

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

July 11, 2014

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

PSF No.: 14OD-110

OAHU

Withdrawal from Governor's Executive Order No.4403 and Reset Aside to Agribusiness Development Corporation for Agriculture Purposes, Waikele, Ewa, Oahu, Tax Map Key: (1) 9-4-012:001 and 003.

CONTROLLING AGENCY (of subject executive order):

Department of Agriculture

APPLICANT (requesting set aside):

Agribusiness Development Corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waikele, Ewa, Oahu, identified by Tax Map Key: (1) 9-4-012:001 and 003, as shown on the attached map labeled **Exhibit A**.

AREA:

91.216 acres, more or less.

ZONING:

State Land Use District: Agricultural
City and County of Honolulu LUO: F-1 and AG-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor’s Executive Order No. 4403 setting aside 578.265 acres to Department of Agriculture for agriculture purposes;

Term, non-exclusive Easement No. 5105 to the United States of America for security fence purposes, with its term expiring on December 31, 2015¹;

Perpetual, non-exclusive easement for electric transmission lines and poles purposes to Hawaiian Electric Company, Inc.; and

Other encumbrances as noted on the legal description CSF 24646.

PURPOSE OF SET ASIDE:

Agriculture purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

None

REMARKS:

Executive Order No. 4403 was issued to the Department of Agriculture (“DOA”) in 2012 for agriculture purposes. Pursuant to the Board of Agriculture approval of March 25, 2014, DOA requests the Land Board withdraw portions of the EO 4403 and reset aside to the Agribusiness Development Corporation (“ADC”).

ADC is exploring the possibility of utilizing the subject portions for generation of renewable energy purposes, pursuant to the provisions in §163D-4 (8) and (18) and § 205-4.5(16), HRS.

Staff consulted the Division of Forestry and Wildlife (“DOFAW”) regarding the subject

¹ Staff understands the federal agency intends to request more lands for its expansion of programs, in addition to the extension of the easement beyond 2015. Any request for the extension and the new disposition over the subject parcels will be brought to the Board for consideration at a later date.

request. DOFAW is actively in pursuit of available locations to set up its baseyard for various programs. Central Oahu, including the subject area, is the preferred location for DOFAW regarding connection to other logistics supports for its programs. Preferred size is about one to five acres of relatively level State lands. DOFAW intends to put trailers for office and storage on the site. Staff suggests ADC and DOFAW continue to discuss any possible agreed location(s) over the subject transfer area. Staff will bring any request, if necessary, for DOFAW's baseyard to the Board for consideration.

Staff also asked the State Historic Preservation Division for comment. At the time of finalizing this submittal, staff did not receive any comments from SHPD.

Further, any future lessee of ADC will be required to comply with the environmental compliance provisions under Chapter 343, HRS, in which solicitation for comments from agencies is involved.

There are no other pertinent issues or concerns, and staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 91.216 acres from the Governor's Executive Order No. 4403 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Agribusiness Development Corporation under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of

Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

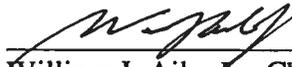
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



