

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

December 11, 2015

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

PSF No.: 14OD-036

OAHU

Request to Amend Prior Board Action of February 14, 2014, (Item D-16), Cancellation of Governor's Executive Order No. 172 and 784 and Reset Aside to Department of Human Services for Hawaii Youth Correction Facility, Kailua, Koolauoko, Oahu, Tax Map Key: (1) 4-2-006:002 and (1) 4-2-009:006.

The purpose of the amendment is to include Governor's Executive Order No. 357 and 1692 into the cancellation and reset aside.

BACKGROUND:

On February 14, 2014, under agenda item D-16, the Board, for housekeeping purposes, approved of the cancellations of Governor's Executive Order No. ("EO") 172 and 784 and reset aside the same lands to the Department of Human Services for the Hawaii Youth Correction Facility. A copy of the approved Board submittal is attached as **Exhibit 1**.

The map at Exhibit A of the 2014 submittal inadvertently misrepresented that the facility was encumbered by EO 172 only. In fact, the entire facility was also encumbered by EOs 357 and 1692. Staff missed citing the reference to EOs 357 and 1692 in the 2014 submittal. **Exhibit 2** herein is a map that delineates the respective locations of EOs 172, 357, and 1692 over (1) 4-2-006:002, noting that the overall boundary and acreages of the facility remain unchanged.

Staff recommends that the Board amend its February 14, 2014 approval to include EOs 357 and 1692 as the subject lands as described in the 2014 submittal, and revise the recommendation accordingly.

RECOMMENDATION: That the Board:

- A. Amend its prior Board action of February 14, 2014 under agenda item D-16 by replacing the entire Recommendation 2 with the following:
  - "2. Approve of and recommend to the Governor issuance of an executive order cancelling Governor's Executive Orders No. 172, 357, 784 and 1692 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 interest of the State.”
- B. All terms and conditions listed in its February 14, 2014 approval to remain the same.

Respectfully Submitted,



Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

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

February 14, 2014

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

OAHU

Cancellation of Governor's Executive Order No. 172 and 784 and Reset Aside to  
Department of Human Services for Hawaii Youth Correctional Facility, Kailua,  
Koolaupoko, Oahu, Tax Map Key: (1) 4-2-006:002 and (1) 4-2-009:006.

APPLICANT:

Department of Human Services

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kailua, Koolaupoko, Oahu, identified by Tax Map  
Key: (1) 4-2-006:002 and (1) 4-2-009:006, as shown on the map attached as **Exhibit A**.

AREA:

Parcel 2 - 437 acres; and  
Parcel 6 - 1.91 acres, more or less.

ZONING:

State Land Use District: Agriculture/Conservation  
City and County of Honolulu LUO: P-1/AG-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor's Executive Orders No. 172 and 784 setting aside to Department of Human  
Services for Girls' Industrial School purposes.

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
February 14, 2014

PURPOSE OF SET ASIDE:

Hawaii Youth Correctional Facility Purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended. See exemption notification attached as **Exhibit B**.

APPLICANT REQUIREMENTS:

None

REMARKS:

Governor's Executive Order No. ("EO") 172 was issued in 1924 to the Board of Industrial Schools for Girls' Industrial School purpose. In 1937, EO 784 covering the spring reserve and the associated pipeline easement was issued to the same agency, which served as the water supply to the facility under EO 172. Currently, Office of Youth Services ("OYS") under the Department of Human Services is the agency, pursuant to Chapter 352, HRS, responsible for the administration of the facility.

Recently, OYS wrote to the Department and requested that its executive director be allowed to reside on the premises part-time if the administrator of the youth facility is not available on the site. Pursuant to Section 352-8, HRS, the executive director of the OYS is the legal guardian of every youth committed to the facility. The request, if approved, will support a stable and safe environment at the facility.

Upon review of the request, staff believes that issuance of an EO cancelling the previous EOs due to the limited purposes stated therein and issuance of new EO to the Department of Human Services for Hawaii Youth Correctional Facility purpose will be appropriate. The requested EO, if approved, will be able to accommodate the concern of OYS regarding the residence of its executive director on the premises, because such residence pertains to the purpose of the requested EO.

Since the request is to clarify the purpose of the current usage, staff did not solicit comments from other agencies. There are no other pertinent issues or concerns. Staff recommends the Board approve 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

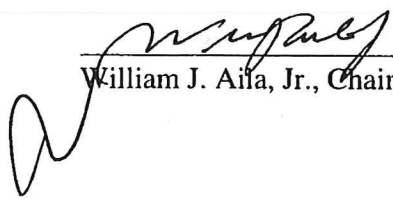


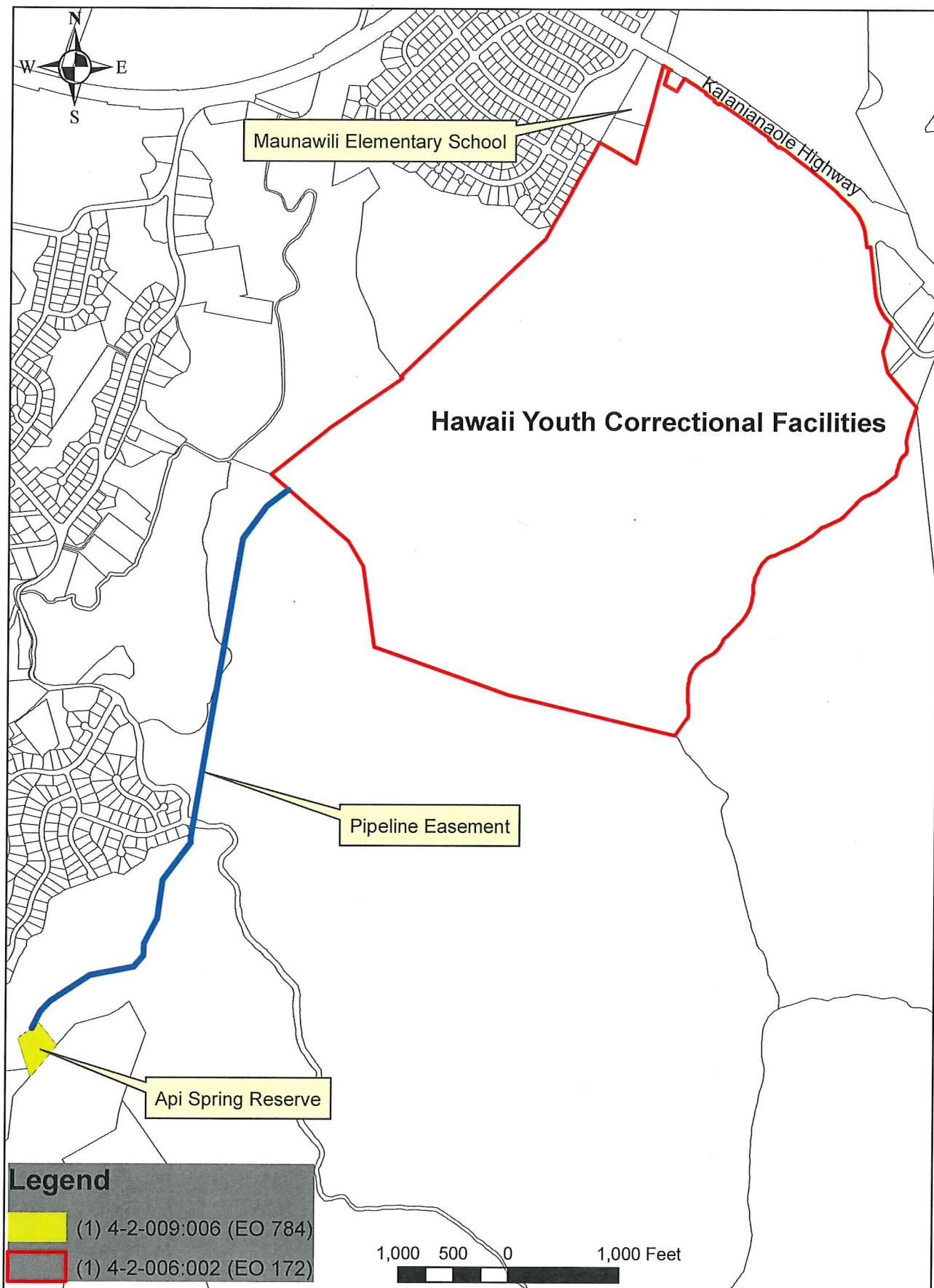
- significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Orders No. 172 and 784 and subject to the following:
    - A. The standard terms 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 Human 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,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aifa, Jr., Chairperson



**EXHIBIT A**

**EXEMPTION NOTIFICATION**

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

Project Title: Set Aside for Hawaii Youth Correctional Facility

Project / Reference No.: Not applicable

Project Location: Kailua, Koolauapoko, Oahu, TMK (1) 4-2-006:002 and 4-2-009:006

Project Description: Cancellation executive orders and reset aside the lands for Hawaii Youth Correctional Facility purpose

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

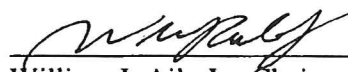
Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, 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."

This is a housekeeping request to update the public purpose in the executive orders. The public purpose proposed in the submittal follows the relevant statutes from which the Department of Human Services is operating the youth correctional program. The agency is not planning any major improvement to the facilities pursuant to this request. As such staff believes that the proposed request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Not applicable

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.



  
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William J. Aila Jr., Chairperson  
Date

**EXHIBIT B**



# Hawaii Youth Correctional Facility

