

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

November 13, 2015

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

Ref: 15OD-189

Oahu

Amend Prior Board Action of April 12, 2002, Item D-18 Regarding Set Aside of Certain Lands within the Kapalama Military Reservation to Department of Transportation for Harbor and Airport Purposes; Kalihi-Kai, Honolulu, Oahu Tax Map Key: (1) 1-2-025:Various. The purpose of the amendment is to modify the public purposes of the set-aside.

REMARKS:

At its meeting on April 13, 2002 (Item D-18), the Board amended its prior action of August 13, 1993 (Item F-7) by approving setting aside of about 21 acres (see map at **Exhibit 1**) of State lands within Kapalama Military Reservation to the Department of Transportation (“DOT”) for harbor and airport purposes. The dual purposes of the set aside were to accommodate the situation in which airports funds were also used for the acquisition of lands from the federal government. While the 1993 Board action also approved the dual purposes, the 2002 approval further delineated the areas and their respective acreages for harbor (about 16 acres) and airport (about 5 acres) purposes. A copy of the 2002 approval is attached as **Exhibit 2**.

Director of Transportation, by his letter dated October 15, 2015 (**Exhibit 3**), requests the Board further amend the action by removing “airport” from the set aside purposes, i.e. leaving harbor purpose as the only public purpose of the proposed set aside. As explained in Exhibit 3, the Harbors Division paid the Airports Division for the right to have the lands set aside to solely to the Harbors Division.

DOT also indicates an immediate right-of-entry to the Harbors Division will help the agency to continue manage the area until the executive order is signed.

The request is pertaining to the transfer of management jurisdiction pursuant to an executive order. It is exempt from the preparation of an environmental assessment in accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015. See **Exhibit 4**.

Staff did not solicit comments from other government agencies on the subject request, other than DOT, as the request is for housekeeping purpose only. There are no other pertinent issues or concerns and staff has no objection to the request.

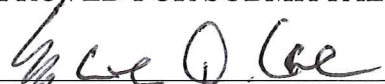
RECOMMENDATION: That the Board

1. Amend its prior action of April 12, 2002 (Item D-18) by replacing the entire Recommendation Section with the following:
 - A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
 - B. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Transportation for harbor purposes under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 1. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 2. 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;
 3. Review and approval by the Department of the Attorney General; and
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State”.
2. Authorize the issuance of an immediate right-of-entry to the Department of Transportation over the subject area and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry 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.

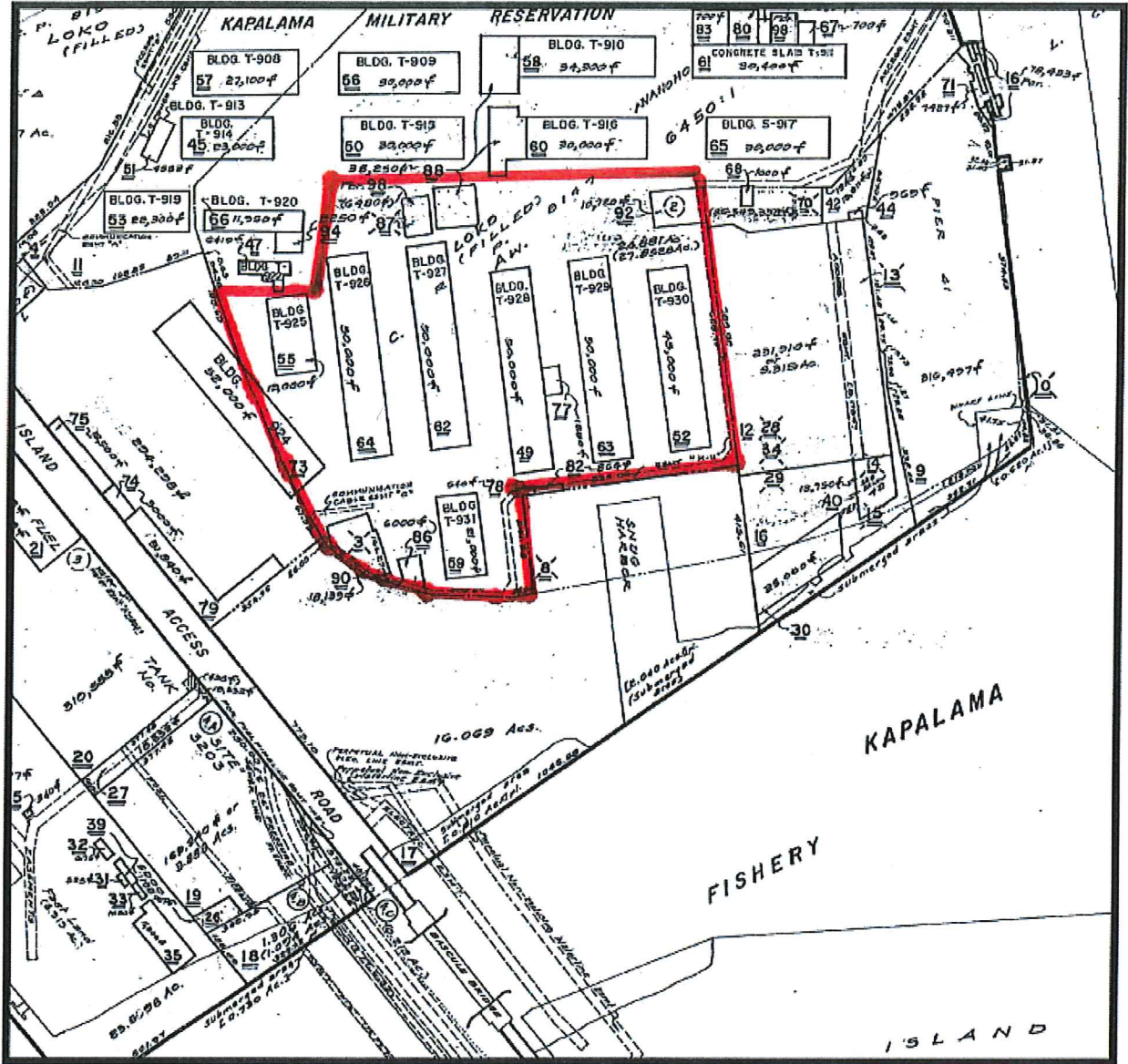
Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson





TMK (1) 1-2-025: Various

EXHIBIT 1

D-18

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

April 12, 2002

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

PSF No.: 010d-119

OAHU

Amend Prior Board Action of August 13, 1993 (Agenda Item F-7), Approving Set Aside of certain lands within the Kapalama Military Reservation to Department of Transportation for Harbor and Airport Purposes, Kalihi-Kai, Oahu, Tax Map Key: (1) 1-2-25:portion 2

REMARKS:

The Land Board, at its August 13, 1993 meeting, under agenda item F-7, approved the set aside to the Department of Transportation (DOT) of approximately 21.223 acres of land within the area known as the Kapalama Military Reservation for harbor and airport purposes. The DOT acquired the subject property from the United States of America by quitclaim deed dated April 20, 1993, for \$33,738,526.80 plus interest, which funding was authorized under Act 73, Session Laws of Hawaii 1989. (Land Office Deed #S-27979).

Recently, the DOT has informed us that the DOT desires to more specifically designate the portion of the subject property to be used for airport purposes and the portion to be used for harbor purposes. The DOT advised us that because approximately \$8,000,000 from the airport revenue fund was used to acquire the subject property (approximately 21.223 acres), about 5.150 acres of the subject property will be designated specifically for airport purposes. The remainder of the subject property, about 16.073 acres, will be specifically designated for harbor purposes. A map depicting these two separate parcels is attached hereto as Exhibit B.

To accomplish this, staff is recommending that the Land Board amend its prior set aside approval of August 13, 1993, to permit the issuance of two separate executive orders for the subject property (consisting of a total acreage of about 21.223 acres) to be executed simultaneously: (1) set aside to the DOT of about 16.073 acres of the subject property for harbor purposes, effective August 13, 1993, and (2) set aside to the DOT of about 5.150 acres of the subject property for airport purposes, effective August 13, 1993.

RECOMMENDATION: That the Land Board:

1. Amend its prior action of August 13, 1993, under agenda item

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

April 12, 2002. [Signature]

ITEM D-18

EXHIBIT "2"

F-7, to approve of and recommend to the Governor, the issuance of two separate executive orders setting aside the subject property to the Department of Transportation, as depicted on the map attached hereto as Exhibit B and more specifically described as follows:

- A. 16.073 acres, more or less, for harbor purposes, effective as of August 13, 1993.
 - B. 5.150 acres, more or less, for airport purposes, effective as of August 13, 1993.
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

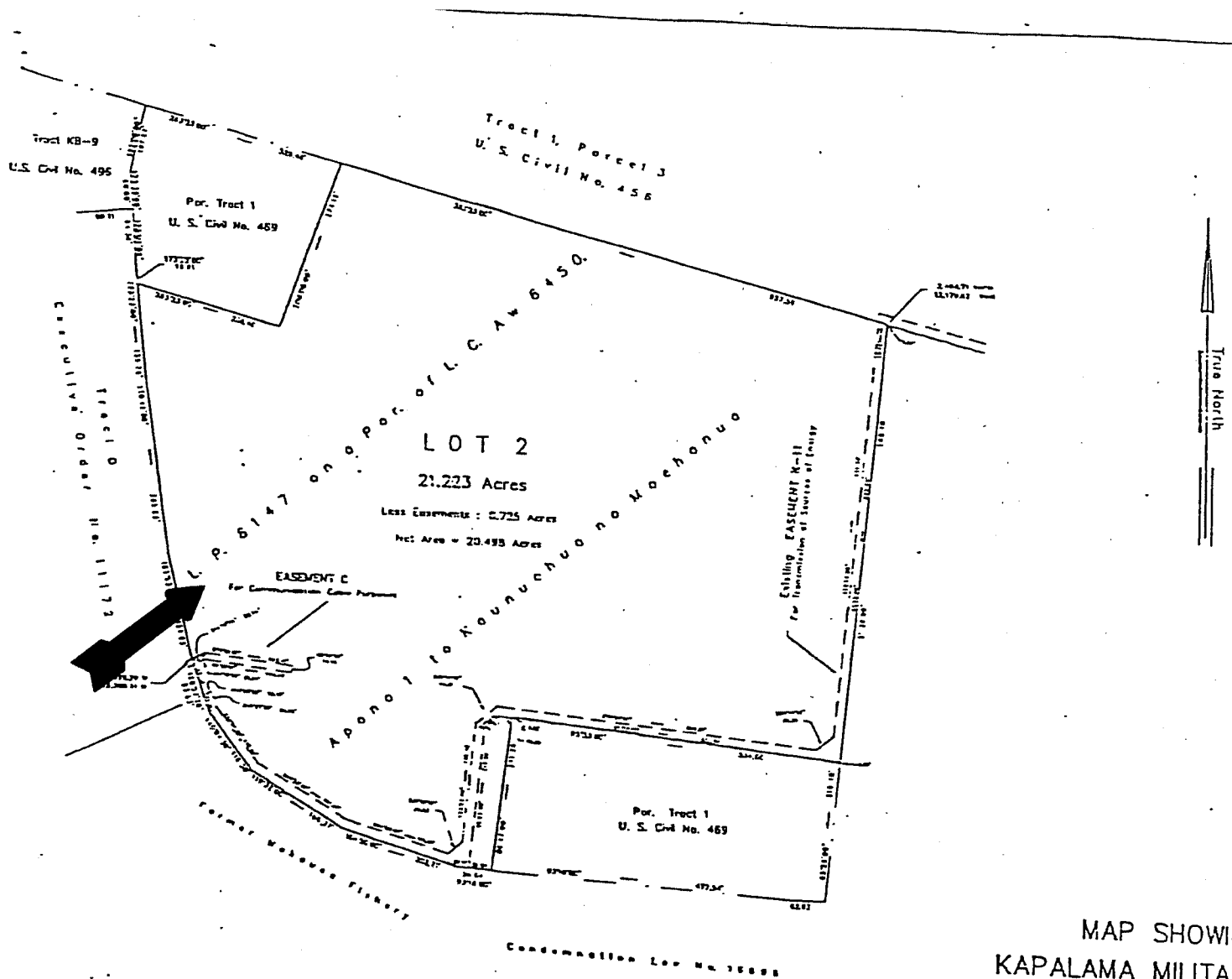
Charlene E. Unoki

Charlene E. Unoki
Supervising Land Agent

APPROVED FOR SUBMITTAL:

Gilbert S. Coloma-Agaran

GILBERT S. COLOMA-AGARAN, Chairperson



(This Exhibit "A" is not attached to the original recorded copy of the Quitclaim Deed)

MAP SHOWING LOT 2
KAPALAMA MILITARY RESERVATION

BEING A PORTION OF TRACT 1, U.S. CIVIL No. 459

Situated At Mokauea, Kāhī, Honolulu, Oahu, Hawai'i

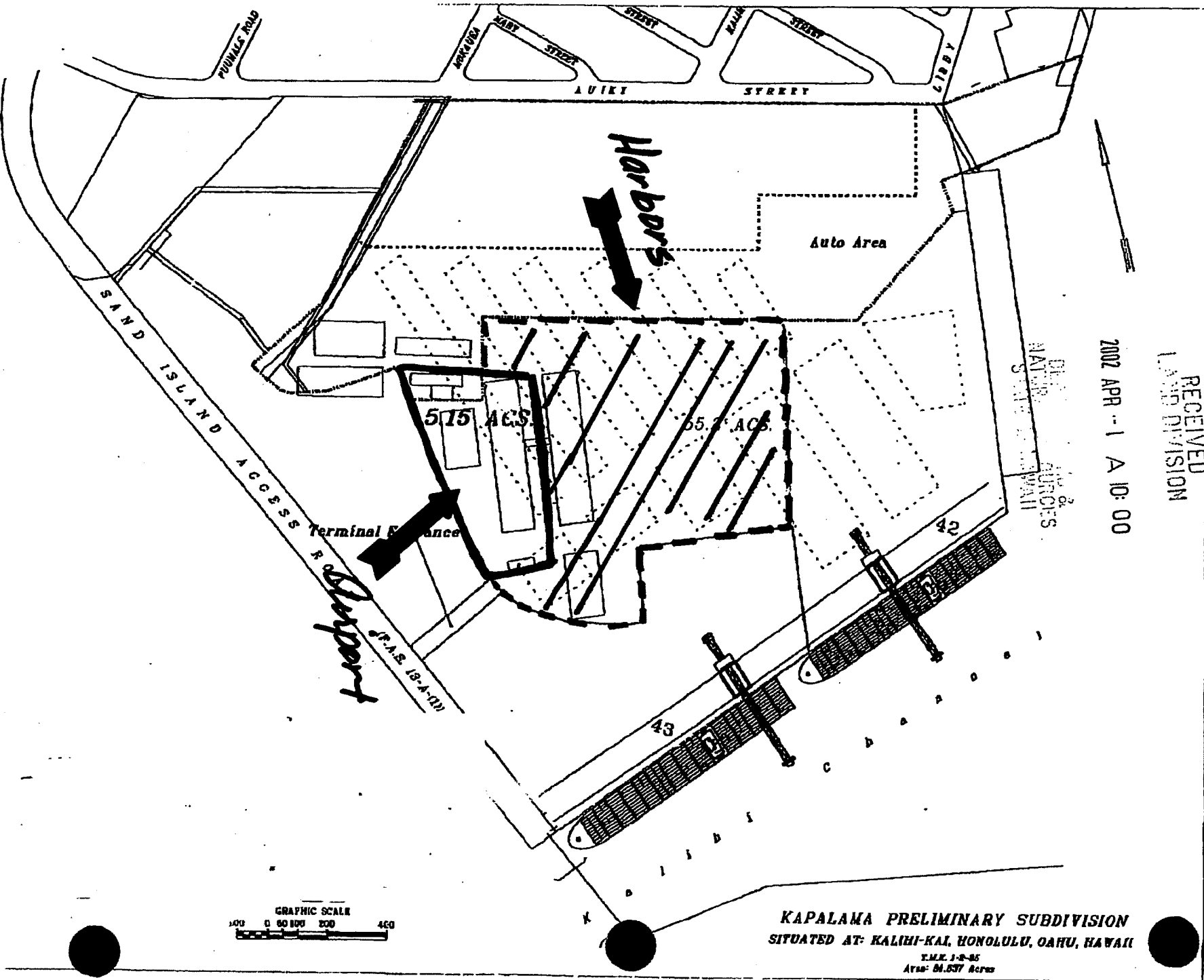
Tax Map Key: 1-2-52: 2



This map was prepared by me or under my supervision
[Signature]
 Surveyor, State of Hawaii
 Certificate No. 3025

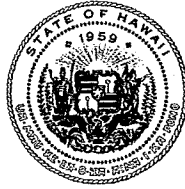
S-28-02; 1:59PM; 8085871982
Mar-28-02 08:47am From-HARBORS DIV, ADMIN, DEPT OF TRANS S.O.H.

T-478 P-01/01 F-148



KAPALAMA PRELIMINARY SUBDIVISION
SITUATED AT: KALIHIKAHU, HONOLULU, OAHU, HAWAII
T.M.E. 1-8-85
Area: 61.537 Acres

DAVID Y. IGE
GOVERNOR



RECEIVED
LAND DIVISION

2015 OCT 16 AM 11:42

FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

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

IN REPLY REFER TO:
HAR-PM
6182.16

October 15, 2015

The Honorable Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Chairperson Case:

Subject: Request Amendment to Prior Board Action of April 12, 2002 (Agenda Item D-18), Approving the Set Aside of 21.223 Acres, Along with Right-of-Entry, Within the Kapalama Military Reservation to the Department of Transportation Harbors Division, for Harbor Purposes, Kalihi-Kai, Oahu

At its April 12, 2002, meeting, under Agenda Item D-18 (copy enclosed), the Board of Land and Natural Resources approved the set aside of 21.223 acres of the Kapalama Military Reservation (KMR), to be divided as 5.150 acres to the Department of Transportation Airports Division (DOT Airports), for airport purposes, and 16.073 acres to the Department of Transportation Harbors Division (DOT Harbors), for harbor purposes. This was due to DOT Airports providing an \$8,190,529.80 payment portion toward the KMR purchase price.

However, due to circumstances as detailed in the enclosed July 27, 2011, Governor's release of funds memo, it was agreed that DOT Harbors would pay DOT Airports \$8,200,000.00 and \$1,402,651.93 in order to have this 21.223-acre portion of KMR set aside to only DOT Harbors.

These funds were transferred from DOT Harbors to DOT Airports in 2011.

At this time, DOT requests the Land Division prepare an amendment to Prior Board Action of April 12, 2002 (Agenda Item D-18), approving the set aside of 21.223 acres, along with Right-of-Entry, within the Kapalama Military Reservation to the Department of Transportation Harbors Division, for harbor purposes, Kalihi-Kai, Oahu.


EXHIBIT " 3 "

The Honorable Suzanne D. Case
October 15, 2015
Page 2

HAR-PM
6182.16

We request priority, as DOT Harbors urgently needs control of this KMR property in order to advertise for construction shortly.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. N. Fuchigami', with a horizontal line extending to the right.

FORD N. FUCHIGAMI
Director of Transportation

Enc.

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Setting aside State Lands for Harbors Purposes.

Project / Reference No.: PSF 15OD-189

Project Location: Kapalama, Honolulu, Oahu; Tax Map Key: (1) 1-2-025:various

Project Description: Set aside for addition to harbors purposes


Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside for state lands to or from other government agencies through a Governor's executive order".

Since the request is pertaining to setting aside State lands by a Governor's executive order, the subject request is therefore exempt from the preparation of an environmental assessment.

Consulted Parties Department of Transportation.

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.




 Suzanne D. Case, Chairperson
 Date: 11/2/15 

EXHIBIT 4