

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
Honolulu, Hawaii's 96813

May 24, 2013

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

O'ahu

Request to Approve License No. N6274293RP00066 with the Department of the Navy for Non-Federal use of Real Property at 'Aiea Bay State Recreation Area, 'Aiea, O'ahu

Historical Use:

'Aiea Bay also known as Rainbow Bay is located along the shoreline at the Diamond Head end of East Loch in Pearl Harbor, approximately eight miles from downtown Honolulu. During World War II 'Aiea Bay was intensively developed by the U.S. Navy with support facilities such as fueling piers, barge moorings, a fire-fighting school, and small boat landings. A field hospital was constructed on McGrew Point. Following the war, McGrew Point was developed for family housing.

In 1973, the marina at Rainbow Bay was built as a replacement facility for a former Navy recreation area that was displaced when the State constructed the reef runway. As tourism grew, boat tours of Pearl Harbor, particularly to the U.S.S. Arizona Memorial increased in popularity. Greater civilian use of the area combined with rapid urbanization of lands around Pearl Harbor mounted pressure for public recreational uses in the area. Discussions ensued between the State, the City and County of Honolulu, and the Navy about potential multi-purpose uses of 'Aiea Bay and in 1974, the Department published the Rainbow Bay Conceptual Plan prepared by McAuliffe, Oka and Associates, Inc. The project area encompassed the entire bay perimeter from McGrew Point to the Rainbow Bay Marina. Envisioned as a passive recreational park, the plan proposed a nature walk, picnic areas, parking, and a continuous bikeway around its perimeter.

The State's acquisition of the area began in 1980 with a 2.6 acre private holding obtained through eminent domain proceedings. In 1981, a Memorandum of Understanding (MOU) was executed between the State and the U.S. Navy for 'Aiea Bay State Recreation Area (SRA) involving the lease of approximately 3 acres of federal lands with public access to the park from an existing roadway off of Kamehameha Highway. The MOU included passive activities such as strolling, picnicking, minor boating and shore side fishing with park boating activities to be regulated by the State. The improved park area is approximately 9 acres, including 3 acres leased from the Navy and 6 acres that

were set aside to the Division in 1983. A bicycle path developed by the City and County of Honolulu traverses the site along its course from Lehua Avenue in Pearl City to Richardson Recreation Area. A comfort station was built on the northwest portion of the site.

Current Use:

In 1993, a license agreement (attached) was executed with the Department of the Navy to use the 3 acres under Navy control for a public park. The agreement period was from May 1, 1993 to April 30, 1998. Since that time, two amendments were approved extending License No. N6274293RP00066 for two five-year periods until April 30, 2008. A third amendment No. 3 extended the agreement to April 30, 2013 and incorporated an environmental study of the condition of 'Aiea Bay SRA as Special Provision 9 of the license agreement. The Navy is processing another five-year extension of the License, but it is not yet completed. In the meantime, the Navy has proposed a month-to-month extension of the License.

RECOMMENDATION:

That the Board:

1. Approve the month-to-month extension of License No. N6274293RP00066 for the use of the Navy's real property at 'Aiea Bay and;
2. Delegate to the Chairperson the authority to execute the five-year extension and any future extensions of the License.

Respectfully submitted,



Daniel S. Quinn, Administrator
Division of State Parks

Approved for Submittal:



William J. Aila, Jr., Chairperson
Department of Land & Natural Resources

LICENSE FOR NONFEDERAL USE OF REAL PROPERTY

NAVFAC 11011/29 (6-75) (Supersedes NavDocks 2260)

LICENSE NUMBER

N6274293RP00066

THIS LICENSE TO USE THE U.S. GOVERNMENT PROPERTY HEREIN DESCRIBED IS ISSUED BY THE DEPARTMENT OF THE NAVY TO THE LICENSEE NAMED BELOW FOR THE PURPOSE HEREIN SPECIFIED UPON THE TERMS AND CONDITIONS SET FORTH BELOW AND THE GENERAL PROVISIONS ON THE REVERSE SIDE HEREOF. BY THE EXECUTION HEREOF THE LICENSEE AGREES TO COMPLY WITH ALL SUCH TERMS, CONDITIONS AND GENERAL PROVISIONS.

1. NAVAL ACTIVITY (Property location) Naval Station, Pearl Harbor Naval Supply Center, Pearl Harbor	2. DATES COVERED (Inclusive) FROM 1 MAY 1993 TO 30 April 1998
3. DESCRIPTION OF PROPERTY (Include room and building numbers where appropriate) Various parcels of land under Navy control located between McGrew Point Loop and Aiea Stream consisting of approximately 3 acres as depicted in blue on Exhibit "A" attached hereto.	
4. PURPOSE OF LICENSE Premises to be used as portion of State of Hawaii public park at Aiea Bay.	

5. LICENSOR UNITED STATES OF AMERICA DEPARTMENT OF THE NAVY	5a. LOCAL REPRESENTATIVE, DEPT. OF NAVY OFFICIAL (Title and address) Commander, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, HI 96860
6. LICENSEE (Name and address) State of Hawaii P. O. Box 621, Honolulu, HI 96809	6a. LOCAL REPRESENTATIVE (Name and address) Chairperson, Board of Land and Natural Resources (Same as Item 6)

7. CASH PAYMENT BY LICENSEE (Payable in advance) (If no cash payment is required, enter "None" under item 7a "Amount")			
a. AMOUNT (Each payment) NONE	b. FREQUENCY PAYMENTS DUE	c. FIRST DUE DATE	d. TO (Title and address of local representative of the Government)

8. DEPOSIT FOR UTILITIES AND SERVICES (Payable in advance) (If no cash payment is required, enter "None" under item 8a "Amount")			
a. AMOUNT (Each deposit) NONE	b. FREQUENCY PAYMENTS DUE	c. FIRST DUE DATE	d. TO (Mailing address)

9. INSURANCE REQUIRED AT EXPENSE OF LICENSEE (If any or all insurance requirements have been waived, enter "None" in a,b,c, or d as appropriate)			
TYPE	MINIMUM AMOUNT	TYPE	MINIMUM AMOUNT
a. FIRE AND EXTENDED COVERAGE	\$ NONE	c. THIRD PARTY PERSONAL INJURY PER PERSON	\$ NONE
b. THIRD PARTY PROPERTY DAMAGE	\$ NONE	d. THIRD PARTY PERSONAL INJURY PER ACCIDENT	\$ NONE

10. GENERAL PROVISIONS (See Reverse Side)
Special Provisions (See attached sheet)

II. EXECUTION OF LICENSE			
FOR	BY		DATE
	NAME AND TITLE (Typed)	SIGNATURE	
DEPARTMENT OF THE NAVY	J. MICHAEL KILIAN Director, Real Estate Division Pacific Division, Naval Facilities Engineering Command Real Estate Contracting Officer	<i>J. Michael Kilian</i>	30 Apr 1993
LICENSEE	KEITH W. AHUE, Chairperson Board of Land and Natural Resources State of Hawaii	<i>Keith W. Ahue</i>	5-25-93

If Licensee is a Corporation, Certification of signature is attached

ORIGINAL

APPROVED AS TO FORM
[Signature]
Attorney General, State of Hawaii

SPECIAL PROVISIONS
TO
LICENSE NO. N6274293RP00066

1. This license is issued with the understanding that the Licensee will make no substantial improvements to the Premises. Improvements that would be approved by the Licensor in accordance with General Provision 10g hereof, include walkways, picnic facilities, landscaping and irrigation systems to support such landscaping.

2. Licensee recognizes that there are substantial utility improvements in the strip of land which forms the northern portion of the Premises, which strip is commonly known as the Navy's Utility Corridor or the former Oahu Railway and Land Company (OR&L) right-of-way. Accordingly, Licensee shall minimize proposed improvements in this area and understands that Licensor will withhold approval for any proposed improvements which could adversely impact on the existing utility systems in this area.

3. Also, located in the Navy's Utility Corridor is a portion of the Pearl Harbor Bikepath, constructed and operated by the City and County of Honolulu pursuant to an easement granted by the Licensor on October 7, 1974. Accordingly, Licensee shall coordinate any proposed improvements within said corridor with the City and County of Honolulu, Department of Public Works, to ensure that the proposed development is consistent with use of the property by the City and County of Honolulu. Licensee shall provide to the Licensor written evidence of approval of proposed development plans by the City and County of Honolulu.

4. Prior to making any use of the Premises, the Licensee shall submit to the Licensor for review and approval, the following:

a. Sufficient information prepared in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4361) and its implementing regulations, which may be used by the United States to fulfill the requirements of said act and regulations;

b. Sufficient information prepared in accordance with the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq) and its implementing regulations, for the United States to initiate consultations with the State of Hawaii Historic Preservation Officer pursuant to Section 106 of said act, if necessary;

c. Sufficient information prepared under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) and its implementing regulations, for the United States to determine whether or not the proposed development will affect the State of Hawaii's coastal zone and otherwise comply with the provisions of this act; and

d. Any additional information, studies or surveys required by United States or State of Hawaii officials involved in the administration or enforcement of applicable environmental laws and regulations.

5. The Licensee shall be responsible for maintaining and controlling access to the State park as follows:

a. Vehicle access into the park via its entrance will be prevented after sunset.

b. State park enforcement personnel will periodically patrol the park.

6. The Licensee shall install signs along the shoreline of the park in order to discourage entry into the waters of Pearl Harbor for security reasons. The signs shall be installed every 150 feet along the shoreline and read as follows:

RESTRICTED AREA
ENTRY INTO THE WATER AND MUDFLAT AREAS IS PROHIBITED
BEWARE OF HAZARDOUS DEBRIS IN SHORELINE AREAS

7. The Licensee's rights hereunder shall be subject to such rules and regulations as may from time to time be prescribed by the Licensor to assure that the exercise of such rights will not interfere with Licensor's activities in the area or adversely affect the security of federal property.

8. General Provision 10i and j are hereby deleted in their entirety and replaced as follows:

The Licensee shall be responsible for damage or injury caused by or resulting from any act or omission of the Licensor in connection with Licensee's use of the Premises described herein to the extent provided under applicable laws.

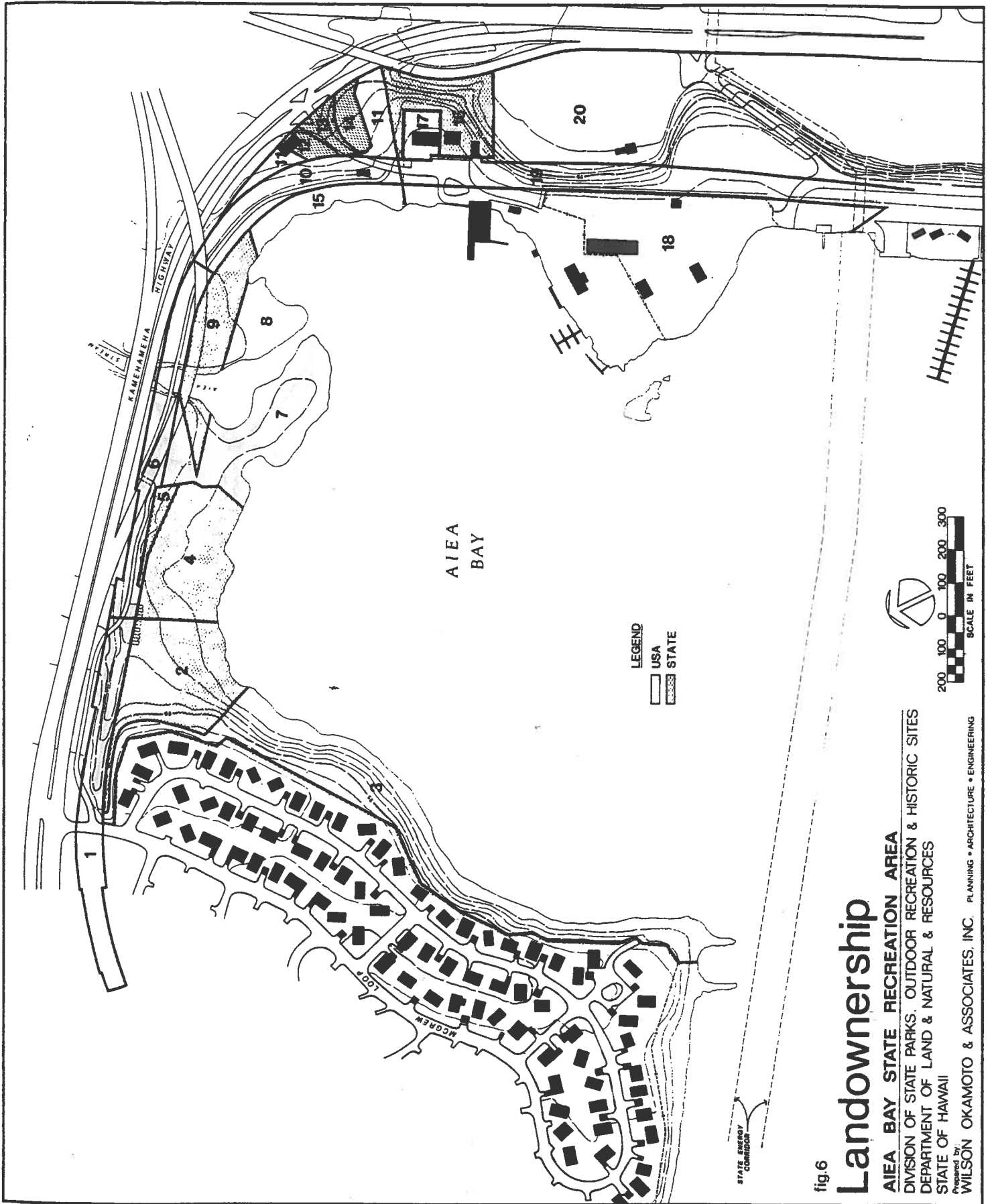


fig.6

Landownership
AIEA BAY STATE RECREATION AREA
 DIVISION OF STATE PARKS, OUTDOOR RECREATION & HISTORIC SITES
 DEPARTMENT OF LAND & NATURAL & RESOURCES
 STATE OF HAWAII
 Prepared by
WILSON OKAMOTO & ASSOCIATES, INC. PLANNING • ARCHITECTURE • ENGINEERING



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, HAWAII
400 MARSHALL ROAD
JBPHH, HAWAII 96860-3139

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April 18, 2013

Mr. Daniel S. Quinn
State Parks Administrator
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Quinn:

SUBJECT: LICENSE N6274293RP00066, AS AMENDED, AUTHORIZING STATE OF HAWAII, BOARD OF LAND AND NATURAL RESOURCES USE OF SPACE AT AIEA BAY STATE PARK, JOINT BASE PEARL HARBOR-HICKAM

A new license to authorize State of Hawaii, represented by its Board of Land and Natural Resources, use of various parcels of land under Navy control located between McGrew Point Loop and Aiea Stream consisting of approximately 3 acres is being processed. In the interim, it is proposed that your continued use of the involved Navy land be authorized on a month-to-month basis under the terms and conditions (except as to term of occupancy) of License N6274293RP00066, as amended.

If this is acceptable, please provide the concurrence of an authorized signatory of the Board of Land and Natural Resources in the place provided on the following page. Thereafter, please return this letter with the concurrence signatures to this office.

If you have any questions regarding the above matter, please contact Craig Sato at 471-1170, extension 236 or email craig.sato@navy.mil.

Sincerely,

GENIE WERY
Director of Real Estate
By direction of the
Commanding Officer

11011
Ser AM1/00663
April 18, 2013

BOARD OF LAND AND NATURAL RESOURCES

Signature: _____

Print Name: _____

Title: _____

Date: _____