

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

June 23, 2017

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

OAHU

Withdrawal from Governor's Executive Order No. 571 to Department of Public Safety for the Territorial Penitentiary; Issuance of Right-of-Entry Permit to the City and County of Honolulu for Honolulu Authority for Rapid Transportation; Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-013: portion of 002

APPLICANT:

Department of Public Safety (DPS); and

City and County of Honolulu (City) for Honolulu Authority for Rapid Transportation (HART).

LEGAL REFERENCE:

Section 171-11 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kalihi-Kai, Honolulu, Oahu, identified by Tax Map Key: (1) 1-2-013: portion of 002, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

14,854 square feet, more or less.

ZONING:

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

Governor's Executive Order No. 571 setting aside the subject land to the Department of Public Safety for Territorial Penitentiary purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor subject project was published in the OEQC's Environmental Notice on January 8, 2011.

On August 24, 2012, the Hawaii Supreme Court ruled that the City should have completed archaeological survey work along the entire proposed rail transit route prior to starting construction.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at HART's own cost; and
2. Process and obtain subdivision at HART's own cost.

REMARKS:

Oahu Community Correctional Center (OCCC) is the State owned and operated correctional facility which operates on land set aside by Executive Order No. (EO) 571.

As part of the 20-mile elevated guideway rail system from East Kapolei to Ala Moana Center, HART will construct an additional lane over the subject area which will form a portion of the widened Dillingham Boulevard upon completion.

Meetings between DPS and HART were held to discuss the impact of the proposed work on OCCC and any mitigation measures needed to be done by HART. A separate memorandum of understanding will be entered between DPS and HART regarding all the logistics coordination for the forthcoming construction activities and any mitigation measures agreed by both parties.

As mentioned above, the subject area will become a new lane of the public highway upon completion of construction. Since the new lane should be recognized as a county highway pursuant to Chapter 264-1, HRS, a disposition from the Board to the City over such roadway portion should not be necessary. Furthermore, the Department of Facility Maintenance (DFM)¹ of the City has indicated that they will maintain the new lane, including all the associated improvements, e.g. sidewalk, up to the future boundary of the OCCC after the proposed withdrawal.

¹ At the meeting held on June 7, 2017, DFM has indicated its agreement to maintain the new lane in writing. At the time of writing this submittal, the written agreement from DFM is still pending.


To facilitate its construction program, HART requests the Board authorize to issue an immediate right-of-entry permit (ROE). Staff has no objection to the request for ROE, noting that such ROE shall expire upon the acceptance of the improvement by DFM.

DPS, DFM, and HART have no objections to the requests described in this submittal. There are no other pertinent issues or concerns. Staff recommends the Board approve the subject request.

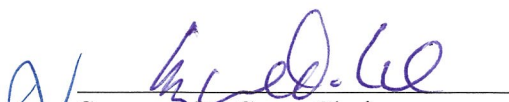
RECOMMENDATION: That the Board:

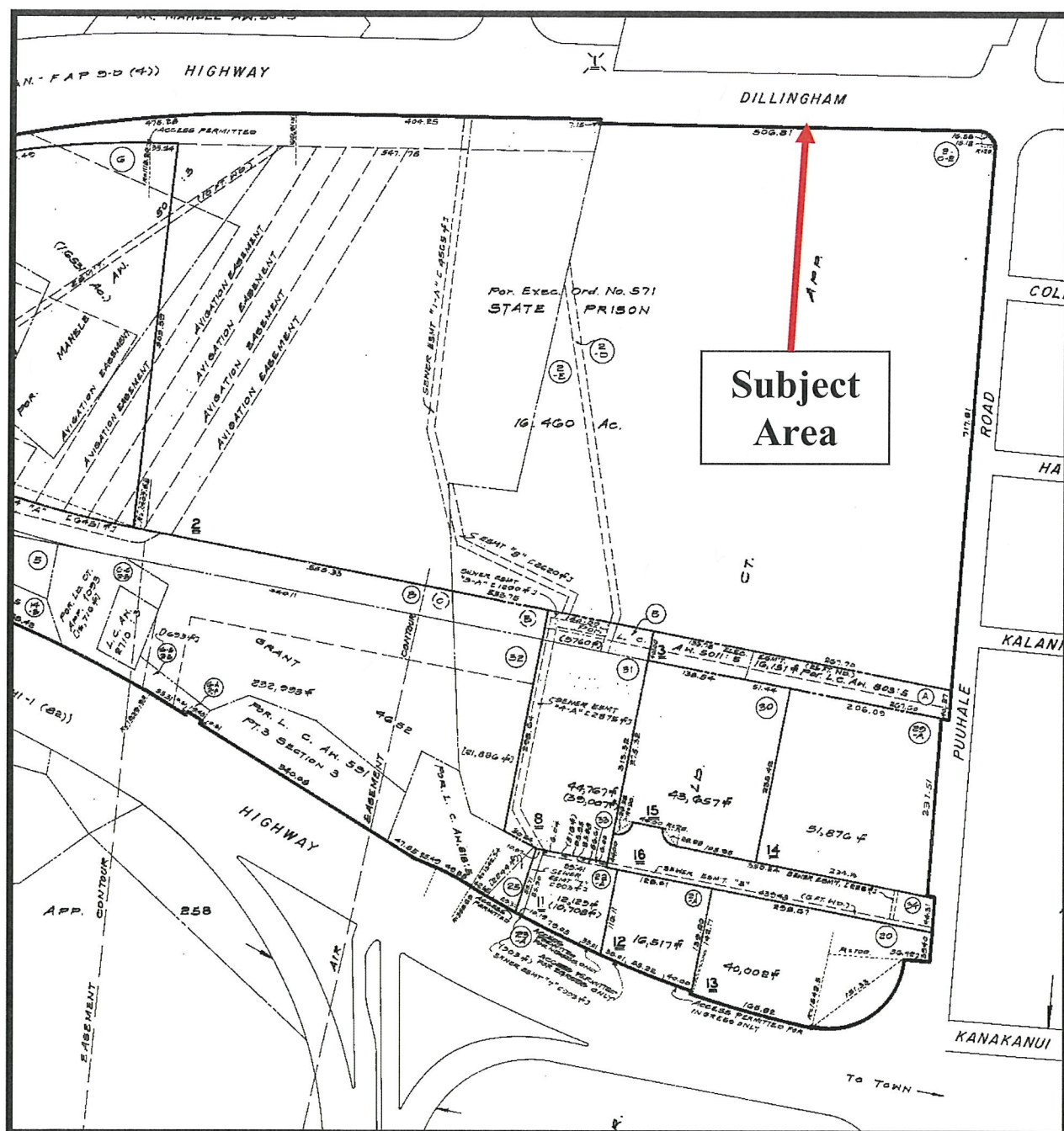
1. Approve of and recommend to the Governor issuance of an executive order withdrawing 14,854 square feet, more or less, from the Governor's Executive Order No. 571 subject to:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. 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. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu for Honolulu Authority for Rapid Transportation 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 permit form, as may be amended from time to time; and
 - 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

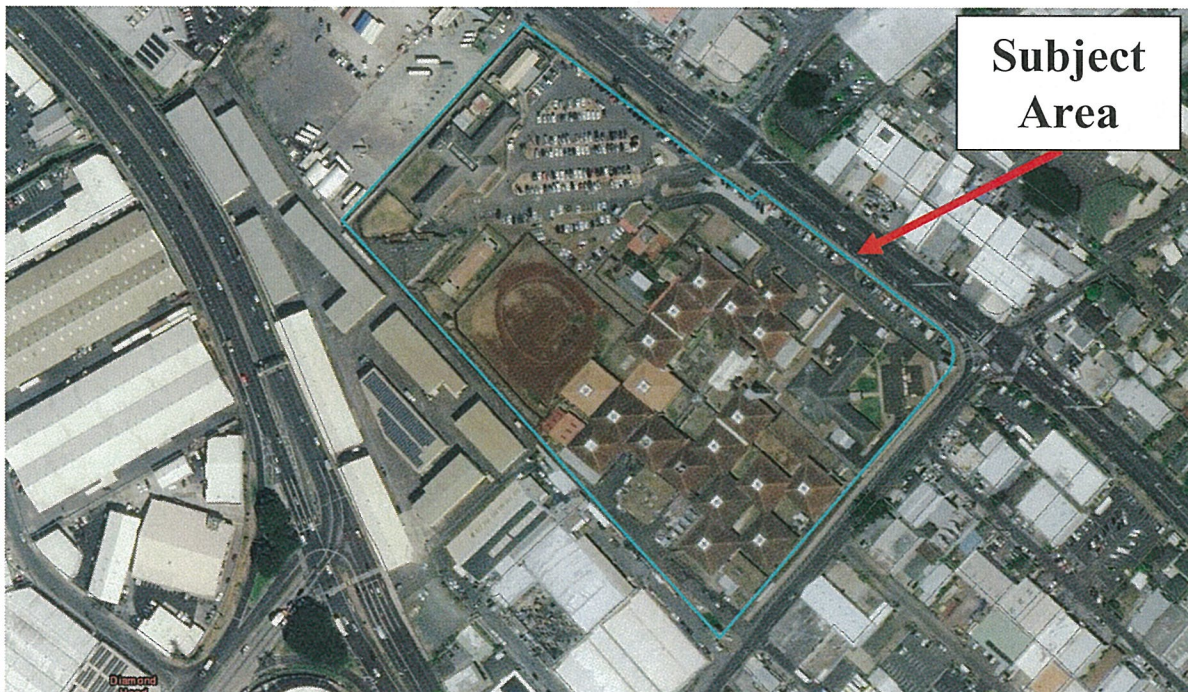
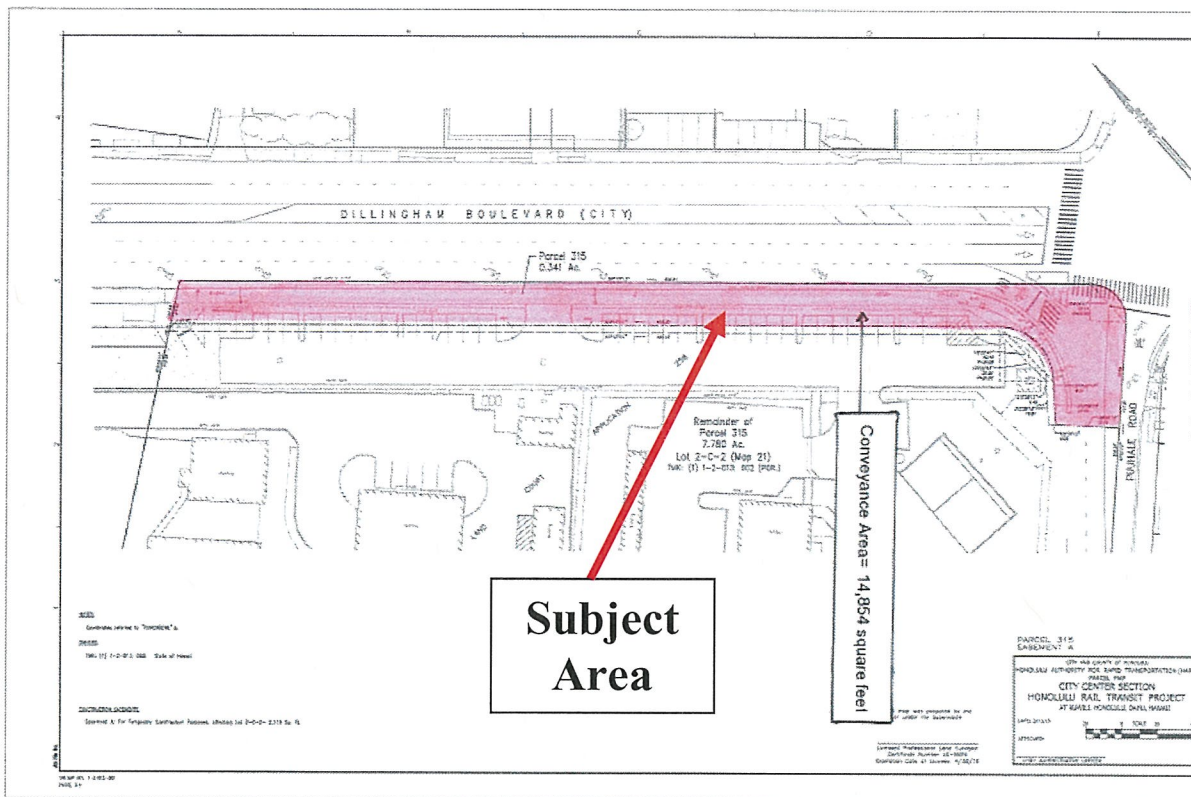
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 1-2-013: portion of 002

EXHIBIT A1



TMK (1) 1-2-013: portion of 002

EXHIBIT A2