

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

September 12, 2014

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

PSF 14OD-154

Oahu

Issuance of Direct Lease and Immediate Right-of-Entry to the City and County of Honolulu for Temporary Mobile Access to Services and Housing (TMASH) for Housing First Transition Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:Portions of 130 and 334, together with rights of access and utility easements.

APPLICANT:

City and County of Honolulu, Department of Emergency Management (“City” or “Applicant”).

LEGAL REFERENCE:

Section 171-11, 55, and 95(a) Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: Portion of 334 (“Parcel 1”), comprising approximately 4.792 acres, as shown on the attached map labeled **Exhibit A**, together with rights of access and utility easements over TMK (1) 1-5-041:Portion of 130 (“Parcel 5”) (the “TMASH Site”).

AREA:

Approximately 4.792 acres, as shown on the attached map labeled **Exhibit A**, together with rights of access and utility easements.

ZONING:

State Land Use District: Urban

City and County of Honolulu CZO: P-2 (TMASH is a Public Use)

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act, and PL 88-233, i.e. non-ceded and ceded respectively.

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

CURRENT USE STATUS:

Governor's Executive Order No. 4170 setting aside 33.024 acres to Department of Transportation ("DOT") for maritime purposes. The proposed TMASH Site is not currently being used by DOT.

PURPOSE:

Temporary Mobile Access to Services and Housing (TMASH). A temporary triage for services and housing to determine the needs of homeless individuals / families based on their circumstances. The City's on-site contract service providers will assess and evaluate the vulnerability of homeless individuals / families to prepare for Housing First placement, while providing them with temporary shelter.

TERM:

Three (3) years. The City will have the right to early termination of the Term, upon its determination that its TMASH operation is concluded and no longer needed on the subject site.

RENT

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CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.". See **Exhibit B**.

APPLICANT REQUIREMENTS:

The Applicant shall work with the Department to provide map and legal description of the requested parcel.

REMARKS:

Governor's Executive Order No. ("EO") 4170 was issued to the Department of Transportation ("DOT") in August 2006 for maritime purposes. EO 4170 encumbers State lands, consisting of Parcels 1 to 6 (inclusive), as depicted on **Exhibit A**.

By a memo dated August 15, 2013, DOT requested cooperation from the Department in the withdrawal of five of the six parcels, excluding Parcel 2 [and its access right over Parcel 5], from EO 4170. Parcel 2 will continue to be used by DOT's lessee. The TMASH site is a portion of Parcel 1.

Land Division staff conducted an inspection of the five parcels around November 2013. The TMASH site is not being used by the DOT and is not required for DOT purposes.

Recently, the City approached the State and requested the use of a portion of Parcel 1¹ for TMASH. The City plans to transport homeless individuals and families on Oahu to the TMASH Site for temporary shelter and assessment purposes, in order to prepare for Housing First placement, while social service providers provide on-site services to the homeless individuals and families. City anticipates the use of the area will last between 18 and 36 months.

Pursuant to the discussions held among the City, DOT, the Department of the Attorney General ("AG"), and the Department, it was agreed that the withdrawal request from DOT will be brought to the Board at a later date. The Department will recommend that the Board issue an immediate right-of-entry to the City for the TMASH purposes. It is understood by the parties that the property is being provided to the City in an unimproved condition. The Department also understands that the City does not intend to erect any permanent structures on the property. The City will be required to comply with all applicable federal, state, and county laws, regulations or consent decrees in making any changes to the condition of the property in connection with this project.

Prior to the issuance of the lease, an immediate right-of-entry will be issued to the City.

Other than the agencies involved in the transfer and the disposition, the Division did not solicit comments from other agencies.

¹ On January 10, 2014, item D-11, the Board approved-in-principle the issuance of a direct lease to the University of Hawaii for educational purposes. A right-of-entry was also issued to UH over about 2 acres, more or less, of Parcel 1 under EO 4170, for due diligence purposes. The City is aware of the UH's request and is amenable to work with UH on final configuration of the respective areas. Current estimate of the City's requested area is about 4.792 acres, more or less.

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. Authorize the issuance of a direct lease to City and County of Honolulu covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current direct lease document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. 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:



William J. Aila, Jr., Chairperson

EXEMPTION NOTIFICATION

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


Project Title: Issuance of Direct Lease
 Project / Reference No.: PSF 14OD-154
 Project Location: Sand Island, Honolulu, Oahu, TMK (1) 1-5-041: portions of 130 and 334
 .Project Description: Temporary Mobile Access to Services and Housing (TMASH) for Housing First Transition Purposes
 Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The transition area proposed by the City mainly comprises tent and associated temporary sanitary facilities. The City is responsible to dispose of trash and sewage strictly following any legal requirements for such disposal. There will be minimal alteration in the conditions of land, water, and vegetation. As such staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing, which is basically a vegetated area.

Consulted Parties: Agencies as noted in the submittal.

Recommendation: It is recommended that the Board find that 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.




 William J. Aila Jr., Chairperson
 Date 8/28/14 

EXHIBIT B