

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

August 12, 2016

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

PSF No.: 16OD-083

Oahu

Set Aside to the Department of Education for School Purposes, Issuance of Immediate Right-of-Entry; Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-009:018

APPLICANT:

Department of Education

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-009:018, as shown on the attached map labeled as **Exhibit 1**.

AREA:

124,146 square feet, more or less

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-5

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Waianae Elementary School

PURPOSE:

Public School purposes

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 43, that states "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order." (**Exhibit 2**).

REMARKS:

The Department of Education (DOE) requests the Board's approval for the issuance of an Executive Order to set aside the subject State land as an addition to the Waianae Elementary School campus. According to DOE, the subject State land has been a part of the Waianae Elementary School campus since the school opened in 1918. The subject land is surrounded on three (3) sides by a parcel of land currently owned by the City and County of Honolulu.

Staff is unaware as to why the subject State land was not previously set aside to DOE for use as the subject school campus. Staff believes that the highest and best use of the subject land is to serve public school purposes; for which it is currently being utilized. There are no known plans to change the existing school use of the subject land by the Applicant. As such, the Board's approval is requested for the setting aside of the subject State land to DOE as an addition to the subject school campus to serve public school purposes.

Office of Hawaiian Affairs, Department of Facility Maintenance, and Department of Permitting and Planning have no objections/comments to the subject request:

Department of Health, State Historic Preservation Division and the Board of Water Supply had not responded to staff's request to comment on the subject matter.

Staff also recommends the Board issue an immediate right-of-entry pending the issuance of the requested executive order. There are no other pertinent issues or concerns.

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 State land to the Department of Education 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.

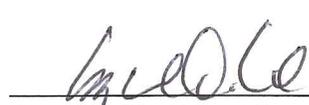
3. Authorize the issuance of a right-of-entry permit to the Department of Education covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry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

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXEMPTION NOTIFICATION

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

Project Title: Set Aside to the Department of Education and Issuance of Right-of-Entry as an Addition to the Waianae Elementary School Campus to Serve Public School Purposes

Project / Reference No.: PSF 16OD-083

Project Location: Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-009:018

Project Description: Setting Aside of State Land for Public School Purposes

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

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

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.

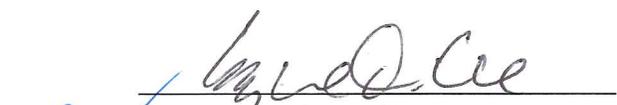

Suzanne D. Case, Chairperson
Date: 7/27/16

EXHIBIT 2