

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

September 26, 2014

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

PSF No. 13OD-193

Oahu

Withdrawal from Governor's Executive Order No. 4170 to Department of Transportation for Maritime Purposes; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:Portions of 006, 022, 130, and 334.

APPLICANT:

Department of Transportation;

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portions of 006, 022, 130, and 334, as marked Parcels 1, 3 to 6 shown on the attached map labeled **Exhibit A**.

AREA:

23.404 acres, more or less.

ZONING:

State Land Use District: Urban  
 City and County of Honolulu CZO: P-2

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act, and PL 88-233, i.e. non-ceded and ceded

respectively.

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

CURRENT USE STATUS:

Governor's Executive Order No. 4170 setting aside 33.024 acres to Department of Transportation for maritime purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements.

REMARKS:

Governor's Executive Order No. ("EO") 4170 was issued to the Department of Transportation ("DOT") in August 2006 for maritime purposes. EO 4170 encumbers State lands, identified as Parcels 1 to 6 (inclusive), as depicted on Exhibit A.

By its memo dated August 15, 2013 (**Exhibit B**), DOT agrees to the withdrawal of five of the six parcels, excluding Parcel 2 [and its access right over Parcel 5], from EO 4170. Parcel 2 will continue to be used by DOT's lessee.

For the Board's information, at previous meetings, the Board has authorized the University of Hawaii and the City and County of Honolulu to use portions of Parcel 1 for their respective uses.

Other than the agencies involved in the transfer and the disposition, the Division did not solicit comments from other agencies.

RECOMMENDATION: That the Board approve of and recommend to the Governor issuance of an executive order withdrawing 23.404 acres, more or less, from the Governor's Executive Order No. 4170, subject to:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

- C. Department of Transportation shall continue to have access rights over Parcel 5 mentioned in Executive Order No. 4170;
- D. Review and approval by the Department of the Attorney General; and
- E. 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. Alla, Jr., Chairperson *wa*





Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

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2013 AUG 22 PM 2:21

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII  
IN REPLY REFER TO:  
HAR-S 3802.14

August 15, 2013

**TO:** THE HONORABLE WILLIAM J. AILA, JR.  
CHAIRPERSON  
DEPARTMENT OF LAND AND NATURAL RESOURCES

**FROM:** GLENN M. OKIMOTO, PH.D.  
DIRECTOR OF TRANSPORTATION

**SUBJECT:** STATE LANDS SITUATED AT SAND ISLAND

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LAND DIVISION  
2013 AUG 23 PM 1:45  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII

This is to confirm our recent discussion regarding Governor's Executive Order No. 4170 ("GEO 4170"), dated August 17, 2006, which set aside approximately 33.024 acres of state lands situated at Sand Island, Oahu, Hawaii, to the Department of Transportation for maritime purposes. A map identifying the subject parcels covered by GEO No. 4170 is enclosed for your information.

As you are aware, the University of Hawaii's operations at Snug Harbor must be relocated in order for the development of the new Kapalama Container Terminal to proceed. This development is a priority under the administration's New Day Work Projects to address growth constraints at Honolulu Harbor and its completion will assist in the efficient movement of container goods that are vital to the State's economy. We both agreed in our meeting that the return of the subject lands under GEO No. 4170 to the jurisdiction and management of the Department of Land and Natural Resources ("DLNR") would assist DLNR in providing a replacement location for UH's Marine Education and Training Center and small vessel operations and related storage and other facilities. Of the six (6) parcels set aside to DOT under GEO No. 4170, DOT is amenable to the withdrawal of five (5) parcels. Parcel 2 is currently under active use by Matson and DOT has a continuing maritime need for the land. This letter hereby provides our written notice of the acceptability to withdraw Parcels 1, 3, 4, 5, and 6 from GEO No. 4170 and return the subject lands to DLNR's management and control, subject to access rights over Parcel 5 is provided to the remaining Parcel 2.

Due to the urgency to settle matters with UH as to the future tenancy of the Marine Education and Training Center, we request that immediate attention be given to processing the subject withdrawal of the affected parcels from GEO No. 4170 and the return of the lands to DLNR's management and control. Please have your land management staff work directly with

**EXHIBIT "B"**

The Honorable William J. Aila, Jr.  
August 15, 2013  
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Calvert Chun, Property Management Supervisor, who can be contacted at 587-1944 if there are any questions.

Att.