Zoning Forester, and his staff at the Division of Forestry, Department of Land and Natural Resources, for their help in gathering the data on forest reserves included in this study. Nancy K. Hammond of the Social Science Research Bureau, Michigan State University, edited the manuscript, and Hanako Kobayashi edited and ordered the footnote material.

We are especially indebted to Mr. Leslie J. Watson, former Chief Water Development Engineer of the Honolulu Board of Water Supply, and now an independent research scholar and consultant, for checking the entire manuscript of this study in his characteristically thorough fashion. In making this review, Mr. Watson has brought to bear nearly fifty years of experience with Hawaii's land matters, and his expertise and scholarship have contributed materially to the accuracy and comprehensiveness of the study.

Staff and financial assistance were provided by the All-University Research Fund of Michigan State University and by the Rockefeller Foundation. To those individuals and organizations here enumerated and to the many others who have assisted us in the preparation of this study, we express our sincere appreciation.

I am grateful to Robert Horwitz, Michigan State University, for having served as an associate of the Legislative Reference Bureau in the preparation of this study, and for having served as director of the Land Study Project since 1963.

Herman S. Doi
Director

August 1966

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Chapter I

GUBERNATORIAL USE OF PROCLAMATIONS AND EXECUTIVE ORDERS

Historical Background

Hawaii's public land policy has long differed in significant respects from that followed on the American mainland. One of the most important and interesting differences has been the extraordinarily broad use in Hawaii of the instruments of the gubernatorial and presidential executive orders and proclamations¹ to reserve extensive portions of the public domain for a broad variety of public uses. The character of executive order policy at any given period has, of course, been determined by the overall framework of public land policy in Hawaii. As this overall policy has changed, so, too, has the use of executive orders and other devices been modified to promote the accepted goals of public land policy.

One cannot comprehend the extensive utilization of executive orders as a major instrument of public land policy in Hawaii unless one recalls that a substantial part of all the land of the Hawaiian Islands has been publicly owned from the time of the Great Mahele to the present.² Prior to the Great Mahele, or land division, of 1848, title to all of Hawaii's land was held by the reigning monarchs. Kamehameha III (1825-1854), who authorized the Mahele, designated roughly one and one-half million of the Islands' four million acres as public land, the income from which was intended to support the government. Extensive tracts of the public lands were sold, especially during the first two decades following the Mahele, but the public holdings were augmented by the addition of the former "crown lands"³ when the revolution of 1893 brought Hawaii's monarchy to an end. Although no comprehensive surveys of Hawaii's land were made during the 19th century, the total acreage of the public land probably exceeded one million acres. Today, it comprises nearly one and one-half million acres, somewhat more than one-third of the Islands' total land area.

Control of this unusually extensive and valuable public domain has added significantly to the power of Hawaii's rulers, whether monarchs, presidents, or elected governors. It has provided a powerful instrument for the shaping of foreign policy, it has enhanced the capacity of Hawaii's rulers to promote or to retard economic development, and it has provided extensive control over the development of public improvements. In short, control of the public domain has been of decisive importance in enabling Hawaii's rulers to shape the way of life of the populace.

One of the most useful and flexible devices utilized for control of Hawaii's public domain, especially during the period 1900-1950, has been the executive order. Indeed, one cannot adequately understand Hawaii's public land policy without considering precisely how this device has been used. Important as the executive order has been as an instrument of public land policy, no prior attempt has been

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made to study its use. For that matter, there has not been any comprehensive compilation of data on the total acreage reserved for public use through executive orders.⁴ Nor has there been much written, for that matter, on the general subject of executive orders, thus the legal basis for the exercise of this power has been little understood. It is therefore necessary to preface consideration of the use of executive orders in Hawaii by a brief explanation of the constitutional foundations of this practice on the American mainland.

From the earliest days of the American Republic, the President has utilized executive orders and proclamations to reserve portions of the public domain for a broad variety of public purposes.⁵ This presidential power has been traced by one authority to the President's "constitutional status as Chief Executive," as well as to powers specifically delegated to him.

In addition, however, Presidents have acted from time to time under an undefined and undelegated power inherent in the nature of the office of the Presidency: the power to act in the name of the public welfare as the only officer of the national government chosen by a national electorate . . .⁶

It has been assumed that, as chief executive of the entire nation, the President is appropriately charged with responsibility to take action to conserve "national resources which belong to the people collectively." Thus,

. . . the principal form which this exercise of power has taken has been the reservation of parts of the public domain for public purposes, to prevent their falling to the hands of individuals, corporations, and land companies who would otherwise have been entitled, under existing legislation to pre-empt, purchase, or otherwise gain title to them. The three most important purposes for which Presidents have made reservations have been for military posts, for the conservation of national resources, and for the resettlement of displaced persons who held the original title to much of the area that is now the United States.⁷

The President's power to reserve land for federal use in Hawaii was insured by Congress through the Organic Act of 1900.⁸ While this action was probably intended primarily to facilitate the development of important military bases in Hawaii, it was compatible with the continuation of long-established laws and practices designed to protect the natural resources of the Islands. This past practice warrants brief examination.

As early as 1859, Hawaii's Civil Code provided protection for the Islands' water resources by prohibiting the sale of "ponds, springs, and streams belonging to the government."⁹ In 1876, this protection of natural resources was extended by the enactment of a law "for the protection and preservation of woods and forests."

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Under this Act, the Minister of the Interior was authorized to set apart any governmental land in the Islands considered by him to "be best suited for the protection of water sources," and to appoint a competent person as superintendent of woods and forests to enforce such rules and regulations as might be established to protect forest lands.¹⁰ In addition to setting aside or reserving public land for this purpose, the Minister of the Interior was authorized to condemn private land for inclusion in the forest reserves, with compensation to be paid to the landowners.

With the abrogation of Hawaii's monarchy in 1893 and the establishment of the Republic, more comprehensive laws were enacted for the extension and protection of forest reserves.¹¹ Furthermore, under Section 186 of the Civil Laws of 1897, the commissioners of public lands were empowered to reserve lands for a broad variety of public purposes.

The practice of setting aside extensive portions of the public domain for public purposes had, then, been well established when Hawaii was annexed to the United States through the Newlands Resolution of July 7, 1898. Under this Resolution, the United States accepted the Republic of Hawaii's cession of "the absolute fee and ownership of all public, Government or Crown lands . . . belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining."¹² The Newlands Resolution also provided that the land laws of the United States would not apply to Hawaii, but that the United States Congress would, at its discretion, enact special laws for the management and disposition of Hawaii's public lands.¹³

In 1900, the United States Congress passed the Organic Act establishing a territorial government for Hawaii. This Act contained three provisions for the management of Hawaii's public lands. Of fundamental importance was the provision that the public land laws of the former Republic were to remain in force, with specific exceptions, among which was the provision that these laws would not apply to land which had been set apart or reserved by executive order of the President of the United States. Section 75 of the Organic Act vested power over the public lands which had been under the management of the Minister of the Interior in the Superintendent of Public Works; Section 91 provided that lands ceded to the United States would remain in the possession, use, and control of the government of the Territory until otherwise provided for by Congress, or unless they were taken for use by the United States under the direction of the President or the Governor of Hawaii.

Under land laws which remained in effect, the public land of Hawaii continued to be divided into three general classes: (1) land intended for settlement, which was placed under the control of the territorial commissioner of public lands;¹⁴ (2) land used for such public purposes as streets, parks, public building sites, and forest reserves;¹⁵ and (3) land which had been reserved for school sites

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under the laws of 1850, and to be used for educational purposes. This was designated as "school land" and was placed under the jurisdiction of the superintendent of public instruction.¹⁶

Although the territorial governor was authorized under Section 91 of the Organic Act to set apart public land for use by the United States, he was not, paradoxically, directly authorized to reserve land for the use of the territorial government. This power was vested in the commissioner of public lands by Section 73 of the Organic Act. The workings of this provision are illustrated through an opinion of the territorial attorney general who declared that land to be transferred from the superintendent of public works to the superintendent of public instruction should be transferred first to the commissioner of public lands, who would thereafter be able to transfer it to the superintendent of public instruction.¹⁷ This peculiar division of powers was not rectified until 1910, when the provisions of the Organic Act were amended.

Gubernatorial Proclamations, 1904-1914

During its first three years as a Territory of the United States, Hawaii was governed by Sanford Dole, who had served as president of Hawaii's short-lived Republic. Unfortunately for the purposes of this study, neither the reports of Dole's commissioner of public lands, nor the governor's reports provide sufficient detail regarding his limited use of gubernatorial proclamations.¹⁸ However, Dole's successor as governor, George Carter, who took office in 1903, issued a dozen proclamations which set aside over two hundred fifty thousand acres of public land during a period of about three years. This striking change in public land policy during Carter's administration may be explained largely by the passage in 1903 of the Forest Reserve Act,¹⁹ undoubtedly one of the most significant public land measures enacted during Hawaii's entire history. This Act authorized the governor to place public land, plus private land temporarily surrendered by its owner, into governmentally controlled forest reserves for the primary purpose of protecting water supplies by preventing erosion. During the last half of the 19th century, the deforested slopes of Hawaii's mountains had been devastated by wind and weather. Thoughtful men in the community realized that, unless the remaining forests were protected and extensive areas reforested, the result would be the destruction of Hawaii's commercial agriculture, and the likelihood that large portions of the Islands would become uninhabitable. These fears were grounded in the observations of those who had witnessed the utter ruin of the island of Kahoolawe, where short-sighted ranchers had permitted their cattle to destroy the ground cover, and the denuded slopes of the island quickly became barren. Tons of soil were blown and washed into the sea, forests were destroyed, and a once fertile island was rendered worthless in a shockingly short time.

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Governors Dole and Carter were acutely aware of the general damage being wrought by erosion, and their attention had been drawn especially to the island of Lanai. An unusually fertile and heavily populated island at the beginning of the 19th century, Lanai was virtually depopulated by the beginning of the 20th century. The process of destruction had been vividly described by the few remaining old natives or kamaainas (literally, children of the soil), who had pointed out how soil and rock from deforested hillside areas washed down into streams, clogged them with debris, halted the flow of water to ponds below, and destroyed the elaborate irrigation systems which had been constructed by generations of industrious native farmers.²⁰

Nor were these ravages limited to the smaller islands. The primeval forests of Oahu had been wantonly destroyed through the 19th century, especially by the Islands' enterprising ranchers who traditionally relied almost exclusively upon the range to feed their stock. When pastures were exhausted, the most simple and economical way to create new ones was to set fire to any adjacent forest land. The 1899 report of the Board of Agriculture found that "large acres of Public Forests are annually destroyed by fire, originating in many instances by cattlemen setting fire to the ferns and underbrush to improve their pasture."²¹ Once set, forest fires were often uncontrollable. For example, a fire in the magnificent Hamakua forest on the island of Hawaii could not be checked "until a good portion of the forest was burnt. The burnt district extended . . . from the 2,500 to the 4,000 foot elevation. The damage done to the forest is irreparable, and no one can appreciate it more unless he has personally observed it for himself; the destruction it has done to a once almost inaccessible forest."²²

The Forest Reserve Act of 1903 was designed to halt this destruction. It provided that the governor, after holding hearings, and securing the approval of a majority of the members of the Board of Forestry and Agriculture, could "set apart any Government land or lands not then under lease . . . as forest reservations." Any land thus set aside could not thereafter be leased or sold by the government except by legislative action. The measure was strengthened by further providing that individuals or corporations might "at any time surrender to the Government the care, custody and control of any lands, whether held under lease or in fee, as a forestry reservation, either for one or more years, or forever."²³ Such surrender of privately owned land was encouraged by exempting such land from all taxes as long as it remained "exclusively under the control of the Government as a forestry reservation."

Implementation of the Forest Reserve Act through the device of gubernatorial proclamations proceeded rapidly throughout the administration of Governor Carter and Acting Governor Atkinson, as is revealed by Table 1.

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Table 1

LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1904-1907

Land Area	Island	Total Area	Public Land	Private Land	Date of Proclamation
Kaipapau	Oahu	913	913	--	11-10-04
Hamakua Pali	Hawaii	18,940	16,333	2,607	12-23-04
Hilo	Hawaii	110,000	60,223	49,777	7-24-05
Koolau	Maui	42,969	30,230	12,739	8-24-05
Halealea	Kauai	37,500	10,990	26,510	8-24-05
Kealia	Kauai	9,935	7,385	2,550	3-9-06
Ewa	Oahu	28,550	5,151	23,399	3-9-06
Honuaula	Hawaii	665	665	--	4-4-06
Kau	Hawaii	65,850	59,618	6,232	8-2-06
Waianae-kai	Oahu	3,257	3,150	107	9-7-06
Lualualei	Oahu	3,743	3,743	--	11-30-06
Hana	Maui	14,825	13,767	1,058	11-30-06
Na Pali-Kona	Kauai	60,540	40,650	19,890	6-12-07
Totals		397,687	252,818	144,869	

The land incorporated by these thirteen proclamations was distributed among the four major islands as indicated in Table 2.

Table 2

DISTRIBUTION BY ISLANDS OF LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1904-1907

Island	Public Land	Private Land	Total
Oahu	12,957	23,506	36,463
Hawaii	136,839	58,616	195,455
Maui	43,997	13,797	57,794
Kauai	59,025	48,950	107,975
Totals	252,818	144,869	397,687

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Governor Frear, who was appointed as Carter's replacement in 1908, continued to implement vigorously the Forest Reserve Act, setting aside almost as much acreage for forest reserves as had Governor Carter. He issued 21 proclamations which placed in the forest reserves some 320 thousand acres of public land, nearly 70,000 more acres than had been set aside by Carter. These proclamations included roughly 70 thousand acres of private land surrendered under the provisions of the Forest Reserve Act, roughly half that surrendered during the initial phase of the program.

Detailed information on the 21 proclamations issued by Governor Frear appears in Table 3.

Table 3

LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1908-1913

Land Area	Island	Total Area	Public Land	Private Land	Date of Proclamation
West Maui	Maui	44,440	19,105	25,335	4-21-08
Makawao	Maui	1,796	1,796	--	4-21-08
Waiakea Spring	Hawaii	193	193	--	4-21-08
Mauna Kea	Hawaii	66,600	66,600	--	6-5-09
Waihou Spring	Maui	84	74	10	6-5-09
Lihue-Koloa	Kauai	29,260	12,945	16,315	6-5-09
Moloaa	Kauai	5,670	3,615	2,055	6-5-09
Pupukea	Oahu	864	864	--	5-10-10
Hauola	Hawaii	7	7	--	6-13-10
Kahoolawe	Kahoolawe	28,260	28,260	--	8-25-10
South Kona	Hawaii	36,952	29,260	7,692	5-17-11
Puna	Hawaii	19,850	19,850	--	6-29-11
Molokai	Molokai	44,674	44,674	--	9-11-12
Kula	Maui	6,075	6,075	--	9-11-12
Nanakuli	Oahu	1,010	1,010	--	6-4-13
Makua-Keaau	Oahu	4,716	4,376	340	6-4-13
Kuaokala	Oahu	434	434	--	6-4-13
Kohala	Hawaii	29,627	14,204	15,423	10-13-13
Upper Waiakea	Hawaii	51,800	51,800	--	10-13-13

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Table 3 (continued)

Land Area	Island	Total Area	Public Land	Private Land	Date of Proclamation
Upper Olaa	Hawaii	9,280	9,280	--	10-13-13
Honolulu Watershed Reserve	Oahu	6,950	5,000	1,950	10-13-13
Totals		388,542	319,422	69,120	

The land affected by Governor Frear's 21 proclamations was distributed among the Islands as indicated in Table 4.²⁴

Table 4

DISTRIBUTION BY ISLANDS OF LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1908-1913

Island	Public Land	Private Land	Total
Oahu	11,684	2,290	13,974
Hawaii	191,194	23,115	214,309
Maui	27,050	25,345	52,395
Kauai	16,560	18,370	34,930
Kahoolawe	28,260	--	28,260
Molokai	44,674	--	44,674
Totals	319,422	69,120	388,542

Frear was succeeded by Lucius Pinkham, Hawaii's first Democratic governor. During Pinkham's administration the creation of the major forest reserves was virtually completed, although some additions (and withdrawals) and a number of boundary changes were made in the forest reserves during the subsequent half-century. Governor Pinkham issued three proclamations adding land to the forest reserves, as is indicated in Table 5.

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Table 5

LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1914

Land Area	Island	Total Area	Public Land	Private Land	Date of Proclamation
Honolulu Water-shed Reserve	Oahu	132	132	--	6-13-14
Kipahulu	Maui	10,600	10,600	--	8-20-14
Olaa	Hawaii	911	911	--	8-20-14
Totals		11,643	11,643	--	

The land incorporated by these three proclamations was distributed among the major islands as indicated in Table 6.

Table 6

DISTRIBUTION BY ISLANDS OF LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1914

Island	Public Land	Private Land	Total
Oahu	132	--	132
Hawaii	911	--	911
Maui	10,600	--	10,600
Totals	11,643	--	11,643

The total amount of land set aside by the 37 proclamations issued by Governors Carter, Frear, and Pinkham (as well as by Acting Governors Atkinson and Mott-Smith) is presented in Table 7.

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Table 7

LAND SET ASIDE UNDER THE FOREST RESERVE ACT 1904-1914

Island	Public Land	Private Land	Total
Oahu	24,773	25,796	50,569
Hawaii	328,944	81,731	410,675
Maui	81,647	39,142	120,789
Kauai	75,585	67,320	142,905
Kahoolawe	28,260	--	28,260
Molokai	44,674	--	44,674
Totals	583,883	213,989	797,872

In the first decade following enactment of the Forest Reserve Act nearly 20 per cent of the land area of the entire island chain was placed in forest reserves. Land surrendered by private owners constituted roughly 27 per cent of this total, while the nearly 600,000 acres of public land included in the forest reserves constituted nearly one-third of the Islands' public land.

Gubernatorial Executive Orders, 1910-1920

During Governor Frear's administration, the instrument of gubernatorial executive orders was first used in Hawaii to set aside public land for a variety of purposes in addition to the creation of the forest reserves. Authorization for the use of executive orders by Hawaii's governors was provided in the important amendments made to Sections 73 and 91 of the Organic Act. By Act of May 27, 1910,²⁵ the United States Congress amended Section 73 and Section 91 of the Organic Act to provide that: (1) all the public land in possession, use, and control of the Territory was to be managed by the commissioner of public lands (this provision rescinded the power of land management of the superintendent of public instruction and the superintendent of public works); (2) private land received in exchange for public land would assume the status of the public land for which it was exchanged; (3) the governor would be authorized to set aside or withdraw land for forest reserves or other public purposes; (4) the President could restore to its former status land taken for the uses of the United States; (5) the President could transfer to the Territory title to land used by the Territory or required for water, sewer, electric, and other public works, penal, charitable, scientific, and educational institutions, and improvements, public

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buildings, or other public purposes; and (6) the governor could, when authorized by the legislature, transfer such acquired property to any city, county, or other political subdivision of the Territory.

Governor Frear, who had been appointed by President Theodore Roosevelt in 1907, used this new authority to good advantage in expanding his program of public works. He issued 22 executive orders which set aside a total of 802 acres, the bulk of which was located on Oahu. The major uses to which this land was put were for parks, hospitals and health centers, and the University of Hawaii.

Governor Frear's successor, Lucius Pinkham, was appointed by President Woodrow Wilson on November 29, 1913, and served until June 22, 1918. His wartime administration understandably witnessed the rapid build-up of the Hawaii National Guard, a development facilitated by the setting aside of public land through executive orders. Governor Pinkham issued a total of 31 executive orders through which 666 acres were set aside. The largest bloc of land, 347 acres, was provided to the Department of Defense of the Hawaiian government; 120 acres were provided for hospitals and health centers, while the University of Hawaii received its second increment of land, some 66 acres.

Governor James McCarthy, Hawaii's second Democratic governor, was appointed by President Wilson to succeed Pinkham in 1918. He served as the Territory's chief executive until July 5, 1921. Governor McCarthy issued 53 executive orders which set aside a total of 74,855 acres, including extensive acreage for hospitals and health centers, additional land for the University of Hawaii, and land for social services. But the greatest part of the land set aside during his administration was for parks, particularly the area now known as Hawaii Volcanoes National Park.²⁶ His action in reserving land for the national park was instrumental in protecting uniquely beautiful and interesting areas from further encroachment by ranchers and commercial developers. Governor McCarthy's contribution to the cause of conservation served both as an important precedent for subsequent governors and a substantive accomplishment of enormous importance. The acreage set aside during his administration constituted slightly more than half the total amount of land finally incorporated into Hawaii Volcanoes National Park.

A summary of the use made of executive orders during the administrations of Governors Frear, Pinkham, and McCarthy is presented in Table 8.

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Table 8

USE OF EXECUTIVE ORDERS BY GOVERNORS FREAR, PINKHAM, AND McCARTHY

Land Use	Frear	Pinkham	McCarthy	Totals
Educational Institutions	4 acres	4 acres	91 acres	99 acres
Hospitals and Health Centers	159 "	120 "	649 "	928 "
Parks	583 "	48 "	73,409 "	74,040 "
University of Hawaii	29 "	66 "	94 "	189 "
Military	2 "	347 "	7 "	356 "
Miscellaneous Uses*	14 "	62 "	586 "	662 "
Other Uses*	11 "	19 "	19 "	49 "
	802 acres	666 acres	74,855 acres	76,323 acres

*"Miscellaneous Uses" includes land set aside for flood control, ponds, quarries, public housing, tourism, triangulation stations, and stable lots. "Other Uses" includes all acreage comprised by the remaining thirteen use categories for which land was set aside in small amounts only. A complete list of all use categories appears on page 19, Table 12.

Land set aside by these executive orders was located on all the major islands, but Oahu and Hawaii received the greatest amount. About 95 per cent of the total amount of land set aside was located on Hawaii, with most of the land designated for parks and the military. Most of the remaining land set aside was located on Oahu and was assigned to a variety of uses, although land for parks accounts for the greatest amount set aside. Land on the other islands was designated for educational and social services.

Gubernatorial Executive Orders, 1921-1964

The use of executive orders during Hawaii's final 35 years as Territory contrasts sharply with the use during the earlier territorial period. This difference is accentuated by the use of executive orders after 1921.

Given the return of the Republican Party to power on the United States mainland in the elections of 1920, it followed that a Republican governor would be appointed to replace Governor McCarthy. President Harding's appointee was Wallace R. Farrington, who served

PROCLAMATIONS AND EXECUTIVE ORDERS

as Hawaii's governor from July 5, 1921, to July 5, 1927. Farrington's administration was characterized by an expansion of public works programs, and an enormous increase in the use of executive orders. During the six years of his administration he issued 221 executive orders through which a total of 10,567 acres were set aside. He also issued 36 executive orders which withdrew some 1,150 acres set aside by previous executive orders.

Governor Farrington made extensive use of public land for the benefit of Honolulu's growing urban population. The use to which greatest attention was paid was that of airport development, for which nearly one-fourth of the total land area set aside was designated. Furthermore, he greatly increased the amount of public land available for educational institutions, despite strong criticisms from some in the community.²⁷ He also set aside large amounts of land for military use, parks, hospitals and health centers, and water and sewer systems.

Of the land set aside by Governor Farrington's executive orders, 3,418 acres was located on Oahu, 2,756 acres on Hawaii, 2,508 acres on Kauai, and 1,884 acres on the islands which constitute the County of Maui (the islands of Maui, Lanai, and Molokai).

Governor Farrington was succeeded in 1927 by Lawrence Judd, who was appointed by President Hoover on July 5, 1927. Judd's period of service extended into the "New Deal" era, which undoubtedly influenced his use of executive orders. During the next six years of his administration, Governor Judd issued 199 executive orders setting aside 8,160 acres, while another 50 orders withdrew 1,718 acres set aside by prior executive orders. Of the land set aside by Governor Judd, nearly 70 per cent was assigned for use by United States military forces, a reflection of the continuing development of Hawaii as the major American military base in the Pacific. The remainder of the land set aside by Judd was fairly evenly divided among airports, educational institutions, harbor development, hospitals, and parks.

Roughly 7,000 acres of the total set aside was located on Oahu, with the remainder divided among Hawaii (564 acres), Maui (300 acres), and Kauai (284 acres). Given the large amount of land set aside for military use, it should be noted that the United States Congress provided in 1930 that Section 91 of the Organic Act be amended to require that rental payments or other consideration received from public land taken for the use of the United States and thereafter leased, rented, or granted upon revocable permit to private parties should accrue to the territorial treasury rather than to the treasury of the United States, as had been the practice in the past.²⁸ This amendment provided at least some compensation to the Territory for the increasing amounts of its public land set aside to the national government but used only in part by it.

Joseph Poindexter was appointed governor by Franklin Roosevelt in 1934, and served eight years, formally leaving office in August,

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1942. His period of effective service ended, however, on the day of the attack on Pearl Harbor, December 7, 1941, at which time he declared martial law and turned the government of Hawaii over to Lieutenant General Walter C. Short, who assumed the position of Military Governor.²⁹ Martial law and military government were maintained in Hawaii until October 24, 1944, with all major considerations of public land policy determined by military considerations during this period of nearly three years. In 1941, a pertinent amendment made to Section 73(q) of the Organic Act provided that the governor of the Territory might set aside for the use of the United States land purchased by the Territory after annexation.³⁰

Governor Poindexter issued 270 executive orders which set aside 8,534 acres. He also issued 104 orders which withdrew 3,816 acres set aside by previous orders. Military uses accounted for approximately one-third of the total acreage set aside (3,077 acres), another third represented additions to the forest reserves (2,604 acres), while nearly 850 acres was assigned for the development of airports and navigational aids. Substantial acreage was also assigned to hospital use, water systems, and parks. Of the 8,534 acres set aside by Governor Poindexter, 3,533 acres were on Maui, 2,864 acres on Kauai, 1,339 on Oahu, and 798 acres on Hawaii.

A summary of the uses made of executive orders during the administrations of Governors Farrington, Judd, and Poindexter is presented in Table 9.

Table 9
USE OF EXECUTIVE ORDERS BY
GOVERNORS FARRINGTON, JUDD, AND POINDEXTER

Land Use	Farrington	Judd	Poindexter	Totals
Airports	2,985 acres	455 acres	829 acres	4,269 acres
Educational Institutions	1,928 "	242 "	281 "	2,451 "
Forest Reserves	71 "	65 "	2,604 "	2,740 "
Harbors	20 "	288 "	35 "	343 "
Hospitals and Health Centers	941 "	335 "	458 "	1,734 "
Parks	1,442 "	487 "	541 "	2,470 "
Sewer Systems	294 "	--	2 "	296 "
University of Hawaii	203 "	205 "	91 "	499 "
Water Systems	184 "	13 "	235 "	432 "
Military	1,801 "	5,688 "	3,077 "	10,566 "
Miscellaneous Uses	496 "	194 "	198 "	888 "
Other Uses	202 "	188 "	183 "	573 "
	10,567 acres	8,160 acres	8,534 acres	27,261 acres

PROCLAMATIONS AND EXECUTIVE ORDERS

Ingram Stainback, a Democrat and former attorney general of Hawaii during the administration of Governors Pinkham and McCarthy, was appointed by Franklin Roosevelt in 1942. Stainback's first years in office were highlighted by his successful fight to end martial law and military rule in the Islands; at the same time, the demands of the war required the setting aside of additional land for use by the military. Stainback had frequently criticized the degree of concentration of landownership in Hawaii, and had spoken of the need for land reform. Although very little was accomplished on this score during his administration, it may be that his public land policies were designed to mitigate some of the effects of concentration of ownership.

In any event, Governor Stainback issued more executive orders than any other chief executive in Hawaii's history, with the total acreage set aside approximating that placed in the forest reserves during the early territorial period. Stainback's 317 orders set aside a total of 216,937 acres. An additional 106 executive orders withdrew 2,502 acres previously set aside. Of the total acreage set aside by Governor Stainback, 164,140 acres were put into forest reserves, 37,130 acres were designated for parks, 6,150 acres for security purposes, 5,107 acres for airports and navigational aids, 26,641 acres were set aside for use by the United States government, and 4,911 acres for uses associated with transportation.

The bulk of the land set aside by Stainback's orders was located on the island of Hawaii (204,657 acres), with 7,829 acres on Oahu, 3,346 acres on Kauai, and 1,106 acres on the islands constituting the County of Maui.

Governor Stainback's Lieutenant Governor, Oren E. Long, was appointed governor by President Truman in 1951. Although Long served less than two years, he issued 79 executive orders which set aside 47,861 acres. Another 40 executive orders withdrew 2,257 acres previously set aside. The chief purpose of Governor Long's executive orders was to extend the boundaries of Hawaii Volcanoes National Park. An order setting aside almost 10,000 acres brought into the park the Upper Olaa Forest Reserve which includes the finest stand of virgin forest in the Hawaiian Archipelago. Another order transferred over 8,000 acres of public land in Kaalaala, Kau for rounding out the southwest boundary of the Kilauea section of the park. Other executive orders added to the forest reserves, while some 720 acres were set aside for airports and navigational aids.

The bulk of the land set aside by Governor Long was on the island of Hawaii, 41,952 acres, with 5,578 acres on Kauai, 177 acres on Oahu, and 154 acres on Maui.

The election of President Dwight Eisenhower in 1952 foretold the end of Governor Long's brief administration, and on February 28, 1953, Samuel Wilder King was appointed governor. Governor King was the first person of part-Hawaiian ancestry to serve as chief

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executive of Hawaii since the abrogation of the monarchy by the revolution in 1893. Governor King served for four years, during which he issued 172 executive orders setting aside 31,187 acres. Seventy-seven additional orders withdrew 17,212 acres previously set aside.

The major purpose served by Governor King's executive orders was the increase of the forest reserves. Nearly 21,500 acres were added to them, but about half of this total was assigned to the Hawaiian Homes Commission as future homesteading sites. (The Commission's program is designed to provide farm land and home sites for people of Hawaiian descent.) King also added substantially to land set aside for military use and for parks and water systems.

The bulk of the land set aside by Governor King was on the island of Hawaii, 23,658 acres, with 3,785 acres on Kauai, 3,709 acres on Oahu, and 35 acres on Maui.

The last appointed governor of Hawaii was William F. Quinn, who served as chief executive from 1957 until Hawaii was granted statehood. He then won election as the new state's first elected governor. During Governor Quinn's first year in office, some important amendments were made to the public land provisions of the Territory's Organic Act. Sections 73(q) and 91 were amended to provide that: (1) officers and employees under the jurisdiction of the commissioner of public lands were to be appointed in accordance with and subject to territorial civil service laws;³¹ (2) the Hawaii Aeronautics Commission was permitted to enter into leases for the operation of airports;³² and (3) the governor was permitted to transfer titles of land to the University of Hawaii.³³

During the period of less than two years during which he served as an appointed governor, Quinn made sparing use of executive orders, perhaps because of the uncertainty inherent in the transitional period prior to statehood. During this time, he made less use of executive orders than had any of the governors of the late territorial period: he issued 59 executive orders (which set aside only 1,369 acres) and 23 orders withdrawing 573 acres. Five hundred and twenty-three acres were set aside for the University of Hawaii, 409 acres for airports and navigational aids, 149 acres for water systems, and 106 acres for parks.

Following his election in 1959, Governor Quinn made more extensive use of executive orders. He issued 99 orders setting aside 2,787 acres, with 84 orders withdrawing 3,070 acres. An additional 696 acres were set aside for the University of Hawaii, 471 for military use, 454 for parks, and 445 acres for airports and navigational aids and 337 acres for water systems. The pattern of Governor Quinn's reservation of land was determined in part by the extraordinarily rapid urban development of Oahu, by the growth of the University of Hawaii, and by his own objective of improving such basic utilities as water works, airports, harbors, and parks.

PROCLAMATIONS AND EXECUTIVE ORDERS

The bulk of the land set aside by him was on Hawaii (1,199 acres), with 1,119 acres on Oahu, 406 acres on Kauai, and 63 acres in the County of Maui.

Governor Quinn was defeated in his bid for reelection in 1962, and the governorship went to the Democratic candidate, John A. Burns. During the first two years of his administration, Governor Burns issued 51 executive orders setting aside 497 acres, while 50 orders have withdrawn 186 acres. Two hundred and thirty-nine acres have been set aside for airports and navigational aids and 117 acres for water works and related water systems. Three hundred and seventeen acres of the land set aside is on the island of Hawaii, with 157 acres on Oahu, 11 on Kauai and 11 on Maui.

Data on the use made of executive orders during the pre-statehood administrations of Governors Stainback, Long, King, and the first two years of Quinn's administration are presented in Table 10.

Table 10
USE OF EXECUTIVE ORDERS BY HAWAII'S GOVERNORS
1942-1959

Land Use	Stainback	Long	King	Quinn	Totals
Airports	5,107 acres	721 acres	237 acres	409 acres	6,474 acres
Educational Institutions	427 "	58 "	228 "	38 "	751 "
Forest Reserves	164,140 "	694 "	21,485 "	19 "	186,338 "
Harbors	133 "	40 "	247 "	35 "	455 "
Hospitals and Health Centers	759 "	17 "	9 "	--	785 "
Parks	37,130 "	46,138 "	998 "	106 "	84,372 "
Security	6,150 "	80 "	3 "	--	6,233 "
University of Hawaii	222 "	18 "	299 "	524 "	1,063 "
Water Systems	1,473 "	32 "	4,913 "	150 "	6,568 "
✓ Military	758 "	4 "	2,471 "	5 "	3,238 "
Miscellaneous	287 "	33 "	171 "	43 "	534 "
Other Uses	351 "	26 "	126 "	40 "	543 "
	216,937 acres	47,861 acres	31,187 acres	1,369 acres	297,354 acres

LAND RESERVED FOR PUBLIC USE

Data on the use to which executive orders have been put during the administrations of Governors Quinn and Burns since Hawaii achieved statehood in 1959 are presented in Table 11.

Table 11

USE OF EXECUTIVE ORDERS IN THE STATE OF HAWAII 1959-1964

Land Use	Quinn	Burns	Totals
Airports	445 acres	239 acres	684 acres
Educational Institutions	166 "	37 "	203 "
Harbors	119 "	19 "	138 "
Parks	454 "	--	454 "
Sewer Systems	--	46 "	46 "
University of Hawaii	696 "	--	696 "
Water Systems	337 "	117 "	454 "
Military	471 "	--	471 "
Miscellaneous Uses	25 "	20 "	45 "
Other Uses	74 "	19 "	93 "
	2,787 acres	497 acres	3,284 acres

During the 65-year period, 1900-1964, a total of 404,221 acres was set aside through 2,198 executive orders for 19 purposes. The total number of executive orders issued by each of Hawaii's governors during this period is presented in Table 12.

Table 12
LAND SET ASIDE BY USE AND GOVERNOR

U s e	G o v e r n o r												Totals
	Territory										State		
	Frear	Pinkham	McCarthy	Farrington	Judd	Poindexter	Stainback	Long	King	Quinn	Quinn	Burns	
Airports & Nav. Aids	--	--	--	2,984.860	455.057	828.639	5,106.655	720.726	237.254	408.879	444.762	239.267	11,426.099
Campsites	--	--	--	22.340	--	--	--	--	--	--	--	--	22.340
Cemeteries	2.330	4.600	6.900	43.851	38.847	10.878	94.137	16.527	1.257	1.345	2.855	--	223.527
Educational Institutions	3.666	3.912	90.968	1,928.186	242.351	281.428	427.445	57.785	228.010	38.439	165.572	36.951	3,504.713
Forest Reserves	--	--	6.510	71.130	65.061	2,603.942	164,140.322	694.490	21,484.642	19.487	2.750	--	189,088.334
Harbors & Nav. Aids	--	--	.457	20.686	287.588	35.127	133.373	40.415	247.001	35.340	119.184	19.499	938.670
Hospitals & Health Centers	159.200	120.000	649.389	941.099	335.341	457.612	759.395	17.065	8.576	.333	3.922	1.513	3,453.445
Parks	583.489	48.073	73,408.565	1,442.090	486.558	540.977	37,129.547	46,137.861	997.786	105.825	454.123	.474	161,335.368
Public Buildings	6.146	.737	2.954	66.782	26.707	10.705	25.264	.964	22.125	1.268	18.508	2.701	184.861
Refuse	--	.385	--	11.845	57.319	97.323	81.130	3.213	81.877	--	11.268	--	344.360
Security	1.375	13.977	--	49.077	54.380	41.194	6,149.754	79.520	3.284	--	10.039	.267	6,402.867
Sewer Systems	--	--	.017	293.586	.470	2.118	13.635	--	.293	.087	.272	45.866	356.344
Transportation	.982	--	--	6.663	6.274	14.596	29.083	--	.448	29.366	19.915	1.526	108.853
University of Hawaii	29.300	65.764	94.170	203.000	205.318	91.175	221.817	17.933	299.036	523.763	695.648	--	2,446.924
Utility & Storage	--	--	1.825	1.400	4.465	7.899	49.134	4.975	21.468	6.527	4.919	11.492	114.104
Water Systems	--	--	--	183.606	13.237	235.252	1,473.266	32.361	4,912.582	149.939	336.776	117.084	7,454.103
Watersheds	--	--	--	--	--	--	57.220	--	--	--	--	--	57.220
Miscellaneous	13.975	62.340	586.192	495.964	194.019	198.199	287.281	33.071	170.706	42.997	25.372	20.120	2,130.236
Military	1.760	346.550	6.808	1,800.639	5,687.448	3,076.763	758.239	4.324	2,470.940	4.921	471.095	--	14,629.487
Totals	802.223	666.338	74,854.755	10,566.804	8,160.440	8,533.827	216,936.697	47,861.230	31,187.285	1,368.516	2,786.980	496.760	404,221.855

Chapter II

THE PRESENT STATUS OF LAND UNDER EXECUTIVE ORDER

Figure 1 presents the percentage of the Islands' total land set aside under gubernatorial executive orders as of December 31, 1964. The distribution of this land varies considerably among the major islands. Overall, the public land held under such orders accounts for 16 per cent of all state-owned land. This acreage is equivalent to 5.9 per cent of the total land area of the Islands.

The island of Hawaii consists of 2,573,440 acres, of which 1,061,393 acres is classified as public land. 329,945 acres, or 19 per cent, of this public land is presently set aside under executive order. This constitutes 83.2 per cent of all land presently set aside under executive orders in the Islands.

The County of Maui (which includes the islands of Maui, Molokai, Lanai, and Kahoolawe) consists of 750,720 acres, of which 255,818 acres is classified as public land. 4,854 acres, or 1.9 per cent, of this public land is presently set aside under executive order. This constitutes 2.0 per cent of all land presently set aside under executive orders in the Islands.

The island of Oahu consists of 382,720 acres, of which 55,566 acres is classified as public land. 19,982 acres, or 35.9 per cent, of this public land is presently set aside under executive order. This constitutes 8.2 per cent of all land presently set aside under executive orders in the Islands.

The County of Kauai (which includes the islands of Kauai and Niihau) consists of 398,720 acres, of which 151,950 acres is classified as public land. 16,185 acres, or 10.6 per cent, of this public land is presently set aside under executive order. This constitutes 6.6 per cent of all land presently set aside under executive orders in the Islands.

The impact of executive orders on the land area of each county is presented in Figure 1.

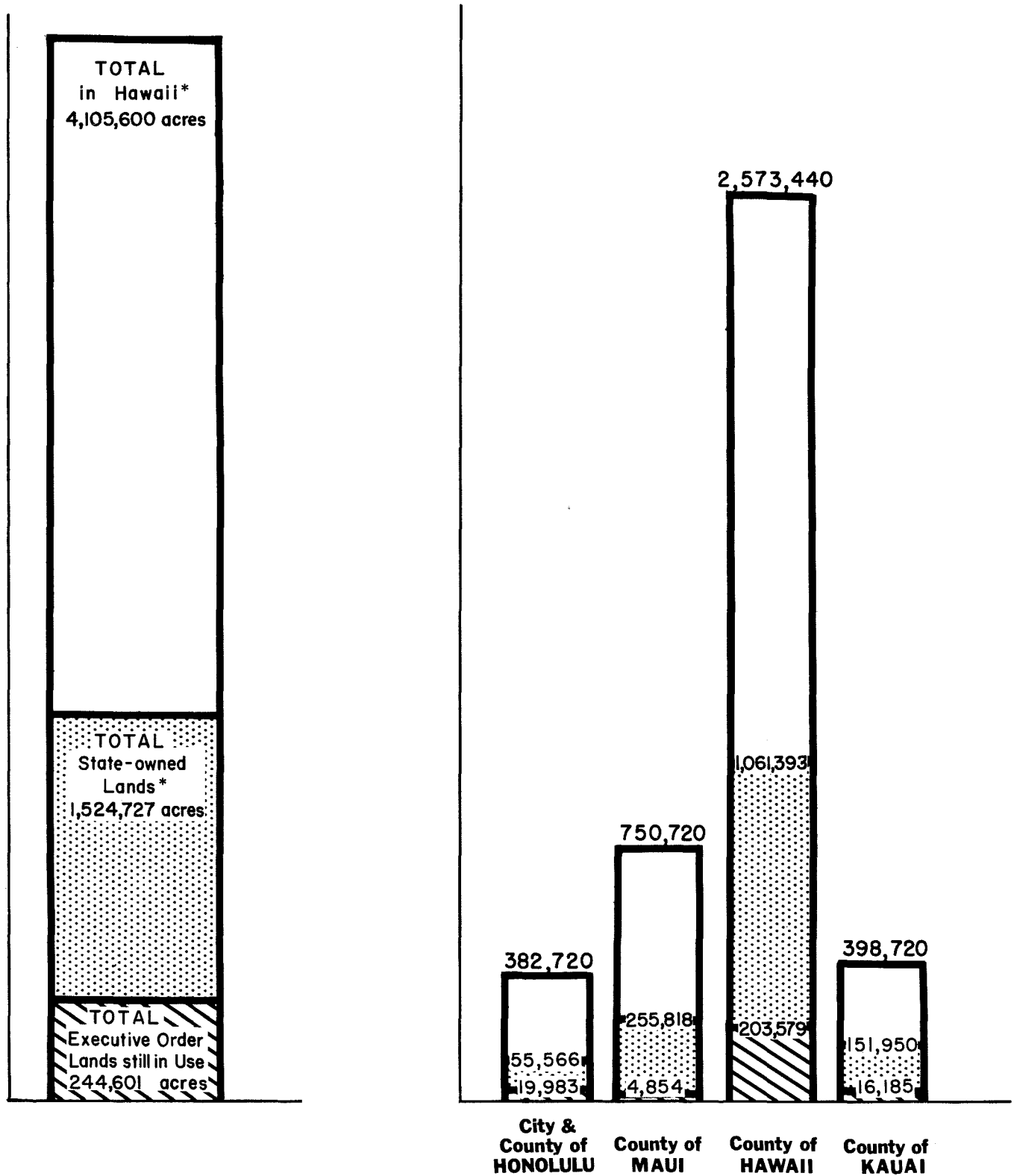
Current Use of Land Set Aside Under Executive Order

The current use of land presently set aside under executive order is portrayed graphically in Figure 2.

It is apparent that the bulk of Hawaii's land presently under executive order is put to a limited variety of uses. While 19 use categories are necessary to account for all of this land, a single use (forest reserves) accounts for approximately 75 per cent of the total acreage. Six other use categories, or 21 per cent, account for

FIGURE 1

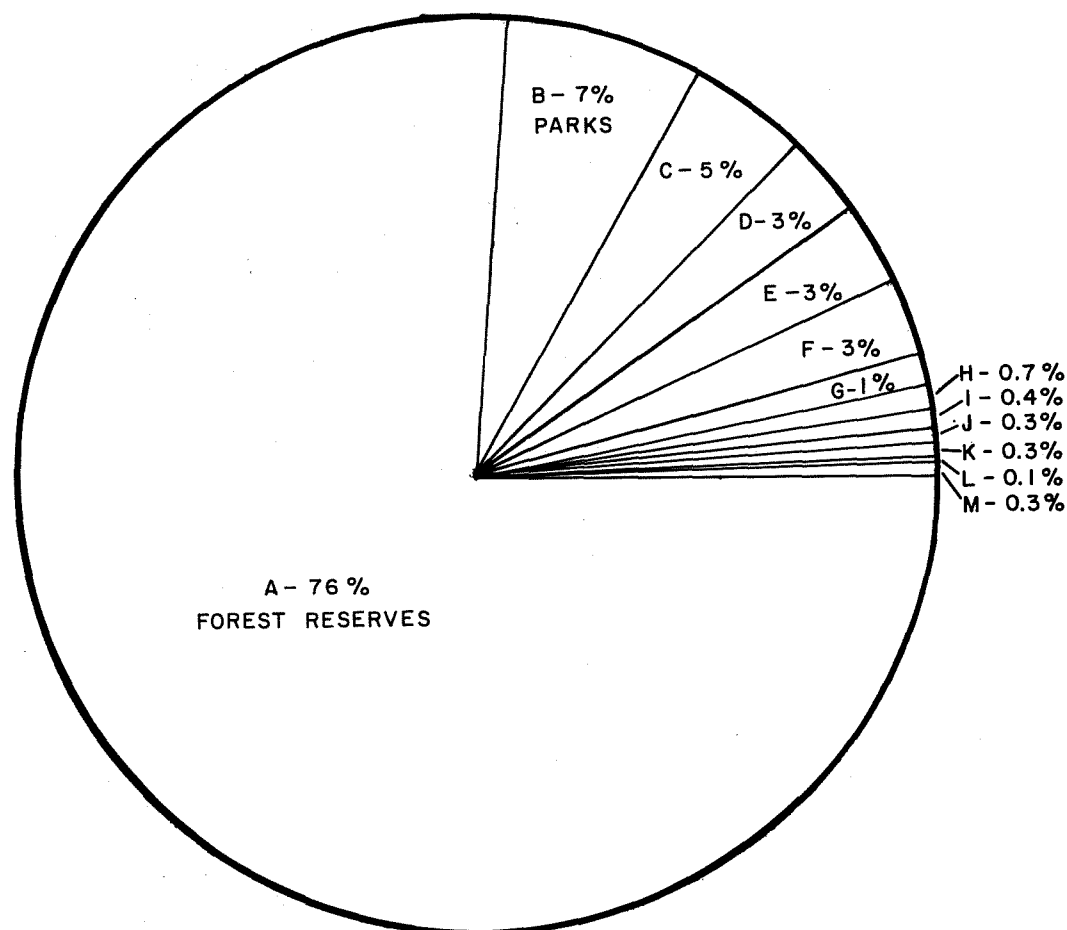
EXECUTIVE ORDERS AND HAWAII'S PUBLIC LAND



*Source: 1962-64 Annual Report, Department of Land and Natural Resources

FIGURE 2
THE USE OF LAND CURRENTLY SET ASIDE

22



- A - FOREST RESERVES
- B - PARKS
- C - MILITARY
- D - WATER SYSTEMS
- E - AIRPORTS & NAV. AIDS
- F - SECURITY
- G - EDUCATIONAL INSTITUTIONS
- H - HOSPITALS & HEALTH CENTERS
- I - UNIVERSITY OF HAWAII
- J - HARBORS & NAV. AIDS
- K - MISCELLANEOUS
- L - SEWER SYSTEMS
- M - OTHERS (cemeteries, refuse system, public buildings, transportation, watersheds, utility & storage, camp-sites)

PRESENT STATUS OF LAND

the bulk of the remainder. Finally, 12 uses account for the remaining 4 per cent.

An analysis of the uses for which land is set aside by executive order on each of the islands reveals a similar pattern. A few uses account for the bulk of the land, but the use pattern differs among the major islands. Figure 3 presents the major uses by island.

The County of Hawaii has 97.5 per cent of its executive order lands allocated for four major uses and most of the acreage is assigned for forest reserves. Oahu has 86.8 per cent of its executive order lands divided among six uses. However, there is a different priority ranking and more equal distribution among the main use categories. Oahu is the only major island having military use as its main category.

Kauai has 91 per cent of its executive order land assigned to three categories. It resembles Hawaii in the predominance of park and forest reserve lands. Kauai is similar to Oahu since it also has the military as an important use category.

Maui has 82 per cent of its executive order land divided nearly equally among the four major uses. It has two uses which are not significant categories on the other islands, namely, hospitals and health centers, and educational institutions.

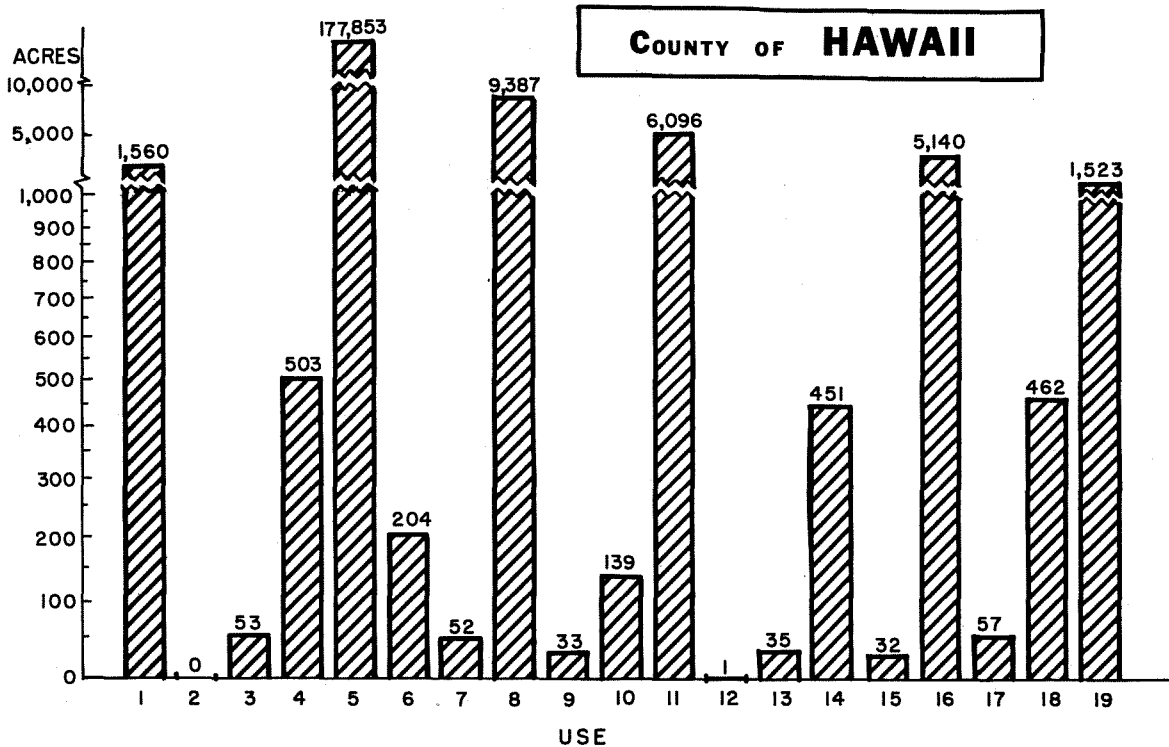
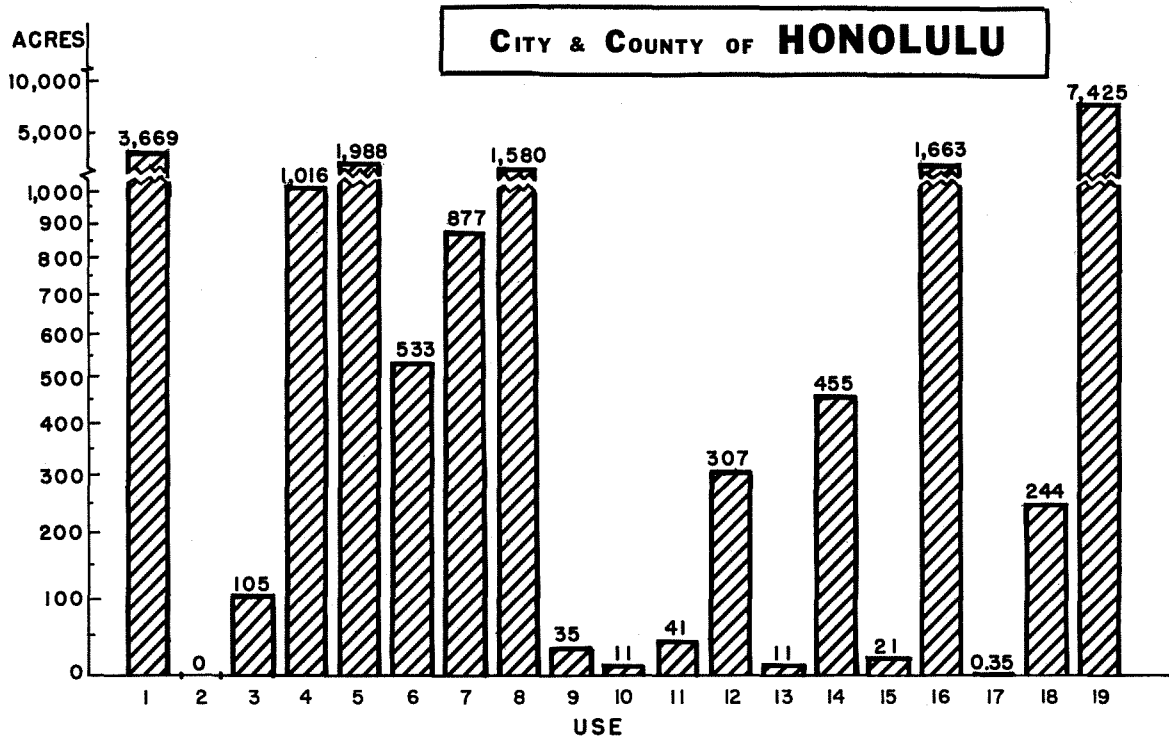
Governmental Agencies to Which Land Is Set Aside

The bulk of the land set aside under executive order has been for a limited number of uses. It follows that a rather small number of governmental agencies are charged with the administration of this land. Five agencies control about 94 per cent of all lands reserved for public purposes; while of the other 19 agencies, 7 control nearly 5 per cent of the remainder. Table 13 accounts for most of the 244,601 acres presently set aside.

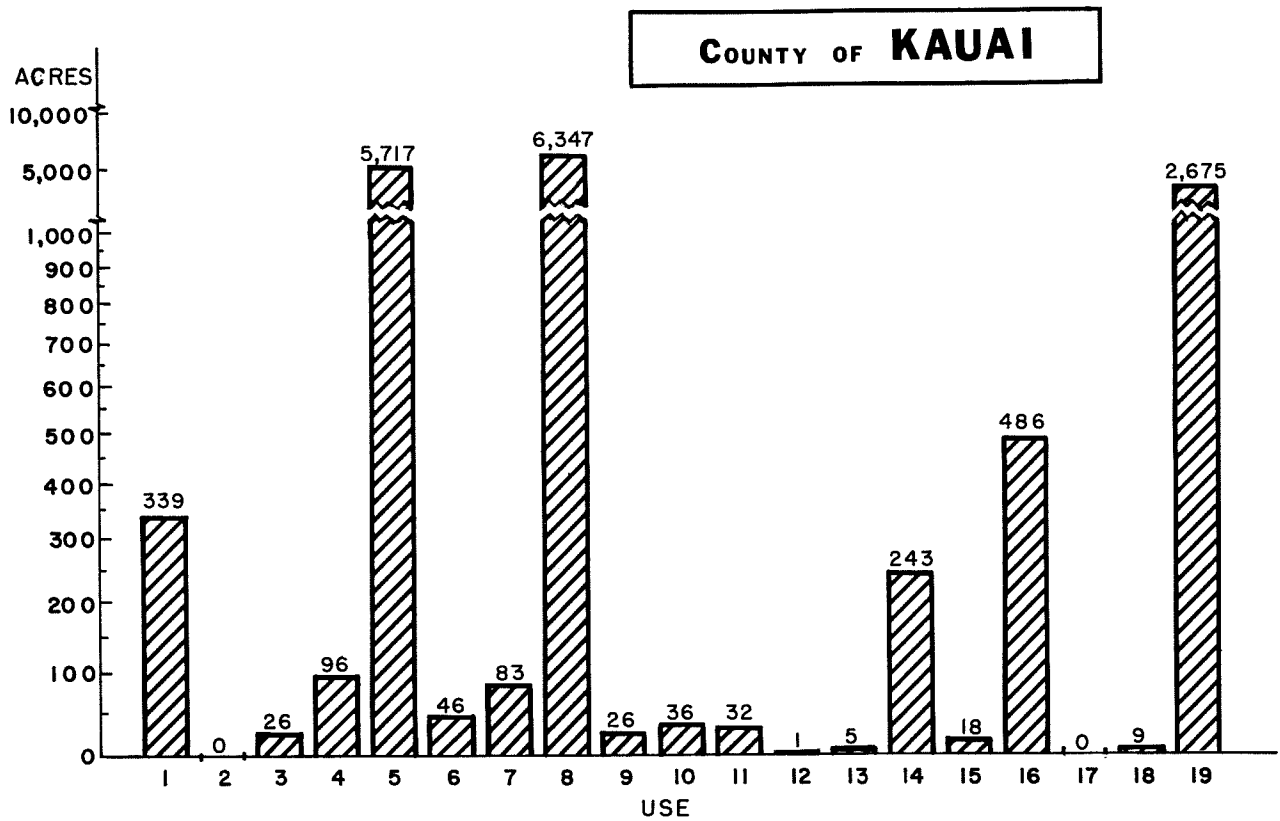
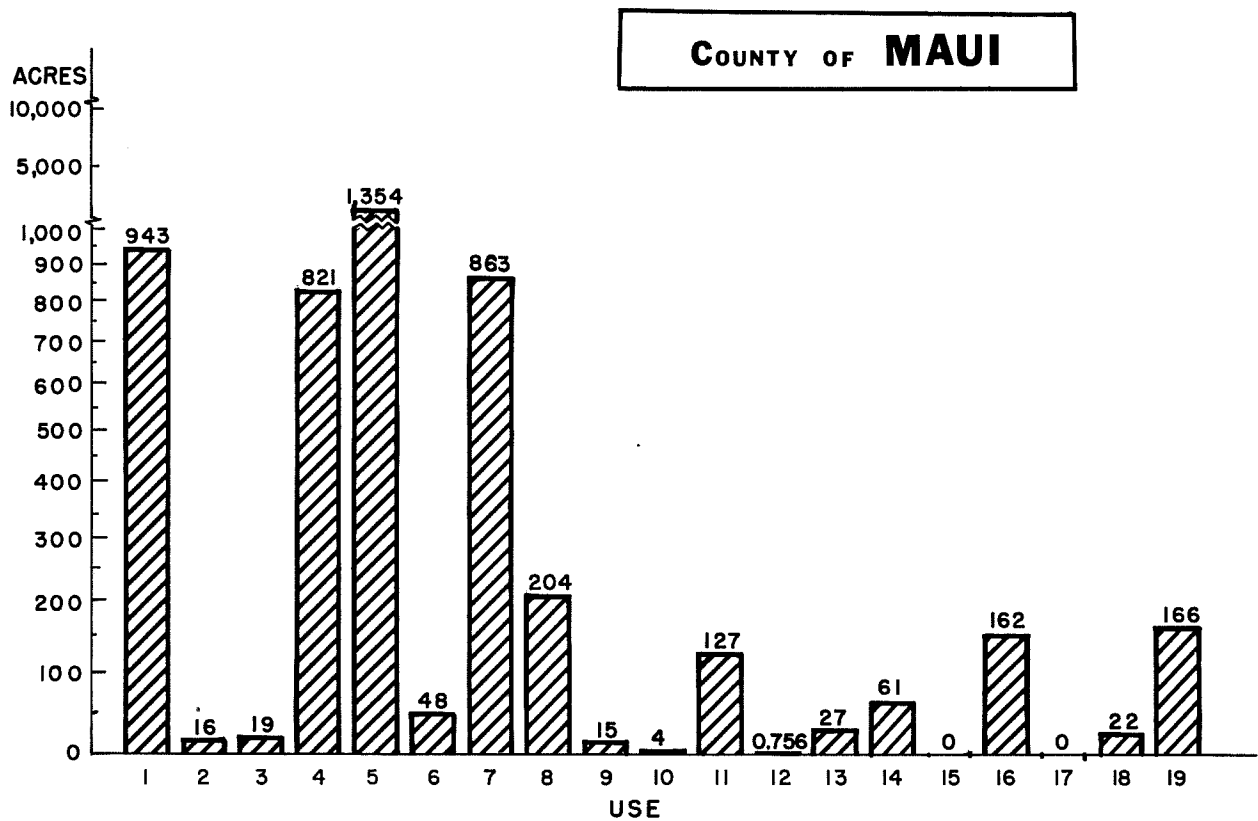
Much of the agencies' land use is evident, but some uses require explanation. The Department of Land and Natural Resources land is mostly in forest reserves, 70.8 per cent, with another 8.3 per cent used for parks; the bulk of the remainder is assigned for water systems. Land assigned to the Hawaiian Homes Commission is intended for future homestead sites, but most of this area currently is in forest reserves. Most of the land set aside to the federal government is in military use. The Department of Social Services has 91 per cent of its executive order lands assigned for security uses--fire stations, police stations, jails, and prisons--and the small remainder for forest reserves.

The Airports Division of the Department of Transportation uses its land for airfields and air navigation aids. The Department of

FIGURE 3
THE PRESENT STATUS OF EXECUTIVE
ORDER LAND FOR EACH COUNTY



- | | |
|-------------------------------|-------------------------------|
| 1. Airports & Navigation Aids | 6. Harbors & Navigation Aids |
| 2. Campsites | 7. Hospitals & Health Centers |
| 3. Cemeteries | 8. Parks |
| 4. Educational Institutions | 9. Public Buildings |
| 5. Forest Reserves | 10. Refuse Systems |



11. Security
 12. Sewer Systems
 13. Transportation
 14. University of Hawaii
 15. Utility & Storage

16. Water Systems
 17. Watersheds
 18. Miscellaneous
 19. Military

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Education uses its land primarily for buildings--libraries, museums, and schools. The uses of land set aside to the State Department of Defense is self-explanatory.

Table 13

MAJOR AGENCIES TO WHICH LAND IS PRESENTLY SET ASIDE

Agency	Acres
Department of Land and Natural Resources	194,346
Hawaiian Homes Commission	11,157
United States Government	10,519
Department of Social Services	6,871
Department of Transportation--Airports Division	6,377
City and County of Honolulu	2,788
County of Hawaii	2,179
Department of Education	1,846
County of Kauai	1,544
Department of Defense	1,505
Department of Health	1,359
Department of Transportation--Harbors Division	1,309
Total	241,800
Grand Total	244,601

The use of land set aside to the county governments is not so evident; however, there are two main use categories which account for the bulk of their holdings--parks and water systems. Table 14 summarizes these uses:

Table 14

LAND SET ASIDE TO COUNTIES FOR PARKS AND WATER SYSTEMS

County	Parks (in acres)	Water Systems (in acres)	% of Total Acreage Set Aside to County
City and County of Honolulu	927	1,497	87
County of Hawaii	1,434	76	69
County of Maui	202	152	44
County of Kauai	849	474	86
	3,412	2,199	

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The remainder of the county lands are generally divided among a few other uses: about 2 per cent of the city and county land is used for sewer systems; about 1 per cent of the Hawaii land is used for miscellaneous uses, and .5 per cent for refuse; and about .5 per cent of the Kauai land is used for security and refuse.

Chapter III

LAND RESERVED TO THE FEDERAL GOVERNMENT

The strategic military importance of Hawaii to the United States was decisively established during the Spanish-American War, and the annexation of the Islands took place after that struggle. Some American military officers had shown keen interest in acquiring bases in Hawaii for at least a quarter of a century prior to annexation. As early as 1873, Major General Schofield, Commander of the United States Army Military Division of the Pacific and General Alexander of the Corps of Engineers had spent two months in the Islands "for the purpose of ascertaining the defensive capabilities of the different ports and to . . . collect all information that would be of service to the country in the event of war with a powerful maritime nation. . . ." ¹ American admirals had carried out similar observations, and it was generally understood that Pearl Harbor was potentially the finest harbor in the northern Pacific. It came as no surprise, then, that, following annexation in August, 1898,

The President by proclamation reserved several pieces of land in Honolulu and elsewhere on Oahu for use by the Army and Navy. These included certain lands adjacent to the harbor which were officially designated as "Naval Station, Honolulu," and the areas later occupied by the military establishments of Fort Shafter and Schofield Barracks. . . . The intention was to concentrate all important military and naval installations on the island of Oahu. ²

A variety of instruments was used initially to reserve such land for federal use. The site of Schofield Barracks, roughly 15,000 acres, was reserved by General Order 147, issued by the Headquarters of the Army on August 10, 1899. General Order 213, issued the following year, reserved one portion of the site of Fort Armstrong, while two presidential proclamations were used to reserve additional acreage for Fort Armstrong in 1898 and 1899. But chief reliance was placed on presidential and gubernatorial executive orders to set aside land in Hawaii for federal use. Inasmuch as a comprehensive study ³ has recently been made of this subject, no attempt will be made here to cover this same ground. Present purposes will be adequately served by completing the findings of the earlier study and presenting summary findings.

The bulk of Hawaii's land presently being used by the United States was obtained by some 137 presidential executive orders. There are few instances in which land obtained by presidential executive orders has subsequently been returned to the territorial or state governments of Hawaii, although passage of the Statehood Act was thought by some to have clouded the federal government's right to part of this land.

LAND RESERVED TO FEDERAL GOVERNMENT

At the present time, the United States government controls 56,767 acres of Hawaii's public land under all types of instruments excluding permits. The bulk of this land was set aside for military use, and the armed forces of the United States control all but a small amount of this land at the present time. A current breakdown of control by the various military services reveals the following federal holdings:

Land controlled by the U. S. Navy	35,306 acres
Land controlled by the U. S. Army	17,170 "
Land controlled by the U. S. Air Force	3,649 "
Land controlled by the U. S. Coast Guard	555 "
Total	56,680 acres

The size of the Navy's holding is somewhat distorted because of its total of 35,306 acres, 28,777 acres is accounted for by the island of Kahoolawe, which is now used only as a bombing range. The next largest concentration of land controlled by the Navy under executive order is the ammunition depot and radio station at Lualualei on Oahu. The only other large holding is the little used Keehi Lagoon Seadrome, Oahu, an area of 516.5 acres. The bulk of the Navy's extensive and valuable landholdings on Oahu have been acquired by condemnation and other forms of purchase and are held in fee simple ownership today.

The Army is the second largest holder of land set aside for use by United States military forces. The bulk of the Army's holdings is concentrated in the Schofield Barracks Military Reservation, which includes the area known as Wheeler Field. This complex, with an area of almost 14,500 acres set aside under presidential and gubernatorial executive order, constitutes only one portion of an enormous, contiguous land area used for training and other purposes by the Army on Oahu. The Fort Shafter Military Reservation comprises nearly 1,300 acres, the Kuwaahe Military Reservation has some 322 acres, and the Pohakuloa Training Site on the island of Hawaii has some 758 acres.

The Air Force has a small amount of land under its control. Most of the land is concentrated in the Bellows Field tract on Oahu, nearly 1,500 acres, and Bonham Air Force Base on Kauai, about 2,100 acres. The Air Force uses Wheeler Field, which the Army has under its control.

The remainder of the land thus set aside, approximately 642 acres, is divided among the Coast Guard, the Federal Aviation Agency, and various other federal agencies. The Coast Guard is assigned 555 acres, its largest holdings consisting of Lehua Lighthouse Station (277 acres) and Kaula Lighthouse Station (108 acres). The Federal Aviation Agency controls 64 acres of land while seven other federal agencies control a total of 23 acres.

LAND RESERVED FOR PUBLIC USE

Hawaii's governors were occasionally called upon to issue executive orders setting aside land for federal military use. At present, there appear to be only a half-dozen gubernatorial executive orders reserving extensive areas of Hawaii's public land for such use. A large amount of public land set aside for other federal uses, such as the area in Hawaii Volcanoes National Park, was transferred at the time of statehood and is therefore no longer under executive order.

The compilations which follow supply information about the land held by the federal government under executive orders and other instruments.

Table 15

INDEX OF LAND SET ASIDE FOR FEDERAL USE BY AGENCY

Location		Area* (in acres)
<u>U. S. Air Force</u>		
Bellows Field	Waimanalo, Koolaupoko, Oahu	1,456.739
Bonham Air Force Base	Kekaha, Kauai	2,112.040
Dillingham Air Force Base	Waialua, Oahu	4.756
Kawaihapai Air Force Res.	Kealia and Kaena, Waialua, Oahu	75.460
Wheeler Air Force Base	Wahiawa, Oahu	--
(See Schofield Barracks)		
Total		3,648.995
<u>U. S. Army</u>		
Bishop's Point Mil. Res.	Water Town, Ewa, Oahu	4.210
Fort Armstrong Mil. Res.	Honolulu Harbor, Oahu	16.954
Fort De Russy	Waikiki, Honolulu, Oahu	1.454
Fort Ruger	Diamond Head, Oahu	79.621
Fort Shafter Mil. Res.	Kahauiki, Honolulu, Oahu	1,295.836
Hanapepe Airport Mil. Res.	Hanapepe, Kauai	1.650
Hilo Harbor Mil. Res.	Hilo, Hawaii	8.200
Kaena Point Mil. Res.	Kaena, Waialua, Oahu	39.128
Kapalama Mil. Res.	Kapalama Kai, Honolulu, Oahu	48.455
Kawaihae Harbor Project	South Kohala, Hawaii	23.689
Keaau Ridge Fire Control Station	Keaau, Waianae, Oahu	.689
Kemoo Communication Cable Hut	Kemoo, Waialua, Oahu	.064
Kolekole Pass Mil. Res.	Lualualei Forest Reserve, Oahu	31.050
Kuwaaohē Mil. Res.	Mokapu Peninsula, Kaneohe, Oahu	322.528
Lualualei Mil. Res.	Lualualei, Waianae, Oahu	8.490

Table 15 (continued)

	Location	Area* (in acres)
Manana Cable Hut Site	Pearl City, Oahu	.039
Mauna Kapu Radio Station	Waianae, Oahu	1.610
National Memorial Cemetery of the Pacific	Kewalo, Honolulu, Oahu	77.561
Pohakuloa Training Site	Hamakua, Hawaii	758.256
Punchbowl Hill Mil. Res.	Honolulu, Oahu	34.225
Pupukea Mil. Res.	Pupukea, Oahu	.000
Puu-O-Hulu Fire Control Station	Lualualei, Waianae, Oahu	.709
Sand Island Mil. Res.	Honolulu, Oahu	.000
Schofield Barracks Mil. Res. (Includes Wheeler Field)	Wahiawa, Oahu	14,399.199
U. S. Army Cable Easement	Keaahala, Kaneohe, Oahu	.210
U. S. Army Communication Cable Right-of-Way	Honolulu, Oahu	--
Waialua Mil. Res.	Waialua, Oahu	.000
Waianae-Kai Mil. Res.	Waianae, Oahu	16.391
Right of Entry	Upper Pouhala, Waikele, Ewa, Oahu	.086
Total		17,170.304

U. S. Coast Guard

Diamond Head Lighthouse Res.	Fort Ruger, Oahu	2.190
Fort Armstrong Mil. Res. (Pier 4)	Honolulu Harbor, Oahu	--
Kahala Point Lighthouse Res.	Anahola, Kauai	4.520
Kahoolawe Lighthouse Res.	Island of Kahoolawe	23.300
Ka Lae Lighthouse Res.	Kau, Hawaii	10.020
Kaneohe Lighthouse Station	Kaneohe, Oahu	.000
Kaula Lighthouse Station	Island of Kaula, Hawaii	108.000
Kauna Point Lighthouse Station	Kau, Hawaii	10.540
Kawaihae Lighthouse Res.	South Kohala, Hawaii	2.584
Keahole Point Lighthouse Res.	North Kona, Hawaii	4.205
Lae-o-Kokole Lighthouse Res.	Waimea, Kauai	5.548
Lahaina Lighthouse Res.	Lahaina, Maui	.010
Laupahoehoe Point Lighthouse Res.	Laupahoehoe, Hawaii	1.350
Lehua Lighthouse Station	Island of Lehua, Niihau	277.000
Makapuu Point Lighthouse Res.	Makapuu, Oahu	7.820
Mokuiaee Lighthouse Res.	Island of Mokuiaee, Kauai	.000
Molokai Lighthouse Res.	Kalaupapa, Molokai	22.880
Molokini Lighthouse Station	Island of Molokini	18.500
McGregor's Point Lighthouse	Lahaina, Maui	1.320
Napoopoo Light Station	South Kona, Hawaii	2.930

Table 15 (continued)

	Location	Area* (in acres)
Puukii Lighthouse Res.	Puukii Island, Maui	1.500
U. S. Coast Guard Station	Sand Island, Oahu	48.604
Waiakea Light Station	Hilo, Hawaii	.100
Waiakea-Kai Lighthouse	Hilo, Hawaii	.100
Letter Permit	Molokai	1.740
	Total	554.761

Federal Aviation Agency

Diamond Head Air Route Traffic Control and Communication Center	Diamond Head Crater, Honolulu, Oahu	3.400
F.A.A. Aeronautical Radio Station	Haleakala, Maui	1.600
F.A.A. Haleakala Peripheral Hi Site	Haleakala, Maui	2.956
F.A.A. Inter-Island Radio Telephone and Teletype Station	Kalaheo, Kauai	.620
F.A.A. Radio Beam Station	Waiakea, South Hilo, Hawaii	50.000
F.A.A.-V.H.F. Radio Range Site	Hilo, Hawaii	4.663
Letter Permit for Road Right-of-Way and Easements	North Kohala, Hawaii	.580
	Total	63.819

U. S. Navy

1 Aiea Naval Res.	Aiea, Ewa, Oahu	5.947
2 Fort Armstrong Mil. Res.	Honolulu Harbor, Oahu	--
3 Haiku Naval Radio Station	Heeia, Oahu	28.800
4 Kahoolawe Naval Res.	Island of Kahoolawe	28,777.000
5 Kaneohe Naval Air Station	Kaneohe, Oahu	346.751
6 Keehi Lagoon Navy Seadrome	Honolulu, Oahu	516.565
7 Lualualei Ammunition Depot	Waianae, Oahu	3,830.030
8 Lualualei Naval Radio Station	Waianae, Oahu	1,729.173
9 Molokai Airport Naval Res.	Palaau and Hoolehua, Molokai	14.108
10 Nanakuli Mil. Res.	Nanakuli, Oahu	.000
11 Naval Reserve Training Lot	Waiakea, Hawaii	1.639
12 Navy Recreational Center	Aiea, Oahu	8.225
13 Pearl City Peninsula Navy Ferry Slip Res.	Pearl City, Oahu	.117
14 U. S. Naval Res.	Pearl City, Oahu	46.290
15 Wailupe Radio Station	Waialae, Honolulu, Oahu	.000
16 West Loch Branch Naval Ammunition Depot	Honouliuli, Oahu	1.162
	Total	35,305.807

Table 15 (continued)

	Location	Area* (in acres)
<u>Others</u>		
Fort Armstrong Mil. Res. (General Services Administration)	Honolulu Harbor, Oahu	--
Fort Armstrong Mil. Res. (Department of Justice)	Honolulu Harbor, Oahu	--
Hawaii Agricultural Experiment Station (Department of Agriculture)	Makawao, Maui	4.200
Army and Navy Gasoline Distribution System (Department of Defense)	Pearl City to Kipapa, Oahu	9.052
Kekaha Radio Noise Field Site - U. S. Bureau of Standards	Kekaha, Kauai	5.195
Mauna Loa Observatory - U. S. Weather Bureau (Department of Commerce)	Hamakua, Hawaii	4.050
U. S. Custom House Site (Department of Treasury)	Hilo, Hawaii	.811
Total		23.308
<u>Summary</u>		
U. S. Air Force	3,648.995 acres	
U. S. Army	17,170.404 "	
U. S. Coast Guard	554.761 "	
Federal Aviation Agency	63.819 "	
U. S. Navy	35,305.807 "	
Others	23.308 "	
Total	56,767.094 acres**	

Source: Hawaii, Commissioner of Public Lands, Inventory of Public Lands Set Aside to the United States by Acts of Congress, Executive Orders and Proclamations, Report No. 1 (Honolulu: 1961?).

*Areas in this table were updated as of 1964 by the Legislative Reference Bureau.

**Revocable permits have been excluded.

Table 16
INDEX OF LAND SET ASIDE FOR FEDERAL USE BY DOCUMENT

A. Governor's Executive Orders

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
7	Fort Armstrong (formerly U. S. Immigration Depot)		Honolulu, Oahu	Navy	R**
56	Fort Shafter Mil. Res.	1.730	Honolulu, Oahu	Army	
62	Wailupe Naval Radio Station		Honolulu, Oahu	Navy	
75	Schofield Barracks Mil. Res.	3.500	Wahiawa, Oahu	Army	
79	Wailupe Radio Station	.750	Honolulu, Oahu	Navy	
143	Kolekole Pass Mil. Res.	31.050	Wahiawa, Oahu	Army	
144	Kaena Point Mil. Res.	.280	Waialua, Oahu	Army	
	Keaau Ridge Fire Control Station	.200	Waianae, Oahu	Army	
	Puu-O-Hulu Fire Control Station	.150	Waianae, Oahu	Army	
145	Hanapepe U. S. Naval Res.		Hanapepe, Kauai	Navy	R
146	Mala Landing U. S. Naval Radio Base		Lahaina, Maui	Navy	R
173	Kaula Light Station	108.000	Kaula Island	Coast Guard	
174	Waiakea-Kai Naval Radio Station		Hilo, Hawaii	Navy	R
175	Waiakea-Kai Lighthouse Res.	.083	Hilo, Hawaii	Coast Guard	
176	Hilo Harbor Mil. Res.	6.500	Hilo, Hawaii	Army	
194	Hawaii Agricultural Experiment Station		Honolulu, Oahu	Agriculture Department	R
239	Waiakea Light Station	.100	Hilo, Hawaii	Coast Guard	
245	Hanapepe Airport	65.000	Hanapepe, Kauai	Army	
258	Ka Lae Mil. Res.		Kau, Hawaii	Army	R
259	Wailua Airport		Wailua, Kauai	Army	R
287	Upolu Airport		Kohala, Hawaii	Army	R
289	Hanapepe Airport	(65.000)	Hanapepe, Kauai	Army	
291	Hanapepe Airport	84.400	Hanapepe, Kauai	Army	
308	Kahoolawe Lighthouse Res.	23.300	Kahoolawe Island	Coast Guard	
343	Lehua Lighthouse Station	277.000	Lehua Island	Coast Guard	
345	Puu-O-Hulu Fire Control Station	.455	Waianae, Oahu	Army	
351	Makua Mil. Res.		Waianae, Oahu	Army	R
361	Waiakea Naval Res.		Hilo, Hawaii	Navy	R
363	Upolu Airport		Kohala, Hawaii	Army	R
382	Lualualei Ammunition Depot	132.000	Waianae, Oahu	Navy	
388	Lualualei Ammunition Depot	3,678.950	Waianae, Oahu	Navy	
389	Schofield Barracks Mil. Res.	6.547	Wahiawa, Oahu	Army	
410	Upolu Airport		Kohala, Hawaii	Army	R
446	Kewalo Army Pill Box Site		Honolulu, Oahu	Army	R
476	Hawaii Agricultural Experiment Station	4.200	Makawao, Maui	Agriculture Department	
481	Puu-O-Hulu Fire Control Station	.709	Waianae, Oahu	Army	
490	Lualualei Ammunition Depot	2.426	Waianae, Oahu	Navy	
508	Wailupe Naval Radio Station		Honolulu, Oahu	Navy	R
556	Upolu Airport		Kohala, Hawaii	Army	R
599	Lualualei Naval Radio Station	1,748.400	Waianae, Oahu	Navy	
603	Wailupe Radio Station	.007	Honolulu, Oahu	Navy	
606	Kauna Point Lighthouse Station	10.540	Kau, Hawaii	Coast Guard	
612	U. S. Army Communication Cable		Honolulu, Oahu	Army	
665	Homestead Field Mil. Res.		Hoolehua, Molokai	Army	R
703	Kuwaaaohe Mil. Res.	.528	Kaneohe, Oahu	Army	
723	Hilo Harbor Mil. Res.	1.700	Hilo, Hawaii	Army	
734	Kemoo Communication Cable Hut	.003	Waialua, Oahu	Army	
738	Hawaii Experiment Station		Honolulu, Oahu	Agriculture Department	R
749	Upolu Mil. Res.		Kohala, Hawaii	Army	R
773	Kaneohe Lighthouse Station	.077	Kaneohe, Oahu	Coast Guard	
790	Hawaii Experiment Station		Honolulu, Oahu	Agriculture Department	R
801	Manawahua Mil. Res.		Nanakuli, Oahu	Army	R

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
837	U. S. Custom House Site	.510	Hilo, Hawaii	Treasury Department	
848	Kalihi Mil. Res.		Kalihi, Oahu	Army	R
862	U. S. Custom House Site	.811	Hilo, Hawaii	Treasury Department	
864	Fort Armstrong Mil. Res.	.119	Honolulu, Oahu	Army	
869	Ka Lae Mil. Res.		South Point, Hawaii	Army	R
884	F.A.A. Receiving Antenna Site		Hilo, Hawaii	Commerce Department	R
885	Hanapepe Airport (Receiving Antenna Site)	1.818	Hanapepe, Kauai	Army	
887	Bonham Air Force Base	548.570	Kekaha, Kauai	Air Force	
905	U. S. Army Dispensary		Iwilei, Oahu	Army	R
911	Bonham Air Force Base		Kekaha, Kauai	Air Force	
912	Bonham Air Force Base		Kekaha, Kauai	Air Force	
913	Puu-O-Hulu Fire Control Station	1.250	Lualualei, Oahu	Army	
923	Molokai Airport Mil. Res.		Palaau, Molokai	Army	R
924	Upolu Mil. Res.		Kohala, Hawaii	Army	R
925	Hilo Airport Mil. Res.		Hilo, Hawaii	Army	R
934	Bellows Field	1.927	Waimanalo, Oahu	Air Force	
936	Molokai Airport Naval Res.	14.108	Hoolehua, Molokai	Navy	
937	Kemoo Communication Cable Hut	.060	Waialua, Oahu	Army	
945	Bonham Air Force Base	1,509.000	Kekaha, Kauai	Air Force	
959	Maui Airport Mil. Res.		Kula, Maui	Army	R
960	Napali-Kona Mil. Res.		Kokee, Kauai	Army	R
961	Bellows Field	3.982	Waimanalo, Oahu	Air Force	
964	Maui Airport Naval Res.		Kula, Maui	Navy	R
972	United Service Organization Building Res.	4.017	Waikiki, Oahu	Army	R
974	Pearl City Navy Ferry Slip Res.	.117	Pearl City, Oahu	Navy	
978	Kaneohe Naval Air Station	346.751	Kaneohe, Oahu	Navy	
981	Kapalama and Kapahulu Health Centers		Honolulu, Oahu	Federal Works Administration	R
1016	Keehi Lagoon Navy Seadrome		Honolulu, Oahu	Navy	
1023	Bellows Field	31.140	Waimanalo, Oahu	Air Force	
1038	Navy Recreational Center	8.225	Aiea, Oahu	Navy	
1058	Haiku Naval Radio Station	28.800	Heeia, Oahu	Navy	
1096	Manana Cable Hut Site	.039	Pearl City, Oahu	Army	
1116	Schofield Barracks Mil. Res.	19.000	Wahiawa, Oahu	Army	
1147	F.A.A. Inter-Island Radio Station	.620	Kalaheo, Kauai	F.A.A.	
1153	Lualualei Ammunition Depot	15.410	Waianae, Oahu	Navy	
1171	U. S. Naval Res.	26.500	Pearl City, Oahu	Navy	
1232	Kewalo Army Pill Box Site		Honolulu, Oahu	Army	R
1257	Fort Shafter Mil. Res.	.036	Honolulu, Oahu	Army	
1271	F.A.A.-V.H.F. Radio Range Site	4.645	Hilo, Hawaii	F.A.A.	
1273	Fort Shafter Mil. Res.	56.032	Honolulu, Oahu	Army	
1280	F.A.A. Radio Beam Station	50.000	Waiakea, Hawaii	F.A.A.	
1284	Waipio Naval Res.	65.600	Waipio, Oahu	Navy	R
1295	Kapalama and Kapahulu Health Centers		Honolulu, Oahu	Federal Works Administration	R
1301	Schofield Barracks Mil. Res.	202.674	Wahiawa, Oahu	Army	
1321	Maui Airport Mil. Res.		Pulehunui, Maui	Army	R
1322	Maui Airport Naval Res.		Pulehunui, Maui	Navy	R
1327	Fisheries Research Laboratory		Honolulu, Oahu	Interior Department	R
1328	Lualualei Ammunition Depot	1.244	Waianae, Oahu	Navy	
1350	U. S. Army Underground Communication Cable		Hanapepe, Kauai	Army	R
1351	Kapalama Mil. Res.	6.446	Honolulu, Oahu	Army	

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
1355	Napali-Kona Mil. Res.		Kokee, Kauai	Army	R
1368	Schofield Barracks Mil. Res.	34.356	Wahiawa, Oahu	Army	
1369	Kaena Point Mil. Res.	38.860	Waiialua, Oahu	Army	
1370	U. S. Army Cable Easement	.210	Kaneohe, Oahu	Army	
1378	National Memorial Cemetery of the Pacific	77.561	Honolulu, Oahu	Army	
1413	F.A.A. Aeronautical Radio Station	1.600	Haleakala, Maui	F.A.A.	R
1422	Army and Navy Gasoline Distributing System	9.052	Pearl City, Oahu	Defense Department	
1440	F.A.A.-V.H.F. Link Station		Humuula, Hawaii	F.A.A.	
1459	Fisheries Research Laboratory		Honolulu, Oahu	Interior Department	
1476	U. S. Army Underground Cable		Hanapepe, Kauai	Army	
1528	Kahoolawe Lighthouse Station	(23.300)	Kahoolawe Island	Coast Guard	R
1530	Dillingham Air Force Base	4.756	Waiialua, Oahu	Air Force	
1533	Kalihi Mil. Res.		Honolulu, Oahu	Army	
1576	Immigration Station	1.180	Honolulu, Oahu	Justice Department	
1602	Mauna Kapu Radio Station	1.610	Waianae, Oahu	Army	
1612	Schofield Barracks Mil. Res.	1.514	Wahiawa, Oahu	Army	R
1681	West Loch Branch Naval Ammunition Depot	1.162	Honouliuli, Oahu	Navy	
1719	Pohakuloa Training Site	758.256	Hamakua, Hawaii	Army	
1720	Mauna Loa Observatory	4.050	Hamakua, Hawaii	Commerce Department	
1759	Kawaihae Harbor Project	30.259	Kohala, Hawaii	Army	
1801	Keehi Lagoon Navy Seadrome	516.565	Honolulu, Oahu	Navy	R
1808	F.A.A. Haleakala Peripheral Hi Site	4.193	Haleakala, Maui	F.A.A.	
1810	Naval Reserve Training Lot	3.906	Waiakea, Hawaii	Navy	
1829	Kekaha Radio Noise Field Site	5.195	Kekaha, Kauai	F.A.A.	
1832	Diamond Head Air Route Traffic Control and Communication Center	3.400	Honolulu, Oahu	F.A.A.	
1858	F.A.A.-V.H.F. Radio Range Site	.018	Hilo, Hawaii	F.A.A.	R
1894	U. S. Naval Res.	1.015	Pearl City, Oahu	Navy	

B. Presidential Executive Orders

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
395-A	Fort Ruger	720.000	Honolulu, Oahu	Army	R
	Punchbowl Hill Mil. Res.	157.500	Honolulu, Oahu	Army	
893	East Island of French Frigate Shoal		French Frigate Shoal	Commerce Department	
962	Molokai Lighthouse Res.	21.600	Kalaupapa, Molokai	Coast Guard	
978	Round Top Mil. Res.	3.680	Honolulu, Oahu	Army	
	Sugar Loaf Mil. Res.	3.140	Honolulu, Oahu	Army	R
1008	Fort Armstrong	5.750	Honolulu, Oahu	Army	
1106	Fort Ruger	(5.520)	Honolulu, Oahu	Army	R
1137	Schofield Barracks Mil. Res. and Wheeler Air Force Base	.000	Wahiawa, Oahu	Army	
1175	Fort Armstrong	41.090	Honolulu, Oahu	Army	
1181	Hawaii Agricultural Experiment Station		Honolulu, Oahu	Army	
1242	Schofield Barracks Mil. Res. and Wheeler Air Force Base	214.020	Wahiawa, Oahu	Army	
1261	Fort Ruger	(2.000)	Honolulu, Oahu	Army	R
1362	Fort Armstrong	4.400	Honolulu, Oahu	Army	
1377	Fort Ruger	2.000	Honolulu, Oahu	Army	
1507	Fort Armstrong	(1.318)	Honolulu, Oahu	Army	
1531	Punchbowl Hill Mil. Res.	(117.740)	Honolulu, Oahu	Army	
1559	Fort Armstrong	13.100	Honolulu, Oahu	Army	R
1767	Fort Ruger	2.064	Honolulu, Oahu	Army	
2075	Keaahala Mil. Res.		Kaneohe, Oahu	Army	
2253	Punchbowl Hill Mil. Res.	(4.410)	Honolulu, Oahu	Army	
2323	Fort Armstrong	29.795	Honolulu, Oahu	Army	

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
2335	Fort Armstrong	(2.247)	Honolulu, Oahu	Army	
		1.760	Honolulu, Oahu	Army	
2381	Fort Armstrong	.440	Honolulu, Oahu	Army	
2464	Fort Armstrong	(4.480)	Honolulu, Oahu	Army	
2521	Fort Shafter	(22.000)	Honolulu, Oahu	Army	
2564	Nanakuli Mil. Res.	31.360	Nanakuli, Oahu	Navy	
2565	Bellows Field	1,510.000	Waimanalo, Oahu	Air Force	
2566	Aiea Mil. Res.	39.400	Aiea, Oahu	Army	
2581	Fort Armstrong	(.688)	Honolulu, Oahu	Army	
		.689	Honolulu, Oahu	Army	
2694	Schofield Barracks Mil. Res. and Wheeler Air Force Base	(254.000)	Wahiawa, Oahu	Army	
2732	Sand Island - Interdepartmental Transfer	(1.220)	Honolulu, Oahu	War Department to Commerce Department	
2800	Schofield Barracks Mil. Res. and Wheeler Air Force Base	254.000	Wahiawa, Oahu	Army	
2900-I	Kuwaaohe Mil. Res. (Fort Hase)	322.000	Mokapu, Kaneohe, Oahu	Army	
2900-II and III	Waianae-Kai Mil. Res.	178.000	Pokai Bay, Waianae, Oahu	Army	
2900-IV	Lualualei Mil. Res.		Waianae, Oahu	Army	
2901	Fort Armstrong	1.840	Honolulu, Oahu	Army	
2978	Fort De Russy		Waikiki, Honolulu, Oahu	Army	
3067	Fort De Russy	1.657	Waikiki, Honolulu, Oahu	Army	
3070	Lualualei Mil. Res.	(2.000)	Waianae, Oahu	Army	
3080	Fort Shafter	(.423)	Honolulu, Oahu	Army	
3171	Fort Shafter	22.000	Honolulu, Oahu	Army	
3193	Fort Armstrong	(.084)	Honolulu, Oahu	Army	
3358	Sand Island Mil. Res.	193.000	Honolulu, Oahu	Army	
3885	Kaena Point Mil. Res.		Waialua, Oahu	Army	
	Keaau Ridge Fire Control Station		Waianae, Oahu	Army	
	Kolekole Pass Mil. Res.		Lualualei, Oahu	Army	
	Puu-O-Hulu Fire Control Station		Waianae, Oahu	Army	
4036	Keaahala Mil. Res.		Kaneohe, Oahu	Army	R
4052	Bellows Field	(4.180)	Waimanalo, Oahu	Army	
4113	Hawaii Agricultural Experiment Station		Kewalo-Uka, Honolulu, Oahu	Agriculture Department	R
4126	Hawaii Agricultural Experiment Station		Kewalo-Uka, Honolulu, Oahu	Agriculture Department	R
4143	Keaahala Mil. Res.		Kaneohe, Oahu	Army	R
4179-A	Sugar Loaf Mil. Res.		Makiki, Honolulu, Oahu	Army	R
4274	Schofield Barracks Mil. Res. and Wheeler Air Force Base	(19.050)	Wahiawa, Oahu	Army	
4351	Schofield Barracks Mil. Res. and Wheeler Air Force Base	.050	Wahiawa, Oahu	Army	
4455	Fort Shafter	(.688)	Honolulu, Oahu	Army	
4504	Nanakuli Mil. Res.		Nanakuli, Oahu	Navy	
4535	Kuwaaohe Mil. Res.		Mokapu, Kaneohe, Oahu	Army	
4545	Fort Shafter	13.658	Honolulu, Oahu	Army	
4635	Ka Lae Mil. Res.		South Point, Hawaii	Army	R
4640	Fort Armstrong Mil. Res.	(.084)	Honolulu, Oahu	Army	
4667	Sugar Loaf Mil. Res.		Makiki, Oahu	Army	R
4679-1	Fort Ruger	3.917	Honolulu, Oahu	Army	
4679-2	Pupukea Mil. Res.	2.439	Koolauloa, Oahu	Army	
4679-3	Waialua Mil. Res.	.297	Waialua, Oahu	Army	
4679-4	Kaaawa Mil. Res.	3.762	Kaaawa, Oahu	Army	R
4679-5	Kawaihapai Air Force Res.	105.460	Waialua, Oahu	Air Force	
4684	Wailua Airport	116.250	Wailua, Kauai	Army	R
4686	Diamond Head Lighthouse	(.190)	Honolulu, Oahu	Coast Guard	

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
4689	Fort Ruger	(8.961)	Honolulu, Oahu	Army	
4718	Upolu Airport	37.900	North Kohala, Hawaii	Army	R
4760	Hanapepe Airport	(84.400)	Hanapepe, Kauai	Army	
4802	Bellows Field	1,497.930	Waimanalo, Oahu	Air Force	
5119	Kaena Point Mil. Res.	(.012)	Waialua, Oahu	Army	
	Keaau Ridge Fire Control Station	.251	Waianae, Oahu	Army	
5132	Fort Shafter Mil. Res.	(5.765)	Honolulu, Oahu	Army	
5155	Fort De Russy	(.012)	Waikiki, Oahu	Army	
5157	Punchbowl Hill Mil. Res. (Removal of restriction)		Honolulu, Oahu	Army	
5174	Pupukea Mil. Res.	.001	Koolauloa, Oahu	Army	
5240	Pupukea Mil. Res.	(.004)	Koolauloa, Oahu	Army	
5265	Punchbowl Hill Mil. Res.	(.261)	Honolulu, Oahu	Army	
5266	Fort Ruger	(.399)	Honolulu, Oahu	Army	
5405	Hanapepe Airport	(80.236)	Hanapepe, Kauai	Army	
5406	Upolu Airport	(78.806)	North Kohala, Hawaii	Army	R
5414	Waianae-Kai Mil. Res.	17.851	Waianae, Oahu	Army	
5487	Fort Armstrong	84.962	Honolulu, Oahu	Army	
5521	Fort Shafter Mil. Res.	(1.846)	Honolulu, Oahu	Army	
5528	Upolu Airport	(57.200)	North Kohala, Hawaii	Army	R
5561	Hawaii Agricultural Experiment Station	(30.000)	Kewalo, Honolulu, Oahu	Agriculture Department	R
5607	Fort Shafter Mil. Res.	.051	Honolulu, Oahu	Army	
5613	Bishops Point Naval Res.	4.210	Ewa, Oahu	Navy	
5637	Kealahala Mil. Res.	(21.640)	Kaneohe, Oahu	Army	R
5692	Aiea Mil. Res.	1.140	Aiea, Oahu	Navy	
5693	Punchbowl Hill Mil. Res.	.081	Honolulu, Oahu	Army	
5715	Fort Armstrong	(.938)	Honolulu, Oahu	Army	
5771	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(19.365)	Wahiawa, Oahu	Army	
5931	Round Top Mil. Res.		Honolulu, Oahu	Army	R
6408	Fort Ruger		Honolulu, Oahu	Army	
6468	Fort Ruger	(4.036)	Honolulu, Oahu	Army	
6493	Wailupe Radio Station	(.143)	Waialae, Honolulu, Oahu	Navy	
6570	Schofield Barracks Mil. Res. and Wheeler Air Force Base	(3.720)	Wahiawa, Oahu	Army	
6584	Sand Island Mil. Res.	(23.230)	Honolulu, Oahu	(Army) (Treasury Department) (Coast Guard)	
6630	Aiea Mil. Res.	.459	Aiea, Oahu	Army	R
6948	Round Top Mil. Res.		Honolulu, Oahu	Army	R
7010	Waianae-Kai Mil. Res.	(.070)	Waianae, Oahu	Army	
7024	Hawaii Agricultural Experiment Station		Kewalo, Honolulu, Oahu	Agriculture Department	R
7176	Hawaii Agricultural Experiment Station		Kewalo, Honolulu, Oahu	Agriculture Department	R
7299	Hawaiian Islands Bird Reserve		Kure Islands, et al.	Navy	R
7576	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(4.372)	Wahiawa, Oahu	Army	
7588	Fort Shafter Mil. Res.	3.895	Wahiawa, Oahu	Army	
		(.019)	Honolulu, Oahu	Army	
7658	Fort De Russy		Honolulu, Oahu	Army	
7665	Kawaihae Lighthouse Res.	(.746)	Kawaihae, Hawaii	Coast Guard	R
7804	Kaneohe Lighthouse Station		Kaneohe, Oahu	Coast Guard	
7891	Hawaii Agricultural Experiment Station		Kewalo, Honolulu, Oahu	Agriculture Department	R
7893	Upolu Airport	(.979)	North Kohala, Hawaii	Army	R

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
7893 (2)	Upolu Mil. Res.		North Kohala, Hawaii	Army	R
8000	Molokai Lighthouse Station	1.280	Kalaupapa, Molokai	Coast Guard	
8109	Waianae-Kai Mil. Res.	1.960	Waianae, Oahu	Army	
8140	Punchbowl Hill Mil. Res.	(.945)	Honolulu, Oahu	Army	
		.044	Honolulu, Oahu	Army	
8320	Aiea Mil. Res.	4.059	Aiea, Oahu	Navy	
8353	U. S. Custom House Site	(.510)	Hilo, Hawaii	U.S. Customs, Treasury Department	
8388	Hanapepe Airport	(5.994)	Hanapepe, Kauai	Army	
8393	Makua Mil. Res.	17.820	Hanapepe, Kauai	Army	
		(8.840)	Makua Valley, Oahu	Army	R
8527	Sand Island Mil. Res.	(4.080)	Honolulu, Oahu	Army	
	U. S. Coast Guard Station	4.080	Honolulu, Oahu	Coast Guard	
8724	Homestead Field	(2.295)	Palaau, Molokai	Army	R
8870	Bellows Field	(1.240)	Waimanalo, Oahu	Air Force	
9517	USO Building Res.	(4.017)	Waikiki, Oahu	Army	R
9545	Aiea Mil. Res.	(.144)	Aiea, Oahu	Army	R
9582	Upolu Mil. Res.	(1.670)	North Kohala, Hawaii	Army	R
9671	Hawaii Agricultural Experiment Station	(.636)	Kewalo, Honolulu, Oahu	Agriculture Department	R
9752	Sand Island Mil. Res.	(12.100)	Honolulu, Oahu	Army	
9795	Mala Landing U. S. Naval Res.	(2.850)	Lahaina, Maui	Navy	R
9860	Sand Island Mil. Res.	(11.539)	Honolulu, Oahu	Army	
9861	Fort Armstrong	(1.036)	Honolulu, Oahu	Army	
9872	Fort De Russy		Waikiki, Oahu	Army	
9884	Cocoanut Point Lighthouse	(.008)	Hilo, Hawaii	Coast Guard	R
9927	Waiakea-Kai Radio Station	(8.820)	Hilo, Hawaii	Navy	R
9951	U. S. Army Dispensary	(.132)	Iwilei, Honolulu, Oahu	Army	R
9995	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(40.132)	Wahiawa, Oahu	Army	
10041	Hanapepe U. S. Naval Res.	(1.618)	Hanapepe, Kauai	Navy	R
10047	Fort Armstrong	(4.834)	Honolulu, Oahu	Army	
10058	U. S. Naval Res.	(.350)	Waiakea, Hilo, Hawaii	Navy	R
10060	Keaahala Mil. Res.	(21.640)	Kaneohe, Oahu	Army	R
10115	Hanapepe Airport	(17.820)	Hanapepe, Kauai	Army	
10121	Keehi Lagoon Navy Seadrome		Honolulu, Oahu	Navy	
10268	Fort Ruger	(32.700)	Honolulu, Oahu	Army	
10309	Fort Armstrong	(2.644)	Honolulu, Oahu	Army	
10342	Sugar Loaf Mil. Res.	(2.954)	Makiki, Honolulu, Oahu	Army	R
10375	Round Top Mil. Res.	(4.953)	Ualakaa, Honolulu, Oahu	Army	R
10378	F.A.A. Receiving Antenna Site	(1.604)	Hilo, Hawaii	F.A.A.	R
10383	Molokai Airport Mil. Res.		Palaau, Molokai	Army	R
10384	Hilo Airport Mil. Res.		Waiakea, Hilo, Hawaii	Army	R
10389	Ka Lae Mil. Res.		South Point, Hawaii	Army	R
10404	Fort Shafter Mil. Res.	(.601)	Honolulu, Oahu	Army	
10411	Aiea Mil. Res.	(4.302)	Aiea, Oahu	Army	R
10414	Upolu Mil. Res.	(3.540)	North Kohala, Hawaii	Army	R
10419	Fort Armstrong	(1.180)	Honolulu, Oahu	Immigration Service	
10436	Kahoolawe Naval Res.	28,776.700	Kahoolawe Island	Navy	
10453	Fort Ruger	(.905)	Honolulu, Oahu	Army	
10454	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(6.103)	Wahiawa, Oahu	Army	

Table 16 (continued)

Executive Order No.	Reference	Area* (in acres)	Location	Control	Present Status
10496	Fort Ruger Kaaawa Mil. Res. Pupukea Mil. Res.	(1.181) (2.022)	Honolulu, Oahu Kaaawa, Oahu Pupukea, Koolauloa, Oahu	Army Army Army	R
10528	Sand Island Mil. Res.	27.845	Honolulu, Oahu	Army	
10597	Fort Armstrong	(2.180)	Honolulu, Oahu	General Services Administration	
10603	Fort Armstrong		Honolulu, Oahu	Army	R
10612	Manawahua Mil. Res.	(2.280)	Nanakuli, Oahu	Army	
10648	Fort Ruger	(596.857)	Honolulu, Oahu	Army	
10664	Waianae-Kai Mil. Res.	(16.380)	Waianae, Oahu	Army	R
10665	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(5.050)	Wahiawa, Oahu	Army	
10666	F.A.A.-V.H.F. Link Station	(5.050)	Humuula, Hilo, Hawaii	F.A.A.	
10688	Waianae-Kai Mil. Res.	(7.260)	Waianae, Oahu	Army	R
10698	Fort Ruger Mil. Res.		Honolulu, Oahu	Army	
10711	Lualualei Mil. Res.	(57.940)	Waianae, Oahu	Army	
10719	Schofield Barracks Mil. Res. and Wheeler Field Air Base	(10.666)	Wahiawa, Oahu	Army	R
10833	Sand Island Mil. Res.	(202.000)	Honolulu, Oahu	Army	

C. Governor's Proclamations

Date of Proclamation	Reference	Area* (in acres)	Location	Present Status
March 25, 1901	U. S. Custom House Lots		Honolulu, Oahu Kahului, Maui	R**
June 10, 1901	Hawaii Agricultural Experiment Station		Honolulu, Oahu	R
August 16, 1901	Hawaii Agricultural Experiment Station		Honolulu, Oahu	R
May 4, 1903	Bethel Street Post Office		Honolulu, Oahu	R
June 18, 1903	U. S. Custom House Lots		Honolulu, Oahu Kahului, Maui	R
May 20, 1904	Bethel Street Post Office		Honolulu, Oahu	R
June 28, 1905	Kalaupapa Leprosarium		Kalaupapa, Molokai	R
March 16, 1909	Napoopoo Light Station	2.930	Kealahou Bay, Kona, Hawaii	
January 21, 1910	Mokuiaee Lighthouse Res.	5.000	Island of Mokuiaee, Kauai	
September 13, 1910	Molokini Lighthouse	18.500	Island of Molokini	
December 14, 1910	Kahala Point Lighthouse Res.	5.673	Anahola, Kauai	
December 14, 1910	Keahole Point Lighthouse Res.	11.950	North Kona, Hawaii	
March 16, 1911	Cocoanut Point Lighthouse		Hilo, Hawaii	R
April 24, 1911	Kawaihae Lighthouse Res.	9.524	Kawaihae, Hawaii	
October 11, 1912	Kanahena Point Lighthouse Res.		Honuaula, Maui	R
July 8, 1913	Laupahoehoe Point Lighthouse Res.	1.350	Laupahoehoe, Hawaii	
December 6, 1937	Hawaii Agricultural Experiment Station		Honolulu, Oahu	R

D. Presidential Proclamations

Date of Proclamation	Reference	Area* (in acres)	Location	Present Status
November 2, 1898 - #22	Fort Armstrong Mil. Res.		Honolulu, Oahu	R
November 10, 1899 - #10	Fort Armstrong Mil. Res.	99.684	Honolulu, Oahu	
January 5, 1900	Hawaii Agricultural Experiment Station		Honolulu, Oahu	
December 4, 1908 - #826	Puukii Lighthouse Res.		Honolulu, Oahu Puukii Island, Hana, Maui	
December 4, 1908 - #827	Lae-O-Kokole Lighthouse Res.	16.248	Waimea, Kauai	
December 4, 1908 - #828	McGregor's Point Lighthouse Res.	5.520	Lahaina, Maui	

Table 16 (continued)

Date of Proclamation	Reference	Area* (in acres)	Location	Present Status
December 4, 1908 - #829	Kahala Point Lighthouse	5.673	Anahola, Kauai	
December 4, 1908 - #830	Ka Lae Lighthouse Res.	10.020	Kau, Hawaii	
February 7, 1912 - #1179	Makapuu Point Lighthouse Res.	6.887	Makapuu, Oahu	
January 14, 1914 - #1260	Laupahoehoe Point Lighthouse Res.	1.350	Laupahoehoe, Hawaii	
October 4, 1915 - #1312	Fort Street Light Station		Honolulu, Oahu	R
March 6, 1916 - #1327	Lahaina Lighthouse Res.	.010	Lahaina, Maui	
February 14, 1917 - #1356	Fort Street Light Station		Honolulu, Oahu	R
April 8, 1919 - #1517	McGregor's Point Lighthouse Res.	(4.200)	Lahaina, Maui	
April 8, 1919 - #1517	Kanahena Point Lighthouse Res.		Honuaula, Maui	R
June 2, 1919 - #1522	Fort Street Light Station		Honolulu, Oahu	R
May 25, 1922 - #1627	Bethel Street Post Office		Honolulu, Oahu	R
December 22, 1924 - #1722	U. S. Custom House Lots		Honolulu, Oahu	R
			Kahului, Maui	
July 24, 1926 - #1778	Waiakea Light Station		Hilo, Hawaii	R
February 3, 1928 - #1827	Kahoolawe U. S. Lighthouse Res.	23.300	Island of Kahoolawe	
September 14, 1928 - #1851	Lehua Lighthouse Station		Island of Lehua	
December 19, 1928 - #1860	Makapuu Point Lighthouse Res.	(1.671)	Makapuu, Oahu	
January 19, 1929	U. S. Custom House Lots		Honolulu, Oahu	R
			Kahului, Maui	
June 8, 1932 - #1894	U. S. Custom House Lots		Honolulu, Oahu	R
			Kahului, Maui	

E. Letter Transfer

	Reference	Area* (in acres)	Location
January 8, 1904	Fort Armstrong	5.740	Oahu
	Sand Island	(13.137)	Oahu
	U. S. Coast Guard Station	13.137	Oahu

F. Public Land Order

	Reference	Area* (in acres)	Location
Public Land Order 335 - December 23, 1946	Sand Island	(5.520)	Oahu
	U. S. Coast Guard Station	5.520	Oahu

G. Army Permit

	Reference	Area* (in acres)	Location
Army Permit No. HONEA-84 - March 30, 1953	Sand Island	(34.325)	Oahu
	U. S. Coast Guard Station	34.325	Oahu

H. Acts of Congress

	Reference	Area* (in acres)	Location
Public Law 105, 81st Congress - June 16, 1949	Fort Armstrong	39.650	Oahu
Public Law 894, 84th Congress - August 1, 1956	Fort Armstrong	(69.900)	Oahu

I. General Orders

	Reference	Area* (in acres)	Location
General Order 147, Hq. of Army - August 10, 1899	Fort Shafter	1,344.000	Oahu
General Order 147, Hq. of Army - August 10, 1899	Schofield Barracks Mil. Res. and Wheeler Air Force Base	14,400.000	Oahu
General Order 213, Hq. of Army - December 30, 1899	Fort Armstrong	4.503	Oahu

Table 16 (continued)

Source: Hawaii, Commissioner of Public Lands, Inventory of Public Lands Set Aside to the United States by Acts of Congress, Executive Orders and Proclamations, Report No. 1 (Honolulu: 1961?).

*Areas in this table represent the original acreages presented in the Inventory of Public Lands. The figures in parentheses represent acres withdrawn by either the Governor or President.

**Lands subsequently restored to the Territory of Hawaii or Executive Orders restoring lands to the Territory of Hawaii.

Chapter IV

CANCELLATION OF EXECUTIVE ORDERS

An important aspect of the use made of gubernatorial executive orders is the cancellation, in whole or in part, of earlier gubernatorial executive orders or gubernatorial proclamations. This practice considerably complicates any study of the use of executive orders. One would encounter no difficulty if earlier executive orders had been cancelled entirely by the subsequent actions of a chief executive. A problem arises, however, when earlier orders were cancelled only in part by a new order which also set aside additional land for public purposes. Inasmuch as some areas of public land were repeatedly set aside, withdrawn, or even transferred to different agencies, it is difficult to ascertain their exact status. Computer analysis has materially lessened the difficulties encountered in previous attempts to take account of these complicated land transfers, while substantially reducing the degree of error inherent in any such calculation.

The full effects of the use of executive orders by Hawaii's governors can be much more accurately described by taking note of all cancellations of earlier executive orders and proclamations. Altogether, 32,507 acres have been withdrawn by executive orders from lands originally set aside under executive orders. This aspect of the use of executive orders is presented summarily in Table 17.

These figures reveal that approximately 92 per cent of the public land set aside by executive order still remains in its original use, while approximately 8 per cent has been withdrawn. The net amount of land set aside for public purposes during the administration of each governor has been calculated in order to clarify this aspect of gubernatorial land policy. It may be observed that a very large part of the public land currently under executive order was set aside by relatively few governors. Specifically, about 85 per cent of the more than 244,601 acres of public land presently under executive order was set aside by four governors: McCarthy, Stainback, Long, and King. The bulk of the land set aside by these governors has served as forest reserves and parks, while the relatively small amount of land set aside by the other eight governors has been for more diversified uses.

Consideration of the net total of land remaining under executive order at the close of each administration suggests that Hawaii's governors were quite selective and generally rather sparing in their use of executive orders. When the large amounts of land set aside for forest reserves and parks are subtracted from these totals, it can be seen that only 30,000 acres was assigned for the large variety of other uses.

Cancellation of instruments other than executive orders, generally proclamations, accounts for a larger total of acreage withdrawn from assigned use. The gubernatorial proclamations had greater use during the earlier years of the territorial period and subsequently

Table 17

LAND CURRENTLY UNDER GUBERNATORIAL EXECUTIVE ORDERS

Governor	Acreage Set Aside During Adminis- tration (acres)	Acreage Withdrawn by Subsequent Executive Order (acres)	Net Acreage (excess of land remaining under executive order) (acres)	Cumulative Net Total of Land Remaining Under Executive Order (acres)
<u>Territory</u>				
Frear	802	--	802	802
Pinkham	666	4	662	1,464
McCarthy	74,857	12	74,845	76,310
Farrington	10,564	1,150	9,415	85,724
Judd	8,160	1,719	6,442	92,166
Poindexter	8,533	3,819	4,714	96,880
Stainback	216,937	2,501	214,436	311,316
Long	47,979	2,257	45,721	357,037
King	31,070	17,212	13,857	370,894
Quinn	1,369	572	796	371,690
<u>State</u>				
Quinn	2,787	3,073	-286	371,405
Burns	497	187	309	371,715
Total	404,222	32,507		370,967*

*The discrepancy in acreage figures stems from certain gubernatorial executive orders which were subsequently withdrawn by presidential executive orders. A detailed analysis of the executive orders in question appears in Appendix B.

CANCELLATION OF EXECUTIVE ORDERS

have been subjected to modification or cancellation. The total amount of public land withdrawn from instruments other than executive orders is more than 40,000 acres, as may be seen in Table 18.

Table 18
LAND WITHDRAWN FROM
GUBERNATORIAL PROCLAMATIONS

Governor	Acres
<u>Territory</u>	
Judd	30
Poindexter	178
Stainback	13,153
Long	15,164
King	14,856
Quinn	21
<u>State</u>	
Quinn	217
Burns	5
	43,624

Three governors--Stainback, Long, and King--were responsible for the withdrawal of most of the acreage from executive orders or proclamations. The area of the proclamations which Governor Long cancelled approximately equaled one-third of the land area which he set aside by executive order. In similar fashion, Governor King cancelled an area which was approximately equal to one-half of the total acreage which he set aside by executive order. Governor Quinn's cancellation of executive orders and other instruments was equal to about one-half of the acreage set aside by his executive orders.

The 43,624 acres affected by executive order cancellation of proclamations are nearly all accounted for in Table 19, which provides a listing of executive orders which cancel gubernatorial proclamations.

Table 19

GUBERNATORIAL EXECUTIVE ORDERS WHICH CANCEL GUBERNATORIAL PROCLAMATIONS

Agency	Use	Location	Execu- tive Order #	Governor	Year Issued	Area (acres)	Date of Issue of Affected Proclamation
United States Government	University of Hawaii	Oahu	448	Judd	1931	30.000	6/10/01
Land & Natural Resources	Forest Reserve	"	926	Poindexter	1941	.044	12/24/26
"	Miscellaneous	"	947	"	"	20.884	"
"	Forest Reserve	"	954	"	"	.728	2/02/25
"	"	Kauai	965	"	"	150.600	6/05/09
"	"	Hawaii	975	"	1942	5.340	9/11/12
"	"	Oahu	1057	Stainback	1944	28.800	12/24/26
"	"	"	1062	"	"	1,678.000	9/07/06
"	"	"	1068	"	"	1,530.000	6/04/13 and 10/17/30
"	"	Kauai	1082	"	"	2.160	12/24/26
"	Military	Hawaii	1101	"	"	5.740	4/11/17
"	Forest Reserve	Oahu	1111	"	1945	.080	12/24/26
"	"	Hawaii	1136	"	1946	4.244	4/13/32
"	"	"	1173	"	"	53.100	4/11/17
"	"	Maui	1181	"	1947	40.000	5/02/38
"	"	Oahu	1214	"	"	.090	8/10/16
Social Services	"	Hawaii	1224	"	1948	5,600.000	12/31/18
City & County of Honolulu	Parks	Oahu	1329	"	1949	3.269	1/16/28
Land & Natural Resources	Forest Reserve	"	1335	"	"	.955	5/20/25
"	"	"	1338	"	"	1.778	6/04/13
"	"	Hawaii	1354	"	1950	259.490	1/03/23

Table 19 (continued)

Agency	Use	Location	Execu- tive Order #	Governor	Year Issued	Area (acres)	Date of Issue of Affected Proclamation
Land & Natural Resources	Forest Reserve	Oahu	1374	Stainback	1950	26.032	2/02/25
"	"	"	1399	"	"	.600	10/24/50
"	"	Hawaii	1403	"	"	1,004.123	10/13/13
"	"	Oahu	1404	"	"	.898	6/04/13
"	"	"	1406	"	"	476.910	12/19/25
"	"	Maui	1411	"	1951	320.700	9/11/12
"	"	Hawaii	1415	"	"	16.179	4/11/17
"	"	"	1417	"	"	2,100.300	5/17/11
"	"	"	1464	Long	"	4.591	4/11/17
"	"	Oahu	1475	"	"	.083	10/13/13
"	Parks	Kauai	1480	"	"	33.580	6/19/44
"	Forest Reserve	Oahu	1496	"	1952	.040	10/13/13
"	"	"	1503	"	"	4.317	10/13/13
"	"	Kauai	1509	"	"	4,640.000	6/12/07
"	"	"	1510	"	"	760.000	4/13/32
Education	"	"	1513	"	"	1.500	10/13/13 and 12/31/18
Land & Natural Resources	"	Hawaii	1520	"	"	64.870	1/03/23 and 12/22/28
"	"	"	1539	"	"	9,654.670	10/13/13 and 12/31/18
"	"	"	1560	King	1953	5,955.000	8/02/06 and 2/04/11
"	"	Maui	1564	"	"	1,176.620	8/20/14
"	Miscellaneous	Hawaii	1565	"	"	2,646.540	12/22/28

Table 19 (continued)

Agency	Use	Location	Executive Order #	Governor	Year Issued	Area (acres)	Date of Issue of Affected Proclamation
Land & Natural Resources	Forest Reserve	Oahu	1582	King	1953	97.390	9/11/12
"	"	"	1610	"	1954	.728	10/13/13
"	"	Kauai	1631	"	"	1,150.000	6/05/09 and 6/21/20
"	"	"	1678	"	1955	253.000	6/21/20
"	"	Maui	1686	"	"	2.100	5/02/38
"	"	Hawaii	1687	"	"	404.106	4/11/13
"	"	Maui	1705	"	"	136.400	4/21/08
"	"	Hawaii	1718	"	1956	733.074	6/05/09 and 5/02/38
"	"	"	1730	"	"	.138	8/20/14
"	"	Oahu	1731	"	"	.331	12/24/56
"	"	"	1811	Quinn	1958	.014	12/24/26
"	"	Maui	1814	"	"	7.072	9/11/12
"	"	Hawaii	1844	"	"	6.082	8/20/14
"	"	"	1845	"	"	4.445	12/31/18 and 4/13/32
"	"	"	1846	"	"	.060	12/24/26
"	"	"	1847	"	"	.250	4/13/32
"	"	Oahu	1893	"	1959	3.411	12/24/26
"	"	Hawaii	1906	"	1960	189.507	12/24/26
"	"	"	1944	"	1961	27.945	4/11/17
"	"	Oahu	2155	Burns	1964	.942	5/10/10
Agriculture	"	Hawaii	2171	"	"	3.866	5/17/11

Chapter V

THE LEGAL DOCTRINE OF EXECUTIVE ORDERS

The numerous legal questions engendered by the use of executive orders in Hawaii has led to the development of a body of legal doctrine surrounding their use. A considerable part of this doctrine continues to be of legal and political significance today and requires detailed consideration.

Authority of Land Set Aside

During the territorial period many questions arose regarding the authority of the President of the United States and the Governor of Hawaii to set aside land secured through land exchanges.¹ In connection with a proposed land exchange on Sand Island (a strategically located, man-made island adjoining Honolulu Harbor), Hawaii's attorney general opined that, although Section 91 of the Organic Act referred only to ceded land, the President of the United States could properly make such a land exchange on the strength of an implied grant of power from Congress. Attorney General Matthewman argued that:

Although Section 91 of the Organic Act, with its express provisions for executive orders by the President and by the Governor, has reference only to property ceded by the Republic of Hawaii to the United States, and the submerged land upon which Sand Island has been developed was not so ceded, the President, by an implied grant of power from Congress, has full authority, with respect to the public domain generally, to make such executive orders as are specifically mentioned in Section 91 in connection with property ceded by the Republic of Hawaii to the United States. This implied grant by Congress of broad power to the President is thus treated by the Supreme Court of the United States:²

"The Executive, as agent, was in charge of the public domain; by a multitude of orders extending over a long period of time, and affecting vast bodies of land, in many states and territories, he withdrew large areas in the public interest. These orders were known to Congress, as principal, and in not a single instance was the act of the agent disapproved. Its acquiescence all the more readily operated as an implied grant of power in view of the fact that its exercise was not only useful to the public but did not interfere with any vested right of the citizen."³

In two important related opinions,⁴ Hawaii's attorney general opined that the territorial legislature had no authority under the Organic Act to dedicate public land for any specific public use,

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since all such orders setting aside public land for public purposes must be made by the chief executive. Accordingly, a legislative enactment designed to dedicate certain public land for a particular purpose could be construed only as a legislative wish or desire. In a related opinion, the attorney general added that the legislature, by virtue of the provisions of Section 73 of the Organic Act, might enact legislation to provide for the management of all land devoted to any public purpose or use.⁵

In 1921, the United States Congress enacted the Hawaiian Homes Commission Act,⁶ a measure designed "to rehabilitate" some remaining members of the Hawaiian race. The Hawaiian Homes Commission was authorized to select a considerable amount of public land for the purposes of this program, and the land was set aside by executive order under the control of the commission. The H.H.C. program soon gave rise to a number of questions, among them the problem of whether Hawaiian home lands which had not been put to use and which were returned to the territorial land commissioner by the commission could be set aside by executive order for other public uses. The opinion of the attorney general was in the affirmative, but required that the governor revoke such executive orders if and when the Hawaiian Homes Commission, with the approval of the Secretary of the Interior, gave notice that such land was needed.⁷ The reasoning underlying this opinion was made clear by Hawaii's attorney general as follows:⁸

Unleased Hawaiian Home Lands, returned to the Commissioner of Public Lands pursuant to Section 541, RLH 1925, may thereafter be set aside by Executive Order for use as a Territorial Aviation Landing Field, since such lands are not thereby "disposed of" within the meaning of said Section, the "disposition" therein referred to meaning a final disposition and not a mere change of use under a revocable order.

* * * *

. . . An Executive Order is always revocable at the pleasure of the Governor and the setting aside of this land by such revocable order would be a mere change of use of the land.⁹

During the 1940's, a series of opinions by Hawaii's attorneys general made clear that ceded land and private land received through exchanges for ceded land could be set aside for the use of the United States by the President and the Governor of Hawaii under Section 91 of the Organic Act; but land the Territory acquired by purchase after annexation or land whose title was vested in the Territory by presidential executive order under Section 91 could be set aside only as provided by Section 73(q).¹⁰ Hawaii's Deputy Attorney General, Rhoda V. Lewis, clarified the theory and implications of these rulings.¹¹

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. . . prior to the Act of August 21, 1941, Public Law No. 240, 77th Congress, 1st Sess., Ch. 394, 55 Stat. 658, . . . There was no authority to set aside for the use of the United States lands of the Territory acquired after the cession. The Act of August 21, 1941 made paragraph (q) of Section 73 of the Hawaiian Organic Act, 48 U.S.C.A. 677, applicable where land is needed for the uses and purposes of the United States as well as for the use of various territorial agencies.

In Op. Let. Att'y Gen. (October 30, 1941) L.F. 37, No. 813, Deputy Attorney General Sylva advised the Land Commissioner that orders setting aside lands ceded to the United States, or received by way of exchange for such lands, should be set aside under Section 91, while paragraph (q) of Section 73 should be used where the land was acquired after annexation but not by way of exchange for ceded land, and hence was territorial land.

Upon like reasoning, Section 73 and not Section 91 is the authority for an executive order setting aside land where the land in question is not owned by the United States because title has been transferred to the Territory pursuant to the authorization to the President of the United States to transfer such title, contained in Section 91 of the Hawaiian Organic Act.

. . . Pursuant to paragraph (q) of Section 73 of the Organic Act, as amended, the Governor was authorized to set such land [lands acquired by cash purchase] aside for the uses and purposes of the United States, and the land while so set aside is to be managed as provided by the laws of the United States. This executive order does not transfer the legal title to the land to the United States but does transfer the use. The distinction between the effect of an executive order under Section 73 and an executive order under Section 91 is that it requires a presidential order to restore to the Territory the control and management of land set aside to the United States but under Section 73 such restoration may be effected by an order of the Governor of Hawaii.

* * * *

. . . Since 1910 the Commissioner of Public Lands has had the management and disposition of all lands, except those set aside for public purposes, and the term "lands" instead of "public lands" was designedly used in the amended form of paragraph (q) of Section 73 of the Organic Act in order to end the divided authority which existed as between the Commissioner of Public Lands and Superintendent of Public Works under the former law as construed in Pratt v. Holloway, 17 Haw. 539. Ops. Att'y Gen. (1933-1939) No. 1666. Therefore the power to set aside "lands" for public

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purposes, conferred upon the Governor by paragraph (q) of Section 73 of the Hawaiian Organic Act, as amended, relates to all lands, and not merely to "public lands."

. . . The executive order terminates the authority of the Commissioner of Public Lands to make any other disposition of this land while it remains in effect, and there is no necessity for any further recording. . . .

It is also clear that, if a chief executive has the authority to set aside land to one department for one purpose, he may transfer this land to another department for another public purpose. This is established by a United States Attorney General's 1940 opinion.¹²

. . . If the President had authority to set aside the land for military purposes--and that authority is not now questioned--it would seem that he is equally authorized to transfer it to the Treasury Department for a different public purpose (33 Op. 436; 37 Op. 417; id. 431). It is therefore my opinion that the proposed transfer may be effected by Executive order, and that legislation for such purpose is unnecessary.

Improvements on Land Which Is Set Aside or Withdrawn

A number of difficult questions has arisen in those instances in which public land leased to private parties was later required to be set aside under executive order for use by the national government. The case of Hee Kee Chun v. U. S.¹³ concerned such a lease. In this lease, which had been executed by the government of the Territory of Hawaii, the lessee had expressly agreed not to seek remuneration for any improvements, even though the terms of the lease provided that the Territory could withdraw the land at any time for a public purpose. During the term of the lease, the governor of the Territory issued an executive order under authority of Section 91 of the Organic Act setting the land aside for use by the United States Navy. The Navy took possession of the land and evicted the lessee, who instituted a suit to recover the value of the improvements he had made. The court ruled against the lessee, and upheld withdrawal of the land from the lease, which was thereby properly terminated. The court further ruled that the lessee could not recover compensation from the United States for his improvements.

In a related opinion dealing with land set aside to the City and County of Honolulu for a park and then withdrawn by a subsequent executive order of the governor, the attorney general contended that, in the absence of an agreement for reimbursement of improvements made on the land, the Territory was not required to reimburse the city and county.¹⁴

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Under Executive Order No. 17 dated October 31, 1912, the above land was set aside for public purposes. The pertinent part of the Executive Order reads as follows: ". . . for the uses and purposes of a public park and playground under the City and County of Honolulu." By this Executive Order the municipal authorities have no rights in the land except for the temporary use and control for a specific purpose, and the title to the land is retained by the Territory. Opinions, Attorney General of Hawaii, Opinion No. 1183, Nov. 7, 1924.

Under these circumstances, the relationship of the Territory and the City and County is comparable to a landlord and tenant relationship. Ute Indians v. United States, 330 U.S. 169, 91 L.Ed. 823 (1947). When such relationship is terminated, it is generally held that the tenant has the right to remove his personal property from the premises, but not the improvements, unless specifically contracted. 51 C.J.S., Landlord and Tenant, sections 319, 394, 32 Am. Jur., Landlord and Tenant, sections 842, 843. There is no rule of law requiring the landlord to reimburse the tenant for the improvements on the property, absent any agreement for reimbursement.

It is therefore, the opinion of this office that the Territory is not required to reimburse the City and County for the improvements on the property when the Executive Order granting the use of the property is withdrawn.

Interests That May Be Set Aside by Executive Orders

Executive orders have been used to create encumbrances such as easements on land in favor of the federal government,¹⁵ and the City and County of Honolulu.¹⁶ They have also been used to set aside land in which a federal agency had some interest to a territorial agency. In such an instance, the federal agency may make reasonable rules and regulations for security. In the Letter of October 4, 1946¹⁷ Hawaii's attorney general commented on the desire of the Navy to control traffic in a parking area which had been set aside to the highway department by executive order:

I suggest that you submit to the Navy a proposal that a new executive order be issued, setting this land aside under control of the Territorial Highway Engineer, as at present, but with the addition of the following:

Subject, however, to the authority of the United States of America (Navy Department) to promulgate and enforce such reasonable rules and regulations relating thereto as may be required for the

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security of the naval reservations in the vicinity, during periods of national emergency, existing or impending.¹⁸

By the same executive order the Governor, by virtue of the authority in him vested by section 91 of the Hawaiian Organic Act, would set aside to the United States of America the rights and interests in this land reserved in the above-quoted provision.

Attention is called to a federal condemnation, Civil No. 685, in which the United States has sought to condemn an interest of this nature, that is, the authority to make reasonable rules and regulations as required for security purposes. I am informed that this practice has been followed elsewhere and do not see why an interest of this kind could not be set aside to the United States by executive order of the Governor.

Transfer of Legal Title

Ordinarily, gubernatorial executive orders may not be used to transfer legal title to public land to a territorial agency. As stated in the opinion of Hawaii's attorney general:¹⁹

Under the laws of Hawaii relating to public lands and in particular Section 73 of the Organic Act legal title to public lands cannot be transferred to any agency of the Territory. Only the use, possession and control of public lands may be transferred to such agency. This is done by executive order pursuant to Section 73(q).

Purposes and Uses for Which Land May Be Set Aside

As noted in Chapter I, the 1910 amendment to the Organic Act provides that the governor may set aside land for forest reserves and other public purposes. Hawaii's attorney general opined that: (1) land set aside for forest reserves could not be leased by the land commissioner or the Board of Public Lands;²⁰ (2) revocable license for such land could be granted by the Board of Commissioners of Agriculture and Forestry but that easements or leases could not be granted under the guise of a license;²¹ (3) the preference rights to purchase such land could not be granted by the land commissioner.²²

The words "other public purposes" as used in Section 73 of the Organic Act have been the subject of much interpretation by the attorney general. Early interpretations seem to have allowed the governor greater latitude than he had subsequently in setting aside land for charitable purposes, even if a given charity were conducted

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by private parties. In an opinion offered in 1919, Hawaii's attorney general contended that:

Under the provisions of the Organic Act which authorizes the Governor to set aside, by executive order, public lands for "other public purposes," he may under proper circumstances, set aside land to assist in the care of destitute children, even though the particular charity assisted be conducted by private parties.²³

This view was reversed four years later by Hawaii's attorney general in an opinion which found that the governor did not have authority to set aside land for the use of a particular class or organization.

It appears then that the Governor has no authority to set aside or specially designate lands except for "public purposes" and these purposes are those of government--the use of such lands not being for any particular classes or organizations in the Territory, but for the people as a whole.²⁴

This view was expanded in 1923, when it was argued that:

The expression, "public purposes"--as used in paragraph (q) of Section 73 of the Organic Act (Sections 348 and 349 of the Revised Laws)--not only excludes purely private purposes, but also those private purposes of a somewhat public character. The fact that the purpose of an organization is most commendable is not involved.

Certainly there is a marked difference between a setting aside, by the Governor's order, of public land for a territorial forest reserve, or a territorial industrial school or territorial fair grounds, and a setting aside of the Territory's land for the Chiefs of Hawaii, or the American Legion, or the Boy Scouts, or the Salvation Army or the Father Louis Home for Boys.²⁵

Hawaii's attorney general went even further in the following year by suggesting that: (1) executive orders that set aside public land for use by various charitable or semicharitable organizations should be rescinded as ultra vires and, hence, invalid acts; (2) where a former gubernatorial executive order had set aside an area of government-owned cane land for the use of a charitable organization, and such charitable organization had permitted a plantation to produce cane for a fee which was not paid into the territorial treasury but to that organization, the legality thereof could not be tested by a taxpayer's bill for an injunction against the payment of that money to the organization, but rather by proceedings in ejectment brought by the commissioner of public lands.²⁶

In interpreting the phrase "uses and purposes of the United States" of Section 91, Hawaii's attorney general reached a related

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conclusion:

It is our opinion that the phrase "uses and purposes of the United States" found in section 91 of the Hawaiian Organic Act refers to the uses and purposes of the United States Government and cannot be extended to private organizations even though such organizations may in some way be serving the United States.

Opinion No. 1084 of the Attorney General of the Territory of Hawaii dated June 30, 1923, which concerned the setting aside by executive order of public land of the Territory for a private organization, the Chiefs of Hawaii, also discusses "public purposes." There it is stated,

The expression "public purposes"--as used in paragraph (q) of Section 73 of the Organic Act (Sections 348 and 349 of the Revised Laws)--not only excludes purely private purposes, but also those private purposes of a somewhat public character. The fact that the purpose of an organization is most commendable is not involved.

* * * *

Sections 73 and 91 of the Organic Act show clearly Congress' intent to retain control over the lands of the Territory, and that the Territory has no authority over the land except as granted by Congress.

* * * *

. . . It is our opinion that this latter term [uses and purposes of the United States] refers to the uses and purposes of the Federal Government and its official agencies and does not extend to other groups which through certain specific acts may bestow some benefit to the United States Government. We feel that the opinion expressed in Territory of Hawaii Attorney General Opinion No. 1084 (supra) is still applicable, and that the American National Red Cross is the type of quasi-public organization to which opinion No. 1084 refers.²⁷

Land properly set aside must serve not only a public purpose, but also a present public purpose; it cannot be designed to serve some future use.²⁸ Land not put to use by the agency for which it was set aside should be returned to the land commissioner to be leased or otherwise disposed of according to the public land laws.²⁹

The above opinions render it practically impossible for a governor to set aside lands by executive order to a public agency for planned future use. If planned use of public lands is of great importance to the future well-being of our citizens, some review and amendment of our land laws which permit the setting aside of land

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for planned future use should be considered.

Leasing or Renting Land Which Has Been Set Aside

Hawaii's attorneys general have frequently been presented with the question of whether governmental agencies might properly lease or rent to others land set aside by executive order for their own use. In one such instance, the question was raised whether the City and County of Honolulu could lease or rent to private parties land set aside by gubernatorial executive order for a municipal market.³⁰ Hawaii's attorney general opined that:

The original purpose for setting aside this land was to make available to small farmers a central place to dispose of their produce directly to the public. It was beneficial both to the public in tending to lower prices by direct sale from farmer to consumer and an encouragement to small independent farmers. Unquestionably this is a "public purpose" within the meaning of the act. The act further provides that land so set apart shall be managed under the laws of the Territory. The laws of the Territory nowhere provide that the city and county may rent or lease lands set apart to it under an executive order issued under said Section 73(q). Even if there were such a law it would be void, being in violation of the provisions of the Organic Act. . . .

* * * *

. . . It has been held heretofore by this department that lands set aside under an executive order cannot be leased by the particular department and must be returned to the commissioner for that purpose. See Op. Att'y Gen. No. 1734 (1940). Whether the arrangement is a month-to-month lease or for any period makes no difference. Any arrangement whereby the use of public land is let out on a rental basis is a "lease" or "disposition" of public lands within the meaning of the provisions of the laws of Hawaii relating to public land and the Organic Act.

You are therefore advised that under the laws of Hawaii relating to public lands and the provisions of the Organic Act the City and County of Honolulu is without authority to in any manner lease or rent to private persons for commercial purposes land set apart to it under an executive order issued pursuant to the Organic Act.³¹

In 1951, Hawaii's Deputy Attorney General Rhoda V. Lewis, succinctly stated the salient principles concerning the rental of lands which had been set aside by the governor:³²

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To summarize the foregoing opinions,³³ as they relate to government departments in general, it appears that land set aside under section 73(q) must be used in furtherance of the public purpose for which it was set aside, but as an incidental to such use revenue may be derived, for example, from concessions. Land the use of which, for departmental purposes, has been abandoned, cannot be retained in the department for rental purposes.

* * * *

Coming now to the effect of legislative authorization, it is clear that so long as lands remain set aside under section 73(q) the use thereof is governed by territorial laws. Of course an executive order under section 73(q) may not be continued in effect after the public purpose has ceased, but that is a matter for the Governor to decide. So long as the land remains under executive order the laws enacted by the Legislature may be applied, unless such laws should be contrary to the Organic Act as, for example, if such laws should purport to authorize a department to hold lands after the departmental purpose in connection with it have been abandoned. This leaves for determination the questions of the legislative intent as to the renting of portions of a building or portions of a tract of land temporarily not required for departmental purposes. Except as otherwise provided the Legislature, by section 4552 of the Revised Laws of Hawaii 1945, has vested in the commission of public lands the authority to make such rental agreements. The Board of Harbor Commissioners and the Hawaii Aeronautics Commission, mentioned in your letter of February 16, 1951, are exceptions. They may receive rents from tenants whose uses are not within departmental purposes, so long as such renting is only temporary and incidental, involving no abandonment of departmental use, in whole or in part of the land set aside to the department. A similar exception as to school buildings (the subject of your letter of December 23, 1946) seems to be implicit in section 6019 of the Revised Laws of Hawaii 1945, such rentals being handled by the county. . . .³⁴

Restoration of Land Which Has Been Set Aside

Inasmuch as the Governor of Hawaii was authorized to set aside under executive order land for the use of the United States under Sections 73(q) and 91 and for territorial use under Section 73(q), and because the President could set aside land for the use of the United States government under Section 91, questions inevitably arose as to who was authorized to restore land set aside under these sections to their previous status. As early as 1922, Hawaii's attorney general opined that land set aside by the governor under Section

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91 of the Organic Act for federal use could be restored to its former status only by the President.³⁵

It is clear, therefore, that not only the legal title but also the care, custody, management and control of this piece of land is in the United States of America. The amendment above quoted [Act of May 27, 1910], however, provides that any such land "may be restored to its previous status by direction of the President." It is clear from these provisions that, while either the President or the Governor may direct that the land be set aside for public purposes, the President only may direct that it be restored to its previous status.³⁶

Where land was set aside by the governor for territorial use by Section 73, however, the governor could cancel the order and the land would again become public land under the management and control of the commissioner of public lands.³⁷

Land of the Territory reserved by presidential executive order for the use of the United States may be returned to the Territory of Hawaii by executive order when the purpose for which it was set aside is fulfilled; any attempted restriction imposed on any future action of the President, or of the Congress, in any executive order would be ineffective. Thus, the Attorney General of the United States stated:

It is apparent that under existing law (Organic Act) the President may at any time restore the land to its former status. This power is continuing and may be exercised by any incumbent of the presidential office when, in his judgment, the occasion arises; while the power of Congress to deprive him of that authority at any time and to make such disposition of the land as it deems proper is beyond question. Whether under existing law the President may make any disposition of such reserved lands in Hawaii other than to restore them to their previous status need not now be considered. If he has no such power, the proposed provision is unnecessary, and if he has power to make other disposition of the lands the provision would be obviously improper. Any provision in an Executive order which, in terms, imposes a limitation upon the future action of the President who made it, or of his successors, or of Congress, would be ineffective and would not add or subtract from the powers now vested or which may hereafter be vested by law in the President.

My conclusions are that lands of the Territory of Hawaii so reserved may be returned to the territory by Executive order, and that the insertion in future Executive orders of the proposed paragraph would be ineffective and therefore improper.³⁸

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When land has been set aside for the uses and purposes of the federal government by the governor under the provisions of Section 91 of the Organic Act, the governor need not cancel his original executive order when the President by executive order has returned this land to its original status. The view behind this ruling is expressed by Hawaii's attorney general:

Section 73(q) and Section 91 of the Organic Act are mutually exclusive provisions. The power to revoke executive orders contained in Section 73(q) does not apply to lands set aside for the uses and purposes of the United States under the authority of Section 91. Land set aside under Section 91 may be restored to its previous status only by direction of the President. Ops. Atty. Gen. (1929-33) No. 1570. This being the law, in my opinion the presidential executive orders returning this land to the Territory are sufficient to remove all encumbrances thereon created by the original Executive Order No. 287. An executive order by the Governor cancelling said Executive Order No. 287 not only is surplusage but also suggests that in the interim between the presidential order returning such land to the territory and the Governor's order cancelling the original executive order, said land has remained encumbered and in some control other than that of the Commissioner of Public Lands, which control, moreover, could not be defined. On the contrary, such land after restoration to its previous status by the presidential orders became unencumbered public lands in the control of the Commissioner of Public Lands until subjected to further executive orders. Therefore, the proposed executive order of the Governor cancelling Executive Order No. 287 is returned without approval.³⁹

Statehood to the Present (August 21, 1959 to November 1964)

By the Act of March 18, 1959,⁴⁰ the Territory of Hawaii was granted statehood as of August 21, 1959. This Act was subsequently amended by the Act of July 12, 1960; 74 Stat. 422 and 423, Public Law 86-624. The most important provision of the amended Statehood Act bearing on Hawaii's public land appears in Section 5. This section contains the nine subsections quoted below. Each is followed by an analytical comment.

Section 5. (a) Except as provided in subsection (c) of this section, the State of Hawaii and its political subdivisions, as the case may be, shall succeed to the title of the Territory of Hawaii and its subdivisions in those lands and other properties in which the Territory and its subdivisions now hold title.

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Comment: Under this provision, the State and its counties acquire legal title both to land purchased after Hawaii became a territory and land whose legal title was transferred to the Territory or counties by direction of the President pursuant to Section 91 of the Organic Act, except as provided by subsection (c).⁴¹

(b) Except as provided in subsections (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property, and to all lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended, within the boundaries of the State of Hawaii title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

Comment: Under this provision, the State of Hawaii obtained title to all ceded land, land exchanged for ceded land, and Hawaiian home "available lands" except as provided for in subsections (c) and (d). This grant was in lieu of any and all grants provided for new states.⁴²

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4) as the case may be.

Comment: Under this provision, the United States retained or obtained legal title to ceded land, land exchanged for ceded land, land purchased by the Territory after annexation, and land purchased by the United States which, at the time Hawaii was admitted into the Union, was set aside by Acts of Congress, executive orders, or proclamations by either the President or the governor for the uses and purposes of the United States subject only to the limitations contained in such instruments.⁴³

(d) Any public lands or other public property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President,

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made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

Comment: Under this provision, Congress or the President, by law, or by executive order made pursuant to law could, by August 21, 1964, set aside ceded land which was held by the United States immediately preceding the admission of Hawaii as a State by permit, license, or permission from the Territory or any of its departments. Such land which was set aside would become federal land subject to valid rights then existing.⁴⁴

(e) Within five years from the date Hawaii is admitted into the Union, each federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

Comment: Under this provision, the federal agencies having control of land or property in Hawaii under the provisions of subsections (c) and (d) were required, by August 21, 1964, to report to the President whether such land is needed. If the President determines that the land or property is not needed by the United States, the land shall be conveyed to the State of Hawaii.⁴⁵

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or

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denominational school, college, or university.

Comment: Under this provision, Congress provided that the public land of Hawaii should become a public trust, with the income or other proceeds from this land to be used for the public benefit.⁴⁶

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or properties so ceded.

Comment: Under this provision, the terms "lands and other properties" and "public lands and other public property" are defined.

(h) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of Hawaii or its political subdivisions pursuant to subsection (a), (b), or (e) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of Hawaii into the Union.

Comment: Under this provision, the laws of the United States reserving to the United States the free use of property which vests in or is conveyed to the State by (a), (b), or (e) of this section are repealed.

(i) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) and the Outer Continental Shelf Lands Act of 1953 (Public Law 212, Eighty-third Congress, first session, 67 Stat. 462) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Comment: Under this provision, the Submerged Lands Act and the Outer Continental Shelf Lands Act are made applicable to Hawaii.

Considerable dispute has arisen between the governments of the United States and Hawaii regarding the interpretation of Section 5 of the Admission Act. On June 12, 1961, by 42 Op. No. 4, the Attorney General of the United States stated the problem and his ruling as follows:

While regulations governing the reporting procedure under section 5(e) were being drafted by the Bureau of the Budget, a difference of opinion arose concerning the scope of the reporting requirement. The Department of the Army

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and the General Services Administration have taken the position that reports have to be made only with respect to set aside land and property which either had belonged to the Territory of Hawaii or its subdivisions, or were ceded property. It is their view that the duty to report under section 5(e) relates to "any land or property that is retained by the United States pursuant to subsections (c) and (d)," and that the only types of property retained by the United States pursuant to those two subsections are the territorial and ceded properties, referred to in sections 5(a) and 5(b), which have been set aside.

The State of Hawaii and the Department of the Interior, on the other hand, have pointed to the fact that sections 5(c) and 5(e) refer to "any lands and other properties" and "any land or property," respectively. They therefore have taken the position that the duty to report under section 5(e) is not limited to the types of property listed in sections 5(a) and 5(b), but that it extends to all land and property owned by the United States howsoever acquired and without limitation. The analytical difference between the two contentions is that the Department of Defense and the General Services Administration read subsection (c) merely as an exception to subsections (a) and (b), while the State of Hawaii and the Department of the Interior give it an independent broader meaning.

The gist of the dispute is therefore (1) whether the duty to report and convey the property not needed by the United States five years after admission of Hawaii is limited to set aside ceded property and set aside after-acquired property of the Territory of Hawaii, or (2) whether this duty to report and convey extends to all property owned by the United States in Hawaii, including property acquired by the United States after cession by way of purchase, or condemnation, i.e., for a valuable consideration. I have been advised that the most important items of afteracquired property of the United States which may become surplus by the end of the five-year period are some portions of Fort DeRussy located between Honolulu and Waikiki Beach, and certain lands, originally acquired for the Navy, on which are now located a large portion of Hawaii's public housing units [pp. 8-9].

* * * *

The specific questions asked are the following:

(1) Does the phrase "lands and other properties," as used in section 5(c) of the Statehood Act, include any lands and properties other than those which, as provided in sections 5(c) and 5(d), are excepted from transfer and conveyance to the State of Hawaii and its political subdivisions by sections 5(a) and 5(b) of the Act?

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* * * *

For the reasons hereafter set forth in detail, it is my opinion that the first question must be answered in the negative; consequently, there is no occasion to answer the third question [p. 10].

* * * *

It is therefore appropriate to conclude that Congress was concerned only with three classes of property: the property owned by the Territory and its subdivisions (section 5(a)); the ceded property (section 5(b)); and the territorial or ceded property set aside (sections 5(c) and 5(d)). There was no need for Congress to make any specific disposition with respect to any other type of property such as the after-acquired property of the United States. In the silence of Congress the title to that property remained unaffected by Hawaii's acquisition of statehood [pp. 17-18].

* * * *

In view of the foregoing considerations, I must answer the first question in the negative. In reaching this conclusion I am aware of the equitable argument made by the State of Hawaii, viz., that it ought to receive the surplus afteracquired property in compensation for the many sacrifices it has made for the United States, in particular for the ceded properties which have been set aside. However, neither the language nor the legislative history of the Hawaii Statehood Act discloses to my satisfaction a congressional purpose to adjust in that statute Hawaii's equitable claims of this nature, however meritorious. It is, of course, still open to the State of Hawaii to seek appropriate legislative action from the Congress which has the special constitutional function under Article IV, section 3, clause 2 of the Constitution of disposing of the property of the United States. Alabama v. Texas, 347 U.S. 272, 273 (1954); United States v. San Francisco, 310 U.S. 16, 29-30 (1940).

The State of Hawaii disagreed with the ruling of the United States Attorney General and filed its case, State of Hawaii v. David E. Bell, No. 12, October Term, 1962, in the Supreme Court of the United States. This suit, which sought to extend the reporting duty of the affected federal agencies to afteracquired property of the United States, was dismissed by the Supreme Court on the ground that the United States could not be sued without its consent.⁴⁷

The reporting requirements of the Admission Act and the lands that it covered were clarified by the Act of December 23, 1963; 77 Stat. 472, Public Law 88-233. As stated in Senate Report No. 675 that accompanied bill S. 2275, which became the Act of December 23, 1963:⁴⁸

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The major purpose of S. 2275 is to provide a procedure for the conveyance to the State of Hawaii of certain Federal lands at such time as those lands become surplus to the needs of the Federal Government. Included are the lands ceded to the United States by the Republic of Hawaii at the time of its annexation in 1898, lands exchanged for ceded lands, and lands of the Territory of Hawaii which were set aside for Federal use when Hawaii became a State and which have consequently remained in Federal ownership. The provisions of the bill also apply to any ceded lands which were controlled by, but not set aside for, the United States at the time of statehood and which may, until August 21, 1964, be set aside for Federal use under the provisions of section 5 of the Hawaii Statehood Act. In addition, the bill provides a procedure for the conveyance of surplus Federal lands on Sand Island, Honolulu Harbor, the precise status of which is in some doubt.

If S. 2275 is not enacted, the above-described lands, which the Federal Government received by the voluntary cession and donation of the people of Hawaii and for which it paid no compensation, would become subject to disposal under the Federal property laws after August 21, 1964, when they become surplus. Under the terms of the statehood act, Hawaii would thus lose its long-recognized residual interest in such lands, and the 60-year practice of returning such lands to Hawaii when they are no longer needed would be terminated. Such a result would in effect be a "reverse land grant" that would be highly inequitable in view of the history of the subject lands and the spirit and intent of the statehood act.

The bill would in no way affect lands acquired by the United States in Hawaii by purchase or condemnation, nor would it provide for the conveyance of any national park lands. The procedure involved also insures that the United States would receive fair compensation for any improvements it has made on the lands that might be conveyed to the State.

The Act of December 23, 1963 provides the following procedure for the return of surplus federal land after August 21, 1964:

Whenever ceded land, land exchanged for ceded land, land set aside for federal use by the federal or territorial government, land controlled by the United States pursuant to permit, license, or permission of the Territory or the State of Hawaii, or Sand Island land or reef land, excepting land acquired by the United States by purchase or condemnation or for national park land, are determined to be surplus property by the Administrator of General Services with the concurrence of the head of the department or agency exercising administrative control over such land and property, they shall be

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conveyed to the State of Hawaii, subject to the following provisions:

(1) Such land and property shall be conveyed without monetary consideration, but subject to other terms and considerations as the administrator may provide.

(2) As a precedent condition, the State of Hawaii shall pay to the United States the estimated fair market value of any buildings, structures, or other improvements erected on such land after it was set aside.

(3) If the State of Hawaii does not agree to the payment prescribed by the administrator, he may remove, relocate, and otherwise dispose of such improvements under applicable laws and if such improvements cannot be removed without substantial damage to them or to the land, he may dispose of the land and improvements but he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the land involved.

(4) Any land, property, improvements and proceeds conveyed or paid to the State shall be subject to the terms and conditions of the trust imposed under section 5(f) of the Admission Act.

Continuation of the Provisions of the Organic Act Relating to Public Land

Between August 21, 1959, the date of statehood, and August 21, 1961, Hawaii's state legislature failed to enact new public land laws to replace the provisions of chapter 99 of the Revised Laws of Hawaii 1955, as amended; nor did it repeal the provisions of the Organic Act relating to land. Section 15 of the Admission Act, however, provided:

All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as provided in section 4 of this Act with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States: Provided, That, except as herein otherwise provided, a Territorial law enacted by the Congress shall be terminated two years after the date of admission of the State of Hawaii into the Union or upon the effective date of any law enacted by the State of Hawaii which amends or repeals it, whichever may occur first. As used in this section, the term "Territorial laws" includes (in addition to laws enacted by the Territorial

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Legislature of Hawaii) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Hawaii prior to its admission into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Hawaii at the time of its admission into the Union, (2) are not "Territorial laws" as defined in this paragraph, (3) are not in conflict with any provision of this Act.

Hawaii's attorney general determined that Section 15 of the Admission Act did not affect the land laws of Hawaii:⁴⁹

It is my opinion that the land laws of the State, being mainly Section 73 of the Organic Act and other Acts of Congress relating to the public lands in existence at the time of Statehood, have always been in effect since Hawaii became a State except as modified or changed by the Admission Act or by the Constitution and will continue in effect unless altered or repealed by the legislature.

* * * *

It is therefore the opinion of this office, supported by the reports of the Constitutional Convention, that Section 2 of Article XVI of the State Constitution continued in force upon Statehood all laws, territorial or federal, relating to the public lands of Hawaii. As was stated in the Committee of the Whole Report of the Constitutional Convention, quoted in In the Matter of Island Airlines, Inc., supra, the laws not continued in effect under Section 2 of Article XVI consist of laws purely of a federal nature such as the Mann Act or the Interstate Commerce laws, having both an interstate commerce application and intra-territorial application, which as applied to a state would be incongruous with the state system.

* * * *

Careful scrutiny of the two year proviso of Section 15 supports the contention that the land laws were not intended to be included in the scope of this proviso. The words "except as herein otherwise provided" refer to the preceding permanent law provision that all Territorial laws are continued except as modified or changed. The land laws by this language are excepted from the scope of the proviso. It should be noted that it was also probably the intention to except the Hawaiian Homes Commission Act of 1920, as amended, from the scope of the proviso. In the case of Sutton v. U.S., 157 F. (2) 661, the court stated that an exception is something that otherwise ought to be included in the category from which it is eliminated.

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The land laws could not logically be included within the scope of the two year proviso of Section 15. The proviso contains no reference to modifications or changes by the Admission Act or Constitution but merely provides a termination date. Neither does it provide for legislative amendments. Logically therefore the permanent law provision of Section 15 applies to the public land laws and the two year proviso by its terms cannot logically be applied to these laws. In this regard, Senate Report No. 80 of the U. S. Congress previously discussed should be noted again. The report explained that this proviso was inserted to refer specifically to the administration of laws regulating intrastate commerce.

* * * *

It is therefore my opinion that Section 2, Article XVI of the State Constitution, by its terms, clearly continued in force on Statehood the land laws of the Territory not inconsistent with the Constitution. The two year proviso of Section 15 terminating a Territorial law enacted by the Congress was intended by Congress to apply specifically to the administration of laws regulating intrastate commerce and is not applicable to the public land laws.

If the attorney general is correct in his interpretation of Section 15 of the Admission Act, all executive orders, if any, issued from August 21, 1961, until June 12, 1962 (the date of enactment of the new land laws by Act 32, S.L.H. 1962), are valid. If not, questions about the validity of such executive orders can be raised.

Interpretation of Executive Orders Subsequent to Statehood

Early in 1961, before the enactment of the present land laws, Hawaii's attorney general was asked for an opinion concerning whether or not the University of Hawaii had obtained title to the lands which were set aside to it. In a letter he ruled that:

The Governor's power to set aside state lands for public purposes is derived from part of subdivision (q) of section 73 of the Organic Act, dated June 14, 1900. . . .

This section has been copied into the Revised Laws of Hawaii, in a form which is substantially unchanged, and is in effect at the present time. Under this section, the Governor may set aside state land for public purposes to be managed and controlled by any instrumentality of the State, but he cannot convey the fee simple title to state land unless he is authorized by law. Each executive order must be interpreted in its own light to determine its scope

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and effect, since, without more, executive orders are not irrevocable.

* * * *

A deed is not required to pass the title to the lands from the State to the University. A deed is just the means provided by law by which one can effectively transfer the title to real property voluntarily, during his lifetime. However, in this instance, the law provides otherwise--that is, the said Article IX, Section 4 in essence, provides that title to the property can be transferred to the University by the mere act of setting it aside by executive order. The pertinent parts of this provision are:

"It [the University] shall have title to all the real . . . property, now or hereafter set aside . . . to it."

Thus, it is the opinion of this office that under the Constitution of the State of Hawaii, title to lands set aside by the Governor for the use of the University of Hawaii passed to the University.

The intent of the framers of the Constitution appears to be to give to the University of Hawaii outright title to the lands, since the University of Hawaii called it to the attention of the Legislature that it had to show that the title to the property was held by it in order for it to get federal mortgage loans. The framers also intended that the University of Hawaii should hold title to lesser interests as shown by their discussions of this section--to wit, they talked about the University of Hawaii possessing in fee simple absolute property which could be encumbered and also title to lesser interests, such as fee simple determinable property, which would not be needed for the purpose of borrowing funds and which would automatically be returned to the State if they were not used for the designated purposes. Thus, the word "title," as used in said Article IX, section 4 was intended to mean either a fee simple absolute title, or title to a lesser interest, such as a fee simple determinable title, depending upon the language of the executive order.

In applying this interpretation to the executive orders in question, we find the following:

1. The lands set aside to the University of Hawaii without any restrictions under Executive Order No. 1807 passed to it in fee simple absolute. It should be noted that this land is, nevertheless, held by the University of Hawaii in public trust for its purposes, to be administered and disposed of according to law, as provided for in said Article IX, Section 4.

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2. The lands set aside to the University of Hawaii under Executive Order No. 1908 passed to it in fee simple determinable in view of the language used in the reverter clause provided therein. The Governor is not obligated by law to set aside land for the use of the University of Hawaii without any restrictions and it is apparently within his discretion to include this reverter clause in the executive order.

There will hardly be any effect on the executive orders in question by the passing of future executive orders since unless otherwise provided for, title to the property passes out of the control of the Governor when the land is set aside under the first executive order.⁵⁰

When asked whether or not executive orders could be used to provide for the succession of offices of the governor and lieutenant governor and whether or not the governor could issue standing instructions which would automatically declare the existence of a state of emergency during a military attack, the attorney general declared that unless such power was granted by statute the governor could not so provide.⁵¹

When asked whether land set aside by presidential executive order prior to the passage of the Hawaiian Homes Commission Act of 1920 were "available lands" as provided in Section 203 of the Act when they were returned to the State by the federal government by quitclaim deed, the attorney general answered:

It is our conclusion that these lands, set aside to the use of the United States previous to the passage of the Hawaiian Homes Commission Act of 1920, were not "public lands" at that date and therefore were not included in the "available lands" at Nanakuli granted to the Hawaiian Homes Commission by that Act. On return of Camp Andrews to the State, jurisdiction of said lands became vested in the Board of Land and Natural Resources.⁵²

Present Authority of the Governor to Set Aside Land

The present authority of the governor to set aside land for public purposes is primarily contained in chapter 103A of the Revised Laws of Hawaii 1955, as amended. Section 103A-11, which vests this power in the governor, reads as follows:

Public purposes, lands set aside by the governor; management. The governor may, with the prior approval of the board, set aside public lands to any department or agency of the State, the city and county, county or other political subdivisions of the State for public use or

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purpose. All withdrawals of such lands or portions thereof so set aside shall be made by the governor.

Lands while so set aside for such use or purpose or when acquired for roads and streets shall be managed by the department, agency, city and county, county or other political subdivisions of the State having jurisdiction thereof, unless otherwise provided by law. Such department, agency of the State, the city and county, county or other political subdivision of the State in managing such lands shall be authorized to exercise all of the powers vested in the board in regard to the issuance of leases, licenses, revocable permits, concessions or rights of entry covering such lands for such use as may be consistent with the purposes for which the lands were set aside on the same terms, conditions and restrictions applicable to the disposition of public lands, all such dispositions being subject to the approval of the board. If at the time of the disposition of any such leases the board shall have approved the same, any order withdrawing or setting aside any or all of such lands for any other public purpose shall be made subject to such leases. Subject to the provisions of section 5(f) of the Act of March 18, 1959 (73 Stat. 6), all proceeds from such lands shall be deposited into the appropriate funds provided by law.

The provisions of this section shall also apply where the purposes are the uses and purposes of the United States; provided, that all revenues derived from such lands and improvements thereon shall be paid to the department by the United States.

Whenever lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county or other political subdivisions of the State, or to the United States, are not being utilized for the public purpose stated, the order setting aside such lands shall be withdrawn and returned to the department.

The power granted to the governor in this section to set aside or withdraw public lands shall be exercised subject 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 such setting aside or withdrawal.

The board shall have the power to dispose of any and all real property interest in lands set aside to any department [or] agency of the State, city and county, county or other political subdivisions of the State where the disposition is for a use which is consistent or inconsistent with the purpose for which the land was set aside. All

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funds derived from disposition by the board shall be deposited in the general fund of the State or be paid to the appropriate account; provided, that all such dispositions shall be with the prior written approval of the department, agency, city and county, county or other political subdivisions of the State and the governor.⁵³

Section 103A-24 contains a provision that "documents setting aside lands for public purposes or withdrawing the same shall be signed by the Governor."

Section 103A-37(c) states that leases for intensive agricultural and pasture uses are:

. . . subject to withdrawal by the board at any time during the term of the lease with reasonable notice and without compensation, except as provided herein, for public uses or purposes, including residential, commercial, industrial or resort developments, for constructing new roads or extensions, or changes in line or grade of existing roads, for rights-of-way and easements of all kinds, and shall be subject to the right of the board to remove soil, rock or gravel as may be necessary for the construction of roads and rights-of-way within or without the demised premises; provided, that upon such withdrawal, or upon such taking which causes any portion of the land originally demised to become unusable for the specific use or uses for which it was demised, the rent shall be reduced in proportion to the value of the land withdrawn or made unusable, and if any permanent improvement constructed upon the land by the lessee is destroyed or made unusable in the process of such withdrawal or taking, the proportionate value thereof shall be paid based upon the unexpired term of the lease; provided further, that no such withdrawal or taking shall be had as to those portions of the land which are then under cultivation with crops until the crops are harvested, unless the board pays to the lessee the value of such crops.

Section 103A-26, however, vests in the Board of Land and Natural Resources the power to reserve rights-of-way from established highways to the public beaches and game preserves before disposition of public lands.

Other provisions relating to the governor's power to set aside lands are as follows:

Forest Reserves

Section 19-1, Revised Laws of Hawaii 1955, provides:

Government land for forest reservations. The governor may, with the approval of a majority of the board of commissioners of agriculture and forestry, after a hearing or

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hearings as hereinafter provided, from time to time set apart any government land or lands whether under lease or not, as forest reservations. On lands under lease the reservation shall not take effect until the expiration of the existing lease, or in any way affect the rights acquired under the lease. Any land or lands while so set apart shall not be leased or sold by the government or used in any way for any purposes inconsistent with this chapter. The governor may from time to time, with the approval of the commissioner of public lands, after a hearing or hearings as hereinafter provided, revoke, modify or suspend any and all the orders and proclamations or any part thereof, which set apart such lands.

Parks

Section 19-33 of the Revised Laws of Hawaii 1955 provides in part:

Territorial park system. The board may designate and bring under its control and management, as parts of the territorial park system, parks and parkways as follows:

(a) Government owned land within the territorial forest reserves or otherwise under the jurisdiction of the board may be set aside as a territorial park or parkway by resolution of the board, subject to the approval of the governor by executive order setting the land aside for such purposes; provided, that no lands within the territorial forest reserve areas that are the watersheds from which the domestic water supply of any city, town or community is or may be obtained shall be so set aside without the prior approval of the territorial board of health and the prior approval of the board of water supply, or county board of supervisors, as the case may be . . .

Foreign Trade Zone

Section 98T-6 of the Revised Laws of Hawaii 1955, as amended, provides:

Setting aside public lands; lease, license and permits. Notwithstanding any law to the contrary, the governor may set aside public lands to a public corporation [defined in section 98T-3 as the State of Hawaii, any political subdivision thereof, and municipality therein, or any public agency of the State] for the purpose of this chapter and such corporation may, by negotiation and without recourse to public auction, lease, rent or let such lands or any part thereof or any interest therein, including concessions and concession space, by lease, license or permit on such terms and conditions set by the corporation.

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University

Article IX, Section 4, of the Constitution provides:

The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

Mrs. Maizie Yamada prepared the manuscript for printing.

FOOTNOTES

Chapter I

1. It is impossible to distinguish precisely between the terms "executive order" and "proclamation", as used either on the American mainland or in Hawaii. Neither in the United States nor in Hawaii has any law or even executive order ever attempted to define the terms "executive order" or "proclamation". Even Executive Order 10006, issued on October 11, 1948, and which governs the use of executive orders, does not define the term "executive order". The only major study of the use of executive orders and proclamations concludes that "the difference between executive orders and proclamations is more one of form than of substance, since in each instance the effective action sought or directed by the document is an exercise of the executive power...and must be based on authority derived from the Constitution or statute. Essentially an executive order or proclamation is a written document issued by the President and titled as such by him or at his direction." U.S., Congress, House, Committee on Government Operations, Executive Orders and Proclamations: A Study of a Use of Presidential Powers, 85th Cong., 1st Sess., 1957, p. 1. In practice, Hawaii's gubernatorial proclamations were used most extensively to reserve or to set aside land for public purposes prior to 1910. Amendments made in 1910 to the Organic Act under which Hawaii was governed as a territory of the United States authorized Hawaii's appointed governor to issue executive orders. Since that date, both proclamations and executive orders have been used to set aside public land in Hawaii.
2. For a convenient summary of the Great Mahele, see Robert H. Horwitz and Norman Meller, Land and Politics in Hawaii (3rd ed.; Honolulu: University of Hawaii Press, 1966), pp. 2-3.
3. The "crown lands" comprised nearly one million acres, and were dedicated to the support of the royal family. These lands included some of the most valuable agricultural acreage on each of the major islands. See Thomas M. Spaulding, The Crown Lands of Hawaii, University of Hawaii Occasional Papers, No. 1 (Honolulu: 1923).
4. A list of executive orders and proclamations is available in the vaults of the Department of Land and Natural Resources in Honolulu, as well as in the State Archives, but this material is extremely difficult to interpret. In many instances, executive orders have been issued which cancel earlier executive orders or proclamations in whole or in part. Or again, executive orders have sometimes withdrawn a portion of an area set aside by an earlier order, while reassigning another portion of the area to a different governmental agency. It follows that no simple tabulation or summary of land set aside by executive order can convey accurate totals of land set aside at any given point in time. For this reason, no reliance should be placed on the findings of the State Land Inventory which was prepared for the State of Hawaii in 1961. The authors of the present study felt that a reasonably accurate determination of land set aside and withdrawn by executive orders could be achieved only if all data were programmed for analysis by a computer. Careful cross-checking of our findings with each of the major departments and agencies of the state government to which land has been set aside indicates that a high degree of accuracy has been achieved. At the same time, one cannot discount the possibility that minor errors remain inasmuch as it was impossible to ascertain the precise effects of some executive orders issued many years ago. The amount of land controlled by any given governmental agency through executive order at the present time is stated definitively, as is the total amount of land initially assigned to all agencies. However, the precise amount of land held by a given agency at any particular past time cannot always be calculated exactly. It follows that any historical analysis of this data is provisional, and that a sequential analysis of any particular use category of the executive orders issued during any governor's administration may result in minor discrepancies. This does not, however, invalidate the findings of the study.
5. Historical Records Survey, Presidential Executive Orders, Vol. I (New York: Books, Inc., 1944), p. v.
6. Glendon A. Schubert, The Presidency in the Courts (Minneapolis: University of Minnesota Press, 1957), pp. 66-67.
7. Ibid.
8. Act of April 30, 1900, ch. 339, 31 Stat. 141.
9. Civil Code of 1859, sec. 48 (incorporated in Rev. Laws of Hawaii 1945 as sec. 4530).
10. Laws of His Majesty Kalakaua 1876, Act 30, see especially the preface to the Act and Section 4.
11. Laws of the Republic of Hawaii Spec. Sess. 1895, Act 26, created a board of three persons designated as commissioners of public lands. They were charged with administration of all public land. Certain classes of land were exempted from control of the commissioners, and were specifically designated as being under the control of the Minister of the Interior.
12. Joint Resolution of July 7, 1898, 30 Stat. 750.
13. The interim period of nearly two years between passage of the Newlands Resolution and passage of the Organic Act for the governing of Hawaii (Act of April 30, 1900, ch. 339, 31 Stat. 141) was dealt with by a ruling of the Attorney General of the United States in 32 Ops. Att'y Gen. 574 (1899). This opinion provided that the laws of Hawaii were to continue in force except that the government of Hawaii was not empowered to dispose of public lands inasmuch as title to such lands was held by the federal government in "special trust" for the benefit of the people of Hawaii. See also Fasi v. Land Commissioner, 41 H. 461, 466-467 (1956).
14. See Section 73 of the Organic Act.
15. Land in this category was often designated as "government land" to distinguish it from public land under the jurisdiction of the Superintendent of Public Works. See Section 75 of the Organic Act and Opinions of the Attorney General of

- Hawaii, Opinion No. 205, December 8, 1904. Hereafter Opinions of the Attorney General of Hawaii will be designated (Opinion No., Letter of, or Opinion Letter) to distinguish them from Opinions of the Attorney General of the United States (Ops. Att'y Gen.).
16. See Section 76 of the Organic Act; Civil Laws of 1897, secs. 120-122; and Opinion No. 150, September 9, 1909.
 17. Opinion No. 389, November 2, 1906.
 18. Governor Dole appears to have issued some half-dozen proclamations between March 25, 1901 and June 18, 1903, which set aside small amounts of land for a U. S. Custom House, the Hawaii Agricultural Experiment Station, and the old Bethel Street Post Office. The acreage set aside is not noted in the only copies of these proclamations which could be located in the State Archives.
 19. Sess. Laws of Hawaii 1903, Act 44.
 20. See Hawaii, Journal of the Territorial House of Representatives, 1907, "Lanai Investigation," pp. 1669-70.
 21. Report of the Minister of Interior to the President of the Republic of Hawaii for the Biennium, Ending December 31, 1899, pp. 115-116.
 22. Report of the Commissioner of Public Lands for the Year Ending June 30, 1902, p. 4.
 23. Sess. Laws of Hawaii 1903, Act 44.
 24. It was during Governor Frear's administration that the device of the gubernatorial executive order was first used in Hawaii to set aside public land for a number of other public purposes in addition to the creation of forest reserves.
 25. Act of May 27, 1910, ch. 258, secs. 73, 36 Stat. 444 and 91, 36 Stat. 447 were amended.
 26. Hawaii National Park was created by an Act of Congress which was signed into law by President Woodrow Wilson in 1916. As originally created, the park consisted of three distinct tracts of land, the Kilauea Section of 35,865 acres, the Mauna Loa Section of 17,920 acres, and the Haleakala Section of 21,150 acres. Only 4/9 of the land within the exterior boundaries of the park was held in public ownership. The United States Congress refused to make appropriations for development of the park until portions of the privately held acreage within the boundaries of the park were acquired by the territorial government. This problem was overcome through congressional authorization for special land exchanges, with the land acquired through exchange being set aside by executive order for park use.
 27. See especially Lawrence H. Fuchs, Hawaii Pono, A Social History (New York: Harcourt, Brace & World, 1961), pp. 280ff; Benjamin O. Wist, A Century of Public Education in Hawaii (Honolulu: The Hawaii Educational Review, 1940), Chapter VII.
 28. Act of June 19, 1930, ch. 546, 46 Stat. 789.
 29. See Fuchs, pp. 299ff. for an interesting account of the relationship between the military and civilian authorities. Also see J. Garner Anthony, Hawaii Under Army Rule (Stanford: Stanford University Press, 1955), especially Chapter I.
 30. Act of April 21, 1941, ch. 394, 55 Stat. 658.
 31. Act of July 18, 1958, Pub. L. 85-534, 72 Stat. 379.
 32. Act of August 14, 1958, Pub. L. 85-650, 72 Stat. 606.
 33. Act of August 21, 1958, Pub. L. 85-719, 72 Stat. 709. With these amendments, Sections 73(q) and 91 of the Organic Act were given their final form. The reader's understanding of Chapter V which presents the opinions of the Attorneys General of the Territory and the United States dealing with these sections will be facilitated by reference to the full text of these sections, which follows:

Section 73(q). Control, management, disposition, etc., of public lands; powers and duties of commissioner; leases by Hawaiian Aeronautics Commission.

All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall, except as otherwise provided by the Congress, be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the Governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this chapter, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the Governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory; the provisions of this section may also be applied where the "public purposes" are the uses and purposes of the United States, and lands while so set aside may be managed as may be provided by the laws of the United States. The commissioner is authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the Governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. All officers and employees under the jurisdiction of the commissioner shall be appointed by him, subject to the Territorial laws of Hawaii relating to the civil service of Hawaii, and all such officers and employees shall be subject to such civil service laws.

Within the meaning of this section, the management of lands set aside for public purposes may, if within the scope of authority conferred by the legislature, include

the making of leases by the Hawaii Aeronautics Commission with respect to land set aside to it, on reasonable terms, for carrying out the purposes for which such land was set aside to it, such as for occupancy of land at an airport for facilities for carriers or to serve the traveling public. No such lease shall continue in effect for a longer term than fifty-five years. If, at the time of the execution of any such lease, the Governor shall have approved the same, then and in that event the Governor shall have no further authority under this or any other Act to set aside any or all of the lands subject to such lease for any other public purpose during the term of such lease.

Section 91. Possession and control of public property ceded to United States; Territory and subdivision.

Except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii, under the joint resolution of annexation, approved July 7, 1898, numbered 55 (30 Stat. 750), shall remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the Governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric, and other public works, penal, charitable, scientific, and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof, or the University of Hawaii, by direction of the governor when thereunto authorized by the legislature: Provided, That when any such public property so taken for the uses and purposes of the United States, if, instead of being used for public purpose, is thereafter by the United States leased, rented, or granted upon revocable permits to private parties, the rentals or consideration shall be covered into the treasury of the Territory of Hawaii for the use and benefit of the purposes named in this section.

Chapter III

1. Ralph S. Kuykendall, The Hawaiian Kingdom, 1854-1874 (Honolulu: University of Hawaii Press, 1953), p. 248.

2. Ralph S. Kuykendall and A. Grove Day, Hawaii: A History (New York: Prentice-Hall, 1948), p. 214.
3. Hawaii, Commissioner of Public Lands, Inventory of Public Lands Set Aside to the United States by Acts of Congress, Executive Orders and Proclamations, Report No. 1 (Honolulu: 1961?).

Chapter V

1. Regarding the status of land secured through land exchanges, see Robert H. Horwitz, Public Land Policy in Hawaii: Land Exchanges (University of Hawaii, Legislative Reference Bureau, 1964, Rept. No. 2), Chapter VI.
2. Opinions of the Attorney General of Hawaii, Opinion No. 1152, July 18, 1924.
3. United States vs. Midwest Oil Co., 236 U.S. 459, 475; 59 L. Ed. 673, 682 (1915).
4. Opinion No. 812, March 12, 1919, and Opinion No. 1418, March 3, 1927.
5. Opinion No. 908, December 8, 1919.
6. Act of July 9, 1921, ch. 42, 42 Stat. 108.
7. Opinion No. 1457, November 28, 1927, and Opinion No. 1517, December 28, 1928.
8. Opinion No. 1457, November 28, 1927.
9. Opinion No. 1457, November 28, 1927. See also Opinion No. 1517, December 28, 1928.
10. See Opinion Letter No. 864, June 27, 1940, 14 OLC; Letter of October 30, 1941, 37, C5156, 812; and Letter of October 7, 1942, 14, 37, 38, C5156, 1269. (Nos. following dates refer to file numbers in Office of Attorney General of Hawaii.)
11. Opinion Letter, July 10, 1942, O.L.C. 37.
12. 39 Ops. Att'y Gen. 460 (1940).
13. C.A. Hawaii 1952, 194 F.2d 176.
14. Opinion No. 58-84, May 7, 1958.
15. Letter of June 19, 1946, RVL:MS, 874; 37, cc-RVL.
16. Letter of May 27, 1949, RVL:GG, 1154; 37, 9.
17. Letter of October 4, 1946, RVL:GG, 1353; 14, 37, 38.
18. For the form of such an order see Letter of January 14, 1947, RVL:GG, 229; 37, 38.
19. Opinion No. 55-13, February 1, 1955.
20. Opinion No. 500, March 21, 1916.
21. Opinion No. 603, October 18, 1916.
22. Opinion No. 682, August 25, 1917.
23. Opinion No. 812, March 12, 1919.
24. Opinion No. 1069, March 17, 1923.
25. Opinion No. 1084, June 30, 1923.

26. Opinion No. 1135, April 18, 1924.
27. Opinion No. 58-176, October 22, 1958.
28. Opinion No. 1263, October 8, 1925.
29. Opinion No. 1734, July 12, 1940.
30. The land in question was set aside under provision of Section 73(q) of the Organic Act.
31. Opinion No. 1808, March 27, 1942.
32. Opinion Letter, February 26, 1951; RVL:dh, 706:37:OLC.
33. Opinion No. 1734 (former No. 1761), July 12, 1940; Opinion No. 1808, March 27, 1942; Opinion Letter, February 3, 1944; Opinion Letter, September 11, 1946; Opinion Letter, March 12, 1948; and Opinion Letter, July 22, 1949 to the Territorial Highway Engineer.
34. Present statutory regulations relating to concessions are contained in the Rev. Laws of Hawaii, sec. 7B (1955).
35. Opinion No. 1003, January 28, 1922.
36. See also Opinion No. 1069, March 17, 1923 and Opinion No. 1570, May 16, 1931.
37. Opinion No. 1183, November 7, 1924; Letter of March 2, 1948, RVL:md, 850:37, 10.
38. 35 Ops. Att'y Gen. 205 (1927).
39. Opinion No. 1764, January 31, 1941.
40. Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4.
41. See 42 Ops. Att'y Gen., No. 4, p. 5.
42. Ibid., pp. 5-6.
43. Ibid., p. 6 and note 11.
44. Ibid., pp. 6-7.
45. Ibid., pp. 7-8.
46. Ibid., p. 2.
47. See 373 U.S. 57 (1963).
48. United States Code Congressional and Administrative News, 88th Congress, 1st Session, 1963, pp. 1362-1363.
49. Opinion No. 61-68, July 3, 1961.
50. Letter of February 27, 1961, TT:mm.
51. Opinion No. 61-87, August 23, 1961.
52. Opinion No. 64-44, September 4, 1964.
53. Sess. Laws of Hawaii 1962, Act 32, pt. of sec. 2; am. Sess. Laws of Hawaii 1963, Act 173, sec. 1.

Year (4 columns)

This column indicates the year in which the executive order was issued. The first executive order was issued in 1910 and the study includes all gubernatorial executive orders issued from that date up to December 31, 1964.

Status (1 column)

This column indicates whether the executive order is in effect or not by the following code:

- 1 The executive order is still in effect.
- 2 The executive order has been cancelled and is not in effect.
- 3 The executive order cancels another executive order in its entirety.
- 4 The executive order withdraws land from another executive order, with some acreage still remaining under the original jurisdiction.

Area Set Aside and Withdrawn

Status 1-2 indicates all lands which were ever set aside. Status 3-4 indicates all lands which were withdrawn or cancelled. The difference of the area of Status 1-2 and the area of Status 3-4 indicates the present acreage now in effect.

Present Total

This column indicates the amount of land currently held by the agency.

Note: *Denotes subtotal by island.

**Denotes grand total for agency.

Appendix A

AGENCY LISTING OF EXECUTIVE ORDERS

Explanatory Notes

The column headings of the following I.B.M. listing of executive orders, arranged by agency, are interpreted below:

Location (1 column)

This column indicates the county in which the land is located:

- 1 City and County of Honolulu
- 2 County of Maui
- 3 County of Hawaii
- 4 County of Kauai

Use (2 columns)

This column indicates the public use for which the land was set aside:

- | | |
|--|--|
| 01 Airports & Navigation Aids | 11 Security--fire, police, jails & prisons |
| 02 Campsites | 12 Sewer System |
| 03 Cemeteries | 13 Transportation--highways, roads, parking facilities, tunnels |
| 04 Educational Institutions--libraries, museums, schools | 14 University of Hawaii |
| 05 Forest Reserves--(& nurseries)--bird reserves, hunting grounds | 15 Utility & Storage Yards |
| 06 Harbors & Navigation Aids | 16 Water Systems |
| 07 Hospital & Health Centers | 17 Watersheds--"kapu lands" |
| 08 Parks--(& recreation)--beach parks, golf courses, swimming pools, target ranges | 18 Miscellaneous--flood control, islands, ponds, quarries, public housing, tourism, triangulation station, stable lots |
| 09 Public Buildings | 19 Military |
| 10 Refuse System | |

Executive Order Number (4 columns) A, B, C (1 column)

This column indicates the Executive Order Number. The addition of A, B, or C after the Executive Order Number indicates a completely different executive order--not to be mistaken as part "A" of an executive order.

Governor (2 columns)

This column indicates the Governor who issued the executive order by the following code:

<u>Governor</u>	<u>Term of Office</u>
	<u>Territory</u>
* Sanford B. Dole	June 14, 1900-November 23, 1903
* George R. Carter	November 23, 1903-August 15, 1907
01 Walter F. Frear	August 15, 1907-November 29, 1913
02 Lucius E. Pinkham	November 29, 1913-June 22, 1918
03 Charles J. McCarthy	June 22, 1918-July 5, 1921
04 Wallace R. Farrington	July 5, 1921-July 5, 1929
05 Lawrence M. Judd	July 5, 1929-March 1, 1934
06 Joseph B. Poindexter	March 1, 1934-August 24, 1942
07 Ingram M. Stainback	August 24, 1942-April 30, 1951
08 Oren E. Long	April 30, 1951-February 28, 1953
09 Samuel W. King	February 28, 1953-September 2, 1957
10 William F. Quinn	September 2, 1957-August 21, 1959
	<u>Statehood</u>
11 William F. Quinn	August 21, 1959-December 3, 1962
12 John A. Burns	December 3, 1962-December 31, 1964 (termination of the study)

*Governors Dole and Carter did not issue any executive orders.

Agency Listing

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES									UNIVERSITY OF HAWAII								
1	3	493	5	1931	1	2.988			1	4	543	5	1932	2	15.475		
1	3	590	5	1933	1	6.844			1	4	553	5	1932	2	2.066		
1	3	998	7	1943	1	3.341			1	4	741	6	1937	3		2.066	
1	3	1003	7	1943	1	1.604			1	14	3	1	1911	2	29.300		
1	3	1164	7	1946	1	.312			1	14	28	2	1915	2	2.650		
1	3	2127	12	1964	4		.031		1	14	34	2	1915	2	63.114		
1	8	360	4	1929	2	6.400		6.400	1	14	278	4	1927	2	9.070		
1	8	1445	8	1951	3				1	14	348	4	1928	2	193.930		
1	9	535	5	1932	1	2.467			1	14	390	5	1930	2	.772		
1	9	541	5	1932	1	5.963			1	14	391	5	1930	4		1.248	
1	9	542	5	1932	1	10.982			1	14	401	5	1930	2	.666		
1	9	920	6	1940	2	.213			1	14	414	5	1930	2	.160		
1	9	1079	7	1944	1	1.221			1	14	492	5	1931	4		.649	
1	9	1427	7	1951	1	1.582			1	14	501	5	1931	2	.649		
1	9	1429	7	1951	1	.625			1	14	549	5	1932	3		193.930	
1	9	1469	8	1951	3		.213		1	14	580	5	1933	2	193.930		
1	9	1559	9	1953	4		.338		1	14	695	6	1936	2	30.766		
1	9	1600	9	1953	1	2.263			1	14	733	6	1937	2	.003		
1	9	1663	9	1955	1	3.105			1	14	790	6	1938	2	6.600		
1	9	1763	9	1956	1	1.724			1	14	929	6	1941	2	.915		
1	9	1767	9	1956	1	.558			1	14	1071	7	1944	2	1.937		
1	9	1849	10	1958	1	1.268			1	14	1180	7	1946	2	24.800		
1	9	2160	12	1964	1	1.303			1	14	1185	7	1947	3		6.600	
1	13	1432	7	1951	1	1.546			1	14	1258	7	1948	3		24.800	
1	13	1888	10	1959	1	.035			1	14	1259	7	1948	3		1.937	
1	13	2175	12	1964	1	.778			1	14	1377	7	1950	2	195.080		
1	15	970	6	1942	1	1.000			1	14	1501	8	1952	2	11.937		
1	15	1711	9	1955	2	4.500		4.500	1	14	1536	8	1952	2	2.346		
1	15	2015	11	1962	3				1	14	1625	9	1954	2	76.585		
1	18	197	4	1925	2	90.000			1	14	1689	9	1955	3		.772	
1	18	921	6	1941	2	6.130			1	14	1739	9	1956	2	21.384		
1	18	1392	7	1950	3		90.000		1	14	1782	9	1957	3		195.080	
1	18	1885	10	1959	1	.508			1	14	1785	9	1957	2	172.052		
1	18	2003	11	1962	3		6.130		1	14	1807	10	1957	1	298.137		
						159.260*	107.612*	51.648 *	1	14	1817	10	1958	1	2.346		
2	9	1203	7	1947	2	.475			1	14	1820	10	1958	1	31.181		
2	9	1743	9	1956	3		.475		1	14	1848	10	1958	1	137.698		
2	13	1037	7	1943	1	7.344		7.344 *	1	14	1970	11	1961	1	.640		
						7.819*	.475*								1,525.789*	427.082*	1,098.707 *
3	1	922	6	1941	1	94.674			2	14	677	6	1935	2	38.660		
3	1	1018	7	1943	2	325.940			2	14	1819	10	1958	1	38.660		
3	1	1505	8	1952	3		325.940		2	14	1987	11	1961	1	18.166		
3	1	1770	9	1956	4		12.395								95.486*	*	95.486 *
3	1	1772	9	1956	4												
3	4	1264	7	1948	1	.414			3	14	90	3	1921	2	94.170		
3	9	1674	9	1955	1	1.377			3	14	399	5	1930	3		94.170	
3	13	1336	7	1949	2	5.220			3	14	407	5	1930	2	3.280		
3	13	1995	11	1962	3		5.220		3	14	604	5	1934	2	1.661		
3	15	591	5	1933	1	.172			3	14	758	6	1937	2	7.500		
3	15	880	6	1940	2	3.415			3	14	1434	8	1951	2	3.650		
3	15	1407	7	1950	3		3.415		3	14	1627	9	1954	2	29.015		
3	15	1424	7	1951	2	4.222			3	14	1818	10	1958	1	15.741		
3	15	1650	9	1954	2	2.238			3	14	1908	11	1960	1	414.468		
3	15	1777	9	1957	1	2.410			3	14	1974	11	1961	1	.855		
3	15	1823	10	1958	1	.666			3	14	2016	11	1962	1	3.214		
3	15	1836	10	1958	1	5.861			3	14	2024	11	1962	1	15.855		
3	15	1935	11	1961	3		4.222								589.409*	94.170*	495.239 *
3	15	1936	11	1961	3		2.238										
3	18	526	5	1932	1	3.864			4	14	1967	11	1961	1	242.450		
						450.473*	353.555*	96.918 *							242.450*	*	242.450 *
4	9	813	6	1938	1	.318			5	14	1790	9	1957	3		711.695	
4	9	820	6	1938	1	.851									*	711.695*	711.695 *
4	9	2033	11	1962	1	14.349											
4	9	2120	12	1963	1	.804									2,453.134**	1,232.947**	1,220.187 **
4	15	706	6	1936	1	.292											
4	15	1371	7	1950	2	6.540											
4	15	1442	8	1951	3		6.540										
4	15	1449	8	1951	1	3.024											
4	18	1360	7	1950	2	1.570											
4	18	2046	11	1962	3		1.570										
						27.748*	8.110*	19.638 *									
						645.300**	469.752**	175.548 **									
DEPARTMENT OF THE ATTORNEY GENERAL									DEPARTMENT OF EDUCATION								
1	11	42	2	1917	2	13.800			1	4	11	1	1911	1	1.290		
1	11	157	4	1924	2	37.630			1	4	68	3	1919	1	.485		
1	11	158	4	1924	3		13.800		1	4	101	3	1921	1	46.000		
1	11	562	5	1933	3		37.630		1	4	180	4	1925	2	6.000		
						51.430*	51.430*	*	1	4	220	4	1926	1	8.000		
						51.430**	51.430**	**	1	4	225	4	1926	1	7.730		
									1	4	226	4	1926	1	5.000		
									1	4	228	4	1926	1	2.720		
									1	4	260	4	1926	2	19.000		
									1	4	268	4	1927	1	5.510		
									1	4	269	4	1927	1	4.300		
									1	4	274	4	1927	2	4.360		
									1	4	279	4	1927	2	15.930		
									1	4	298	4	1927	2	10.940		
									1	4	320	4	1928	1	1.775		
									1	4	347	4	1928	1	.696		
									1	4	376	5	1929	2	.447		
									1	4	381	5	1930	1	.450		
									1	4	386	5	1930	1	5.177		
									1	4	405	5	1930	1	4.000		
									1	4	428	5	1930	1	.640		
									1	4	439	5	1930	1	.040		
									1	4	459	5	1931	1	.064		
									1	4	460	5	1931	1	5.600		
									1	4	461	5	1931	2	15.240		
									1	4	462	5	1931	2	3.893		
									1	4	468	5	1931	1	9.540		
									1	4	474	5	1931	3		3.893	
									1	4	475	5	1931	1	3.824		
									1	4	517	5	1931	1	.755		
									1	4	534	5	1932	2	5.000		
DEPARTMENT OF BUDGET AND FINANCE																	
1	18	1688	9	1955	2	1.000											
1	18	2011	11	1962	3		1.000										

Loc.	Jse	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
1	4	536	5	1932	1	15.444			1	4	2143	12	1964	4		.345	
1	4	538	5	1932	3		5.000		1	4	2165	12	1964	1	.289		
1	4	539	5	1932	3		10.940		1	4	2169	12	1964	1	3.882		
1	4	546	5	1932	3		16.377		1	9	403	5	1930	2	.431		
1	4	563	5	1933	1	5.130			1	9	550	5	1932	3		.431	
1	4	582	5	1933	2	8.946			1	9	554	5	1932	2	.938		
1	4	607	5	1934	2	5.000			1	9	611	5	1934	3		.938	
1	4	609	5	1934	1	.160			1	13	2101	12	1963	1	.037		
1	4	623	6	1934	3		8.946		1	15	1095	7	1944	1	.039		
1	4	624	6	1934	2				1	18	1030	7	1943	1	.978		
1	4	633	6	1935	1	1.552			1	18	1041	7	1943	1	.285		
1	4	655	6	1935	1	4.032			1	18	1642	9	1954	1	.110		
1	4	657	6	1935	1	2.927									558.804*	117.891*	440.913 *
1	4	696	6	1936	1	5.716											
1	4	705	6	1936	1	1.406			2	3	1240	7	1948	1	.902		
1	4	710	6	1936	2	4.000			2	4	19	1	1912	2	2.000		
1	4	739	6	1937	3		6.000		2	4	113	4	1921	2	6.890		
1	4	752	6	1937	1	1.762			2	4	222	4	1926	1	4.700		
1	4	759	6	1937	2	.290			2	4	251	4	1926	1	614.700		
1	4	766	6	1937	1	6.000			2	4	253	4	1926	3		6.890	
1	4	776	6	1937	1	1.420			2	4	256	4	1926	1	9.440		
1	4	800	6	1938	1	.970			2	4	352	4	1929	3		2.000	
1	4	805	6	1938	1	4.635			2	4	429	5	1930	1	1.160		
1	4	830	6	1938	1	.814			2	4	433	5	1930	1	4.164		
1	4	845	6	1939	3		15.240		2	4	491	5	1931	1	1.850		
1	4	871	6	1939	3	.290			2	4	505	5	1931	1	4.240		
1	4	882	6	1940	1	10.051			2	4	530	5	1932	1	4.840		
1	4	883	6	1940	1	.308			2	4	600	5	1933	1	9.440		
1	4	956	6	1941	1	4.035			2	4	621	6	1934	1	3.530		
1	4	997	7	1943	1	2.583			2	4	645	6	1935	1	5.040		
1	4	1032	7	1943	1	.916			2	4	658	6	1935	1	1.172		
1	4	1050	7	1944	1	.888			2	4	694	6	1936	1	12.000		
1	4	1059	7	1944	1	5.540			2	4	725	6	1936	1	6.250		
1	4	1075	7	1944	1	2.329			2	4	754	6	1937	2	10.497		
1	4	1086	7	1944	1	3.080			2	4	796	6	1938	1	2.677		
1	4	1089	7	1944	3		12.946		2	4	797	6	1938	1	8.580		
1	4	1090	7	1944	1	14.429			2	4	811	6	1938	1	11.492		
1	4	1115	7	1945	3		19.000		2	4	819	6	1938	1	1.773		
1	4	1140	7	1946	1	1.081		.005	2	4	831	6	1938	1	9.649		
1	4	1149	7	1946	4			.196	2	4	927	6	1941	1	2.155		
1	4	1191	7	1947	1	.643			2	4	930	6	1941	1	3.966		
1	4	1192	7	1947	4				2	4	1006	7	1943	1	4.160		
1	4	1194	7	1947	1	1.557			2	4	1008	7	1943	1	4.180		
1	4	1244	7	1948	1	.415			2	4	1070	7	1944	1	12.440		
1	4	1260	7	1948	1	24.980			2	4	1196	7	1947	1	10.945		
1	4	1292	7	1948	1	1.400			2	4	1220	7	1948	2	.920		
1	4	1297	7	1948	4		.089		2	4	1228	7	1948	1	63.397		
1	4	1365	7	1950	4		.095		2	4	1262	7	1948	3		10.497	
1	4	1448	8	1951	1	.465			2	4	1263	7	1948	1	10.372		
1	4	1498	8	1952	1	14.460			2	4	1430	7	1951	4	.450		
1	4	1502	8	1952	1	.246			2	4	1732	9	1956	4	.108		
1	4	1521	8	1952	1	6.569			2	4	1805	9	1957	4	.482		
1	4	1524	8	1952	1	6.569		.093	2	4	1806	9	1957	4	.006		
1	4	1556	9	1953	4				2	4	1863	10	1958	1	2.930		
1	4	1579	9	1953	1	.023			2	4	1886	10	1958	3		.920	
1	4	1581	9	1953	1	5.390			2	4	1911	11	1960	1	.850		
1	4	1648	9	1954	1	8.490			2	4	2013	11	1962	4	.761		
1	4	1679	9	1955	1	5.380		.606	2	4	2019	11	1962	1	1.528		
1	4	1701	9	1955	4				2	4	2052	11	1962	4	.420		
1	4	1703	9	1955	1	.049			2	4	2105	12	1963	4	11.512		
1	4	1725	9	1956	1	6.963									854.829*	34.046*	820.783 *
1	4	1733	9	1956	1	.205			3	4	13	1	1912	1	.376		
1	4	1738	9	1956	1	6.288			3	4	100	3	1921	2	34.420		
1	4	1749	9	1956	1	.751			3	4	211	4	1925	1	3.975		
1	4	1778	9	1957	1	.335			3	4	221	4	1926	3		34.420	
1	4	1780	9	1957	1	.394			3	4	223	4	1926	1	32.950		
1	4	1784	9	1957	1	31.670		4.360	3	4	234	4	1926	2	3.670		
1	4	1804	9	1957	3			.028	3	4	242	4	1926	2	10.830		
1	4	1827	10	1958	4			.502	3	4	246	4	1926	1	5.000		
1	4	1827	10	1958	4				3	4	257	4	1926	1	11.520		
1	4	1830	10	1958	4				3	4	263	4	1927	1	14.530		
1	4	1835	10	1958	1	.576			3	4	266	4	1927	1	7.050		
1	4	1850	10	1958	1	.909			3	4	277	4	1927	1	1.790		
1	4	1854	10	1958	1	5.102			3	4	297	4	1927	2	10.920		
1	4	1857	10	1958	1	1.069			3	4	301	4	1927	2	6.960		
1	4	1867	10	1958	1	.299			3	4	310	4	1928	2	3.700		
1	4	1868	10	1958	1	.613		.014	3	4	317	4	1928	1	4.660		
1	4	1875	10	1959	4				3	4	336 A	4	1928	1	8.170		
1	4	1877	10	1959	1	5.568			3	4	400	5	1930	1	8.180		
1	4	1882	10	1959	1	4.414			3	4	408	5	1930	1	8.612		
1	4	1884	10	1959	1	1.012			3	4	457	5	1931	2	5.000		
1	4	1887	10	1959	1	2.886			3	4	479	5	1931	1	2.084		
1	4	1892	10	1959	1	10.666		.016	3	4	482	5	1931	1	4.900		
1	4	1900	11	1959	4				3	4	484	5	1931	1	7.580		
1	4	1909	11	1960	1	.481			3	4	486	5	1931	1	5.000		
1	4	1913	11	1960	1	24.736			3	4	488	5	1931	1	2.000		
1	4	1926	11	1960	1	.478		.214	3	4	495	5	1931	3		3.670	
1	4	1927	11	1960	4			.262	3	4	522	5	1932	1	3.369		
1	4	1963	11	1961	1	9.646			3	4	527	5	1932	1	6.025		
1	4	1996	11	1962	4				3	4	551	5	1932	1	.725		
1	4	2018	11	1962	1	.508			3	4	559	5	1933	1	10.000		
1	4	2037	11	1962	1	10.088		.383	3	4	583	5	1933	1	3.566		
1	4	2051	11	1962	4			.298	3	4	608	5	1934	2	10.000		
1	4	2051	11	1962	4			.004	3	4	610	5	1934	1	4.040		
1	4	2058	11	1962	4			.105	3	4	614	6	1934	1	5.970		
1	4	2083	12	1963	4				3	4	626	6	1934	4		.386	
1	4	2085	12	1963	1	.002		5.000	3	4	634	6	1935	1	6.700		
1	4	2107	12	1963	3			1.341	3	4	653	6	1935	3		10.000	
1	4	2108	12	1963	4			3.567	3	4	654	6	1935	1	12.340		

						Area		Area	Present							Area		Area	Present		
Loc.	Use	E.O.	Gov.	Year	Status	Set Aside Status 1-2	Area Withdrawn Status 3-4	Total Net		Loc.	Use	E.O.	Gov.	Year	Status	Set Aside Status 1-2	Area Withdrawn Status 3-4	Total Net			
1	7	946	6	1941	3		612.130			2	18	1583	9	1953	4						
1	7	948	6	1941	2	201.190				2	18	1583	9	1953	1						
1	7	1007	7	1943	3		201.190									2,584.470*	1,221.470*	1,363.000 *			
1	7	1986	11	1961	1	1.201															
1	7	2114	12	1963	4		.043			3	5	218	4	1926	2		11.000				
1	9	879	6	1940	2	1.343				3	5	349	4	1929	1		36.100				
1	9	1154	7	1946	2	1.343				3	5	458	5	1931	2		3.330				
1	9	1871	10	1958	3		2.686			3	5	545	5	1932	2		57.600				
1	11	571	5	1933	1	35.220				3	5	592	5	1933	1		4.131				
1	11	861	6	1939	4		.002			3	5	728	6	1936	2		13.000				
1	11	1367	7	1950	4		.228			3	5	1067	7	1944	1		20.330				
1	11	1383	7	1950	2	.300				3	5	1133	7	1946	1		161.200				
1	11	1491	8	1952	4		13.200			3	5	1136	7	1946	1		.402				
1	11	1491	8	1952	3		.300			3	5	1288	7	1948	1	160,500.000					
1	11	1699	9	1955	4		5.178			3	5	1306	7	1949	1		102.800				
1	11	1964	11	1961	1	8.212				3	5	1337	7	1949	1		17.480				
1	13	500	5	1931	1	.300				3	5	1356	7	1950	4			53.700			
1	16	784	6	1937	1	3.230				3	5	1364	7	1950	1		8.900				
1	18	1269	7	1948	2	27.090				3	5	1409	7	1951	1		13.470				
1	18	1274	7	1948	1	13.440				3	5	1437	8	1951	4			.920			
1	18	1466	8	1951	3		27.090			3	5	1490	8	1952	1		1.010				
1	18	1478	8	1951	1	10.820				3	5	1494	8	1952	1		1.348				
1	18	1568	9	1953	2	2.391				3	5	1547	8	1953	1		615.500				
1	18	1570	9	1953	3		2.391			3	5	1613	9	1954	1		209.750				
1	18	1634	9	1954	1	.006				3	5	1630	9	1954	3			71.930			
1	18	1704	9	1955	4		.088			3	5	1649	9	1954	2	2,646.540					
1	18	1737	9	1956	1	4.998				3	5	1664	9	1955	3		2,646.540				
1	18	2031	11	1962	1	6.140				3	5	1666	9	1955	1	2,568.210					
1	18	2113	12	1963	4		.067			3	5	1717	9	1956	4		25.182				
						2,201.527*	1,576.239*	625.288 *		3	5	1721	9	1956	4		4.050				
										3	5	1746	9	1956	1		.092				
2	11	547	5	1932	1	9.830				3	5	1752	9	1956	4		2.038				
2	11	1021	7	1943	1	40.830				3	5	1879	10	1959	1	6.635					
2	11	1099	7	1944	2	10.830				3	5	1916	11	1960	1	2.750					
2	11	1493	8	1952	1	64.400				3	5	1939	11	1961	4		22.514				
2	18	1644	9	1954	1	7.742				3	5	1948	11	1961	4		.384				
						133.632*	*	133.632 *		3	5	1993	11	1962	3		13.000				
										3	7	55	2	1918	2		.039				
3	9	1381	7	1950	1	.793				3	7	129	4	1922	3		.039				
3	11	1225	7	1948	1	5,600.000				3	8	1398	7	1950	1	10,440.000					
3	11	1426	7	1951	1	492.500				3	3	1518	8	1952	1	13.250					
3	15	1299	7	1948	2	1.416				3	3	1520	8	1952	1	64.870					
3	15	1774	9	1957	3		1.416			3	8	1750	9	1956	1	17.099					
3	18	78	3	1920	2	124.340				3	8	1992	11	1962	1	.520					
3	18	201	4	1925	3		124.340			3	8	1994	11	1962	4		.574				
3	18	1941	11	1961	1	19.232				3	8	2030	11	1962	1	10.228					
						6,238.281*	125.756*	6,112.525 *		3	8	2115	12	1963	4		.791				
						8,573.440**	1,701.995**	6,871.445 **		3	9	1728	9	1956	1	.980					
										3	13	1891	10	1959	1	29.197					
										3	16	1660	9	1954	1	4,547.000					
										3	16	1872	10	1958	1	88.760					
										3	16	1965	11	1961	1	3.866					
										3	16	2005	11	1962	1	.101					
										3	18	112	4	1921	2	345.000					
										3	18	977	6	1942	3		345.000				
										3	18	1656	9	1954	1	67.030					
DEPARTMENT OF LAND AND NATURAL RESOURCES																					
1	5	532	5	1932	1					4	5	789	6	1938	2	11.820					
1	5	701	6	1936	1	5.192				4	5	888	6	1940	2	8.863					
1	5	702	6	1936	1	6.770				4	5	960	6	1941	2	15.737					
1	5	909	6	1940	1	58.670				4	5	1083	7	1944	1	40.440					
1	5	1026	7	1943	1	151.660				4	5	1104	7	1944	1	2.380					
1	5	1084	7	1944	1	17.620				4	5	1141	7	1946	1	573.100					
1	5	1507	8	1952	1	1.032				4	5	1205	7	1947	1	32.690					
1	5	1516	8	1952	1	2.000				4	5	1355	7	1950	3		15.737				
1	5	1592	9	1953	1	36.948				4	5	1389	7	1950	1	2,430.000					
1	5	1606	9	1953	1	.168				4	5	1628	9	1954	1	3,180.000					
1	5	1669	9	1955	1	6.399				4	5	1697	9	1955	2	14.580					
1	5	1691	9	1955	1	2.280				4	5	1722	9	1956	4		541.750				
1	5	1693	9	1955	1	.242				4	5	1758	9	1956	3		14.580				
1	5	1716	9	1955	1	1,682.000				4	5	1897	11	1959	3		20.683				
1	5	1734	9	1956	1	13.633				4	8	1509	8	1952	1	4,640.000					
1	5	1821	10	1958	2	9.474				4	8	1510	8	1952	1	760.000					
1	5	1860	10	1958	1	3.294				4	8	1840	10	1958	1	16.068					
1	5	1938	11	1961	4		.158			4	8	2006	11	1962	4		.855				
1	5	1999	11	1962	3		9.474			4	8	2007	11	1962	4		15.304				
1	8	1654	9	1954	1	1.420				4	8	2021	11	1962	1	39.200					
1	8	1802	9	1957	1	3.241				4	8	2022	11	1962	1	48.739					
1	8	2000	11	1962	1	145.523				4	8	2023	11	1962	1	11.350					
1	8	2041	11	1962	1	4.000				4	8	2034	11	1962	1		1.017				
1	13	637	6	1936	2	5.192				4	10	2048	11	1962	1	.524					
1	13	701	6	1936	3		5.192			4	16	2049	11	1962	1	.772					
1	16	1598	9	1953	1					4	18	840	6	1939	2	15.304					
1	16	1651	9	1954	1	6.441				4	18	1138	7	1946	3		15.304				
1	17	1117	7	1945	1	.350									11,841.567*	625.230*	11,216.337 *				
1	18		2	1915	1	29									199,831.555**	5,484.636**	194,346.919 **				
1	18	103	3	1921	2	353.000															
1	18	112	4	1921	3		353.000														
1	18	430	5	1930	1	172.000															
1	18	763	6	1937	1	62.000															
1	18	967	6	1941	4		58.000														
1	18	1053	7	1944	2	25.450															
1	18	1165	7	1946	3		25.450														
						2,776.000*	451.274*	2,324.726 *													
2	5	691	6	1936	2	8.470				DEPARTMENT OF AGRICULTURE											
2	5	769	6	1937	1	.570				1	5	123	4	1922	2	3.000					
2	5	808	6	1938	1	8.830				1	5	1211	7	1947	3		3.000				
2	5	886	6	1940	1	2,438.000				1	7	125	4	1922	2	5.560					

[illegible]

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
2	6	1495	8	1952	1	3.348			1	19	35	2	1915	2	104.000		
2	6	1673	9	1955	1	8.416			1	19	190	4	1925	2	1.325		
2	6	1961	11	1961	1	.210			1	19	262	4	1927	1	161.600		
2	6	2054	11	1962	1	10.638			1	19	613	5	1934	2	.938		
2	6	2141	12	1964	1	8.525			1	19	724	6	1936	3		104.000	
2	6	2166	12	1964	1	1.300			1	19	726	6	1936	2	76.430		
2	13	1935	6	1941	2	1.800			1	19	1343	7	1949	3		76.430	
2	13	1315	7	1949	2	1.640			1	19	1597	9	1953	3		2.263	
2	13	1320	7	1949	3		1.800		1	19	1748	9	1956	1	5.050		
2	13	2116	12	1963	3		1.640		1	19	1997	11	1962	1	466.846		
						51.796*	3.440*	48.356 *	1	19	1998	11	1962	4		77.600	
									1	19	2059	11	1962	3	819.721*	161.600	394.296 *
3	6	111	4	1921	2	.055			2	19	191	4	1925	1	1.130		
3	6	712	6	1936	2	.801			2	19	232	4	1926	2	.472		
3	6	737	6	1937	2	3.823			2	19	261	4	1927	2	106.200		
3	6	844	6	1940	3		.055		2	19	379	5	1929	2	54.490		
3	6	914	6	1940	3		.801		2	19	424	5	1930	4		4.010	
3	6	1028	7	1943	1	18.668			2	19	456	5	1931	2	62.840		
3	6	1031	7	1943	1	.770			2	19	641	6	1935	3		106.200	
3	6	1061	7	1944	2	1.674			2	19	641	6	1935	3		54.490	
3	6	1063	7	1944	2	.360			2	19	641	6	1935	3			
3	6	1076	7	1944	2	.825			2	19	643	6	1935	2	155.590		
3	6	1087	7	1944	3		1.674		2	19	748	6	1937	1	.726		
3	6	1092	7	1944	1	2.066			2	19	765	6	1937	1	5.501		
3	6	1094	7	1944	1	.266			2	19	792	6	1938	3		.472	
3	6	1163	7	1946	1	.473			2	19	794	6	1938	1	2.910		
3	6	1193	7	1947	1	7.591			2	19	823	6	1938	4		.089	
3	6	1218	7	1948	1	1.221			2	19	901	6	1940	3		62.840	
3	6	1239	7	1948	3		.825		2	19	1009	7	1943	3	155.590		
3	6	1304	7	1949	3		.360		2	19	1012	7	1943	4	204.275		
3	6	1633	9	1954	1	2.262			2	19	1072	7	1944	4		2.753	
3	6	1655	9	1954	1	2.307			2	19	1574	9	1953	4		2.330	
3	6	1727	9	1956	1	1.759			2	19	1754	9	1956	4		1.456	
3	6	1776	9	1957	3		3.823		2	19	1775	9	1957	1	1.680		
3	6	1862	10	1958	1	35.340			2	19	1990	11	1962	4	595.814*	64.560	
3	6	1904	11	1960	1	46.610									454.790*	141.024 *	
3	6	1988	11	1962	1	39.740			3	19	26	2	1914	2	216.430		
3	6	2060	11	1962	1	.268			3	19	36	2	1915	2	12.000		
3	6	2142	12	1964	1	6.370			3	19	39	2	1916	2	14.120		
3	6	2162	12	1964	4		2.916	162.795 *	3	19	159	4	1924	2	.606		
						173.249*	10.454*		3	19	166	4	1924	2	64.240		
4	6	509	5	1931	1	23.570			3	19	192	4	1925	2	.579		
4	6	1035	7	1943	1	.348			3	19	285	4	1927	3		216.430	
4	6	1047	7	1944	1	.949			3	19	286	4	1927	1	994.600		
4	6	1178	7	1946	1	.720			3	19	338	4	1928	2	.600		
4	6	1270	7	1948	1	1.513			3	19	339	4	1928	3		12.000	
4	6	1332	7	1949	1	6.050			3	19	380	5	1930	2	.145		
4	6	1473	8	1951	1	.226			3	19	466	5	1931	3		.606	
4	6	1481	8	1951	1	6.277			3	19	1109	7	1945	3		64.240	
4	6	1525	8	1952	1	1.048			3	19	1110	7	1945	1	4.407		
4	6	1670	9	1955	1	.038			3	19	1251	7	1948	2	.743		
4	6	1671	9	1955	4		.118		3	19	1252	7	1948	1	2.099		
4	6	1747	9	1956	1	.761			3	19	1253	7	1948	2	.499		
4	6	2039	11	1962	1	1.628			3	19	1293	7	1948	1	.249		
4	6	2137	12	1964	1	2.878			3	19	1497	8	1952	2	.114		
						46.006*	.118*	45.888 *	3	19	1505	8	1952	3		994.600	
						1,420.414**	111.694**	1,308.720 **	3	19	1562	9	1953	1	954.674		
									3	19	1605	9	1953	1	.502		
									3	19	1621	9	1954	3		14.120	
									3	19	1781	9	1957	1	3.044		
									3	19	1822	10	1958	3		.743	
									3	19	1898	11	1959	3		.499	
									3	19	1912	11	1960	1	4.249		
									3	19	1932	11	1961	3		.579	
									3	19	1933	11	1961	3		.145	
									3	19	2032	11	1962	4		184.820	
									3	19	2124	12	1964	4		41.651	
									3	19	2133	12	1964	4		2.874	
															2,273.900*	1,533.307*	740.593 *
									4	18	992	7	1942	2	122.180		
									4	18	1043	7	1943	2	8.265		
									4	18	1142	7	1946	3		130.445	
									4	19	778	6	1937	1	1.740		
									4	19	812	6	1938	1	.952		
									4	19	966	6	1941	2	150.600		
									4	19	1286	7	1948	2	1.100		
									4	19	1555	9	1953	1	2.030		
									4	19	1620	9	1954	3		150.600	
									4	19	1668	9	1955	1	1.460		
									4	19	1714	9	1955	3		1.100	
									4	19	1715	9	1955	1	3.283		
									4	19	1794	9	1957	1	220.110		
															511.720*	282.145*	229.575 *
															4,201.155**	2,695.667**	1,505.488 **
CITY AND COUNTY OF HONOLULU																	
1	3	73	3	1920	2	6.400			1	3	290	4	1927	2	2.030		
1	3	313	4	1928	3				1	3	359	4	1929	3		2.030	
1	3	364	4	1929	1				1	3	364	4	1929	1	1.309		
1	3	2163	12	1964	4		.915		1	3	2163	12	1964	4		.069	
1	4	1298	7	1948	1				1	4	1298	7	1948	1	.069		
1	5	1866	10	1958	1		.657		1	5	1866	10	1958	1	.084		
1	7	467	5	1931	2	3.090			1	7	467	5	1931	2			
DEPARTMENT OF DEFENSE																	
1	18	200	4	1925	2	.915											
1	18	832	6	1939	2	.657											
1	18	834	6	1939	3		.915										
1	18	991	7	1942	2	1.960											
1	18	1054	7	1944	3		.657										
1	18	1148	7	1946	3		1.960										

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
1	7	1312	7	1949	2	.219			1	8	1245	7	1948	1	8.000		
1	7	1412	7	1951	3		.219		1	8	1265	7	1948	3		1.250	
1	7	1499	8	1952	1	6.960			1	8	1266	7	1948	3		.367	
1	7	2177	12	1964	3		3.090		1	8	1267	7	1948	3		51.140	
1	8	4	1	1911	1	8.650			1	8	1268	7	1948	2	7.957		
1	8	6	1	1911	2	560.000			1	8	1291	7	1948	3		1.400	
1	8	17	1	1912	2	31.008			1	8	1311	7	1949	4		.218	
1	8	21 A	1	1913	1	4.580			1	8	1348	7	1950	1	.857		
1	8	21 B	1	1913	2	1.710			1	8	1349	7	1950	1	1.050		
1	8	21 C	1	1913	1	.141			1	8	1357	7	1950	3		.660	
1	8	22	1	1913	1	.750			1	8	1375	7	1950	1	25.830		
1	8	23	2	1914	2	.942	.942		1	8	1384	7	1950	4		.301	
1	8	24	2	1914	3				1	8	1393	7	1950	1	20.800		
1	8	24	2	1914	1	.897			1	8	1402	7	1950	1	37.166		
1	8	38	2	1916	2	.186			1	8	1428	7	1951	1	3.440		
1	8	43	2	1917	1	.327			1	8	1438	8	1951	1	1.565		
1	8	72	3	1920	1	.803			1	8	1446	8	1951	1	6.330		
1	8	87	3	1921	2	5.200			1	8	1447	8	1951	4		2.626	
1	8	92	3	1921	2	41.600			1	8	1461	8	1951	1	.682		
1	8	102	3	1921	2	66.260			1	8	1462	8	1951	3		7.957	
1	8	104	3	1921	1	36.000			1	8	1517	8	1952	1	11.600		
1	8	105	3	1921	2	12.000			1	8	1522	8	1952	1	1.997		
1	8	106	3	1921	1	19.000			1	8	1527	9	1952	2	117.460		
1	8	115	4	1922	1	17.720			1	8	1546	8	1953	1	.835		
1	8	117	4	1922	1	7.681			1	8	1553	9	1953	1	2.728		
1	8	124	4	1922	2	2.830			1	8	1561	9	1953	3		117.460	
1	8	153	4	1924	1	4.592			1	8	1561	9	1953	1	106.345		
1	8	160	4	1924	3		.186		1	8	1567	9	1953	1	.610		
1	8	161	4	1924	2	.090			1	8	1580	9	1953	1	.234		
1	8	167	4	1924	1	1.360			1	8	1672	9	1955	1	4.425		
1	8	196	4	1925	1	.680			1	8	1677	9	1955	4		.134	
1	8	236 A	4	1926	3		41.600		1	8	1689	9	1955	1	.772		
1	8	237	4	1926	2	51.540			1	8	1702	9	1955	1	1.130		
1	8	273	4	1927	2	3.742			1	8	1760	9	1956	1	16.700		
1	8	280	4	1927	2	6.510			1	8	1779	9	1957	1	.369		
1	8	304	4	1927	4		6.640		1	8	1824	10	1958	1	15.000		
1	8	314	4	1928	2	54.140			1	8	1826	10	1958	4		.091	
1	8	326	4	1928	2	3.980			1	8	1831	10	1958	4		3.558	
1	8	362	4	1929	2	161.600			1	8	1833	10	1958	4		.145	
1	8	365	5	1929	3		6.510		1	8	1838	10	1958	1	71.960		
1	8	368	5	1929	1	.753			1	8	1855	10	1958	4		.038	
1	8	370	5	1929	2	1.060			1	8	1873	10	1959	3		1.008	
1	8	375	5	1929	1	.006			1	8	1901	11	1959	1	7.425		
1	8	383	5	1930	1	1.212			1	8	1919	11	1960	4		146.390	
1	8	385	5	1930	1	1.540			1	8	1920	11	1960	1	3.910		
1	8	387	5	1930	1	.131			1	8	1922	11	1960	1	2.403		
1	8	418	5	1930	3		560.000		1	8	1966	11	1961	1	3.000		
1	8	422	5	1930	2	.660			1	8	2036	11	1962	1	1.190		
1	8	427	5	1930	1	3.910			1	8	2066	11	1962	1		.039	
1	8	435	5	1930	2	1.250			1	8	2084	12	1963	4		.124	
1	8	436	5	1930	3		51.540		1	8	2089	12	1963	1	.350		
1	8	437	5	1930	1	67.070			1	8	2091	12	1963	1		.427	
1	8	438	5	1930	2	1.400			1	8	2110	12	1963	4		.061	
1	8	444	5	1931	1	.344			1	8	2110	12	1963	4		.130	
1	8	452	5	1931	2	61.000			1	8	2122	12	1963	4		.289	
1	8	453	5	1931	1	37.176			1	8	2164	12	1964	4			
1	8	497	5	1931	2	64.078			1	9	114	4	1922	2	52.450		
1	8	567	5	1933	2	8.945			1	9	119	4	1922	2	.637		
1	8	569	5	1933	1	63.961			1	9	513	5	1931	1	.251	52.450	
1	8	572	5	1933	3		5.200		1	9	573	5	1933	1	.310		
1	8	627	6	1934	4		5.152		1	9	1212	7	1947	1	.236		
1	8	636	6	1935	1	.431			1	9	1925	11	1960	3		.637	
1	8	680	6	1936	4		21.633		1	9	2044	11	1962	1	6.850		
1	8	681	6	1936	2	21.633			1	10	366	5	1929	2	6.780		
1	8	688	6	1936	2	.440			1	10	373	5	1929	2	9.889		
1	8	689	6	1936	2	2.469			1	10	426	5	1930	2	.005		
1	8	709	6	1936	2	.058			1	10	445	5	1931	1	3.005		
1	8	721	6	1936	1	6.942			1	10	577	5	1933	2	11.475		
1	8	730	6	1937	3		66.260		1	10	875	6	1940	2	54.885		
1	8	730	6	1937	3	2.830			1	10	957	6	1941	2	4.970		
1	8	730	6	1937	3	3.980			1	10	1039	7	1943	2	1.892		
1	8	730	6	1937	3	64.078			1	10	1044	7	1944	1		21.260	
1	8	730	6	1937	3	21.633			1	10	1048	7	1944	3			
1	8	755	6	1937	4	3.076			1	10	1049	7	1944	1	3.852		
1	8	761	6	1937	4	.473			1	10	1051	7	1944	2	11.310		
1	8	764	6	1937	4	.226			1	10	1158	7	1946	4		.447	
1	8	791	6	1938	1	1.475			1	10	1165	7	1946	3		4.970	
1	8	829	6	1938	1	.179			1	10	1227	7	1948	3		9.889	
1	8	835	6	1939	3		2.469		1	10	1229	7	1948	3		54.885	
1	8	881	6	1940	1	.089			1	10	1439	8	1951	2	1.507		
1	8	889	6	1940	3		1.710		1	10	1500	8	1952	3		11.310	
1	8	919	6	1940	4		.213		1	10	1710	9	1955	4		.714	
1	8	942	6	1941	2	.367			1	10	2090	12	1963	3		1.507	
1	8	953	6	1941	3		61.000		1	11	18	1	1912	1	.223		
1	8	969	6	1942	4		4.017		1	11	27	2	1914	2	.177		
1	8	980	6	1942	1	.050			1	11	150	4	1923	1	1.210		
1	8	982	6	1942	3		.096		1	11	187	4	1925	1	.484		
1	8	983	6	1942	3		8.945		1	11	205	4	1925	1	.458		
1	8	987	6	1942	1				1	11	321	4	1928	1	.729		
1	8	1005	7	1943	1	149.020			1	11	335	4	1928	1	.398		
1	8	1010	7	1943	3	3.170			1	11	358	4	1929	2	5.650		
1	8	1048	7	1944	3		12.000		1	11	384	5	1930	1	2.426		
1	8	1074	7	1944	1	2.144			1	11	395	5	1930	4		.021	
1	8	1080	7	1944	1	2.464			1	11	406	5	1930	1	.015		
1	8	1124	7	1945	1	4.090			1	11	411	5	1930	3		5.650	
1	8	1125	7	1945	3		.440		1	11	496	5	1931	1	.228		
1	8	1129	7	1945	1	.430			1	11	644	6	1935	3		.177	
1	8	1152	7	1946	1	.873			1	11	756	6	1937	4		.164	
1	8	1195	7	1947	1	6.986			1	11	767	6	1937	3	</		

Loc. Use	E.O.	Gov. Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc. Use	E.O.	Gov. Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
3 8 1401	7 1950 1			.070			3 16 353	4 1929 1			1.000		
3 8 1436	8 1951 1			2.465			3 16 354	4 1929 2			1.010		
3 8 1487	8 1951 1			34.300			3 16 639	6 1935 1			10.348		
3 8 1512	8 1952 1			5.970			3 16 679	6 1935 1			1.650		
3 8 1537	8 1952 1			11.340			3 16 903	6 1940 1			1.427		
3 8 1541	8 1952 1			18.524			3 16 904	6 1940 1			.395		
3 8 1542	8 1953 1			22.600			3 16 1317	7 1949 1			.627		
3 8 1566	9 1953 1			5.600			3 16 1387	7 1950 1			.037		
3 8 1569	9 1953 2			78.330			3 16 1388	7 1950 1			2.086		
3 8 1572	9 1953 1			2.400			3 16 1391	7 1950 1			5.125		
3 8 1604	9 1953 1			.497			3 16 1414	7 1951 1			.689		
3 8 1608	9 1954 1			16.590			3 16 1485	8 1951 1			.026		
3 8 1609	9 1954 1			28.800			3 16 1490	8 1952 3				1.010	
3 8 1638	9 1954 1			1.157			3 16 1619	9 1954 1			.090		
3 8 1664	9 1955 3				78.330		3 16 1635	9 1954 1			.931		
3 8 1665	9 1955 1			78.330			3 16 1646	9 1954 1			.261		
3 8 1736	9 1956 1			.310			3 16 1983	11 1961 1			3.023		
3 8 1751	9 1956 1			.888			3 16 2093	12 1963 4				.516	
3 8 1852	10 1958 1			2.565			3 16 2125	12 1964 1			40.171		
3 8 1856	10 1958 3				1.795		3 16 2149	12 1964 1			.340		
3 8 1859	11 1959 3				.350		3 16 1418	7 1951 1			56.870		
3 8 1905	11 1960 1			.693			3 18 44	2 1917 1			55.360		
3 8 1918	11 1960 3				1.219		3 18 47	2 1917 1			.459		
3 8 1931	11 1961 1			1.820			3 18 57	3 1919 1			.570		
3 8 1951	11 1961 3				21.990		3 18 154	4 1924 1			2.780		
3 8 1956	11 1961 4				1.872		3 18 163	4 1924 1			.365		
3 8 1985	11 1961 1			.036			3 18 241	4 1926 1			3.400		
3 8 1991	11 1962 1			.996			3 18 311	4 1928 1			13.200		
3 8 2097	12 1963 3				1.900		3 18 378	5 1929 2			.230		
3 8 2147	12 1964 4				.019		3 18 442	5 1930 1			.743		
3 9 89	3 1921 1			.630			3 18 579	5 1933 1			2.441		
3 9 99	3 1921 1			1.950			3 18 617	6 1934 1			.570		
3 9 116	4 1922 1			.956			3 18 650	6 1935 1			51.030		
3 9 210	4 1925 1			1.493			3 18 782	6 1937 2			1.420		
3 9 243	4 1926 1			.192			3 18 904	6 1940 1			51.030		
3 9 265	4 1927 1			2.300			3 18 1100	7 1944 3				.230	
3 9 275	4 1927 1			.302			3 18 1137	7 1946 1			4.649		
3 9 296	4 1927 1			2.170			3 18 1217	7 1948 1			.009		
3 9 322	4 1928 1			2.111			3 18 1331	7 1949 1			9.360		
3 9 325	4 1928 1			.630			3 18 1420	7 1951 1			11.000		
3 9 367	5 1929 1			.321			3 18 1488	8 1952 1			11.000		
3 9 369	5 1929 1			.321			3 18 1494	8 1952 4				1.635	
3 9 409	5 1930 1			4.030			3 18 1551	8 1953 1			1.241		
3 9 684	6 1936 1			.665			3 18 1636	9 1954 1			72.700		
3 9 918	6 1940 2			.439			3 18 1883	10 1959 1			22.453		
3 9 1013	7 1943 2			3.200			3 18 1917	11 1960 3				1.420	
3 9 1102	7 1944 2			5.740			3 18 2002	11 1962 4				.101	
3 9 1236	7 1948 1			2.099							2.418.595*	239.906*	2,178.689 *
3 9 1460	8 1951 3				5.740								
3 9 1505	8 1952 3				.439						2.418.595**	239.906**	2,178.689 **
3 9 1735	9 1956 1			.295									
3 9 1934	11 1961 1			.723									
3 9 1949	11 1961 3				3.200								
3 9 1949	11 1961 1			3.200									
3 10 110	4 1921 1			5.930									
3 10 415	5 1930 1			2.400									
3 10 514	5 1931 1			5.930									
3 10 516	5 1931 2			5.660									
3 10 544	5 1932 1			2.340									
3 10 1179	7 1946 1			53.100									
3 10 1505	8 1952 3				5.660								
3 10 1622	9 1954 2			6.640									
3 10 1662	9 1955 1			5.332									
3 10 1726	9 1956 1			53.100									
3 10 2001	11 1962 3				6.640								
3 10 2004	11 1962 1			10.744									
3 11 2	1 1910 1			.161									
3 11 5	1 1911 1			.171									
3 11 171	4 1924 1			.458									
3 11 323	4 1928 1			.171									
3 11 329	4 1928 1			.652									
3 11 502	5 1931 1			.651									
3 11 783	6 1937 1			.527									
3 11 866	6 1939 1			.161									
3 11 1641	9 1954 1			.581									
3 11 1946	11 1961 4				.124								
3 11 2081	12 1963 1			.230									
3 12 663	6 1935 1			.165									
3 12 666	6 1935 1			.064									
3 12 668	6 1935 1			.403									
3 12 697	6 1936 1			.165									
3 12 699	6 1936 1			.291									
3 13 20	1 1913 1			.033									
3 13 342	4 1928 1			.280									
3 13 441	5 1930 1			1.374									
3 13 651	6 1935 1			.280									
3 13 1123	7 1945 1			.195									
3 13 1135	7 1946 4				.806								
3 13 1167	7 1946 2			1.377									
3 13 1190	7 1947 1			3.000									
3 13 1290	7 1948 1			.195									
3 13 1308	7 1949 1			.161									
3 13 1674	9 1955 3				1.377								
3 13 2150	12 1964 1			.711									
3 15 735	6 1937 1			1.039									
3 15 915	6 1940 2			1.758									
3 15 968	6 1942 4				1.367								
3 15 1087	7 1944 3				1.758								
3 15 1107	7 1945 1			.964									
3 15 1219	7 1948 1			10.000									
3 15 1373	7 1950 4				.013								
3 15 1554	9 1953 2			2.330									
3 15 1637	9 1954 2			4.499									
3 15 1788	9 1957 3				2.330								
3 15 1929	11 1961 3				4.499								
3 16 224	4 1926 1			8.060									

COUNTY OF MAUI

2 2 219	4 1926 1			11.420		
2 2 235	4 1926 1			4.670		
2 2 255	4 1926 2			6.250		
2 2 1150	7 1946 3				6.250	
2 3 134 A	4 1923 1			1.000		
2 3 134 B	4 1923 1			3.600		
2 3 533	5 1932 1			2.066		
2 3 787	6 1938 1			1.780		
2 3 1046	7 1944 1			1.930		
2 3 1208	7 1947 1			2.468		
2 3 1250	7 1948 1			1.000		
2 3 1809	10 1957 4				.098	
2 3 1976	11 1961 4				.058	
2 3 1982	11 1961 1			.089		
2 3 2038	11 1962 1			2.766		
2 3 2106	12 1963 3				1.000	
2 4 1372	7 1950 1			.322		
2 4 1575	9 1953 1			.125		
2 4 1614	9 1954 1			.322		
2 4 1675	9 1955 1			.115		
2 4 1803	9 1957 4				.098	
2 7 1	1 1910 1			8.200		
2 7 12	1 1911 1			151.000		
2 7 136	4 1923 1			112.520		
2 7 288	4 1927 2			6.400		
2 7 295	4 1927 2			2.250		
2 7 629	6 1935 4				34.700	
2 7 629	6 1935 3				8.650	
2 7 631	6 1935 2			42.570		
2 7 648	6 1935 1			99.960		
2 7 803	6 1938 4				.033	
2 7 1022	7 1943 3				42.570	
2 7 1034	7 1943 1			41.490		
2 7 1207	7 1947 1			1.220		
2 7 1363	7 1950 1			1.220		

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
2	8	635	6	1935	1	3.348			4	7	183	4	1925	4		3.580	
2	8	647	6	1935	1	1.311			4	7	700	6	1936	4		20.600	
2	8	669	6	1935	1	1.480			4	7	704	6	1936	2	66.660		
2	8	674	6	1935	1	1.180			4	7	1119	7	1945	3		66.660	
2	8	675	6	1935	4		.612		4	7	1121	7	1945	2	.031		
2	8	719	6	1936	4		.150		4	7	1676	9	1955	2	4.120		
2	8	822	6	1938	1	5.175			4	7	1683	9	1955	3		4.120	
2	8	853	6	1939	3		36.300		4	7	1694	9	1955	4		.880	
2	8	854	6	1939	1	46.400			4	7	1755	9	1956	3		.031	
2	8	897	6	1940	1	.053			4	7	2008	11	1962	4		9.700	
2	8	1066	7	1944	2	4.980			4	7	2056	11	1962	4		3.014	
2	8	1073	7	1944	2	2.753			4	7	2061	11	1962	1	2.721		
2	8	1077	7	1944	1	6.580			4	7	2118	12	1963	1	.803		
2	8	1184	7	1947	4		11.512		4	8	40	2	1916	2	7.190		
2	8	1198	7	1947	1	8.400			4	8	69	3	1919	1	415.000		
2	8	1199	7	1947	1	1.520			4	8	76	3	1920	2	53.600		
2	8	1202	7	1947	1	5.860			4	8	82	3	1920	1	10.810		
2	8	1353	7	1950	3		.322		4	8	97	3	1921	1	194.600		
2	8	1431	7	1951	1	5.300			4	8	98	3	1921	2	2.865		
2	8	1535	8	1952	4		.846		4	8	131	4	1923	2	715.000		
2	8	1549	8	1953	1	.196			4	8	148	4	1923	2	142.700		
2	8	1955	11	1961	4		4.980		4	8	149 A	4	1933	1	8.520		
2	8	1968	11	1961	3		2.753		4	8	149 B	4	1933	1	9.700		
2	8	1969	11	1961	1	2.543			4	8	158	4	1924	1	2.900		
2	8	2029	11	1962	1	2.725			4	8	209	4	1925	2	6.500		
2	8	2053	11	1962	4		.080		4	8	230	4	1926	2	1.780		
2	8	2071	11	1962	1	.643			4	8	294	4	1927	1	.387		
2	8	2073	11	1962	1	2.376			4	8	305	4	1927	2	1.182		
2	8	2074	11	1962	1	.146			4	8	306	4	1927	1	6.770		
2	9	16 A	1	1912	1	1.740			4	8	318	4	1928	2	3.860		
2	9	16 B	1	1912	1	1.940			4	8	327	4	1928	2	15.850		
2	9	16 E	1	1912	1	1.050			4	8	346	4	1928	1	.182		
2	9	16 F	1	1912	1	.464			4	8	374	5	1929	2	2.290		
2	9	16 G	1	1912	1	.340			4	8	478	5	1931	2	1.041		
2	9	16 H	1	1912	1	.612			4	8	518	5	1931	2	1.370		
2	9	80	3	1920	1	.290			4	8	537	5	1932	3		2.290	
2	9	122	4	1922	2	2.000			4	8	552	5	1932	1	4.720		
2	9	231	4	1926	4		.472		4	8	601	5	1933	1	5.390		
2	9	529	5	1932	2	1.003			4	8	620	6	1934	4		.867	
2	9	686	6	1936	2	1.231			4	8	630	6	1935	2	6.990		
2	9	708	6	1936	3		2.000		4	8	687	6	1936	2	2.796		
2	9	727	6	1936	1	1.825			4	8	711	6	1936	3		1.182	
2	9	1640	9	1954	3		2.234		4	8	715	6	1936	1	.808		
2	9	1640	9	1954	1	2.234			4	8	750	6	1937	3		7.190	
2	9	1645	9	1954	1	3.085			4	8	753	6	1937	1	8.586		
2	10	1342	7	1949	1	4.400			4	8	777	6	1937	4		1.740	
2	11	16 C	1	1912	1	.820			4	8	779	6	1937	4		.307	
2	11	425	5	1930	2	6.010			4	8	788	6	1938	1	3.410		
2	11	641	6	1935	3		6.010		4	8	802	6	1938	1	106.120		
2	11	642	6	1935	2	6.120			4	8	818	6	1938	1	5.050		
2	11	933	6	1941	3		6.120		4	8	855	6	1939	2	15.090		
2	11	1492	8	1952	2	10.830			4	8	856	6	1939	2	.496		
2	11	1595	9	1953	1	.714			4	8	857	6	1939	2	4.402		
2	11	1643	9	1954	3		10.830		4	8	874	6	1940	1	.317		
2	12	1313	7	1949	1	.083			4	8	876	6	1940	1	.790		
2	12	1314	7	1949	1	.584			4	8	939	6	1941	4		.084	
2	12	1316	7	1949	1	.089			4	8	940	6	1941	4		.237	
2	16	177	4	1925	1	5.530			4	8	944	6	1941	3		142.700	
2	16	640	6	1935	1	.206			4	8	1056	7	1944	3		3.860	
2	16	751	6	1937	1	139.800			4	8	1105	7	1945	3		4.402	
2	16	806	6	1938	1	.837			4	8	1106	7	1945	2	4.174		
2	16	976	6	1942	1	5.340			4	8	1108	7	1945	1	.619		
2	16	2035	11	1962	1	.449			4	8	1112	7	1945	1	4.510		
2	18	16 D	1	1912	1	.275			4	8	1128	7	1945	1	4.000		
2	18	164	4	1924	2	7.500			4	8	1131	7	1946	3		6.500	
2	18	195	4	1925	2	7.500			4	8	1145	7	1946	3		4.174	
2	18	309	4	1927	1	.847			4	8	1151	7	1946	1	3.601		
2	18	499	5	1931	2	1.560			4	8	1157	7	1946	1	6.000		
2	18	524	5	1932	2	.993			4	8	1160	7	1946	1	7.650		
2	18	525	5	1932	1	9.708			4	8	1161	7	1946	3		9.307	
2	18	786	6	1938	4		1.780		4	8	1161	7	1946	3			
2	18	999	7	1943	3		.993		4	8	1162	7	1946	1	7.329		
2	18	1011	7	1943	3		7.500		4	8	1187	7	1947	1	5.550		
2	18	1097	7	1944	3		7.500		4	8	1206	7	1947	1	.570		
2	18	1098	7	1944	1	1.270			4	8	1272	7	1948	2	.622		
2	18	2100	12	1963	3		1.560		4	8	1385	7	1950	1	4.000		
2	19	793	6	1938	1	.472			4	8	1408	7	1950	1	.908		
						1,003.679*	204.752*	798.927 *	4	8	1425	7	1951	1	30.700		
						1,003.679**	204.752**	798.927 **	4	8	1433	8	1951	4		.964	
									4	8	1441	8	1951	1		1.161	
									4	8	1443	8	1951	4		2.318	
									4	8	1444	8	1951	4		.025	
									4	8	1456	8	1951	4			
									4	8	1472	8	1951	1	3.000		
									4	8	1489	8	1952	3		.622	
									4	8	1489	8	1952	1	.597		
									4	8	1594	9	1953	1	.249		
									4	8	1615	9	1954	4		1.019	
									4	8	1624	9	1954	4		.089	
									4	8	1632	9	1954	3		1.041	
									4	8	1639	9	1954	1	.215		
									4	8	1652	9	1954	1	14.347		
									4	8	1661	9	1954	4		.754	
									4	8	1682	9	1955	3		715.000	
									4	8	1690	9	1955	1	1.540		
									4	8	1787	9	1957	3		15.090	
									4	8	1828	10	1958	1	.232		
									4	8	1907	11	1960	1	10.950		
									4	8	1943	11	1961	2	1.564		
									4	8	1958	11	1961	4		3.188	
									4	8	1973	11	1961	4		40.064	
									4	8	1975	11	1961	4		1.008	

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
4	8	2010	11	1962	3		69.450		1	16	892	6	1947	1	.269		
4	8	2043	11	1962	4		.461		1	16	951	6	1941	3		.016	
4	8	2043	11	1962	3		6.990		1	16	955	6	1941	1	.171		
4	8	2068	11	1962	1	3.275			1	16	971	6	1942	2	.009		
4	8	2072	11	1962	1	2.678			1	16	1060	7	1944	1	1.686		
4	8	2099	12	1963	3		1.564		1	16	1176	7	1946	1	.928		
4	9	53	2	1918	1	.513			1	16	1177	7	1946	1	.080		
4	9	147	4	1923	2	1.110			1	16	1209	7	1947	4		.010	
4	9	895	6	1940	3		1.110		1	16	1256	7	1948	1			
4	9	896	6	1940	1	2.499			1	16	1275	7	1948	1	.010		
4	9	1045	7	1944	1	3.000			1	16	1283	7	1948	1	.551		
4	9	1156	7	1946	1	.670			1	16	1309	7	1949	1	.098		
4	9	1435	8	1951	1	.964			1	16	1352	7	1950	1	.955		
4	9	1603	9	1953	1	.606			1	16	1423	7	1951	1	2.986		
4	9	1712	9	1955	2	.606			1	16	1504	8	1952	1	.735		
4	9	1713	9	1955	1	1.182			1	16	1529	8	1952	1	31.600		
4	9	1753	9	1956	3		.606		1	16	1573	9	1953	1	.088		
4	10	45	2	1917	2	.385			1	16	1599	9	1953	1	.530		
4	10	178	4	1925	3		.385		1	16	1601	9	1953	1	2.527		
4	10	179	4	1925	2	5.120			1	16	1607	9	1954	1	.055		
4	10	250	4	1926	2	.795			1	16	1659	9	1954	1	20.060		
4	10	564	5	1933	2	.330			1	16	1773	9	1957	3		.009	
4	10	574	5	1933	3		5.120		1	16	1800	9	1957	1	2.252		
4	10	575	5	1933	2	14.130			1	16	1896	11	1959	1	3.354		
4	10	670	6	1936	3		14.130		1	16	1953	11	1961	4		.083	
4	10	671	6	1935	1	14.120			1	16	1954	11	1961	1			
4	10	714	6	1936	3		.330		1	16	1977	11	1961	1	.088		
4	10	716	6	1936	2	2.956			1	16	2050	11	1962	1	1.321		
4	10	736	6	1937	2	11.480			1	16	2082	12	1963	4	.206		
4	10	743	6	1937	1	2.407			1	16	2088	12	1963	4		.002	
4	10	770	6	1937	3		.795		1	16	2117	12	1963	1	8.078	.099	
4	10	1029	7	1943	1	1.606			1	16	2156	12	1964	1	1.174		
4	10	1453	8	1951	3		2.956		1	16	2157	12	1964	1	.942		
4	10	1454	8	1951	1	.930			1	16	2158	12	1964	1	.309		
4	10	1506	8	1952	4		.775								159.172*	1.900*	157.272 *
4	10	1515	8	1952	1	.776									159.172**	1.900**	157.272 **
4	10	1557	9	1953	3		11.480										
4	10	1558	9	1953	1	16.805											
4	11	264	4	1927	2	.152											
4	11	682	6	1936	1	30.370											
4	11	984	6	1942	2	.121											
4	11	986	6	1942	1	.365											
4	11	990	7	1942	1	.714											
4	11	1201	7	1947	1	.448											
4	11	2042	11	1962	3		.273										
4	12	833	6	1939	1	1.030											
4	12	1616	9	1954	1	.060											
4	13	316	4	1928	2	5.300											
4	13	332	4	1928	2	.624											
4	13	465	5	1931	1	4.600											
4	13	537	5	1932	3		.624										
4	13	771	6	1937	2	.795											
4	13	1146	7	1946	1	.530											
4	13	1359	7	1950	1	.013											
4	13	1468	8	1951	3		.795										
4	13	1658	9	1954	3	.317											
4	13	2064	11	1962	3		5.300										
4	15	1197	7	1947	1	2.920											
4	15	1366	7	1950	1	6.540											
4	15	1514	8	1952	1	1.951											
4	15	2096	12	1963	4		.070										
4	15	2119	12	1963	1	3.278											
4	16	337 A	4	1928	1	55.580											
4	16	337 B	4	1928	1	55.580											
4	16	337 C	4	1928	1	55.580											
4	16	683	6	1936	1	.295											
4	16	878	6	1940	1		.620										
4	16	1143	7	1946	4												
4	16	1287	7	1948	2												
4	16	1771	9	1956	1	306.511											
4	16	1989	11	1962	3		.050										
4	16	2095	12	1963	1	.898											
4	18	95	3	1921	2	.344											
4	18	137	4	1923	2	4.220											
4	18	202	4	1925	3		.344										
4	18	512	5	1931	3		4.220										
4	18	781	6	1937	2	.202											
4	18	1120	7	1945	3		.202										
4	18	1756	9	1956	1	4.238											
4	19	1285	7	1948	1	1.100											
						2,753.925*	1,210.306*	1,543.619 *									
						2,753.925**	1,210.306**	1,543.619 **									
BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU									COURTS								
1	9	129	4	1922	1	.431			1	11	1577	9	1953	1	1.472		
1	9	402	5	1930	3		.431								1.472*	*	1.472 *
1	15	404	5	1930	1	1.665									1.472**	**	1.472 **
1	15	868	6	1939	1	.092											
1	16	132	4	1923	1	1.250											
1	16	216	4	1925	2	.016											
1	16	419	5	1930	1	2.130											
1	16	434	5	1930	3		1.250										
1	16	447	5	1931	1	.062											
1	16	605	5	1934	1	4.036											
1	16	615	6	1934	1	1.769											
1	16	625	6	1934	1	.095											
1	16	673	6	1935	1	66.270											
1	16	891	6	1940	1	.344											
									U. S. GOVERNMENT								
									1	1	1832	10	1958	1	3.400		
									1	3	1378	7	1950	1	77.561		
									1	7	981	6	1942	2	1.834		
									1	7	1295	7	1948	3			
									1	11	144	4	1923	1	.630		
									1	11	345	4	1928	1	.455		

Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net	Loc.	Use	E.O.	Gov.	Year	Status	Area Set Aside Status 1-2	Area Withdrawn Status 3-4	Present Total Net
1	11	801	6	1938	1	2.280			4	1	245	4	1926	2	65.000		
1	11	913	6	1940	1	1.250			4	1	259	4	1926	2	113.000		
1	18	1937	6	1941	2	.061			4	1	289	4	1927	3		65.000	
1	18	1327	7	1949	2	2.210			4	1	291	4	1927	1	84.400		
1	18	1459	8	1951	3		2.210		4	1	558	5	1933	4		78.406	
1	18	1576	9	1953	1	1.180			4	1	560	5	1933	3		113.000	
1	19	7	1	1911	1	1.760			4	1	1147	7	1946	1	.620		
1	19	56	3	1918	1	1.730			4	18	893	6	1940	1			
1	19	62	3	1919	2	.828			4	18	911	6	1940	1			
1	19	75	3	1920	1	3.500			4	18	912	6	1940	1			
1	19	79	3	1920	1	.750			4	18	1029	10	1958	1	5.195		
1	19	143	4	1923	1	31.050			4	19	173	4	1924	1	108.000		
1	19	382	5	1930	1	132.000			4	19	343	4	1928	1	277.000		
1	19	388	5	1930	1	3,678.950			4	19	885	6	1940	1	1.818		
1	19	389	5	1930	1	6.547			4	19	887	6	1940	1	548.570		
1	19	446	5	1931	2	.005			4	19	945	6	1941	1	1,509.000		
1	19	481	5	1931	1	.700			4	19	1350	7	1950	2	.143		
1	19	490	5	1931	1	2.426			4	19	1476	8	1951	3			
1	19	508	5	1931	3		.828								2,712.746*	256.549*	2,456.197 *
1	19	599	5	1933	1	1,748.400									149,612.456**	12,726.662**	136,885.794 **
1	19	603	5	1934	1	.007											
1	19	612	5	1934	1												
1	19	703	6	1936	1	.528											
1	19	734	6	1937	1	.003											
1	19	848	6	1939	2	.200											
1	19	864	6	1939	1	.119											
1	19	934	6	1941	1	1.927											
1	19	961	6	1941	1	3.982											
1	19	974	6	1942	1	.117											
1	19	978	6	1942	1	346.751											
1	19	1023	7	1943	1	31.140											
1	19	1038	7	1943	1	8.225											
1	19	1058	7	1944	1	28.600											
1	19	1096	7	1944	1	.039											
1	19	1116	7	1945	1	19.000											
1	19	1153	7	1946	1	15.410											
1	19	1171	7	1946	1	26.500											
1	19	1232	7	1948	3		.005										
1	19	1257	7	1948	1	.036											
1	19	1273	7	1948	1	56.032											
1	19	1285	7	1948	1	65.600											
1	19	1301	7	1948	1	202.674											
1	19	1328	7	1949	1	1.244											
1	19	1351	7	1950	1	6.446											
1	19	1368	7	1950	1	34.356											
1	19	1369	7	1950	1	38.860											
1	19	1370	7	1950	1	.210											
1	19	1422	7	1951	1	9.052											
1	19	1530	8	1952	1	4.210											
1	19	1533	8	1952	3		.200										
1	19	1602	9	1953	1	1.610											
1	19	1612	9	1954	1	1.514											
1	19	1681	9	1955	1	1.162											
1	19	1801	9	1957	1	516.565											
1	19	1894	10	1959	1	1.015											
						7,122.841*		5.077*									7,117.764 *
2	1	1413	7	1951	1	1.600											
2	14	476	5	1931	2	4.200											
2	18	1808	10	1957	1	4.193											
2	19	308	4	1927	2	23.300											
2	19	923	6	1941	1	10.321											
2	19	936	6	1941	1	14.108											
2	19	959	6	1941	2	14.770											
2	19	964	6	1941	2	21.920											
2	19	1321	7	1949	3		14.770										
2	19	1322	7	1949	3		21.920										
2	19	1528	8	1952	3		23.300										
							59.990*										34.422 *
3	1	287	4	1927	1	37.900											
3	1	363	4	1929	2	57.200											
3	1	410	5	1930	3		57.200										
3	1	410	5	1930	1	57.200											
3	1	556	5	1932	4		36.921										
3	6	606	5	1934	1	10.540											
3	6	1759	9	1956	1	30.259											
3	8	81	3	1920	1	43,400.000											
3	8	83	3	1920	2	12.025											
3	8	83	3	1921	3		12.025										
3	8	86	3	1921	1	28,745.000											
3	8	1416	7	1951	1	25,960.630											
3	8	1457	8	1951	2	10,492.000											
3	8	1470	8	1951	1	12,190.000											
3	8	1540	8	1952	1	9,656.670											
3	8	1544	8	1953	1	8,193.000											
3	8	1729	9	1956	3		10,492.000										
3	8	1928	11	1960	4		1,806.900										
3	9	862	6	1939	1	.811											
3	18	1271	7	1948	1	4.645											
3	18	1280	7	1948	1	50.000											
3	18	1720	9	1956	1	4.050											
3	19	174	4	1924	1	8.820											
3	19	175	4	1924	1	.083											
3	19	176	4	1924	1	6.500											
3	19	239	4	1926	1	.100											
3	19	361	4	1929	1	.490											
3	19	723	6	1936	1	1.700											
3	19	749	6	1937	1	2.672											
3	19	1719	9	1956	1	758.256											
3	19	1810	10	1957	1	3.906											
						139,682.457*		12,405.046*									127,277.411 *

PACIFIC WAR MEMORIAL COMMISSION

1	3	1534	8	1952	1	11.087											
1	3	1550	8	1953	1												
						11.087*											11.087 *
						11.087**											11.087 **

BOY SCOUTS OF AMERICA

1	4	85	3	1920	2	1.113											
1	4	203	4	1925	3												
						1.113*											
3	18	66	3	1919	2	64.240											
3	18	165	4	1924	3												
						64.240*											
						65.353**											

DAUGHTERS OF HAWAII

1	4	31	2	1915	1	.522											
1	4	1386	7	1950	1	.301 .823*			*							.823 *	
3	4	299	4	1927	1	1.270			.006								
3	4	398	5	1930	3	1.270*			.006*							1.264 *	
						2.093**			.006**							2.087 **	

Appendix B

EXECUTIVE ORDERS CANCELLED BY PRESIDENTIAL EXECUTIVE ORDER

Governor	Executive Order	Area	Location	Use	Agency
Farrington	145	1.618	Kauai	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10041 establishing Hanapepe Naval Reservation.				
Farrington	146	2.850	Maui	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 9795 establishing Mala Landing, U. S. Naval Reservation.				
Farrington	194	.363	Oahu	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 9671 establishing Hawaii Agricultural Experimental Station, Kewalo, Oahu.				
Farrington	258	517.000	Molokai	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10383 establishing Molokai Airport Military Reservation.				
Farrington	351	8.840	Oahu	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 8393 establishing Makua Military Reservation.				
Poindexter	665	2.295	Molokai	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 8724 establishing Homestead Field.				
Poindexter	738	7.131	Oahu	University of Hawaii	U. S. Gov't.
	Cancelled by Presidential Executive Order 9671 establishing Hawaii Agricultural Experimental Station, Kewalo, Oahu.				
Poindexter	773	.077	Oahu	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 7804 establishing Kaneohe Lighthouse Station.				
Poindexter	837	.510	Hawaii	Public Building	U. S. Gov't.
	Cancelled by Presidential Executive Order 8353 establishing U. S. Customs House, Hilo, Hawaii.				

Governor	Executive Order	Area	Location	Use	Agency
Poindexter	869	182.380	Molokai	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10383 establishing Molokai Military Airport Reservation.				
Poindexter	884	1.604	Hawaii	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10378 establishing Federal Aeronautics Administration Receiving Antenna Site, Hilo, Hawaii.				
Poindexter	905	.132	Hawaii	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 9951 establishing U. S. Army Dispensary, Hilo, Hawaii.				
Poindexter	924	.868	Hawaii	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10414 establishing Upolu Military Reservation, Kohala, Hawaii.				
Poindexter	925	15.980	Hawaii	Military	U. S. Gov't.
	Cancelled by Presidential Executive Order 10384 establishing Hilo Airport Military Reservation.				
Poindexter	972	4.017	Oahu	Miscellaneous	U. S. Gov't.
	Cancelled by Presidential Executive Order 9517 establishing U.S.O. Building Reservation, Waikiki, Oahu.				
Long	1440	.920	Hawaii	Miscellaneous	U. S. Gov't.
	Cancelled by Presidential Executive Order 10666 establishing F.A.A.-V.H.F. Link Station, Hilo, Hawaii.				
TOTAL					
ACREAGE		746.858 acres			