

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

July 26, 2013

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

PSF No.: 13KD-103

Kauai

Cancellation of Governor's Executive Order No. 820 as Amended by Governor's Executive Order No. 2321 and Reset Aside to Department of Accounting and General Services for Government Office Purposes, por. of Lihue Town, Lihue, Kauai; Tax Map Key: (4) 3-6-005:001.

CONTROLLING AGENCY:

Department of Accounting and General Services

APPLICANT:

Department of Accounting and General Services

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalapaki situated at por. of Lihue Town, Lihue, Kauai, identified by Tax Map Key: (4) 3-6-005:001, as shown on the attached map labeled Exhibit A.

AREA:

36,728 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Urban

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Governor's Executive Order No. 820, as amended by Governor's Executive Order No. 2321, setting aside 36,728 square feet to the Department of Accounting and General Services for the Lihue Courthouse Lot purposes.

PURPOSE OF SET ASIDE:

Government Office purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B attached.

APPLICANT REQUIREMENTS:

None.

REMARKS:

The Lihue Courthouse Lot was set aside to the Department of Accounting and General Services by Governor's Executive Order (EO) No. 820 in 1938 for a new courthouse. The courthouse was completed in 1939. In 1967, EO No. 2321 withdrew 324 square feet from EO 820 for exchange with the County of Kauai for road realignment purposes.

In 2006, a new judiciary building known as "The Pu'uhonua Kauila Judiciary Complex" was completed and all judicial services were transferred over to the new building.

On July 11, 2007, Governor Linda Lingle issued a Proclamation declaring emergency disaster relief for the County of Kauai, related to the number of homeless on Kauai and the exacerbated threat to human health and safety. The declaration designated the building known as the Lihue Courthouse as a temporary shelter for homeless persons. In partnership with Kauai Economic Opportunity, Inc. (KEO) and Hawaii Public Housing Authority, the County sub-granted Act 100 funds for the social services and management needed to operate the new temporary emergency shelter proposed. The provisions of Chapter 103D, HRS, procurement, were suspended through July 10, 2008.

KEO in conjunction with the Department of Accounting and General Services used the vacant courthouse for "Ka Uapo" which translates into "The Bridge", where homeless

families stayed until they were placed in low-income rentals.

Since 2009, the building has been vacant.

The Department of Accounting and General Services plans to fully renovate the building to address hazardous material abatement and convert the interior space into offices. The renovations are intended to save taxpayer money by moving State agencies, who are currently leasing private commercial office space, into the building.

The Lihue Courthouse is listed on both the Hawaii and National Register of Historic Places, therefore renovations will follow historic guidelines.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DOH	No comments
DLNR – Historic Preserv.	No response by suspense date
OHA	No response by suspense date

County Agencies

County Planning	No response by suspense date
Public Works	No response by suspense date
Dept. of Water	No response by suspense date

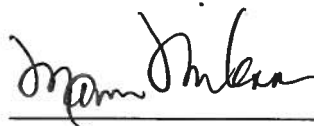
Staff has no objection to the requested action.

RECOMMENDATION: That the Board:

1. 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.
2. Approve of and recommend to the Governor issuance of an executive order canceling Governor’s Executive Order No. 820 and 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;

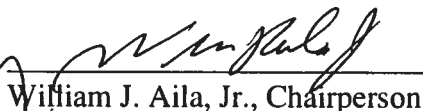
- C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands 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.

Respectfully Submitted,



Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

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

Project Title: Cancellation of Governor's Executive Order No. 820 as Amended by Governor's Executive Order No. 2321 and Reset Aside to Department of Accounting and General Services for Government Office Purposes

Project / Reference No.: 13KD-103

Project Location: por. of Lihue Town, Lihue, Kauai, Tax Map Key: (4) 3-6-005-001

Project Description: Cancellation of Governor's Executive Order No. 820 as Amended by Governor's Executive Order No. 2321 and Reset Aside to Department of Accounting and General Services for Government Office Purposes

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

Exemption Class No.: In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request for cancellation of Governor's Executive Order and Reset Aside is exempt from the preparation of an environmental assessment under the following:

Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

EXHIBIT B

Consulted Parties:



None

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Chairperson

Date