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

REQUEST FOR ISSUANCE OF GOVERNOR’S EXECUTIVE ORDER SETTING ASIDE LANDS ACQUIRED FROM THE UNITED STATES OF AMERICA ON THE ISLAND OF OAHU, KAPALAMA MILITARY RESERVATION, TO THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION TAX MAP KEYS: (1) 1-2-025: 002, 074, 075, 108, 109 and 110 OAHU

APPLICANT:

Department of Transportation, Airports Division (DOTA).

LEGAL REFERENCE:

Sections 171-11, 261-4, and other applicable sections, Hawaii Revised Statutes, as amended.

LOCATION:

Lands conveyed by the United States of America situated on the Island of Oahu, identified by Tax Map Keys: (1) 1-2-025:002, 074, 075, 108, 109 and 110, as described in Exhibit A and shown on the attached map labeled Exhibit B.

AREA:

Total of 11.344 acres, more or less.

ZONING:

State Land Use District: Urban
County: I-3, Industrial
BLNR – Approval of land conveyance for DOTA
Kapalama Military Reservation
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LAND TITLE STATUS:

Ceded land, State land acquired under Public Law 88-233 (77 Stat 472)
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES X

CURRENT USE:

Vacant land with abandoned buildings. From May 2000 until January 2012, the
Department of Transportation, Harbors Division, under an agreement with DOTA, had
been providing management services for the 11.344 acres. As of February 2012, DOTA
has taken back management of the land.

CONSIDERATION:

$17,543.00 (SEVENTEEN THOUSAND FIVE HUNDRED FORTY-THREE AND
NO/100 DOLLARS). P.L. 101-189 Section 2814 (2) In consideration for the conveyance
authorized under paragraph (1), the State of Hawaii shall pay to the United States the fair
market value, as determined by the Secretary, of any improvements on the land not made
at the State’s expense.

PURPOSE:

Airport purposes under Hawaii Revised Statutes, Section 261-7.

CHAPTER 343, HRS – ENVIRONMENTAL REQUIREMENTS:

Finding of Suitability to Transfer (FOST), dated May 1999, was prepared by the
Department of the Navy as this parcel became available through the Base Realignment
and Closure Program (BRAC) and transferred under Section 120 (h) of the
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

REMARKS:

On May 25, 2000, by Quitclaim Deed filed in the Bureau of Conveyances, as Document
No. 2000-072879, the United States of America, by and through the Department of the
Navy, conveyed to the STATE OF HAWAII, by and through the Department of
Transportation, in fee simple, 11.344 acres of land designated as a portion of Tract D,
being a portion of Kapalama Military Reservation, Honolulu, Hawaii, Island of Oahu,
State of Hawaii, including buildings and improvements erected thereon, as said property.
On June 6, 2000, the Department of Transportation transmitted a memorandum requesting an Executive Order for the subject 11.344 acres. In response to an April 4, 2001 status inquiry to the Board of Land and Natural Resources, the Department of Transportation was informed by memorandum dated April 20, 2001 from the Board of Land and Natural Resources stating that this parcel was ceded land and that staff would not be processing the request at this time. On March 17, 2003, the Department of Transportation transmitted a follow-up request for the issuance of an Executive Order for the 11.344 acres. No further action was taken. Due to the amount of time since the initial June 6, 2000 request, we request to rescind our initial submittal and proceed with the issuance of an Executive Order under this submittal.

RECOMMENDATION:

That the Board:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the Department of Transportation, Airports Division for airport purposes 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 of 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. Authorize the issuance of an immediate right-of-entry to the DOTA, for the purposes of control and management, 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;

   B. The right-of-entry shall commence upon Board approval and expire upon the issuance of the subject executive order; and
C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

[Signature]

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

APPROVED FOR SUBMITTAL:

[Signature]

WILLIAM J. AILA, JR.
Chairperson and Member