

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

October 23, 2015

Ref. No.: EO 2188
PSF No.: 14HD-146

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

HAWAII

Partial Withdrawal of Lands Under Governor's Executive Order No. 2188; Reset
Aside to the County of Hawaii for Its Proposed Mass Transit Agency Base Yard
Facility; and Immediate Management and Construction Right-of-Entry at
Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-013: Portion of 148.

CONTROLLING AGENCY:

County of Hawaii, Department of Public Works

APPLICANT:

County of Hawaii, Mass Transit Agency

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, Tax Map Key: (3)
2-1-013: Portion of 148, as shown on the attached map labeled Exhibit A.

AREA:

5.34 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Governor's Executive Order No. 2188, consisting of 40 acres set aside to the County of Hawaii for Quarry and Borrow Pit purposes.

PURPOSE OF SET ASIDE:

Mass Transit Agency Base Yard and Maintenance Facility purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on July 8, 2015, with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 2) Process and obtain subdivision at Applicant's own cost;
- 3) Applicant shall be responsible for Chapter 343, HRS compliance and all costs associated therewith;
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicant's own cost and subject to review and approval by the Department.

REMARKS:

At its meeting of July 10, 1964, Item F-7, the Board of Land and Natural Resources approved the issuance of Governor's Executive Order No. 1288 to the Hawaii County Board of Supervisors for Quarry and Borrow Pit Site. The subject parcel consists of 40 acres, and is described on Government Survey Map C.S.F. No. 14,344.

At its meeting of September 12, 2014, under agenda Item D-1, the Board of Land and Natural Resources, approved in-principle, the partial withdrawal of government lands (5.00 acres, more or less) from Governor's Executive Order No. 2188 for re-set aside to the County of Hawaii for its proposed Mass Transit Agency Base Yard at Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-013: Portion of 148.

The Mass Transit Agency provides island-wide public transportation for Hawaii County. Services operate daily with limited services on Sundays and holidays. The agency also provides administrative support to the Hawaii County Transportation Commission and oversees taxicab operators for Hawaii Island.

The proposed plans are to construct a transit base yard facility which will include office space and a maintenance garage. The office space will be used for administrative staff to oversee daily transit operations, while the maintenance garage will be used to maintain and repair transit vehicles. The facility must be able to accommodate parking for a fleet of 55 transit buses and employees' personal vehicles. The mass transit agency currently located on Railroad Avenue in the Schultz Siding facility, shares limited space with the Department of Public Works. The mass transit agency has grown over the years and is in need of its own facility to improve efficiency and the work environment.

Access to the subject property is over what is described as a 50-foot wide road (aka: Hoolaulima Road). Although Hoolaulima Road has been in existence for over 30 years, it is not known who actually constructed the road. Hoolaulima Road was never properly transferred or dedicated to the county, but the county has been maintaining the roadway throughout all these past years. Staff is presently negotiating with the county to resolve the issue of roadway jurisdiction and management. Hoolaulima Road currently serves as the only access to various county properties/facilities in the area, which include the quarry, borrow pits, landfill, skit range, drag strip, and sort station.

In order to utilize the site for its intended purpose, a twenty (20) foot wide easement for utility purposes is also being contemplated/required. The Hawaii Electric Light Company is presently negotiating with the Department of Hawaiian Home Lands (DHHL) for accesses through its Panaewa Home Farm Lots to the south. If the proposed utility easement through the Panaewa Farm Lots is not approved by DHHL, then the County will then seek an easement from the State over Hoolaulima Road. It is hoped that Hoolaulima Road can be dedicated over to the county, so an easement from the State would not be necessary and accesses to all the other county properties would be resolved.

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on July 8, 2015, with a finding of no significant impact (FONSI).

The County of Hawaii, Mass Transit Agency is the proper agency for managing and operating the proposed mass transit base yard facility. Currently, there are no alternatives for a higher and better use. The proposed use will fully utilize the requested lands.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling the Applicant Requirements above, Approve of and recommend to the Governor the issuance of an executive order for a partial withdrawal of 5.34 acres from Governor's Executive Order No. 2188, identified on Exhibit A, being a portion of Tax Map Key: (3) 2-1-013:148, which is presently under the control and management of the County of Hawaii as a quarry and borrow pit site, 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 area above withdrawn, consisting of 5.34 acres, identified as Exhibit A, being a portion of Tax Map Key: (3) 2-1-013:148, to be under the control and management of the County of Hawaii for its proposed Mass Transit Agency Base Yard and Maintenance Facility, 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. Grant an Immediate Management and Construction Right-of-Entry to the County of Hawaii, its consultants, contractors and/or persons acting for or on its behalf, 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 management right-of-entry form, as may be amended from time to time;
- B. The term of the right-of-entry shall commence upon date of that the County returns a copy of the duly executed right-of-entry permit to the Hawaii District Land Office and shall expire upon the issuance of the subject set aside document;
- C. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Land Agent
Wesley T. Matsunaga

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



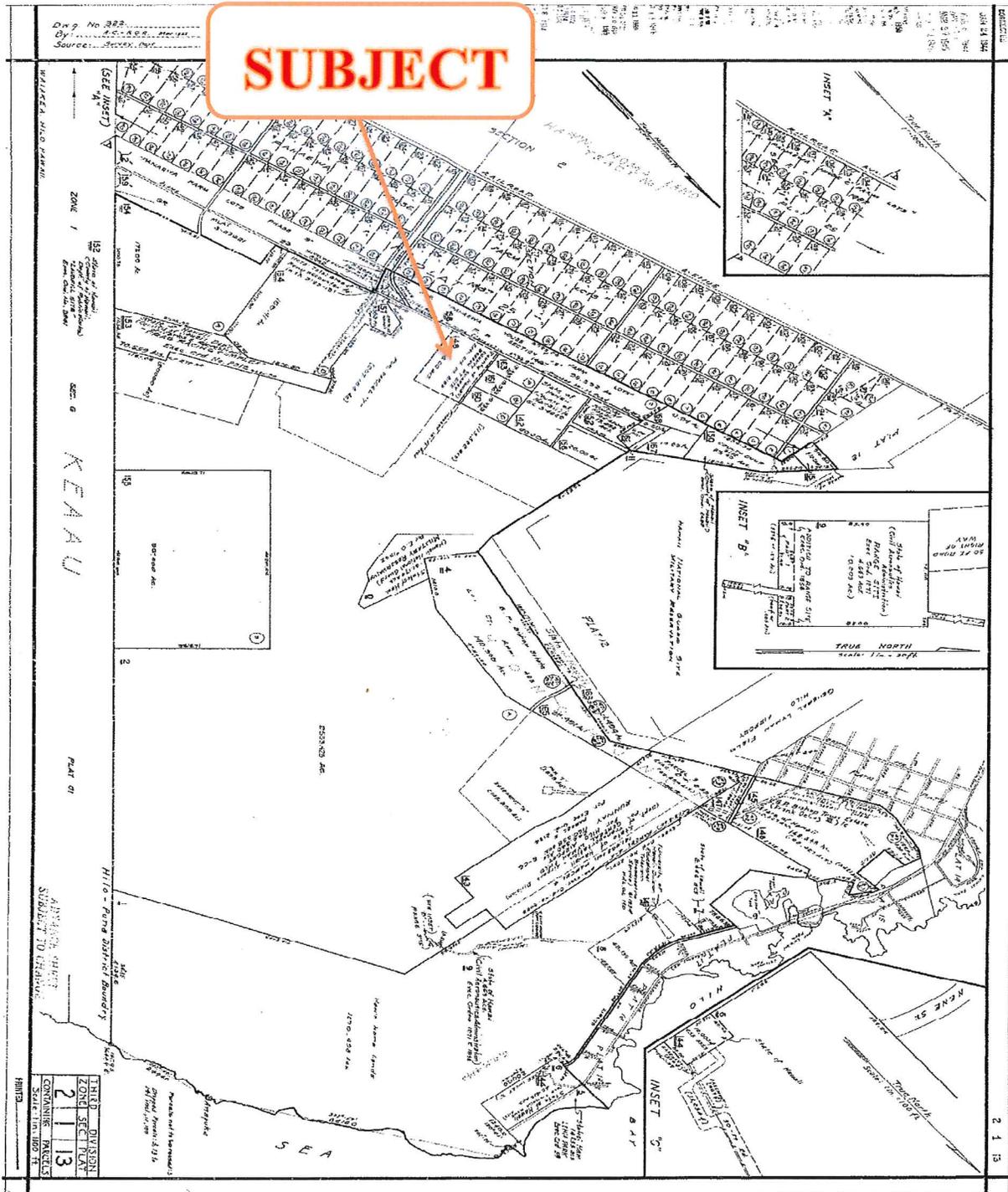


EXHIBIT A



EXHIBIT A

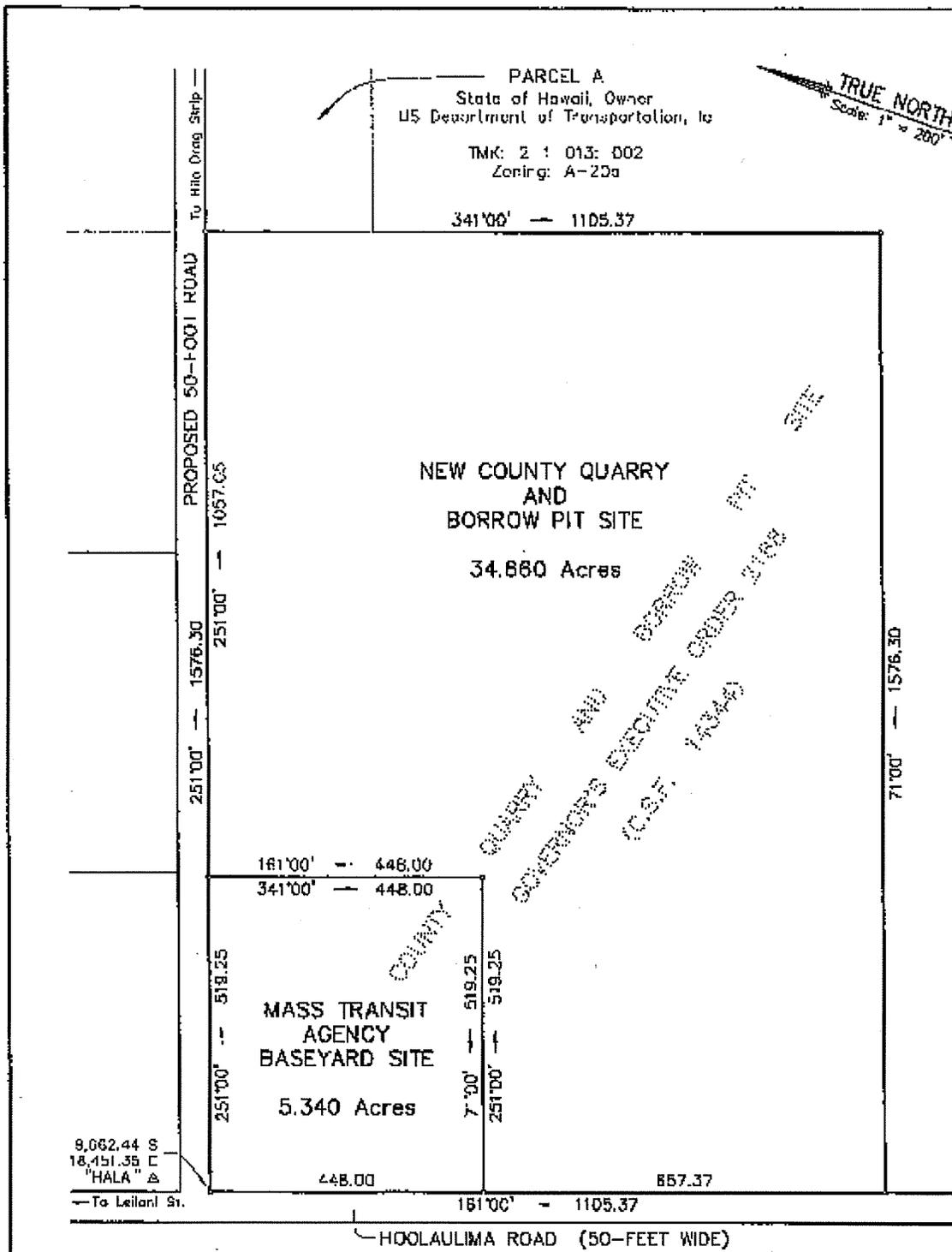


EXHIBIT A