

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

April 13, 2018

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

PSF No.: 18OD-016

Oahu

Set Aside to the Department of Education for School Purposes, Issuance of Immediate Right-of-Entry; Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-5-028:075.

APPLICANT:

Department of Education

LEGAL REFERENCE:

Sections 171-55, and 11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-5-028:075, as shown on the attached map labeled as **Exhibit 1**.

AREA:

2.98 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:

Kalihi-Kai 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 Kalihi-Kai Elementary School campus. According to DOE, the subject State land has been a part of the Kalihi-Kai Elementary School campus since the school opened in 1909. The subject land is surrounded on two (2) sides by areas of land currently owned by the City and County of Honolulu. On the Eastern side of the subject State parcel is the Kalakaua District Park and the Northern boundary comprises the other half of the school's current campus area.

The subject area was acquired by the Territory of Hawaii through two (2) deeds, LOD 1545, signed on May 26, 1913 and LOD 1729 signed on May 23, 1913. 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 utilization 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.

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

In response for comments from other Government agencies, the Board of Water Supply had no objection/comment to the request and the exemption declaration for preparation of an environmental assessment. The Department of Health, State Historic Preservation 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.

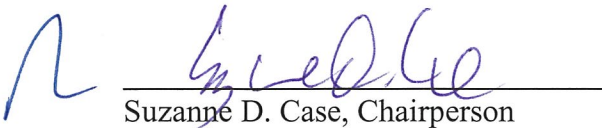
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject State land to the Department of Education under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms 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 management 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; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



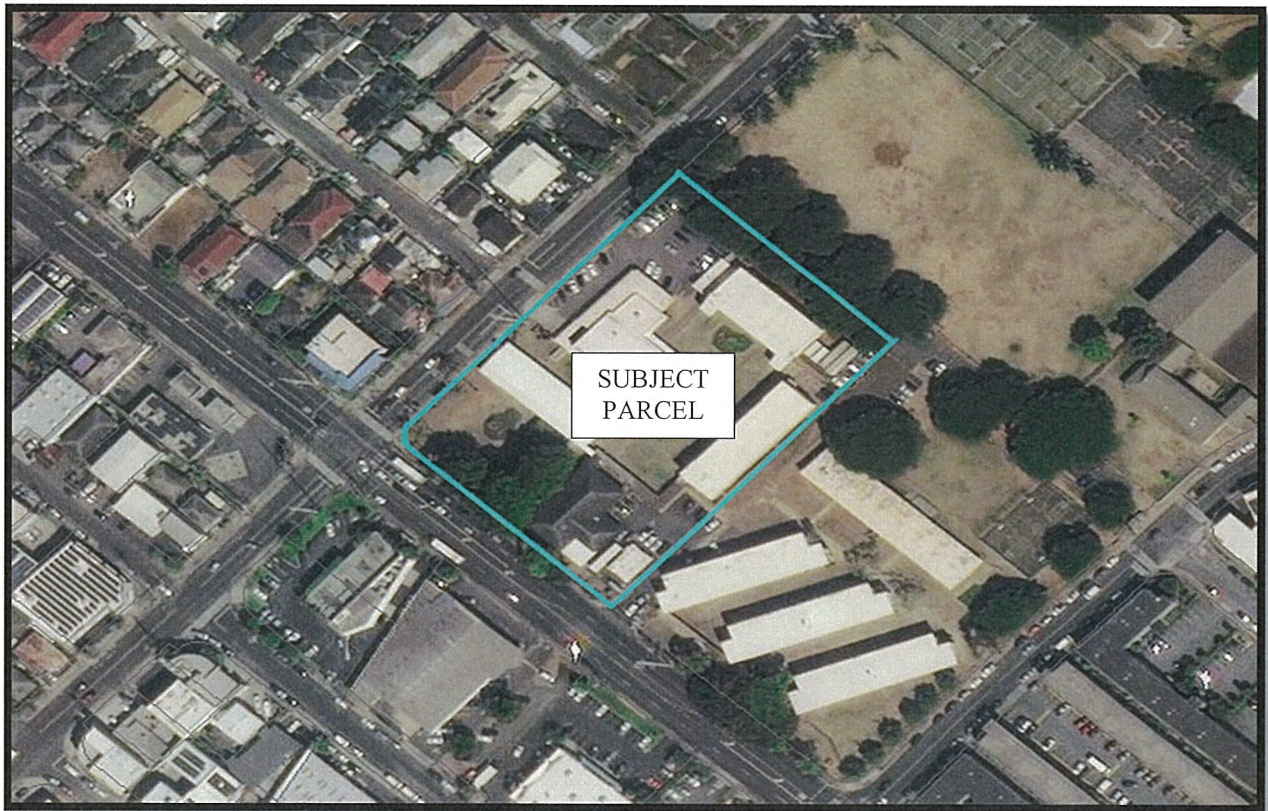
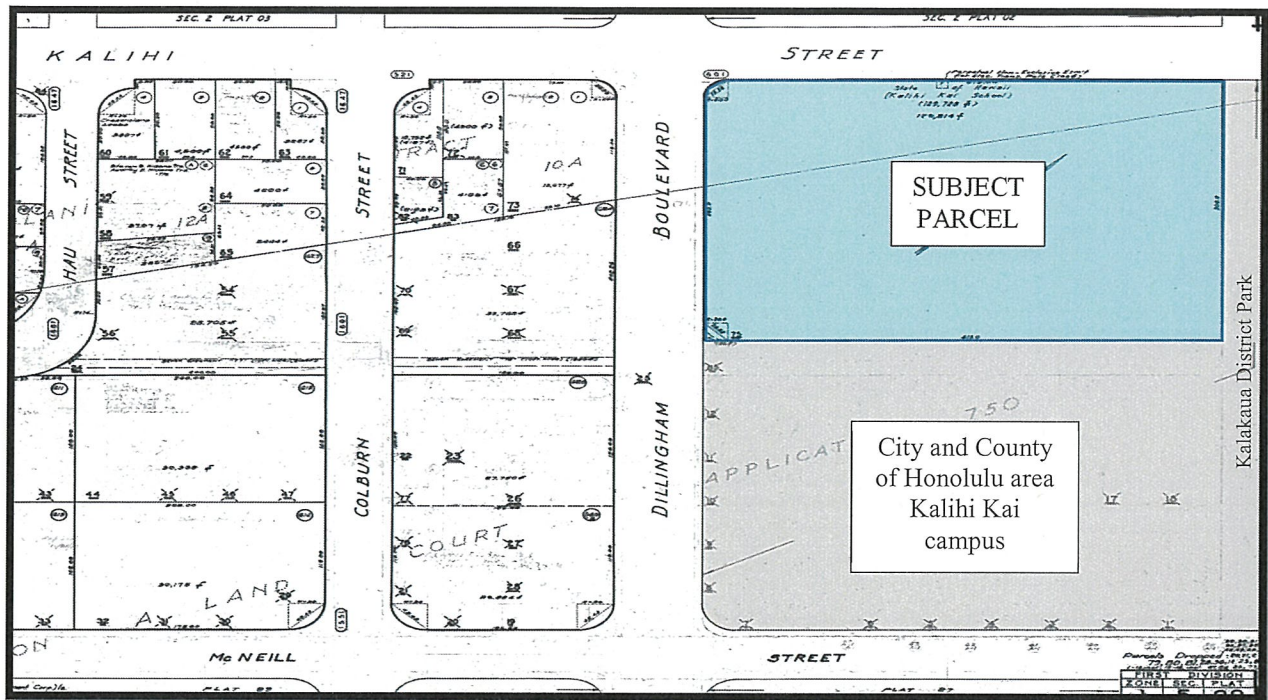
Darlene Bryant-Takamatsu  
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





TAX MAP KEY: (1) 1-5-028:075

**EXHIBIT 1**

### 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 for Kalihi-Kai Elementary School Campus.

Project / Reference No.: PSF 18OD-016

Project Location: Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-5-028:075

Project Description: Setting Aside of State Land to the Department of Education and Issuance of Right-of-Entry 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."

The request is for housekeeping purposes after noting there was no disposition issued to the Department of Education. There is no planning on any major improvement on the campus. 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.

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.

**EXHIBIT 2**