

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

May 25, 2018

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

Ref No. 18OD-053

Oahu

Cancellation of Governor's Executive Order No. 4454 and Re-set Aside to Department of Transportation for (1) Airport and Related Purposes, (2) Harbors and Related Purposes, and (3) Highways Truck Weigh Station and Related Purposes, Issuance of Immediate Right-of-Entry; Mokauea, Kalihi, Honolulu, Oahu, Tax Map Keys: (1) 1-2-025:002, portion of 073, 074, 075, 108, 109, 110, 116, 119, 120, 121 and 122.

APPLICANT:

Department of Transportation ("DOT").

LEGAL REFERENCE:

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

LOCATION:

Government lands of Mokauea, Kalihi, Honolulu, Oahu, Tax Map Keys: (1) 1-2-025:002, portion of 073, 074, 075, 108, 109, 110, 116, 119, 120, 121 and 122 (see **Exhibits 1A** and **1B**).

AREA:

DOT-Airports	2.000 acres
DOT-Harbors	8.373 acres
DOT-Highways	0.971 acres
Total area	11.344 acres, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: I-3

TRUST LAND STATUS:

Section 5 (b) lands of the Hawaii Admission Act, i.e. ceded lands.  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor's Executive Order No. 4454, setting aside 11.344 acres, to the Department of Transportation for airport purposes.

PURPOSES OF SET-ASIDE:

- (1) Airport and Related Purposes;
- (2) Harbors and Related Purposes; and
- (3) Highways Truck Weigh Station and Related 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 of state lands to or from other government agencies through a Governor's executive order". See **Exhibit 2**.

APPLICANT REQUIREMENTS:

None. (Maps are available.)

REMARKS:

On May 25, 2000, by Quitclaim Deed filed in the Bureau of Conveyances, as Document No. 2000-072879, the United States of America, by and through the Department of the Army, conveyed to the State of Hawaii 11.344 acres of land in fee simple. The area was subsequently set aside to the DOT-Airports Division by Executive Order No. 4454 (EO 4454), issued on April 30, 2014 for airport purposes.

The divisions of the Department of Transportation met to evaluate the lands under EO 4454 and in an effort to increase efficiency, control, and management for the area, decided to allocate portions of the area under EO 4454 to each of the DOT divisions. Subsequently, DOT, Airports Division entered into agreements with both Harbors and Highways Divisions to transfer control and management of portions of EO 4454.

The Airports Division is under the oversight of the Federal Aviation Administration (FAA) Airport Compliance Program (Order 5190.6B, 2009) which stipulates property not used to directly support aviation operations may be sold at fair market value, subject to

FAA approval. As such, the Harbors Division and the Highways Division have each separately agreed with the Airports Division on a release price based on the appraised fair market value for the transfer of management authority of these parcels.

The area to be re-set aside to Harbors Division will become part of the Kapalama Container Terminal Project while Highways Division will set up a truck weigh station at its area. Airports Division will continue to use the remaining portion for airport and airport related purposes (See **Exhibit 3**). Staff recommends the cancellation of EO 4454 and re-set aside the respective portions of lands to the divisions of DOT for purposes described above by three (3) executive orders.

DOT requests immediate management right-of-entry permits for each division pending the issuance of the requested executive orders. There are no other pertinent issues or concerns.

The Department of Planning and Permitting has no objections or comments and concurred with the proposed environmental assessment exemption. The Board of Water Supply and the Office of Hawaiian Affairs have not responded to solicitation for comments 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 issuance of an executive order canceling Governor's Executive Order No. 4454 and subject 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. Approve of and recommend to the Governor the issuance of three (3) executive orders setting aside the subject lands to the respective divisions of the Department of Transportation 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;

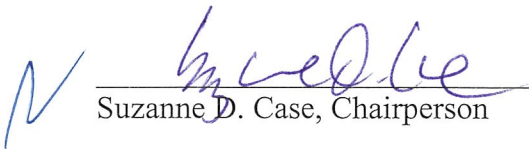
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the issuance of three (3) management right-of-entry permits to the respective divisions of the Department of 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 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,

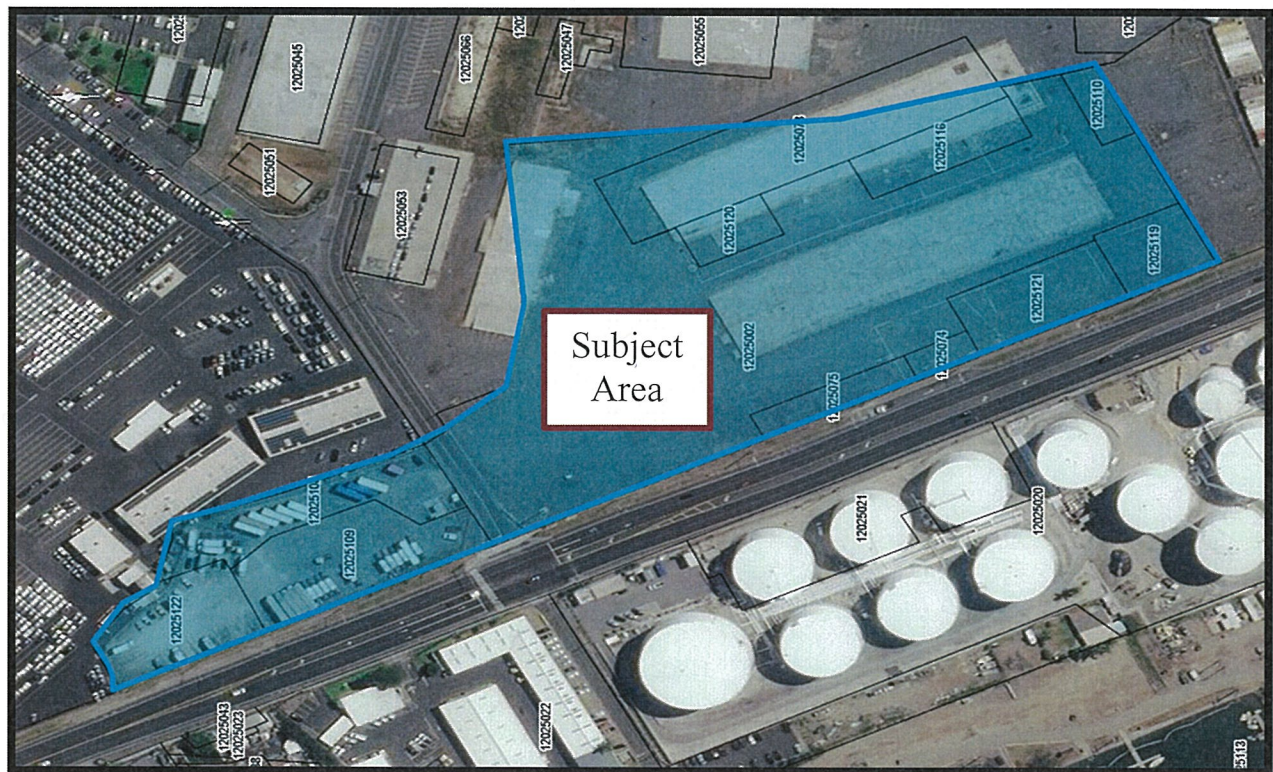


Darlene Bryant-Takamatsu  
Land Agent

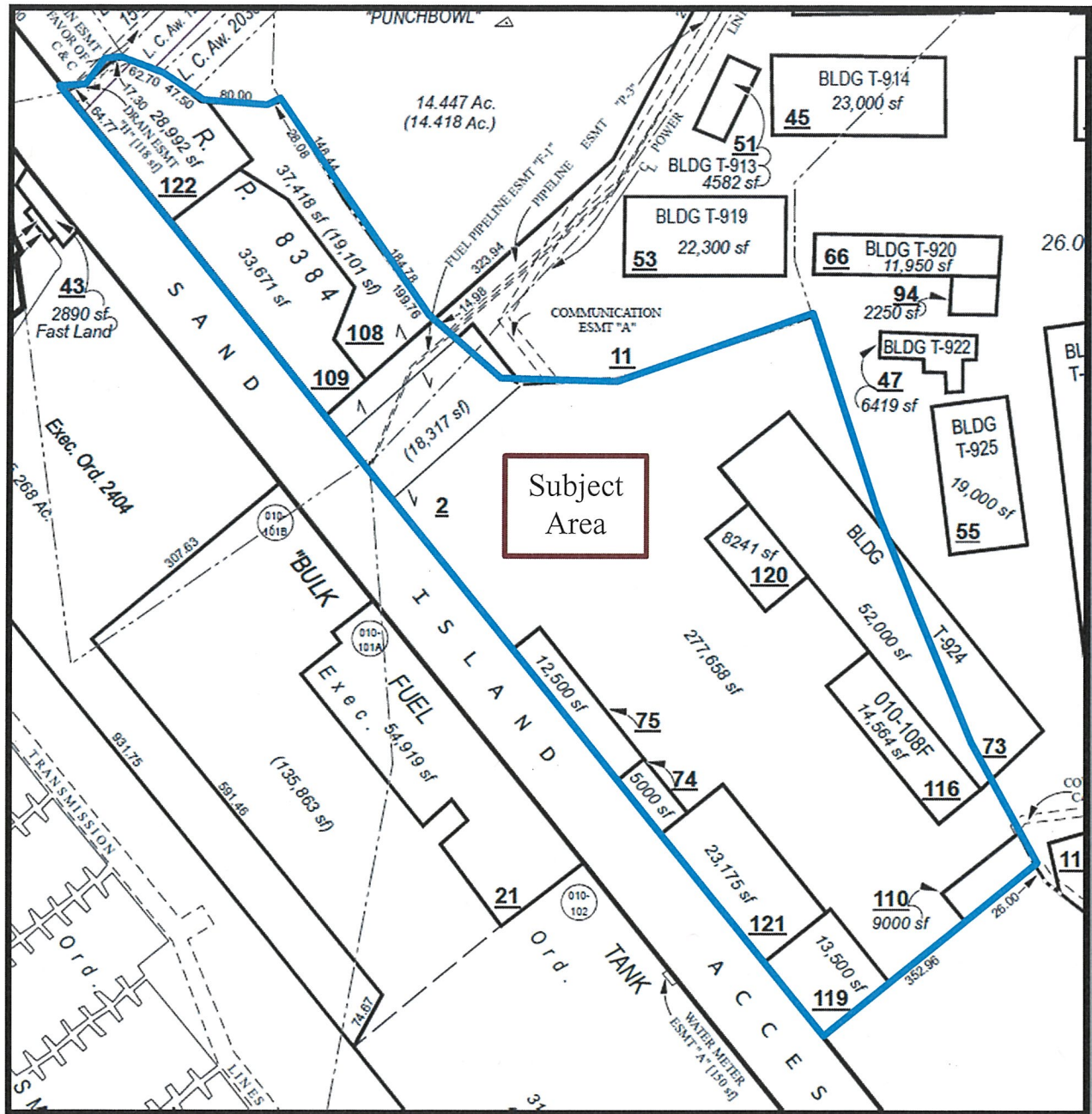
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



# EXHIBIT 1A



TMK: (1) 1-2-025:002, portion of 073, 074, 075, 108, 109,  
110, 116, 119, 120, 121, 122

## EXHIBIT 1B

### EXEMPTION NOTIFICATION

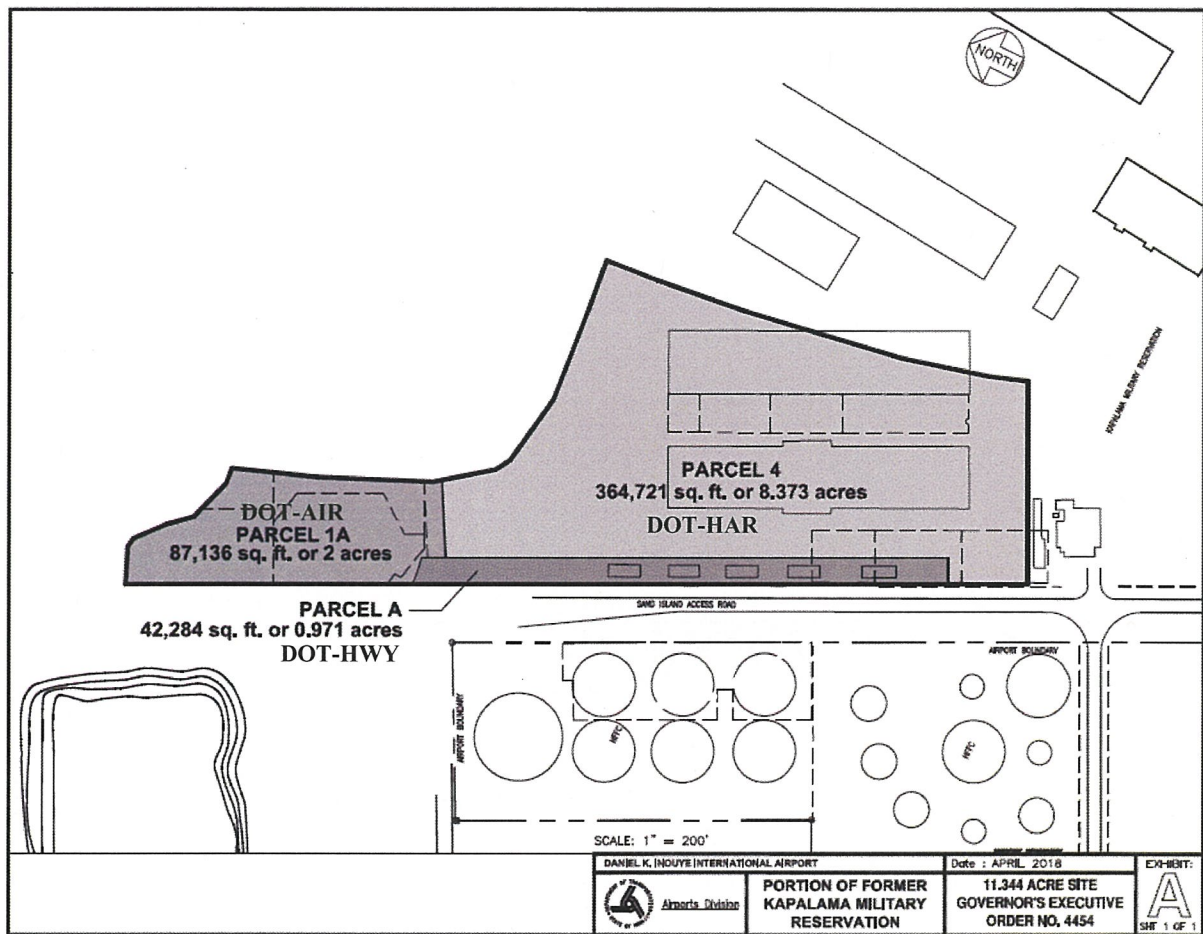
Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Re-set aside of State land to the Department of Transportation.
Project / Reference No.:	PSF 18OD-053
Project Location:	Mokauea, Kalihi, Honolulu, Oahu, TMK: (1) 1-2-025:002, portion of 073, 074, 075, 108, 109, 110, 116, 119, 120, 121, 122
Project Description:	To re-set aside land for Department of Transportation purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	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 of state lands to or from other government agencies through a Governor's executive order".
Cumulative Impact of Planned Successive Actions in Same Place Significant:	No, being that this request is pertaining to a transfer of controlling and management authority from within the Department of Transportation. Staff believes that the request would involve negligible expansion or change in use of the subject area beyond previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	The requested area is in a heavily used Industrial area. Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.
Consulted Parties	Agencies as noted in the submittal.

## EXHIBIT 2

Analysis: The analysis factors are the proposed transfer of controlling and management authority within the Department of Transportation and negligible expansion or change in use of the subject area beyond previously existing. Taking these two factors into consideration staff believes there would be no significant impact to sensitive environmental or ecological receptors.

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.



TMK: (1) 1-2-025:002, portion of 073, 074, 075, 108, 109,  
110, 116, 119, 120, 121, 122

## EXHIBIT 3