

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

November 13, 2015

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

PSF No.: 15OD-187

Oahu

Set Aside to City and County of Honolulu for Addition to Sewage Treatment Plant Site, Public Health, and Ancillary Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portion of 022.

APPLICANT:

City and County of Honolulu ("City").

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, identified by Tax Map Key: (1) 1-5-41:portion of 022, as shown on the attached map labeled **Exhibit A1** and **A2**.

AREA:

Lot E-2: 7.949 acres, more or less.
Lot E-3: 6.000 acres, more or less.

ZONING:

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

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:

Unencumbered.

PURPOSE:

Addition to Sewage Treatment Plant Site, Public Health, and Ancillary Purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 43 (**Exhibit B**).

APPLICANT REQUIREMENTS:

None

REMARKS:

The requested parcels, Lots E-2 and E-3, were previously set aside to the Department of Transportation ("DOT") for maritime purposes under Governor's Executive Order No. ("EO") 4170. Upon recent request by DOT, the subject location was withdrawn from EO 4170 pursuant to EO 4485. The subject location is presently unencumbered.

The City is requesting setting aside Lots E-2 and E-3 as an addition to the existing wastewater treatment facility located adjacent to these lots pursuant to EO 3939, if the Environmental Protection Agency requires the City to construct the secondary phase of treatment facility by 2035 pursuant to deadlines in the 2010 First Amended Consent Decree. To maintain the project schedule for secondary wastewater treatment upgrades, the City is seeking to identify and secure agreements on the set aside by March 2016. The City considers Lot E-2 and E-3 to be the minimum essential land to accommodate these mandated upgrades.

By its letter dated June 7, 2006 (**Exhibit C**), DOT agreed to a withdrawal of Lots E-2 and E-3 if the City would need such land to comply with the mandates imposed by the Environmental Protection Agency. The 2006 DOT's agreement indicates DOT would have no objection to the subject request.

There are no other pertinent issues or concerns and staff does not have any objection to the request.

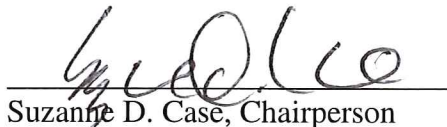
RECOMMENDATION: That the Board:

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 the issuance of an executive order setting aside the subject lands to City and County of Honolulu 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,

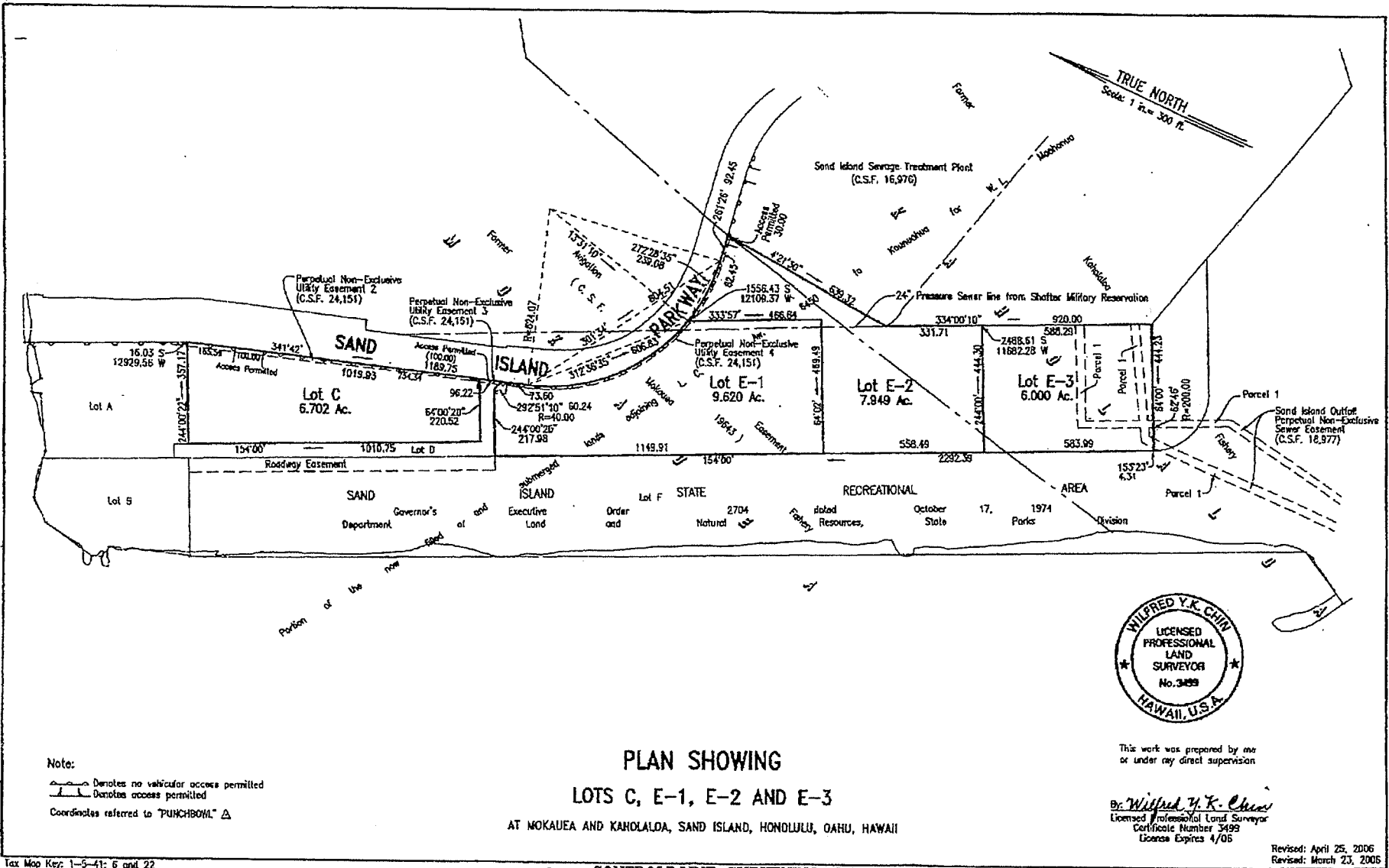

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson







Tax Map Key: 1-5-41: 6 and 22
Job No. 05212



CONTROLPOINT SURVEYING, INC.
1160 SOUTH KING STREET, ROOM 102
HONOLULU, HAWAII 96814

11" x 17"

EXHIBIT "A2"

EXEMPTION NOTIFICATION

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

Project Title: Setting aside State Lands for Addition to Wastewater Treatment Plant Purposes.

Project / Reference No.: PSF 15OD-187

Project Location: Sand Island, Honolulu, Oahu; Tax Map Key: (1) 1-5-041:portion of 022.

Project Description: Set aside for addition to wastewater treatment plant purposes

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 43 that states "transfer of management authority over state-owned land, such as setting aside for state lands to or from other government agencies through a Governor's executive order".

Since the request is pertaining to setting aside State lands by a Governor's executive order, the subject request is therefore exempt from the preparation of an environmental assessment.

Consulted Parties City and County of Honolulu.

Recommendation: That the Board find 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.


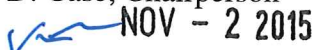

Suzanne D. Case, Chairperson
Date:  NOV - 2 2015

EXHIBIT B

LINDA LINGLE
GOVERNOR



RODNEY K. HARAGA
DIRECTOR

Deputy Directors
FRANCIS PAUL KEENO
BARRY FUKUNAGA
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

RECEIVED

'06 JUN 27 P12:21
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
HHP 8806.06

WASTEWATER TREATMENT
& STORMWATER SERVICES
DIVISION

June 15, 2006

Dr. Eric S. Takamura, P.E.
Director
Department of Environmental Services
650 South King Street, 11th Floor
Honolulu, Hawaii 96813

Dear Director Takamura:

Subject: Board of Land and Natural Resources (BLNR) Action Dated
July 22, 2005 Regarding Set Aside to the Department of
Transportation, Harbors Division, for Maritime Purposes and
Issuance of a Management Right-of-Entry, Sand Island,
Honolulu, Oahu, Tax Map Key: (1) 1-5-41:22 and 334

We are currently working with the Department of Land and Natural Resources (DLNR) staff to finalize an Executive Order to implement the subject action by BLNR on July 22, 2005. Before the E.O. is finalized, DLNR has requested that we address the issue of additional land for future secondary treatment expansion at the Sand Island Wastewater Treatment Plant (WWTP). This letter agreement is being submitted for your signature to address DLNR's request.

On August 2, 2005, the BLNR issued a Memorandum informing the Department of Transportation, Harbors Division (DOT-H), of its approval of the above-referenced action, subject to certain amendments. See Exhibit A. Amendment 5 states that the "DOT shall work with the City and County of Honolulu ("City") and accommodate their needs within the subject property for the expansion of their adjacent wastewater and stormwater treatment facilities. The purpose of the Executive Order shall be expanded to include the wastewater and stormwater treatment."

It is our understanding that the DLNR staff interprets this amendment to permit the Executive Order to be issued solely to the DOT for maritime purposes, but that the BLNR has made a provision for the City to obtain Right-of-Entry Permits on portions of the set aside area from the DLNR to accommodation for the City's needs to continue expansion projects on its existing wastewater and stormwater treatment facilities. The DOT-H understands this interpretation to mean that only the DLNR may negotiate and issue temporary rights-of-entry to the City for such expansion projects and activities unrelated

EXHIBIT "c"

Dr. Eric S. Takamura, P.E.

June 7, 2006

Page 2

HHP 8806.06

to the set aside purpose or the scope of DOT's mission subject to approval of the terms and conditions by DOT as the holder of the Executive Order.

The issue regarding the City's future long-term needs for a possible secondary treatment facility is not addressed by this action. However, the DOT wishes to establish an understanding that should the City, through its Department of Environmental Services, ever require the parcels identified on the attached map as Lots E-2 and E-3 to fulfill federal mandates to construct a secondary wastewater treatment facility, the DOT agrees to a withdrawal of said parcels from the anticipated Executive Order so the DLNR can issue a disposition to the City.¹

Should you agree with this understanding, the DOT-H will submit this executed letter agreement to the BLNR to clarify the position of the parties for the record. Thank you for your cooperation and assistance. Please indicate your agreement by signing and returning a copy of this letter.


Should you have any questions, please call me at 587-3651.

Very truly yours,


BARRY FUKUNAGA
Harbors Deputy Director

C: Board of Land and Natural Resources
Land Management Division – DLNR

AGREED:



By:

Title: Director

Department of Environmental Services

Date: July 12, 2006

¹ On July 22, 2005, the BLNR approved a set aside and management right-of-entry of the subject parcels to the DOT-H subject to certain conditions; the primary condition being the requirement that the DOT-H obtain a County subdivision approval of the parcels. The DOT-H subsequently requested that the BLNR waive the County subdivision requirement due to the governmental use of the property and the statutory exemptions contained in Chapter 266, HRS, empowering the DOT-H with authorization to plan, construct, operate, and maintain any commercial harbor facility in the State without the approval of county agencies. The BLNR will consider the request for waiver of the County subdivision requirement at its upcoming meeting on June 23, 2006.