

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

September 25, 2015

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

PSF 99OD-250

OAHU

Authorize the Issuance of a Direct Lease to University of Hawaii for Educational Purposes; Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Boat Launching Facility Purposes; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portions of 006, 130 and 334.

APPLICANT:

University of Hawaii ("UH"); and

Department of Land and Natural Resources, Division of Boating and Ocean Recreation ("DOBOR").

LEGAL REFERENCE:

Section 171-11, 53, and 95 Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portions of 006, 130, and 334, as shown on the map attached as **Exhibit A**.

AREA:

Lease

7.675 acres, together with easements for access (92,517 square feet) and floating dock (64,602 square feet), more or less; and

Set Aside

Both the set aside area and access easement will be determined by the DAGS, Survey Division.

The map attached as **Exhibit B** provides a general layout of the area. The UH's request pertains to the UH-METC (blue area) and UH-SOEST (yellow area) sites, together with an easement over the submerged land (white-hatched area) and access easement (green-hatched area). DOBOR'S area is outlined in red as shown on Exhibit B. For the Board's reference, City and County of Honolulu has obtained approval from the Board to utilize its section shown on Exhibit B regarding the homeless program.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: P-2

TRUST LAND STATUS:

Parcel 6 : PL 88-233 i.e. ceded  
Parcel 130 & 334 : Section 5(a) lands of the Hawaii Admission Act, i.e. non-ceded

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

CURRENT USE STATUS:

The METC and DOBOR areas shown on Exhibit B are portions of the Governor's Executive Order No. 2704 dated October 17, 1974 setting aside to the Department of Land and Natural Resources, Division of State Parks for Sand Island State Recreational Area purposes; and

The SOEST area shown on Exhibit B was previously a portion of the Governor's Executive Order No. 4170, which has been withdrawn pursuant to Governor's Executive Order No. 4485, i.e. the area is presently unencumbered.

LEASE TERM:

65 years

LEASE RENT

Gratis

CHARACTER OF USE OF LEASE:

Educational and research purposes

SET ASIDE PUBLIC PURPOSES:

Boat Launching Facilities

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the UH's project was published in the OEQC's Environmental Notice on August 8, 2015 with a finding of no significant impact (FONSI).

Final EIS of the boat launching facility was published on April 23, 1992

APPLICANT REQUIREMENTS:

None. UH provided the survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

In early 1990s, the Department of Business, Economic Development and Tourism ("DBEDT") was tasked with implementing the Honolulu Waterfront Master Plan. Part of the plan included the construction of a facility for marine education and training ("METC") and a floating dock. Due to multiple changes in the plan for the proposed UH facility over the past years, the lease for the METC previously authorized by the Board was never consummated.

Nevertheless, the adjacent boat launching facility was completed and is being used by the public as part of the DBEDT project. Finalizing the documentation for the set-aside the launching facility to the Division of Boating and Ocean Recreation is in order. Staff brings both requests to the Board for consideration under today's agenda.

UH - Lease

Recently, it was determined that the existing pier facility operated by the School of Ocean and Earth Science ("SOEST") of UH would need to be relocated in the Honolulu Harbor to facilitate the future development of the Honolulu Harbor planned by the Department of Transportation ("DOT"). Staff understands there is an agreement between UH and DOT regarding the relocation. However, the small vessel operation of SOEST has to secure a separate location to continue the programs. Therefore, UH requests an area adjacent to the METC to continue the small vessel operation of SOEST.

On January 10, 2014, under agenda item D-11, the Board approved in principle the issuance of a direct lease to UH for educational purposes over both the METC and SOEST areas. UH was also authorized, through a 24-month right-of-entry permit pursuant to the 2014 Board approval, to conduct an environmental assessment for its project. As noted above, the Final Environmental Assessment and the Findings of No Significant Impact for the UH's project was published on August 8, 2015 on the Environmental Notice.

In addition to the parcel to be utilized for METC and SOEST programs, a non-exclusive easement (green-hatched area) over portions of the State recreation area and the boat launching facilities is required to provide the access to UH's leased premises.

Further, UH is reminded, upon approval of today's request, to obtain resolution regarding the non-exclusive easement over the floating dock area pursuant to 171-53 (c), HRS at the next available legislative session.

Staff did not approach other agencies for comment on the request as solicitation of comments from agencies was conducted during the environmental assessment stage.

DOBOR – Set Aside

Staff also requests the Board recommend the issuance of an executive order for the public boat launching facility to the Division of Boating and Ocean Recreation of the Department, together with portion of the access easement over the existing Sand Island State Recreation Area.

There are no other pertinent issues or concerns and staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing the METC and the DOBOR areas as shown on Exhibit B from the Governor's Executive Order No. 2704 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.
2. Approve the issuance of a 65-year direct lease to the University of Hawaii over the subject METC and SOEST areas together with the access and floating dock easements shown on Exhibit B for educational and research 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 direct lease 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. Approve of and recommend to the Governor issuance of an executive order setting aside the DOBOR area as shown on Exhibit B to Department of Land and Natural Resources, Division of Boating and Ocean Recreation for boat launching facility purposes under the terms and condition cited above, where are by this reference incorporated herein 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.

Respectfully Submitted,



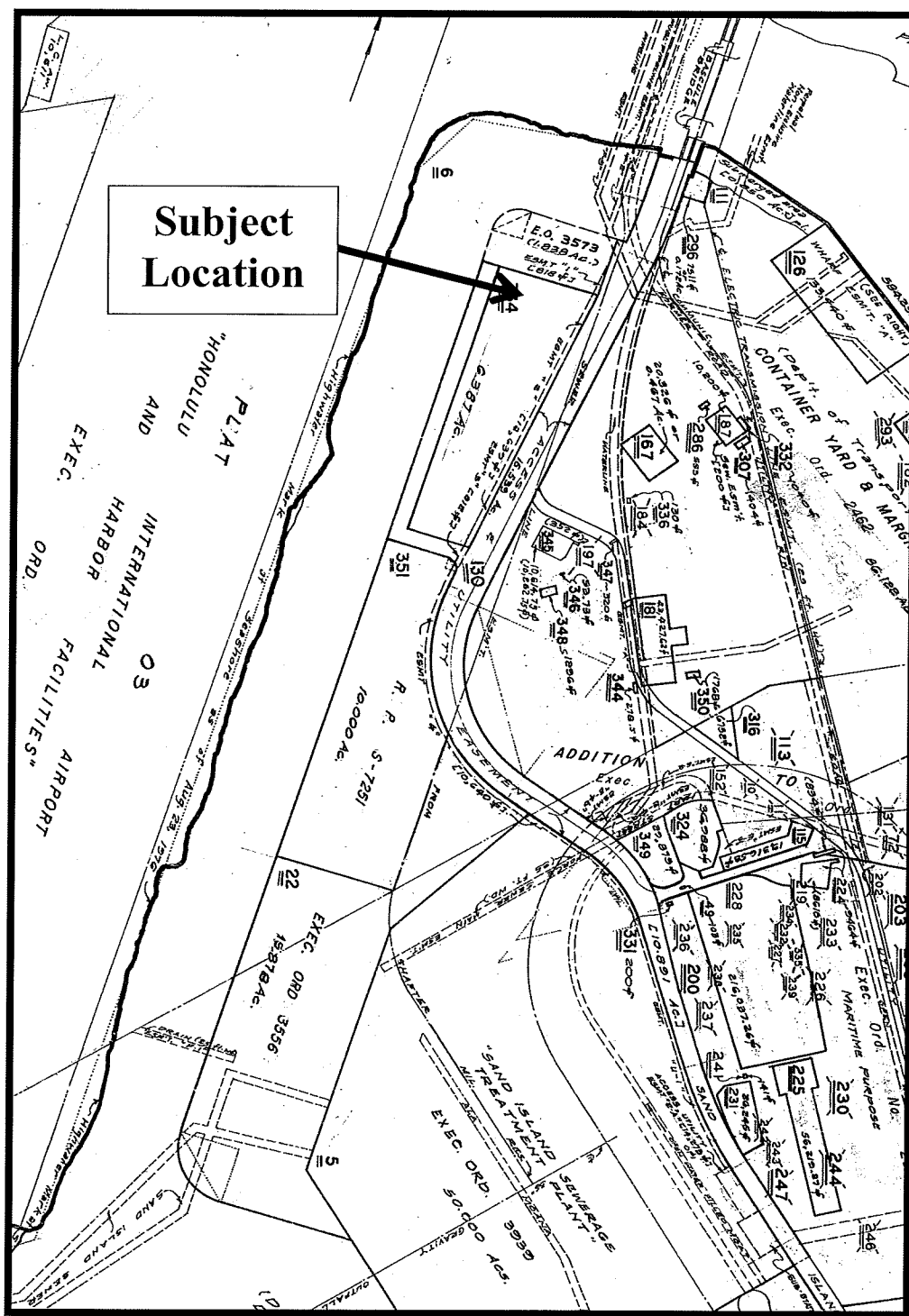
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



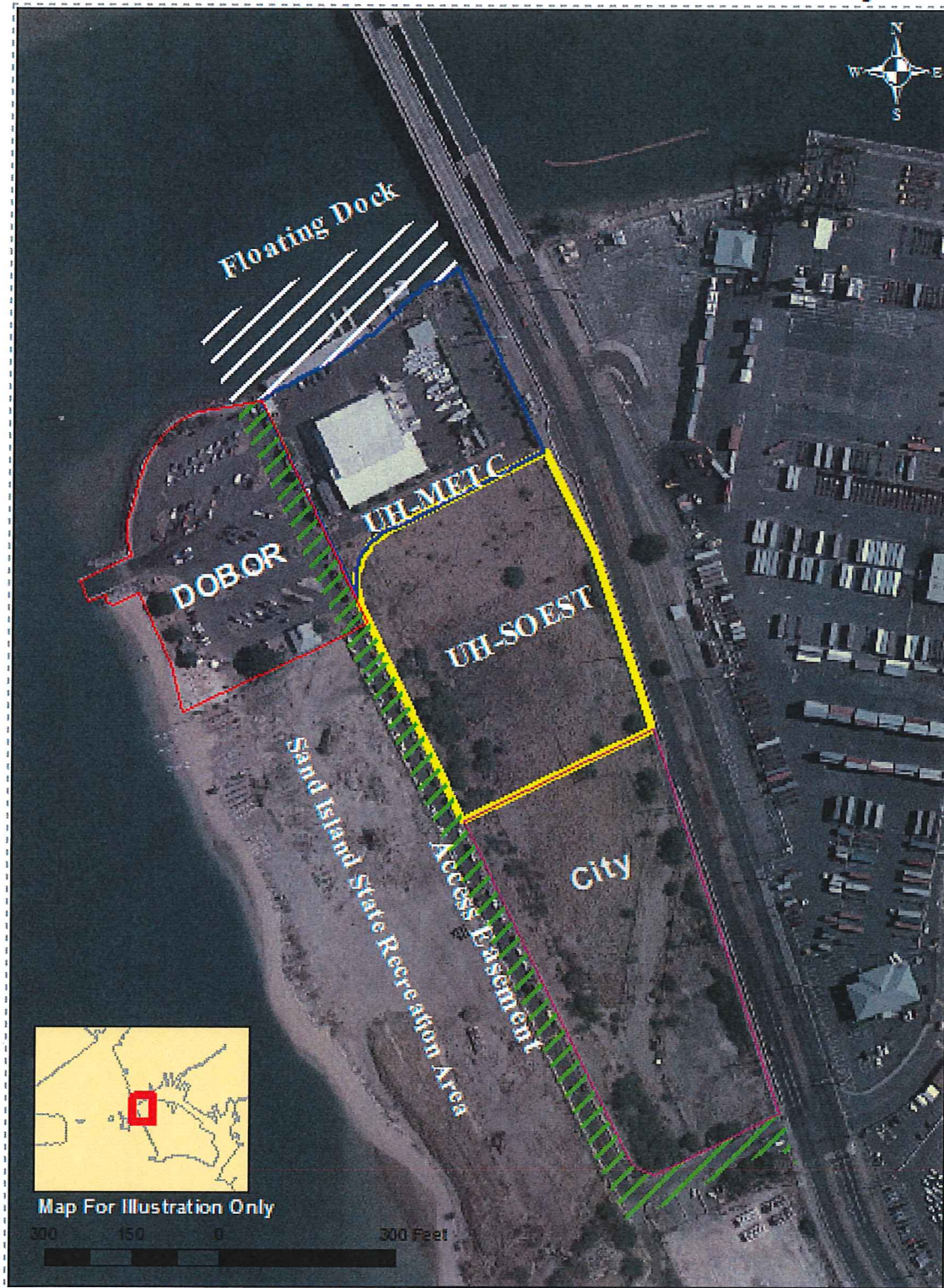


TMK (1) 1-5-041:portions of 006, 130, and 334  
Source: Tax Map

EXHIBIT A



## University of Hawaii - Sand Island Facility



**EXHIBIT B**