

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

October 28, 2016

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

PSF No.:02OD-431

Oahu

Acceptance of Surplus Federal Real Property located at Marine Corps Training Area Bellows, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-015:portion of 001.

LANDOWNER:

United States of America, acting by and through the Administrator of General Services (GSA).

LEGAL REFERENCE:

Public Law 88-233, Sections 107-10, and 171-30, Hawaii Revised Statutes, as amended.

LOCATION:

Parcel 5C, being a portion of land set aside by Governor's Executive Order No. 1023 dated May 12, 1943 for Addition to Bellows Field, located at Waimanalo, Koolaupoko, Oahu, further identified as tax map key (1) 4-1-015:portion of 001, as shown on the attached map labeled **Exhibit A**.

AREA:

1.596 acres, more or less.

ZONING:

State Land Use District: Urban

County of Honolulu CZO: F-1

CURRENT USE:

No federally-owned improvements. In addition to a portion of the adjoining Waimanalo

Health Center main building and a separate auxiliary building built by St. George Catholic Church are on the subject location.

CONSIDERATION:

Gratis

PLANNED PURPOSE:

Issuance of lease or revocable permit, as appropriate, to the adjoining Waimanalo Health Center and St. George Catholic Center. See further details in Remarks Section.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources concurred with 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 45, that states "acquisition of land or interests in land." See **Exhibit B**.

LANDOWNER REQUIREMENTS:

None

REMARKS:

The subject parcel is a portion of land set aside to the federal government pursuant to Governor's Executive Order No. 1023, dated May 12, 1943 for the addition to the Bellows Field. It is away from the actual training area and used as the former vehicle garage area. Since 2002, Marine Corps used it as a training buffer zone.

Adjoining the subject parcel is the Waimanalo Health Center (WHC) and St. George Catholic Center. WHC is leasing the current premises from the Board under a direct lease [GL6056] for community service purposes. Portion of the WHC main building and a separate auxiliary building are found encroaching on Parcel 5C. A storage shed built by the church is also found encroaching in Parcel 5C.

Pursuant to the Final Environmental Condition of Property (FECp) prepared for the Department of Navy in August 2015, the subject parcel is reported to be suitable for transfer under Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) an all remedial action necessary to protect human health and the environmental has been taken by the Marine Corps. A copy of the FECp is filed with the Division. For the Board's reference, a copy of the draft quitclaim deed prepared by GSA is also attached as **Exhibit C**.

Both WHC and the church have approached the Division inquiring the future disposition of Parcel 5C. Staff will bring the request(s), if appropriate, to the Board at a later date for consideration.

Department of Hawaiian Home Lands was requested for comment on the subject request. At the time of finalizing this submittal, staff did not receive any response yet. There are no other pertinent issues or concerns, and staff recommends the Board authorized the acceptance of Parcel 5C from the federal government.

RECOMMENDATION: That the Board:

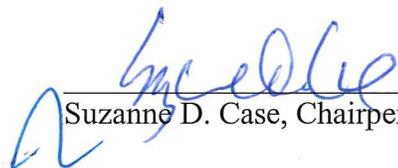
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the acceptance, from United States of America, acting by and through the Administrator of General Services of Parcel 5C subject to the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:
 - A. Review and approval by the Department of the Attorney General;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

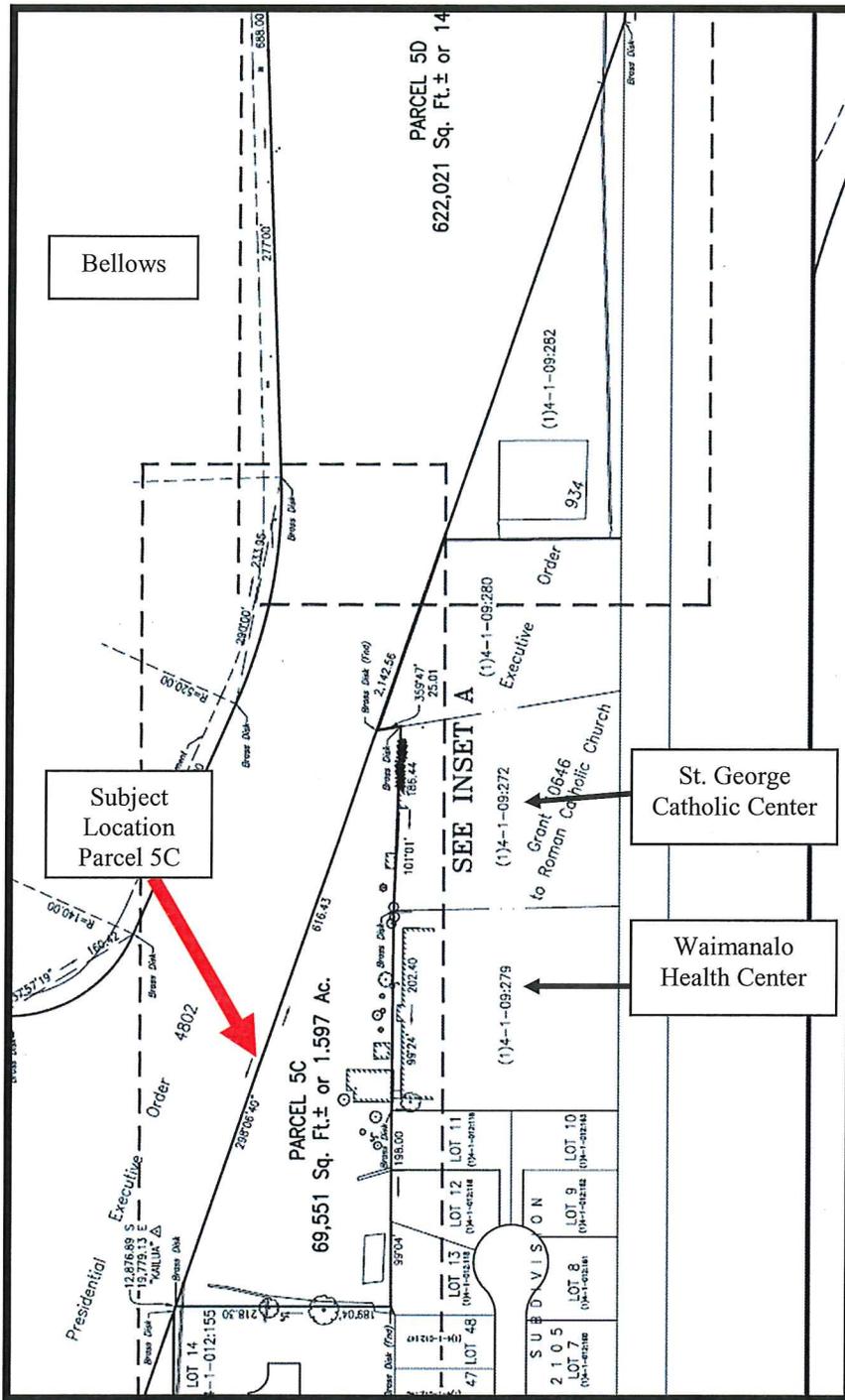


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK (1) 4-1-015:Portion of 001

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Acceptance of Surplus Federal Real Property at Bellows, Waimanalo.

Project / Reference No.: 02OD-431

Project Location: Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-015:portion of 001.

Project Description: Acceptance of surplus Federal real property.

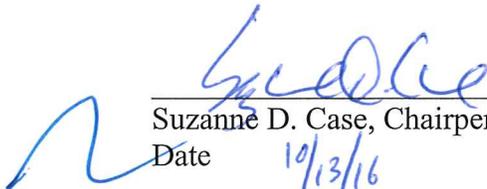
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources concurred with 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 45, that states "acquisition of land or interests in land."

The subject request pertains to acceptance of surplus Federal real property. Subsequent issuance of land disposition, if approved by the Board to the adjoining State lessee and the church will be handled at a later date. Therefore, staff believes the subject request has no significant effect on the environment.

Consulted Parties: Agencies as noted in the submittal.

Recommendation: That the Board finds 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

10/13/16

EXHIBIT B

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by Mail (X)

Pick Up ()

Parcel 5C
Marine Corps Training Area Bellows
Waimanalo, Oahu, Hawaii
GSA Control No. 9-N-HI-0574-AE

Department of Land and Natural Resources
Attn: Barry Cheung
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96809-0621

Portion of Governor's Executive Order 1023

Total Pages: 9

QUITCLAIM DEED

EXHIBIT " c "

QUITCLAIM DEED

**PARCEL 5C
MARINE CORPS TRAINING AREA BELLOWS
WAIMANALO, OAHU, HAWAII
GSA CONTROL NO.: 9-N-HI-0574-AE**

THIS INDENTURE, made this _____ day of _____, 2016, between the UNITED STATES OF AMERICA, acting by and through the Administrator of General Services, under and pursuant to the powers and authority contained in the provisions of Title 40, U.S. Code, Chapter 5, *et. seq.*, as amended, and applicable orders and regulations promulgated thereunder, and more particularly Public Law 88-233 (77 Stat. 472), approved December 23, 1963 (hereinafter referred to as "GRANTOR"); and the DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII (hereinafter referred to as "GRANTEE").

WITNESSETH, that the said GRANTOR, for valuable consideration, the receipt of which is hereby acknowledged, and by these presents does remise, release and quitclaim unto the said GRANTEE, its successors and assigns all of its right, title, and interest in that certain real property, situated in Waimanalo, Koolau-poko, Island of Oahu, State of Hawaii, known as Parcel 5C, being a portion of addition to Bellows Field, Parcel 1, Governor's Executive Order 1023, dated May 12, 1943, and described on the attached Exhibit "A" (hereinafter referred to as "PROPERTY").

WHEREAS, there are existing structures constructed by adjoining landowners that are known to encroach onto GRANTOR's PROPERTY.

WHEREAS, GRANTOR desires to convey the PROPERTY to GRANTEE and GRANTEE desires to accept the PROPERTY subject to the terms and agreements of this Indenture.

NOW, THEREFORE, subject to the covenants, conditions, restrictions and reservations set forth below, the GRANTOR in consideration of the covenants, conditions, restrictions and reservations does hereby remise, release and quitclaim unto the said GRANTEE, its successors and assigns all of its right, title, and interest to the PROPERTY.

THE CONVEYANCE IS SUBJECT TO THE FOLLOWING:

PROPERTY. The conveyance of the PROPERTY is subject to all of the covenants, conditions, restrictions and reservations provided in this Indenture.

CONDITION OF PROPERTY. The PROPERTY is conveyed "As Is" and "Where Is" without representation, warranty or guaranty as to quantity, quality, title, character, condition, size or kind, or that the same is in condition or fit to be used for the purpose for which intended, and no claim for any allowance or deduction upon such grounds will be considered after the conveyance.

THIS CONVEYANCE IS MADE SUBJECT TO ALL covenants, easements, reservations and encumbrances, whether or not of record, and any facts which a physical inspection or accurate survey of the premises may disclose. Failure of GRANTOR or his successor to insist in any one or more instances upon complete performance of any of the covenants or conditions of this indenture will not be construed as a waiver or a relinquishment of the future performance of such covenants or conditions, but the obligations of the GRANTEE, its successors and assigns, with respect to such future performance shall continue in full force and effect.

HAZARDOUS SUBSTANCE ACTIVITY NOTICE, COVENANT AND ACCESS. Pursuant to 40 CFR 373.2 and Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA)(42 U.S.C. §9620(h)(3)(A)(i)), and based upon a complete search of

agency files, GRANTOR gives notice that the attached Exhibit "B" provides an index of environmental conditions and investigative and cleanup actions taken with respect to the PROPERTY, and that the attached Exhibit "C" contains the hazardous substance notification including tables with (to the extent such information is available): (1) the type and quantity of hazardous substances that were known to have been released or disposed of or stored for one year or more on the PROPERTY; (2) the time such storage, release or disposal took place; and (3) a description of the remedial action taken, if any. The attached Exhibit "D" contains an excerpt from the ECP which describes notifications, covenants, restrictions, and/or land use controls regarding environmental conditions applicable to conveyance of the PROPERTY in this Quitclaim Deed.

In accordance with CERCLA Section 120(h)(A)(ii), GRANTOR hereby warrants to the GRANTEE that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the PROPERTY has been taken prior to the date of this conveyance. GRANTOR warrants that it shall conduct any additional remedial actions found to be necessary after the date of this conveyance regarding hazardous substances remaining on the PROPERTY as of the date of this conveyance.

(1) This covenant shall not apply:

(a) in any case in which GRANTEE, its successor(s) or assign(s), or any successor in interest to the PROPERTY or part thereof is a Potentially Responsible Party (PRP) with respect to the PROPERTY immediately prior to the date of this conveyance; OR

(b) to the extent that such additional response action or part thereof found to be necessary is the result of an act or failure to act of the GRANTEE, its successor(s) or assign(s), or any party in possession after the date of this conveyance that either:

(i) results in a release or threatened release of a hazardous substance that was not located on the PROPERTY on the date of this conveyance; OR

(ii) causes or exacerbates the release or threatened release of a hazardous substance the existence and location of which was known and identified to the applicable regulatory authority as of the date of this conveyance.

(2) In the event GRANTEE, its successor(s) or assign(s), seeks to have GRANTOR conduct any additional response action, and, as a condition precedent to GRANTOR incurring any additional cleanup obligation or related expenses, the GRANTEE, its successor(s) or assign(s), shall provide GRANTOR at least 45 days written notice of such a claim. In order for the 45-day period to commence, such notice must include credible evidence that:

(a) the associated contamination existed prior to the date of this conveyance; AND

(b) the need to conduct any additional response action or part thereof was not the result of any act or failure to act by the GRANTEE, its successor(s) or assign(s), or any party in possession.

GRANTOR reserves a right of access to all portions of the PROPERTY or to any adjoining properties, for purposes of environmental investigation, remediation or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to GRANTOR. These rights shall be exercisable in any case in which a remedial action, response action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, response action, or corrective action on adjoining property. Pursuant to this reservation, the United States of America, and its respective officers, agents,

employees, contractors and subcontractors shall have the right (upon reasonable advance written notice to the record title owner) to enter upon the PROPERTY and conduct investigations and surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses or remedial actions, shall be coordinated with record title owner and shall be performed in a manner that minimizes interruption with activities of authorized occupants.

COASTAL ZONE NOTICE AND COVENANT. GRANTEE is hereby advised that the PROPERTY is located within the County of Hawaii's designated Special Management Area. The purpose of this designation is to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. This designation requires special controls on development within the area along the shore line in order to avoid loss of valuable resources, and to assure that adequate public access is provided to public-owned or used natural reserves. Activities contemplated for the PROPERTY by GRANTEE, his successors and assigns are subject to any and all Federal, State and local laws, rules, and ordinances governing land use in the coastal zone of Hawaii.

NOTICE OF THE PRESENCE OF PESTICIDES. GRANTEE is notified that the PROPERTY may contain the presence of pesticides that have been applied in the management of the PROPERTY. The United States knows of no use of any registered pesticide in a manner inconsistent with its labeling, and believes that all applications were made in accordance with the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" -- 7 U.S.C. Sec. 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. Furthermore, that in accordance with CERCLA -- 42 U.S.C. Sec. 9601, et seq.), the use of such substances is not a "release" (as defined in CERCLA, 42 U.S.C. Sec. 9601 (22)), but instead the use of a consumer product in consumer use (42 U.S.C. Sec. 9601(9)), and the application of a pesticide product registered under FIFRA for which recovery for response costs is not allowed (42 U.S.C. Sec. 9607(i)).

COVENANTS RUN WITH THE LAND. The covenants, conditions and restrictions contained herein shall run with the land and shall bind and inure to the benefit of GRANTOR and GRANTEE and their respective successors and assigns.

SAID PROPERTY transferred hereby, totaling 1.596+/- fee acres of land, was duly determined to be surplus, and assigned to the General Services Administration for disposal in accordance with 40 U.S.C. 101, et. Seq., as amended, and applicable regulations, rules and orders promulgated thereunder, and.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed as of the day and year first above written.

**UNITED STATES OF AMERICA
Acting by and through the
ADMINISTRATOR OF GENERAL SERVICES**

By: _____

David Haase
Contracting Officer
Office of Property Utilization & Disposal
U.S. General Services Administration

CERTIFICATE OF ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of)

On _____, before me, _____,
Date Name and Title of the Officer

personally appeared _____,
Name(s) of Signer (s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Public Seal)

CERTIFICATE OF ACCEPTANCE

GRANTEE, through its authorized representative, hereby accepts title to the conveyed PROPERTY and accepts and agrees to all of the terms, conditions, and restrictions contained in the QUITCLAIM DEED set forth above. Executed on behalf of the GRANTEE this _____ day of _____, 2016, at _____ County.

**DEPARTMENT OF LAND AND NATURAL
RESOURCES, STATE OF HAWAII**

By: _____

ATTEST

By: _____

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PORTION OF ADDITION TO BELLOWS FIELD, PARCEL 1,

GOVERNOR'S EXECUTIVE ORDER 1023,

DATED MAY 12, 1943

AT WAIMANALO, KOOLAUPOKO, OAHU, HAWAII

Beginning at the Northwest corner of this parcel of land, being also the Northeast corner of Lot 146 of Waimanalo Village Subdivision, Section "A" (File Plan 1552), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 12,876.89 feet south and 19,779.12 feet east, and thence running azimuths measured clockwise from true South:

1.	298° 06' 40"	616.43	feet along Parcel 5D of Bellows Air Force Station, being a portion of Tract 1, Presidential Executive Order 4802;
2.	359° 47'	25.01	feet along Tract 2, Governor's Executive Order 934;
3.	101° 01'	186.44	feet along Grant 10645 to the Roman Catholic Church in the Territory of Hawaii;
4.	99° 24'	202.40	feet along Governor's Executive Order 1140, Waimanalo School Annex, same being also a portion of Government (Crown) Land of Waimanalo;
5.	99° 04'	198.00	feet along Lot 146 of Waimanalo Village Subdivision, Section "A" (F.P. 1552);
6.	189° 04'	218.30	feet along Lot 146 of Waimanalo Village Subdivision, Section "A" (F.P. 1552) to the point of beginning and containing an area of 1.596 Acres.

EXHIBIT "B"

LISTING OF ENVIRONMENTAL DOCUMENTS

Department of the Air Force. 1996. Environmental Baseline for Training Lands, Bellows Air Force Station, Waimanalo, Hawaii. Prepared by Headquarters Air Force Center for Environmental Excellence, February 1996.

Department of the Air Force. 1996. Final Environmental Baseline Survey, Proposed Declaration of Excess, Bellows Air Force Station, Oahu, Hawaii. Prepared by Wil Chee - Planning, Inc., August 1996

Department of the Air Force. 1997. Final Closure Document to Support No Further Action, IRP Site ST11, Subsite ST11A - Former Vehicle Garage Area, Bellows Air Force Station, Oahu, Hawaii. Prepared by Environmental Services - Pacific, Aiea, Hawaii, June 1997.

Department of the Air Force. 1997. Final Streamlined Risk Evaluation and Closure Document Letter Report Volumes I of III, Excess Land EE/CA, Bellows Air Force Station, Oahu, Hawaii. Prepared by EA Engineering, Science, and Technology, Inc., August 1997.

Department of the Air Force. 1997. Final Streamlined Risk Evaluation and Closure Document Letter Report Volumes II of III, Excess Land EE/CA, Bellows Air Force Station, Oahu, Hawaii. Prepared by EA Engineering, Science, and Technology, Inc., August 1997.

Department of the Air Force. 1998. Final Streamlined Risk Evaluation and Closure Document Letter Report Volumes III of III, Excess Land EE/CA, Bellows Air Force Station, Oahu, Hawaii. Prepared by EA Engineering, Science, and Technology, Inc., October 1998.

Department of the Air Force. 2000. Final Closure Document to Support No Further Action, Multiple Subsites in Site ST11, Bellows Air Force Station, Oahu, Hawaii. Prepared by IT Corporation, December 2000.

U.S. Army Corps of Engineers. 2001. Phase II Environmental Baseline Survey, Declaration of Excess Property, Bellows Air Force Station, Oahu, Hawaii. Prepared by Wil Chee - Planning, Inc., July 2001.

Department of the Navy. 2014. After Action Report, Munitions and Explosives of Concern Investigation, Parcel 5C, Marine Corps Training Area Bellows, Marine Corps Base Hawaii, *Waimanalo, Oahu, Hawaii*. Prepared by USA Environmental, Inc., June 2014.

Environmental Condition of Property Option 1 for the Proposed Disposal and Transfer of Parcel 5C at the Marine Corps Training Area Bellows, Waimanalo, Oahu, Hawaii. Prepared by WCP Inc., August 2015.

EXHIBIT "C"

HAZARDOUS SUBSTANCES NOTIFICATION

A portion of the PROPERTY is located on a former United States Air Force Installation Restoration Program Subsite ST11A that comprised a former grease rack and former transformer previously located on the PROPERTY.

Although precise numbers of the amounts of these substances which were stored, treated or disposed on the PROPERTY cannot be detailed accurately, environmental studies of the PROPERTY have revealed the presence of these hazardous substances and the GRANTEE is therefore put on notice as to their existing current levels.

Site	Hazardous Substance	Estimated Quantity	Stored, Disposed of, Released	Dates of Storage, Disposal, or Release	Remedial Action Completed	Reference Documents
ST11A – Former Grease Rack	Possible TPH, lead	unknown	stored	unknown	Yes – Soil samples at the former grease rack were taken. None of the analytes in the collected samples were above the screening criteria. Concurrence on the no further action recommendation was received from Hawaii DOH in October 1997.	See reference 1 below.

Site	Hazardous Substance	Estimated Quantity	Stored, Disposed of, Released	Dates of Storage, Disposal, or Release	Remedial Action Completed	Reference Documents
ST11A – Former Transformers	Possible PCBs	unknown	stored	unknown	Yes – Soil samples at the former transformer site were taken. None of the analytes in the collected samples were above method detection limits and all of the method detection limits were below risk screening levels. Concurrence of the no further action was received from Hawaii DOH in October 1997.	See reference 1 below.

EXHIBIT "D"

MUNITIONS AND EXPLOSIVES OF CONCERN NOTIFICATION AND COVENANT

GRANTEE is hereby notified and does acknowledge that the PROPERTY was subject to a munitions and explosives of concern (MEC) investigation in November 2013. No MEC and/or materials potentially presenting an explosive hazard (MPPEH) were found during this investigation. A summary of the investigative actions related to MEC at the PROPERTY is provided in Section 5.8 of the Environmental Condition of Property Option 1 for the Proposed Disposal and Transfer of Parcel 5C at the Marine Corps Training Area Bellows, Waimanalo, Oahu, Hawaii. Prepared by WCP Inc., August 2015.

The investigations relating to MEC were performed in accordance with Department of Defense and Navy/Marine Corps guidance for munitions cleanup. The Marine Corps has determined based on investigations conducted at the PROPERTY that there is essentially no likelihood of MEC being present at the PROPERTY at levels presenting a hazard, and as such land use restrictions for MEC are not warranted. However, GRANTEE is hereby notified that detection for MEC may not be 100 percent effective, meaning there is a remote possibility that residual hazards from MEC remain at the PROPERTY.

If any suspected MEC or MPPEH items are encountered, GRANTEE shall immediately stop all operations on the PROPERTY. The suspected MEC or MPPEH items shall not be disturbed, removed, or destroyed. GRANTEE shall notify local law enforcement representatives of any discovery of MEC and/or MPPEH.