

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

October 10, 2014

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

PSF No.: 14OD-164

Oahu

Withdrawal from Governor's Proclamation dated December 31, 1918 for the Mokuleia Forest Reserve and Reset Aside to the Department of Accounting and General Services for Public Safety Communication Purposes; Issuance of an Immediate Construction and Management Right of Entry, Waialua, Oahu, Tax Map Key: (1) 6-8-001: por. 004

APPLICANT:

Department of Accounting and General Services (DAGS)

LEGAL REFERENCE:

Section 171-11, 55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands situated at Waialua, Oahu, Tax Map Key:
(1) 6-8-001: por. 004, as shown on the attached map labeled Exhibit 1.

AREA:

3,800 square feet, more or less.

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-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:

Mokuleia Forest Reserve

PURPOSES:

Public Safety Communication Purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on August 8, 2014, with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Provide survey maps and descriptions according to DAGS Survey Division standards.

REMARKS

DAGS is requesting the withdrawal of a portion of land established under Governor's Proclamation for the Mokuleia Forest Reserve. The subject portion of land is presently under the management jurisdiction of DLNR, Division of Forestry and Wildlife (DOFAW). DAGS is also requesting that the subject portion of the land then be reset aside to DAGS, for the development of a public safety communication facility to be funded, operated and maintained by the Information and Communication Services Division (ICSD). The location of the proposed communications facility is on land situated adjacent to the Pahole Rare Plant Nursery. See Exhibit 2 for the proposed ICSD-Pahole Radio Facility Draft Site Plan.

According to DAGS, the proposed site improvements consists of: a new eight hundred (800) square foot communications building to include: communications and electrical equipment and an emergency generator, the reconditioning of a remaining Nike tower structure for use as a communications tower, the installation of a new one thousand (1,000) gallon above-ground diesel tank to fuel the emergency generator, the relocation of Hawaiian Electric Company's electric lines away from structures and the provision of underground electrical service to the ICSD building and the existing facilities.

With the coordinated efforts of DAGS, DOFAW and the City and County of Honolulu (City), which has a separate communications facility on the site, the following considerations have been incorporated into the subject project: the footprint of the ICSD facility has been limited to provide needed space for a future City communications facility for the upgrading

of an existing facility and to maximize the available space for other potential future uses of adjoining land; two (2) of DOFAW's buildings on site will be provided with generator-backed commercial power by the ICSD building; upon the completion of the project ICSD will then be responsible for its electrical costs and also for DOFAW's; a former military building that may have housed a generator at one time will be demolished; three (3) DLNR water catchment storage tanks will be replaced and relocated; a vehicular turn-around to facilitate vehicular access to the ICSD and the City's communications facilities will be created; and a portion of the site's perimeter fence will be replaced.

The Office of Conservation and Coastal Lands supports the subject Pahole Radio Facility at the Pahole Rare Nursery site, as evidenced by its endorsement of Conservation District Use Permit OA-3717. See Exhibit 3.

Staff is unaware of any further pertinent issues or concerns regarding the subject request and has no objections to it.

Staff now brings the subject request to the Board for its review and approval.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor the issuance of an executive order withdrawing 3,800 square feet, more or less, from Governor's Proclamation for the Mokuleia Forest Reserve 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 resetting the subject lands to the Department of Accounting and General Services, 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;

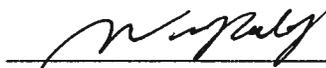
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Issuance of an immediate construction and management right-of-entry to the Department of Accounting and General Services covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson



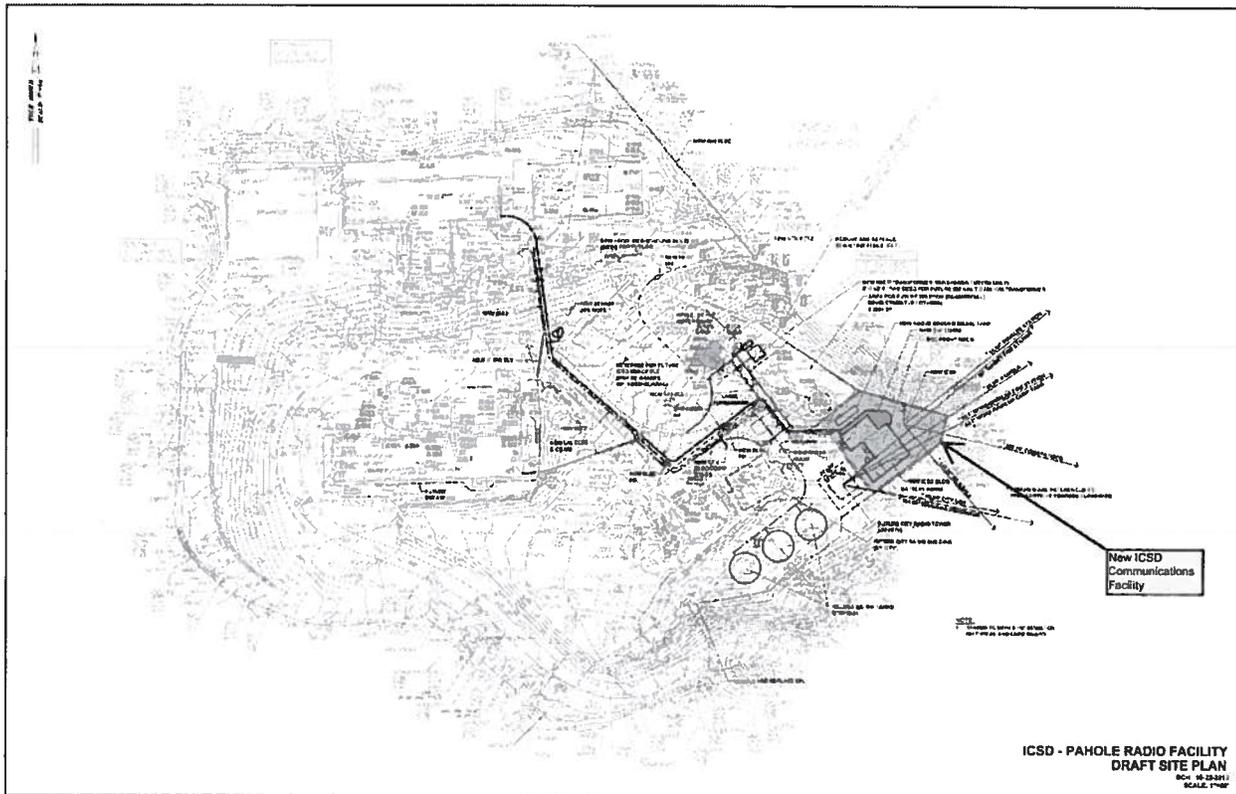


Figure 2-1: Site Plan

July 2014

ICSD PAHOLE RADIO FACILITY AT PAHOLE RARE PLANT NURSERY SITE - Final EA / 2-3

Exhibit 2

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:LY

CDUP: OA-3717

Joanne Hiramatsu, Director of Planning
Belt Collins Hawai'i
2153 North King Street, Suite 200
Honolulu, Hawai'i 96819

SEP 18 2014

SUBJECT: Conservation District Use Permit OA-3717

Dear Ms. Hiramatsu:

On September 12, 2014, the Board of Land and Natural Resources approved the Department of Accounting and General Services' (DAGS) Conservation District Use Application (CDUA) OA-3717 for the Pahole Radio Facility at the Pahole Rare Nursery site located in the Mokulē'ia Forest Reserve in Wai'anae, Oahu, portion of Tax Map Key: (1) ~~16~~-8-001:004 subject to the following conditions:

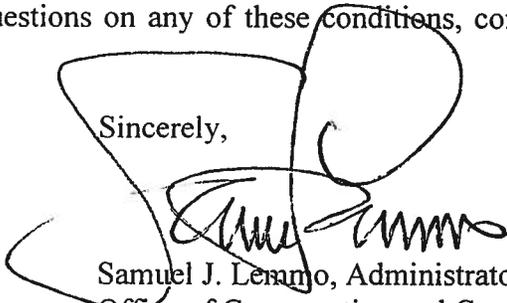
RECEIVED
LAND DIVISION
2014 SEP 18 AM 11:03
DEPT. OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State and County governments, and the applicable parts of Section 13-5-42, Hawaii Administrative Rules;
2. The applicant shall obtain appropriate authorization from the department for the occupancy of state lands;
3. The applicant shall comply with all applicable Department of Health administrative rules;
4. Where any interference, nuisance, or harm may be caused, or hazard established by the use the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard within a time frame and manner prescribed by the Chairperson;
5. Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

EXHIBIT 3

6. Any work done or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within three (3) years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
7. The applicant shall take appropriate measures to mitigate the impacts of erosion and siltation, and prevent oil, fuel, or cement products from falling, blowing, or flowing on Conservation lands and ocean waters. All work will be scheduled during periods of low rainfall;
8. All representations relative to best management practices and mitigation set forth in the accepted management plan and final environmental assessment, including responses to comments for the proposed uses, are incorporated as conditions of the permit;
9. All exterior light fixtures must be shielded during construction and operations of the project;
10. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease immediately in the vicinity and the remains shall be protected from further damage. State Historic Preservation Division (692-8015) shall immediately be contacted;
11. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
12. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
14. Cleared areas shall be re-vegetated within thirty (30) days of grading or construction completion unless otherwise provided for in a plan on file with and approved by the department;
15. The applicant shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
16. Other terms and conditions as may be prescribed by the Chairperson; and
17. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Please have your client acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, contact Lauren Yasaka at (808) 587-0386.

Sincerely,

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Applicant's Signature

Date _____

c: Chairperson
ODLO
DOFAW