

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

June 22, 2018

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

PSF No.: 17OD-123

OAHU

Approval of Lease between Department of Health and the Department of Land and Natural Resources for Baseyard and Parking Purposes; Consent to Lease of Land under Governor’s Executive Order No. 1020; Pearl City, Ewa, Oahu, Tax Map Key: (1) 9-7-025: portions of 001.

CONTROLLING AGENCY:

Department of Health (“DOH”).

APPLICANT:

Department of Land and Natural Resources (“DLNR”), for Division of Conservation and Resources Enforcement (“DOCARE”) and Division of Forestry and Wildlife (“DOFAW”).

LEGAL REFERENCE:

Sections 171-11 and -95, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: R-5/P-2

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 1020 setting aside to the Department of Health for Waimano Home purpose.

LOCATION:

Lots 10, 11, 18, and 19 of Waimano Home, as portions of Government lands situated at Pearl City, Ewa, Oahu, Tax Map Key: (1) 9-7-025: Portion of 001, as shown on the maps attached as **Exhibit A1** and **A2**.

LEASE TERMS AND CONDITIONS:

Area:

Lot 10 - shown on **Exhibits B1** to **B3**¹, while Lots 11, 18, and 19 are shown on **Exhibits B4** to **B6**.

Access:

Together with the right of access over remaining portions of Waimano Home within EO 1020.

Character of Use:

Baseyard and Parking purposes.

Term and Commencement Date:

Ten (10) years, commencing on a future date to be determined by the Chairperson. Both Department of Health and Department of Land and Natural Resources (“DLNR”) acknowledge that DLNR has occupied the subject premises since 2001.

Rent:

Gratis.

Other terms:

- DOCARE and DOFAW shall pay the pro-rated share of the utility and security charges;
- DOCARE and DOFAW are responsible for maintenance of the grounds and improvements, including but not limited to water, sewer, drain lines, on the leased premises;
- DOCARE and DOFAW shall not use the access road or portions thereof between Lots 10 and 11 for parking or storage.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, concurred and reviewed 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

¹ As the request pertains to two State agencies on existing improvements with no involvement in building permit or finance, it is not planned to prepare legal description and process subdivision approval for the leased premises.

use beyond that previously existing" and item 7, which states, "Operation, repair and maintenance, of existing Department structures and facilities, including baseyard, offices, cabins, sheds, and fencing." See **Exhibit C**.

REMARKS:

The subject parcel, (1) 9-7-025:001, was set aside to DOH pursuant to Governor's Executive Order No. 1020, dated May 10, 1943, for Waimano Home purposes. In the late 1990s, there was a plan for the area to be returned to the Board. Under the proposed arrangement, DOH would continue to use certain facilities in the area, including State laboratory, while DLNR would generate a master plan for the subsequent development in anticipation for greater revenue. Discussions between DLNR and DOH were held to ensure the smooth transition.

While the discussions were ongoing, DLNR needed a baseyard facility for its multiple divisions and programs. Funding was obtained to develop a baseyard at Lot 10. When the baseyard was completed in 2001, DOCARE started occupying 75% of the baseyard and the associated parking and open area, pursuant to a use permit signed between DOCARE and Land Division. DOFAW subsequently began using the remaining 25% of the baseyard and its associated parking facility. Around 2006, the proposed transfer of the Waimano Home from DOH to DLNR was cancelled, and DOH has continued to utilize and manage the Waimano Home.

Recently, DOFAW approached Land Division asking for assistance in securing additional lands for their baseyard. During the review of DOFAW's request, staff noted that there was no agreement executed between DOH and the DLNR over the use of the existing baseyard at Lot 10. Currently, Lot 11 is also being utilized by DOFAW for overflow parking.

Staff discussed with the office at DOH regarding the lack of document between the two departments, and agreed that staff would bring the request to the Board for housekeeping purposes, subject to conditions discussed below.

Following subsequent meetings, DOH agreed to let DOFAW continue using Lots 18 and 19 for the expansion of its baseyard facilities. Upon approval of today's request, DOFAW will secure funding for renovation on Lots 18 and 19, and will move out from Lot 10 to the new facility at Lots 18 and 19 when renovation is completed.

Staff understands DOFAW will also secure a right-of-entry from DOH over portions of the Waimano Home facility as a helicopter landing zone, with associated vehicular access. The proposed landing zone will require approval from the Board, through the Office of Conservation and Coastal Lands, at a later date. Staff will ask the Board authorize the issuance of right-of-entry at the same time.

Waimano Ridge Updated Master Plan provided by DOH

At this time of writing this submittal, DOCARE and DOFAW are paying their respective shares of private security guard services at the entry gate kiosk; electricity charges for the kiosk; water, sewer, electricity, and janitorial charges for the kiosk restroom building; electricity charges to operate the well building and the booster pump building; charges for routine maintenance and repairs, as needed, for the Waimano Ridge water system; City and County of Honolulu sewer charges associated with the water system; grounds keeping charges to maintain the Ridge; repairs, as needed, for the entry gate and card access system; repairs, as needed to the perimeter fence of the Ridge; and charges for other repairs and maintenance, as needed, such as, but not limited to: fence repairs, road repairs, sewer system repairs, water system repairs, removal and trimming of trees, repairs to entry gate and card reader system.

It should be noted that DOH plans to reapportion the respective shares for each tenant based on Exhibit C. As additional tenants occupy the Ridge, the respective shares will change.

DOCARE and DOFAW are responsible for paying for electricity, repairs maintenance, upkeep and all other charges for Lot 10.

It should be further noted that the DLNR has other ongoing activities at the area beyond the gate at the rear of Hale Ola. These activities should be clearly defined and DOH notified when they change, as the DOH is responsible for communication to the residents of the neighboring area and the general public. It is DOH's understanding that there are frequent helicopter landings in that area, with possible intent to create a permanent landing pad.

Staff response: DOFAW is in the process of obtaining the required authorization from other agencies, including the Office of Conservation and Coastal Lands. Request for the proposed landing zone and other associated requests for land disposition, e.g. a possible withdraw and reset aside for forest reserve, will be brought to the Board for consideration at a later date.

It should be further noted that DOH has solely paid, through CIP funds, for all upgrades to the infrastructure at the Ridge. It should be further noted that DOH provides all administrative and managerial services for the Ridge at no cost to the tenants.

Other than routine maintenance and repairs, no additional improvements, such as, but not limited to new buildings, and additional paving, shall be made to the subject Lots without DOH prior approval.

Staff response: Condition is inserted in the Recommendation Section.

At the time of writing this submittal, DOCARE and DOFAW are paying their

respective shares of security guard service² and utility bills. DOH intends to incorporate the agreement with DOCARE and DOFAW regarding the operating cost in the requested lease.

Staff response: Responsibility to pay the operating cost is one the terms and conditions of the lease mentioned above.

Comments from other agencies

Division of Forestry and Wildlife, Division of Conservation and Resources Enforcement, Engineering Division, Department of Facility Maintenance, and Board of Water Supply have no objections/comments and concur to the proposed exemption declaration from preparation of an environmental assessment.

Comments from the Department of Health were noted and addressed in the preceding paragraphs.

State Historic Preservation Division, Department of Planning and Permitting, and the Office of Hawaiian Affairs have not responded to solicitation for comments before the response deadline.

There are no other pertinent issues or concerns. Staff has no objection to the request described above.

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. Consent to the lease between the Department of Health and the Department of Land and Natural Resources, subject to any applicable conditions cited above which are by this reference incorporated herein.
3. Authorize the Chairperson to execute the lease between the Department of Health and the Department of Land and Natural Resources covering the subject areas 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 lease document form between government agencies, as may be amended from time to time;
 - B. Other than routine maintenance and repairs, no additional improvements, such as, but not limited to new buildings, and additional paving, shall be

²For the security kiosk at the entrance to the Waimano Home Facility.

made to the subject Lots without DOH prior approval;


- 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 interest of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

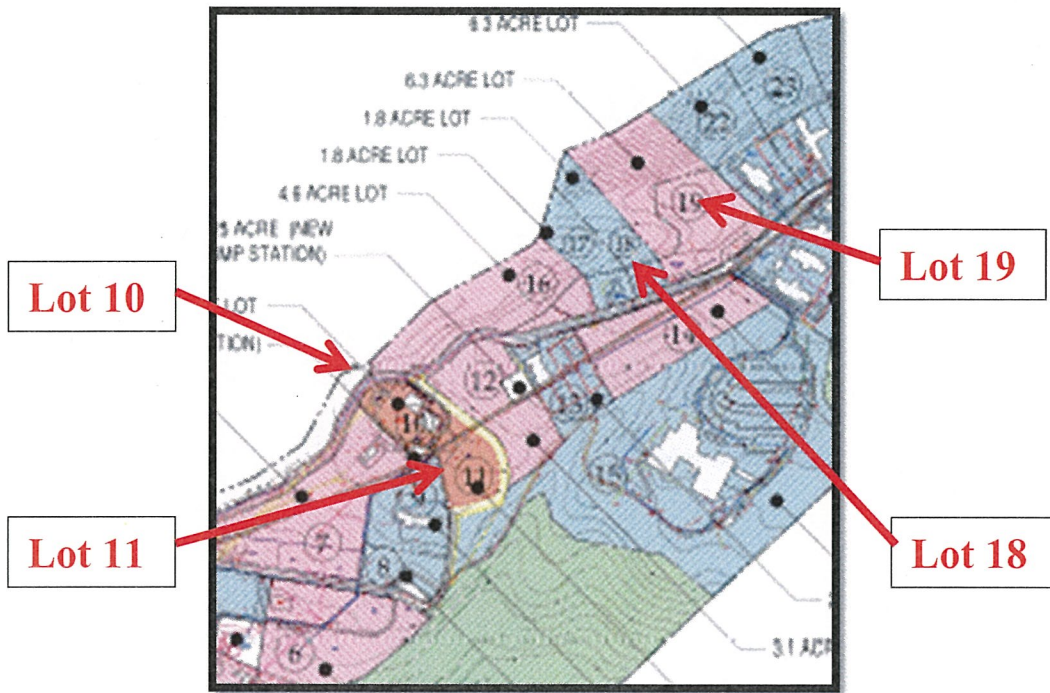
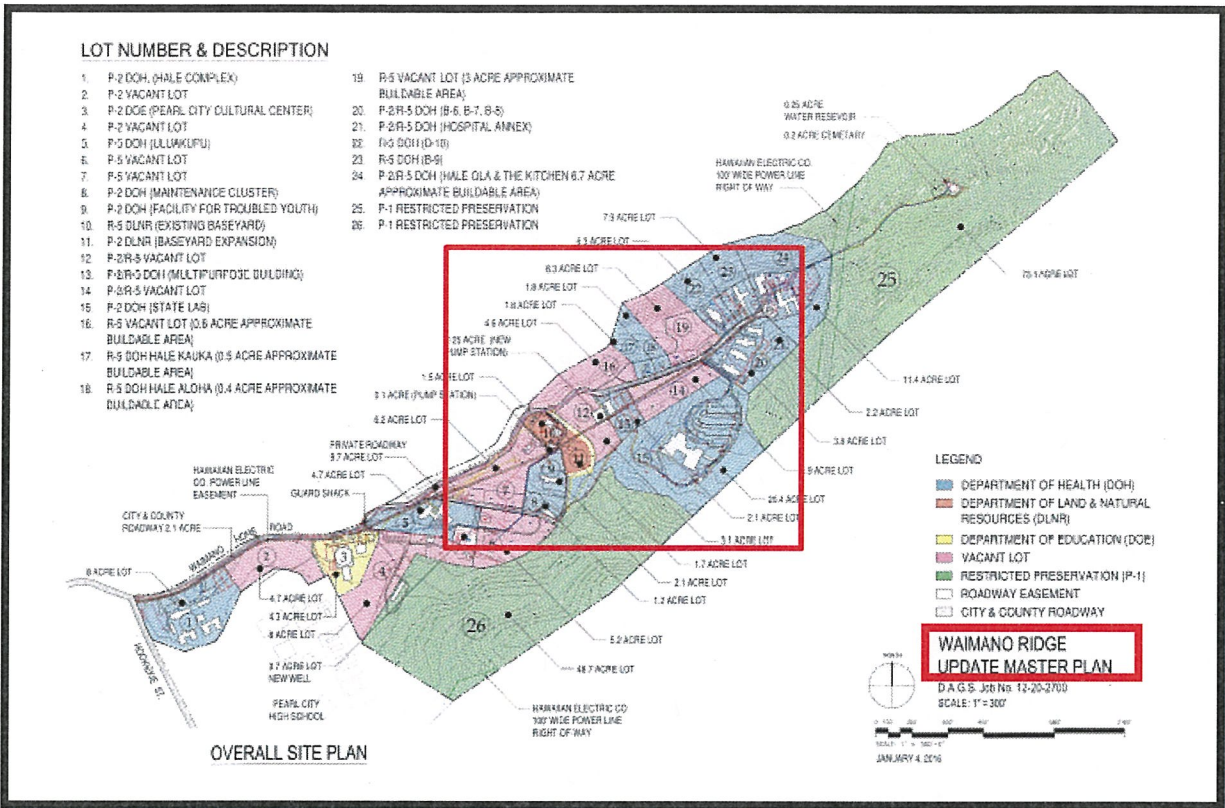
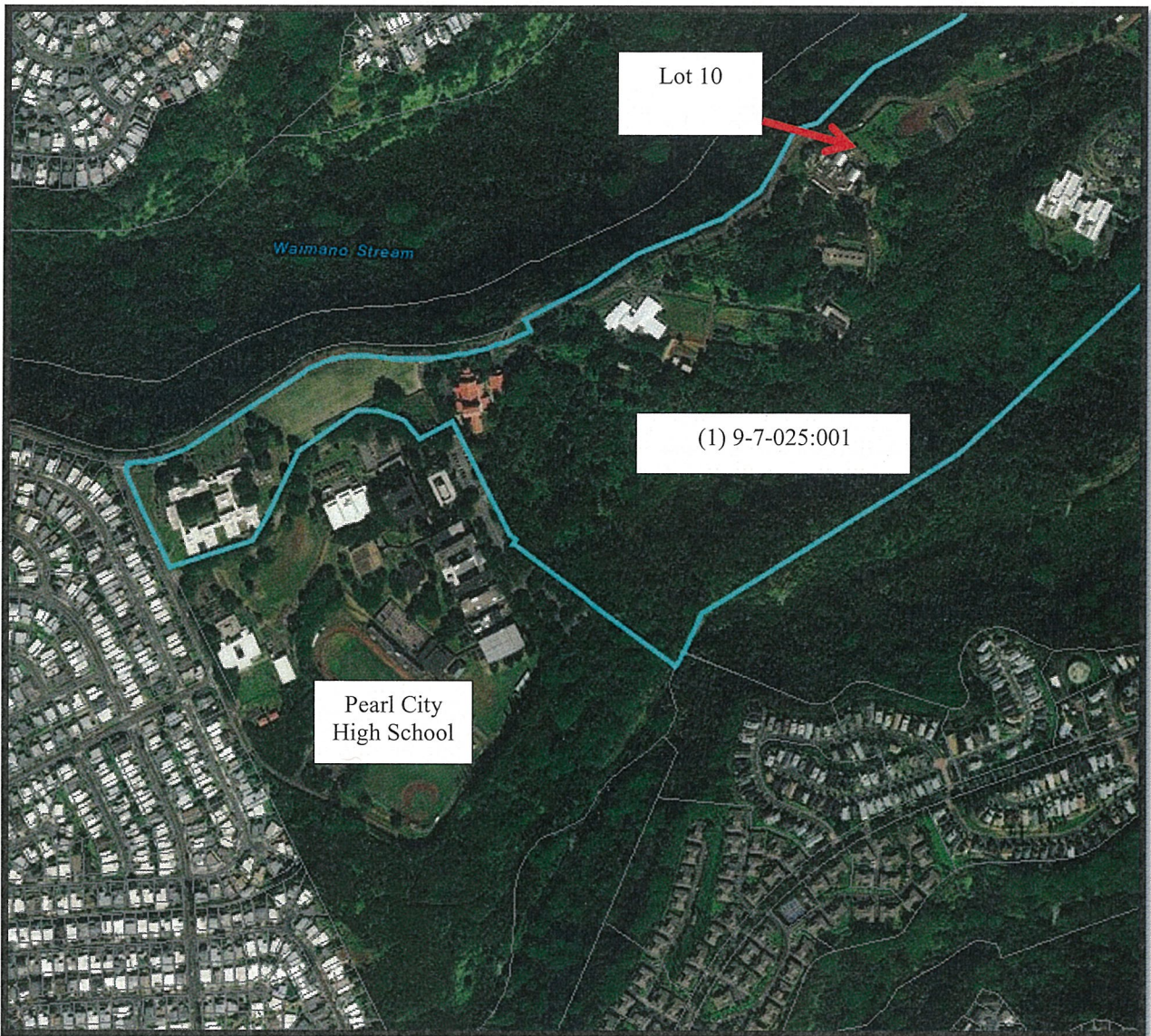


EXHIBIT A-1



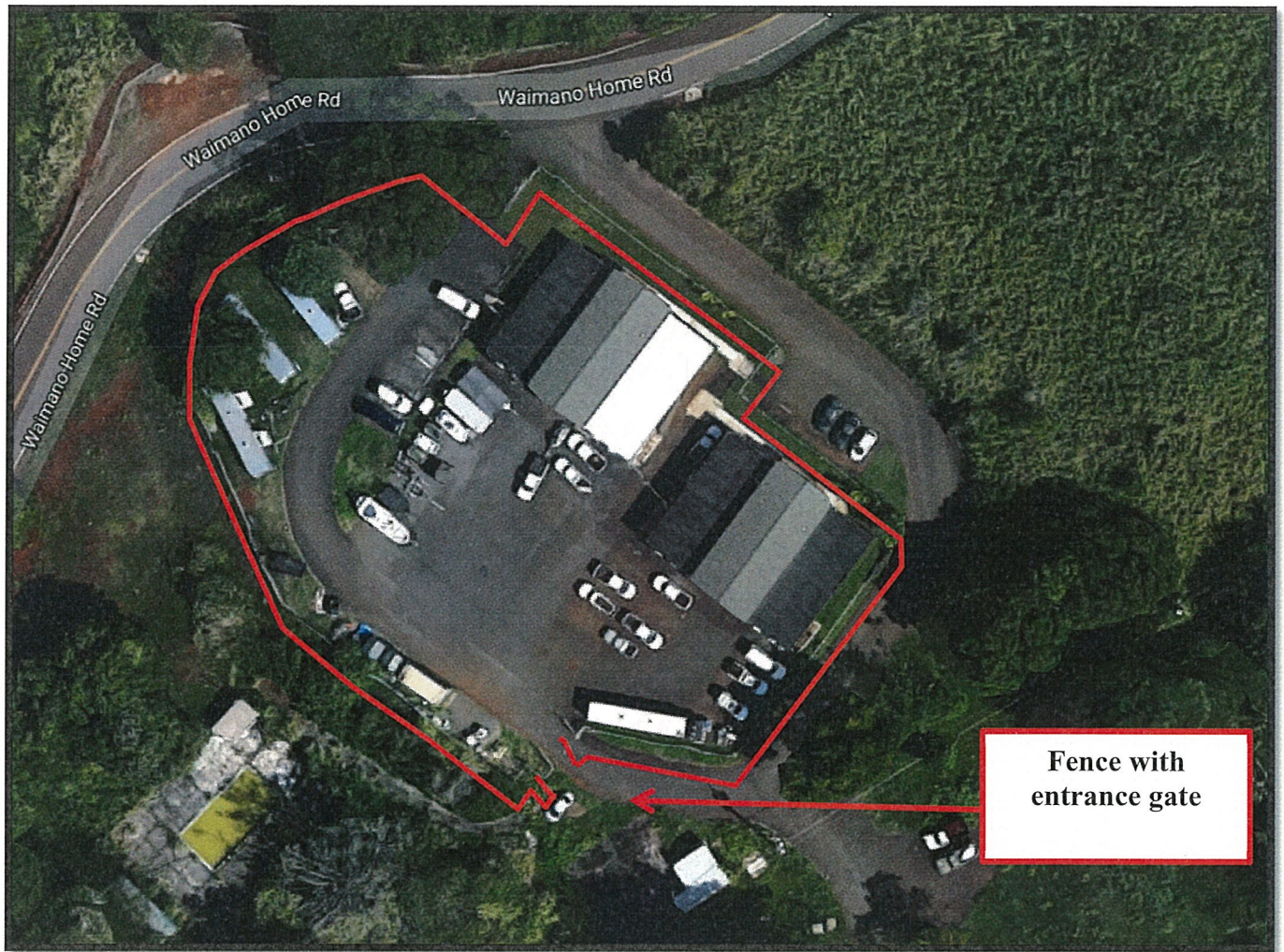
**Waimano Home
TMK (1) 9-7-025:001**

EXHIBIT A-2



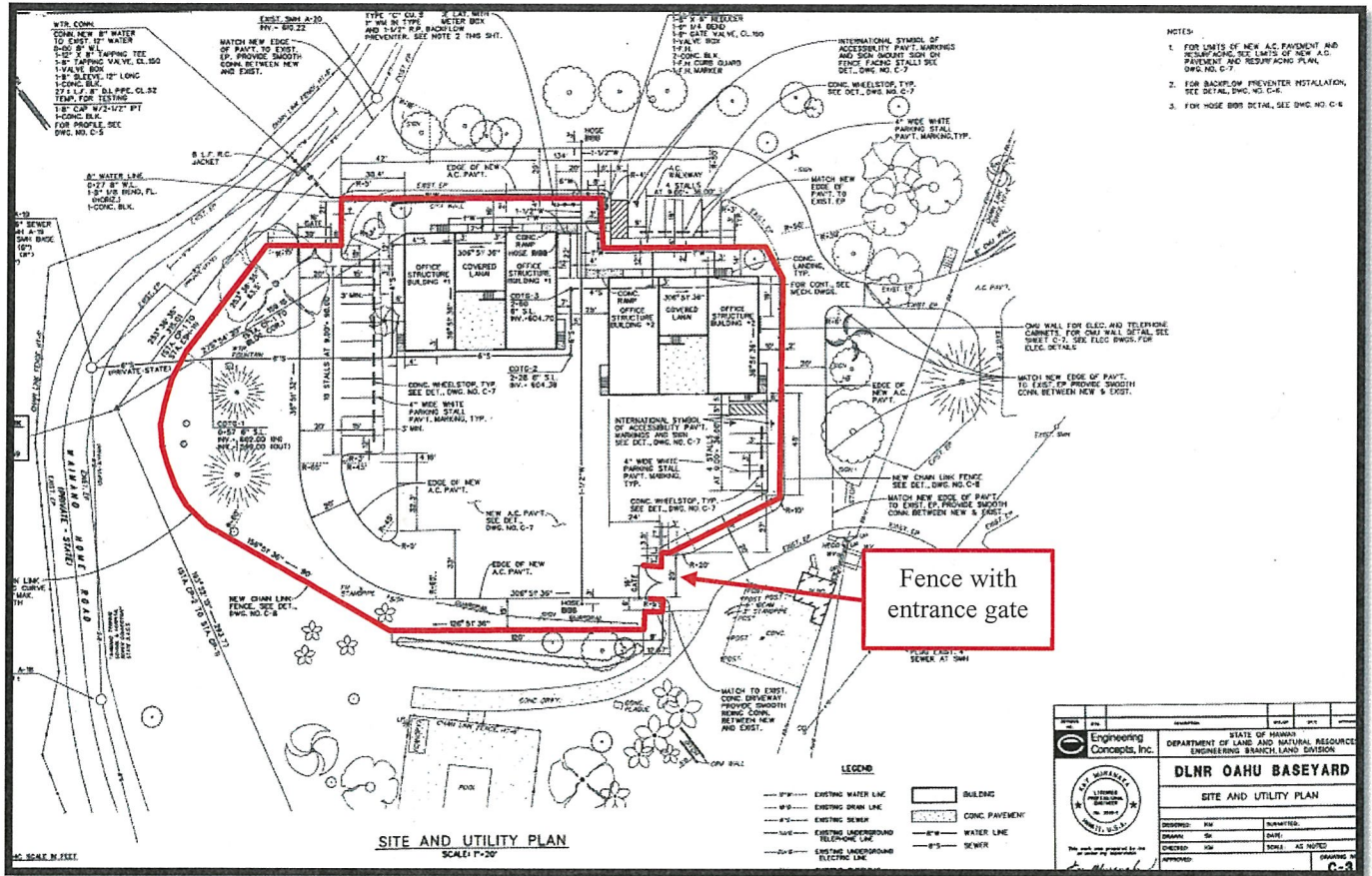
**Lot 10 - Existing Baseyard
TMK (1) 9-7-025: Portion of 001**

EXHIBIT B-1



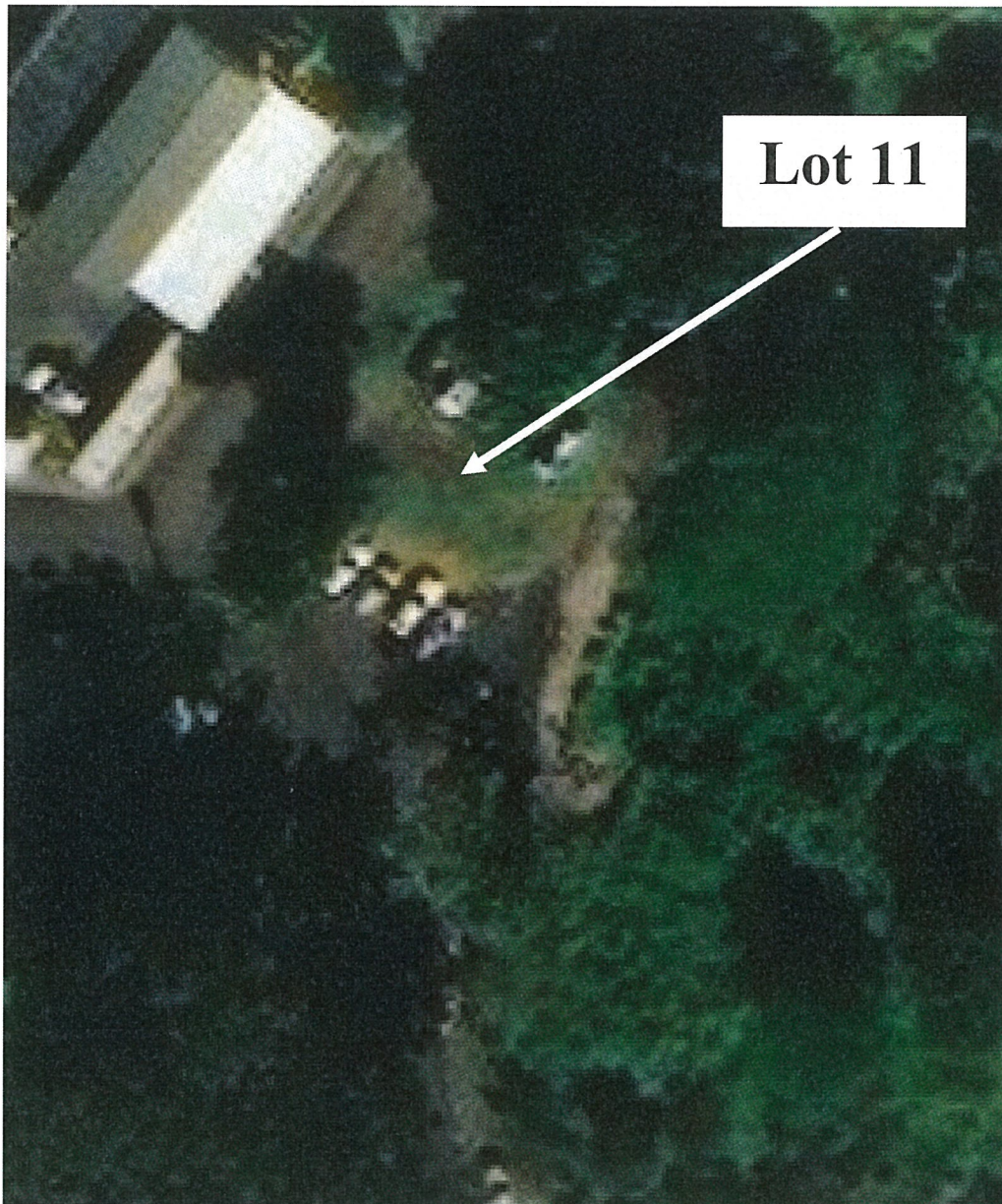
**Lot 10 - Existing Baseyard
TMK (1) 9-7-025: Portion of 001**

EXHIBIT B-2



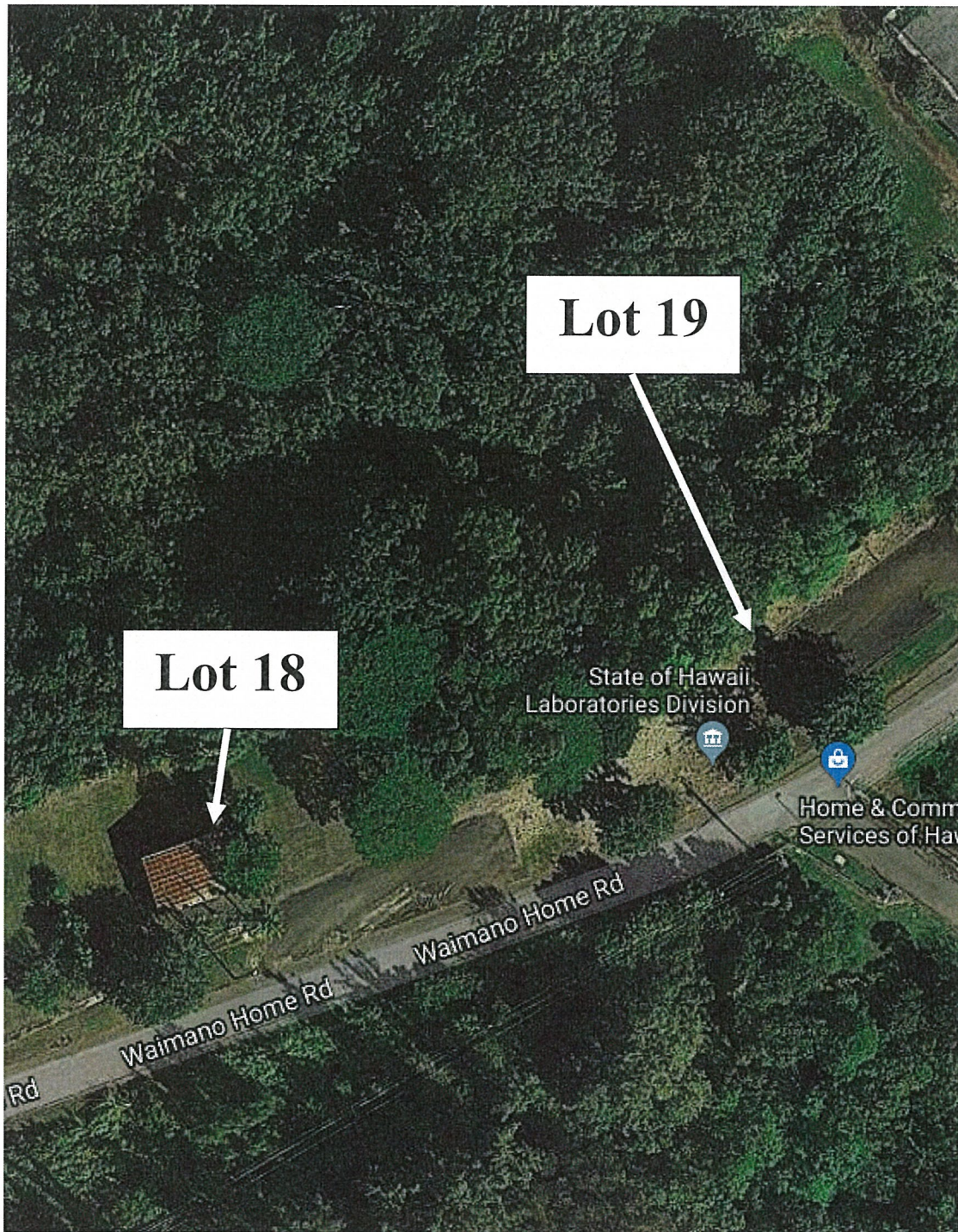
Lot 10 - Existing Baseyard TMK (1) 9-7-025: Portion of 001

EXHIBIT B-3



Lot 11 – DOFAW Overflow Parking

EXHIBIT B-4



Lots 18 & 19 – DOFAW Future Baseyard

EXHIBIT B-5

EXEMPTION NOTIFICATION

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

Project Title: Lease for Baseyard and Parking Purposes.

Project / Reference No.: PSF 17OD-123

Project Location: Pearl City, Ewa, Oahu, Tax Map Key: (1) 9-7-025: portions of 001

Project Description: Approval of lease between Department of Health and Department of Land and Natural Resources for baseyard and parking 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, concurred and reviewed 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" and item 7, which states, "Operation, repair and maintenance, of existing Department structures and facilities, including baseyard, offices, cabins, sheds, and fencing."

Cumulative Impact of Planned Successive Actions in Same Place Significant? No. DOFAW will move in upon completion of the renovation.

Action May Have Significant Impact on Particularly Sensitive Environment? No.

Analysis: The request pertains to leasing of the requested locations for baseyard. Other locations in the area have been used for similar purposes for a long time. 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 noted in the submittal.

EXHIBIT C

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.