

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

February 9, 2018

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

Ref No. 07OD-114

Oahu

Rescind Prior Board Action of September 28, 2007, (Item D-1), *Set Aside to the Hawaii Housing Finance and Development Corporation for the Future Housing and Housing Related Development Purposes, Wahiawa, Aiea and Honolulu, Oahu, Tax Map Keys: (1) 7-3-12:15, 7-3-13:9; 9-9-44:20, 9-9-44:24; 1-7-41:2; 2-2-13:4; 2-2-13:14; 2-2-13:96; 2-2-13:101; and*

*Set Aside to the Agribusiness Development Corporation for Agricultural Purposes, Waianae-Uka, Wahiawa, Oahu, Tax Map Keys: (1) 7-3-013:008 and 009.*

APPLICANT:

Agribusiness Development Corporation (ADC).

LEGAL REFERENCE:

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

LOCATION:

Government lands of Waianae-Uka, Wahiawa, Oahu, Tax Map Keys: (1) 7-3-013:008 and 009, see **Exhibit 1**.

AREA:

(1) 7-3-013:008, 2.774 acres  
(1) 7-3-013:009, 2.344 acres  
Total: 5.118 acres, 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:

Perpetual non-exclusive easement for utility purposes to Hawaiian Electric Company, Inc. (LOD 28979) encumbers portions of both parcels; and

Perpetual water tunnel easement to Castle & Cooke, Inc. (LOD 16395) encumbered portion of Parcel 8.

PURPOSE OF SET-ASIDE:

For agricultural 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 reviewed and concurred by the Environmental Council on June 5, 2015, 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." 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". See **Exhibit 2**.

APPLICANT REQUIREMENTS:

None. (Maps are available.)

REMARKS:

Act 179, Session Laws Hawaii 2006, Section 5, initiated the need for transfer of suitable lands from the Department of Land and Natural Resources (DLNR) to the Hawaii Housing Finance and Development Corporation (HHFDC) to be dedicated to affordable housing development. DLNR staff worked closely with HHFDC staff to identify the subject parcels as having potential for affordable housing purposes.

On September 28, 2007, under agenda item D-1, the Board approved setting aside multiple parcels on Oahu to HHFDC for future housing and housing related development purposes. A copy of the approved Board submittal is attached as **Exhibit 3**.

However, HHFDC sent a letter dated November 20, 2017, requesting to rescind the 2007

to utilize the subject parcels for the approved purpose at the scale and costs that would be affordable to low-income households.

In the meantime, ADC requests the set-aside of the subject two parcels in Wahiawa. ADC proposes a project in collaboration with Department of Agriculture for a commercial scale aquaculture/aquaponics operation on the subject sites. ADC is seeking to utilize an area of 3-5 acres to achieve efficient economy of scale. Tilapia will be the primary fish raised and tomatoes will be the primary crop. Other fish and crops will be integrated based on seasonality and customer preference.

Under a different item on today's agenda, City and County of Honolulu, by its Board of Water Supply (BWS), requests a perpetual, non-exclusive waterline easement over portions of TMK: (1) 7-3-013:009 as shown in white on Exhibit 1. Staff anticipates the process for BWS' easement will take more time than the subject set aside, due to the preparation of map and legal description of the BWS' easement. ADC is aware of the BWS' request. Therefore, staff recommends the Board authorize the set aside, but subject to the reservation to issue the waterline easement to BWS.

Division of Aquatic Resources (DAR) recommends Best Management Practices (BMP) be utilized to minimize potential environmental impacts, with mitigation measures to include preventing any contaminants from possibly entering the aquatic environment. DAR suggests site work be scheduled during periods of minimal rainfall and lands denuded of vegetation be replanted or converted as quickly as possible to control erosion. Also all tanks and holding facilities should be equipped with proper drainage screen protocols to prevent escape of any aquatic plants or animals into the aquatic environment. DAR further requests the opportunity to review and comment as more definitive plans become available. Staff has shared DAR's comment with ADC.

The Division of Forestry and Wildlife and the Department of Parks and Recreation had no objection/comment.

Commission on Water Resource Management, State Historic Preservation Division, Division of State Parks, Department of Health, Department of Transportation- Highways Division, Department of Planning and Permitting, Department of Facility Maintenance, and the Office of Hawaiian Affairs have not responded to solicitation for comment before the response deadline.

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. Rescind the prior Board action of September 28, 2007, under agenda item D-1.

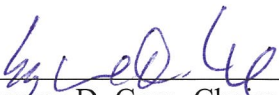
3. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Agribusiness Development Corporation under the terms and conditions cited above, which are by this reference 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. Reserve the right to issue a perpetual, non-exclusive waterline easement to the City and County of Honolulu for the use by the Board of Water Supply;
  - D. Review and approval by the Department of the Attorney General; and
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Darlene Bryant-Takamatsu  
Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson





TMK: (1) 7-3-012: 008 and 009

**EXHIBIT 1**

**EXEMPTION NOTIFICATION**

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

Project Title:	Setting aside for Agricultural Purposes.
Project / Reference No.:	PSF 07OD-114
Project Location:	Waianae-Uka, Wahiawa, Oahu, Tax Map Keys: (1) 7-3-013:008 and 009.
Project Description:	To set aside the land for public use for agricultural purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	<p>In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, 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." 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".</p> <p>Since the request is pertaining to transfer of management jurisdiction. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Consulted Parties	Agencies as noted in the submittal.
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.

**EXHIBIT 2**

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

September 28, 2007

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

PSF No.: 07OD-114

OAHU

Set Aside to the Hawaii Housing Finance and Development Corporation for Future Housing and Housing Related Development Purposes, Wahiawa, Aiea and Honolulu, Oahu, Tax Map Keys: (1) 7-3-12:15; 7-3-13:9; 9-9-44:20; 9-9-44:24; 1-7-41:2; 2-2-13:4, 2-2-13:14; 2-2-13:96; 2-2-13:101.

APPLICANT:

Hawaii Housing Finance and Development Corporation (HHFDC)

LEGAL REFERENCE:

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

LOCATION:

Government lands of Wahiawa, Aiea and Honolulu situated on Oahu, identified by Tax Map Keys: (1) 7-3-12:15; 7-3-13:9; 9-9-44:20; 9-9-44:24; 1-7-41:2; 2-2-13:4, 2-2-13:14; 2-2-13:96; 2-2-13:101, as shown on the attached map labeled Exhibit A.

TMK	AREA	ZONING	TRUST LAND STATUS	DHHL 30% Entitlement	CURRENT USE
7-3-12:15	10800 sf	Urban/R-5	5 (b)	No	Vacant
7-3-13:9	2.344 ac	Urban/R-5	5 (b)	No	Vacant
9-9-44:20	11460 sf	Urban/R-5	5 (b)	No	Vacant
9-9-44:24	6840 sf	Urban/R-5	5 (b)	No	Vacant
1-7-41:2	12558 sf	Urban/R-3.5	5 (b)	No	LOD 25638 City
2-2-13:4	11177 sf	Urban/R-5	5 (b)	No	Vacant
2-2-13:14	9675 sf	Urban/R-5	5 (b)	No	RP 6076 Espirito
2-2-13:96	8325 sf	Urban/R-5	5 (b)	No	Vacant
2-2-13:101	8800 sf	Urban/R-5	5 (b)	No	Vacant

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

September 28, 2007

EXHIBIT "3"



PURPOSE:

Future housing and housing related development 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.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

The Governor signed Act 179, Session Laws Hawaii 2006, to implement several of the recommendations of the joint legislative housing and homeless task force. Section 5 states: the department of land and natural resources shall initiate transfer to the Hawaii housing finance and development administration, no later than December 1, 2006, of the lands identified as suitable for affordable housing development in Appendix F of the Joint Legislative Housing and Homeless Task Force Report to the 2006 Session of the Legislature.

Unfortunately, the properties were not acceptable to HHFDC development criteria. As a result staff has been working with HHFDC staff to identify State lands (on a Statewide basis) available for affordable housing development. HHFDC staff has traveled to the outer islands to visit numerous State lands with Land Division staff.

On July 12, 2007, the HHFDC Board of Directors approved staff request to ask the Board of Land and Natural Resources for nine (9) parcels identified as having potential for affordable housing purposes. HHFDC plans to issue Request for Proposals to develop these parcels. HHFDC anticipates receiving proposals for multi-family rental housing units on the Wahiawa parcels and single-family homes or duplex units on the Aiea, Lanakila and Punchbowl parcels.

By memorandum dated July 13, 2007, Mr. Orlando Davidson, Executive Director is requesting favorable approval of the Land Board to set aside the nine (9) parcels to HHFDC.



REMARKS:

The agency's proposed request for the set aside of 9 parcels is appropriate and satisfies a public purpose - build affordable rental housing on the island of Oahu.

Comments were solicited from:

DHHL	No response
Historic Preservation	No response
City DPP	Reserve comments until HHFDC provides more information
City Environmental Services	Manhole and sewer lines will require City access for maintenance purposes
BWS	
OHA	Seeks meaningful discussion on appropriate compensation to OHA

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Hawaii Housing Finance and Development Corporation 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

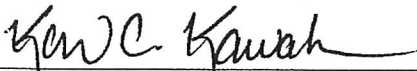
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki  
Assistant Administrator

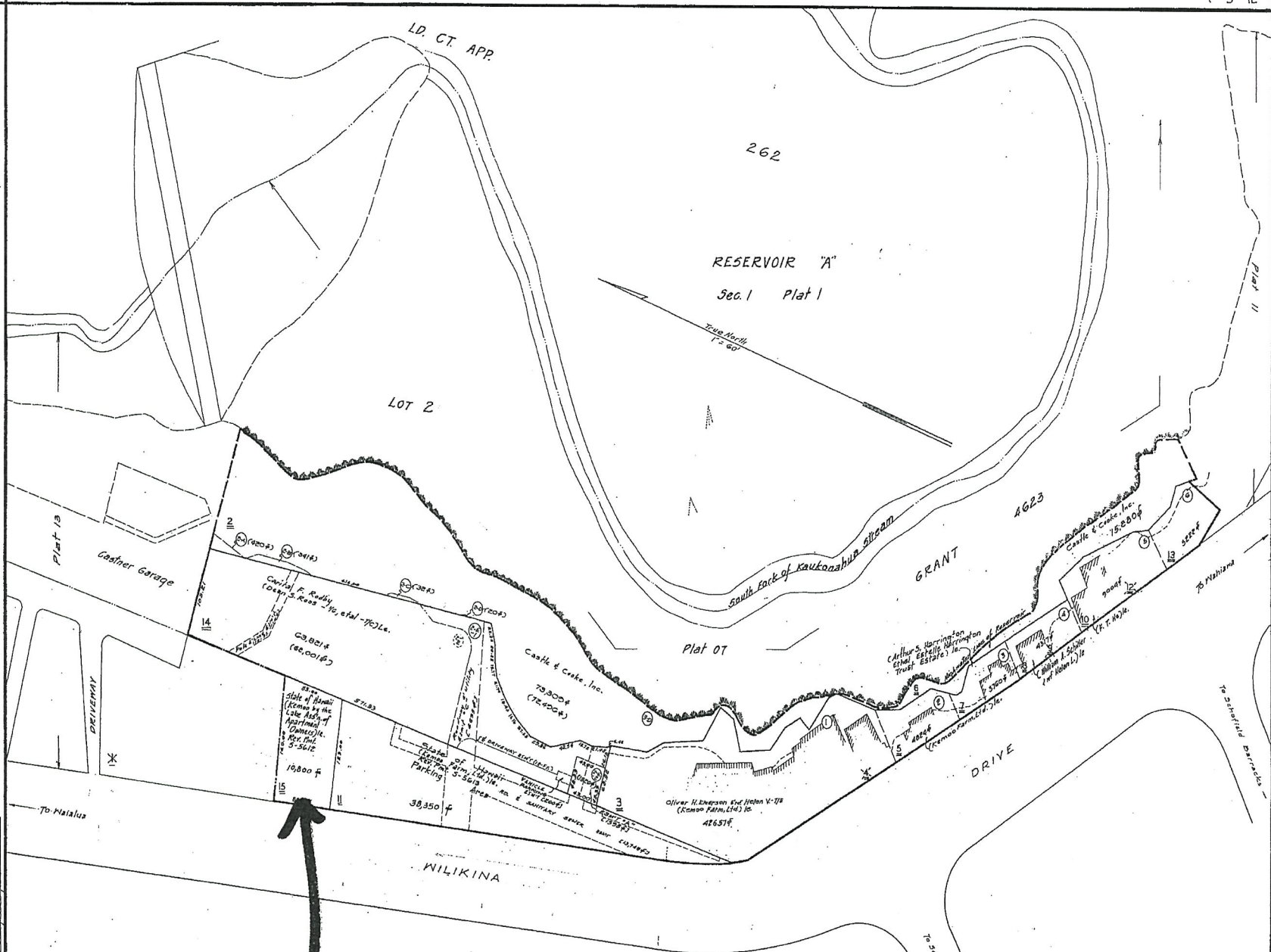
APPROVED FOR SUBMITTAL:



*for* Laura H. Thielen, Interim Chairperson

EXHIBIT "A"

Map No. 1  
 Date: 10/1/50  
 By: [illegible]  
 Title: [illegible]



For WAHIAWA, OAHU.

SUBJECT TO CHANGE

Dropped Parcels: 8, 14, 15

FIRST DIVISION		
ZONE	SEC.	PLAT
7	3	12
CONTAINING PARCELS		
SCALE: 1 in = 60 ft.		

PRINTED

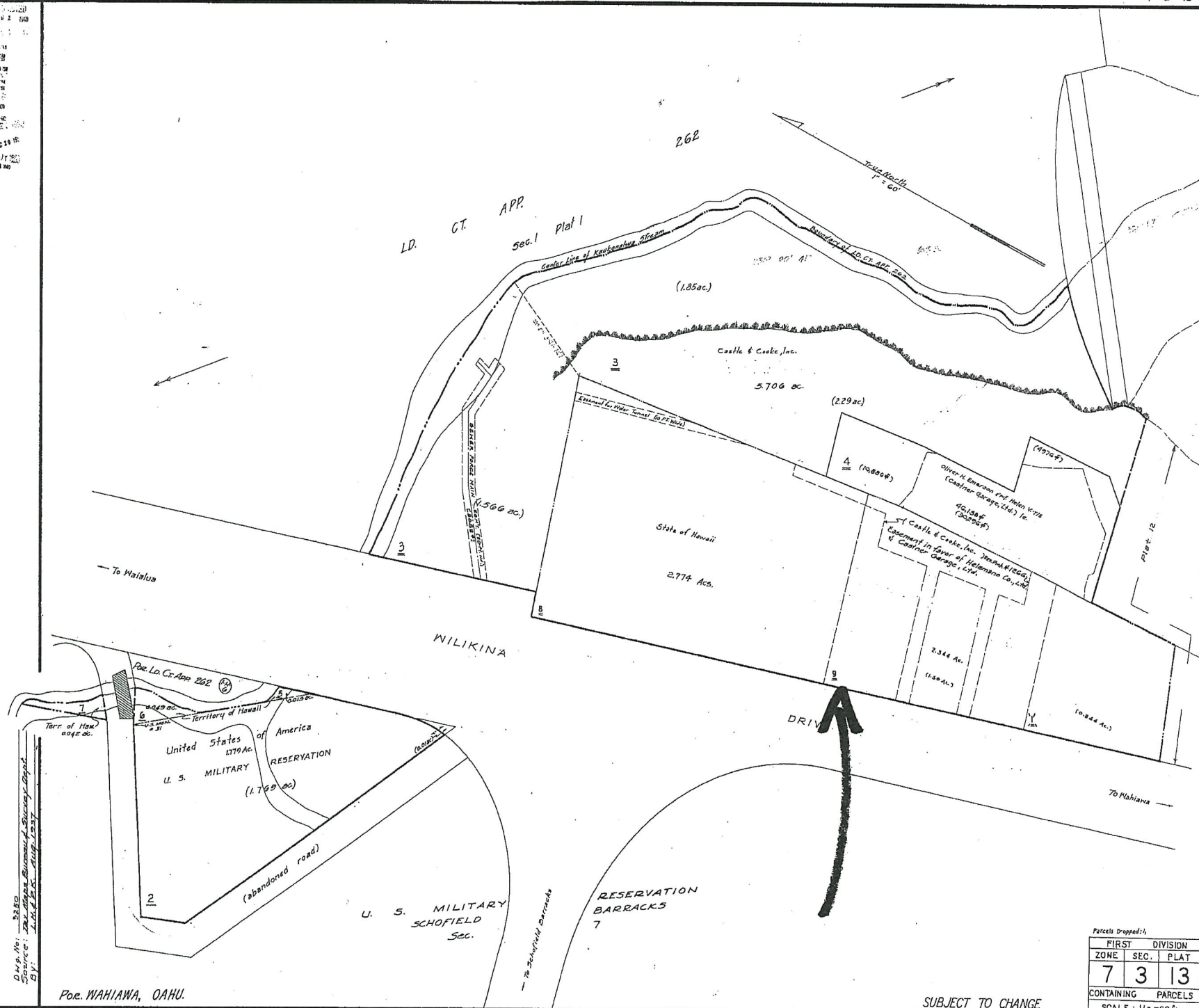


EXHIBIT A

DWG. No: 5250  
Source: Tax Maps Bureau of Survey Dept.  
BY: L.H. & P.C. AUG. 1937

Por. WAHIAWA, OAHU.

SUBJECT TO CHANGE

Parcels Dropped: 1,

FIRST		DIVISION	
ZONE	SEC.	PLAT	
7	3	13	
CONTAINING		PARCELS	
SCALE: 1 in. = 60 ft.			

PRINTED



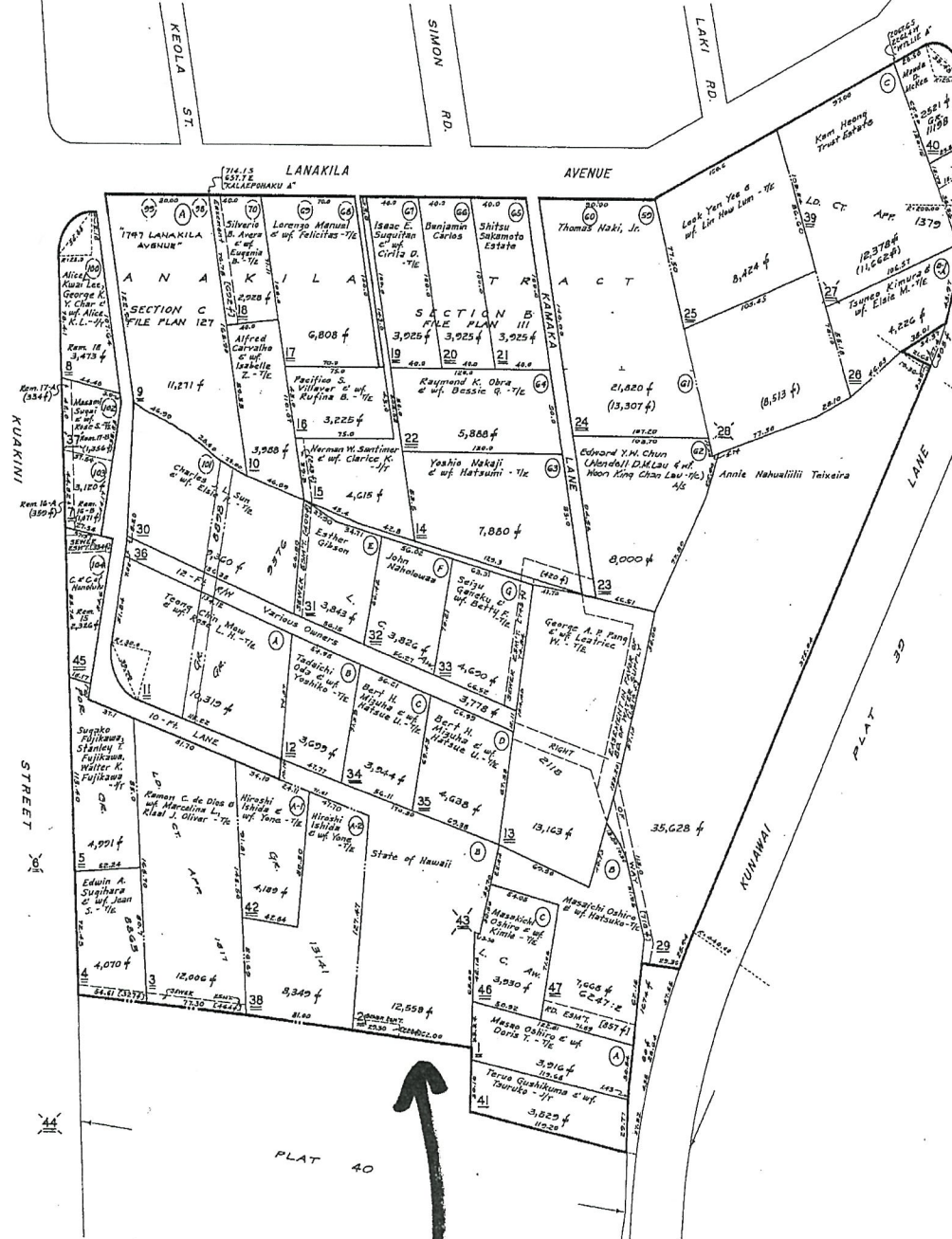


DWG. NO. 4220  
SOURCE: File Plan 320 & Tax Maps Bureau, Br. F.F. 546  
BY: HN & WK Oct 21, 1984

Parcels Dropped: G4, G2, G6, G3.  
Z7.

DEPARTMENT OF THE TAX COMMISSIONER		
TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FIRST		DIVISION
ZONE	SEC.	PLAY
9	9	44
CONTAINING		PARCELS
SCALE: 1 IN. = 50 FT.		

ZONE 1 SECTION G



Dropped Parcels: 6,28,37,44,27

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII		
TAX MAP		
FIRST TAXATION DISTRICT		
ZONE	SEC.	PLAT
1	7	41
SCALE: 1 IN. = 40 FT.		

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

KAWAIIKI, HONOLULU, OAHU, HAWAII

EXHIBIT "A"

SOURCE: ...  
BY: ...  
DATE: ...  
DWG. NO.: ...  
DWG. NO.: ...



PLAT 12

PLAT 08  
LUSITANA

PAUDA

STREAM

AUWAIOLIMU

STREET

STREET

WHITING ST.

PUOWAINA

DRIVE

PLAT 06

PUOWAINA

STREET

SAN ANTONIO

AUWAIOLIMU LOTS, PUNCHBOWL, OAHU

EXHIBIT A

Parcels Dropped: 72, 88, 89, 71, 103

FIRST DISTRICT		
ZONE	SEC.	PLAT
2	2	13
CONTAINING		PARCELS
Scale: 1 in = 50 ft.		

ADVANCE SHEET  
SUBJECT TO CHANGE

PRINTED

LINDA LINGLE  
GOVERNOR



59245  
ORLANDO "DAN" DAVIDSON  
EXECUTIVE DIRECTOR

RECEIVED

STATE OF HAWAII  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

IN REPLY REFER TO:

07:DEV/0145

677 QUEEN STREET, SUITE 300

HONOLULU, HAWAII 96813

FAX: (808) 587-0600

DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

July 13, 2007

To: Allan A. Smith, Chairperson  
Board of Land and Natural Resources

From: Orlando "Dan" Davidson, Executive Director

Subject: Request for Set Aside of DLNR Properties to the HHFDC: TMKs: (1) 7-3-12:15;  
(1) 7-3-13:9; (1) 9-9-44:20 and 24; (1) 1-7-41:02; and (1) 2-2-13:04, 14, 96, & 101

Thanks to a coordinated effort with your Department of Land and Natural Resources (DLNR) staff, the Hawaii Housing Finance and Development Corporation (HHFDC) development team was able to identify the following nine (9) parcels presently held within the DLNR's portfolio of properties that HHFDC would like to develop:

1. **Location #1: Two (2) parcels on Wilikina Drive in Wahiawa, Oahu, Hawaii.**  
Tax Map Key #s: (1) 7-3-12:15 and (1) 7-3-13:9
2. **Location #2: Two (2) parcels on Upapalu Street in Aiea, Oahu, Hawaii.**  
Tax Map Key #s: (1) 9-9-44:20 and 24
3. **Location #3: One (1) parcel off of Lanakila Avenue in Honolulu, Oahu, Hawaii.**  
Tax Map Key #s: (1) 1-7-41:02
4. **Location #4: Four (4) parcels in the Punchbowl area in Honolulu, Oahu, Hawaii.**  
Tax Map Key #s: (1) 2-2-13:04, 14, 96 and 101

On July 12, 2007, a For Discussion was presented to the HHFDC Board of Directors detailing the ongoing collaboration between DLNR and HHFDC as well as identifying the above-mentioned nine (9) developable parcels. Our Board reacted positively regarding these potential developments and supported our request to the BLNR for a set-aside of these parcels and subsequent issuance of Request for Proposals ("RFP") to develop these parcels.

Therefore, the HHFDC respectfully requests a "set-aside" of the above-mentioned nine (9) parcels to HHFDC for future housing and housing related development. Per our development team's conversations with DLNR Land Administration staff, it is our understanding that should the BLNR grant HHFDC the requested set-aside for these properties and the HHFDC does not receive an acceptable development proposal from a developer for any of these parcels, HHFDC then will be able to return such parcels to the DLNR by requesting a cancellation of the set-aside.

EXHIBIT "B" 77