

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

December 14, 2018

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

PSF No.: 99OD-076

OAHU

Request to Amend Prior Board Action of June 22, 2018, (Item D-9):

*Request to Amend the Board's Prior Approvals for the Setting-Aside of State Lands Located at the Pearl City Educational Complex to the Department of Education to Serve Public School Purposes.*

*The purpose of this submittal is to amend the following Board Actions of: February 14, 1969 (Item F-11), "Amend Board Action of August 23, 1968 Relating to Set-Aside of Lands of Waimano to Department of Education".*

*Issuance of an Immediate Right-of-Entry to the Department of Education and Also to the Department of Health; Waimano-Uka, Ewa, Oahu, Tax Map Key: (1) 9-7-025: 004.*

The purposes of this amendment are to: (a) rescind the Board's approval of a request to withdraw a triangular-shaped piece of land that was previously understood to be encumbered under Governor's Executive Order Number 2273; and (b) approve the withdrawal of State lands from Governor's Executive Order Number 1020, to be reset-aside to the Department of Education, as shown on C.S.F. Map 15,692.

BACKGROUND:

On June 22, 2018, under agenda item D-9, the Board approved amending its prior approvals to reset aside lands located at the Pearl City Educational Complex to the Department of Education (DOE) to serve public school purposes. A copy of the approved Board submittal is attached as "**Exhibit A.**"

At that meeting, the Board approved the withdrawal of a triangular-shaped piece of State land from Governor's Executive Order Number 2273, for the purpose of resetting it aside to the Department of Health. Staff later determined that the withdrawal of the land is unnecessary since it is currently unencumbered. As such, staff requests the Board to rescind its approval of the withdrawal of the triangular-shaped piece of State Land from Governor's Executive Order Number 2273, but retain the

Board's approval to reset-aside the triangular-shaped piece of land back to the Department of Health, from where it had originated. See "**Exhibit B.**"

At the same meeting, the Board also approved the request to set-aside State lands to DOE, identified as Lot 2 (0.242 acre) and Lot 3 (3.367 gross acres), as shown on C.S.F. Map 15,692. See "**Exhibit C.**" However, upon closer review, before Lots 2 and 3 can be reset-aside to DOE, Lots 2 and 3 first must be withdrawn from Governor's Executive Order Number 1020. As such, staff requests that the Board amend its action of June 22, 2018, agenda item D-9, to specifically include the withdrawal of Lots 2 and 3 from Governor's Executive Order Number 1020.


RECOMMENDATION: That the Board:

- I. Amend its prior Board action of June 22, 2018, agenda item D-9, by:
  - a. Deleting recommendation number 2 of the prior action.
  - b. Renumbering existing recommendation numbers 3 and 4 as new numbers 2 and 3, respectively.
  - c. Approving a new recommendation number 4 to read as follows:
    4. Approve of and recommend to the Governor issuance of an executive order withdrawing Lot 2 and Lot 3 from Governor's Executive Order Number 1020, 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 withdrawal;
      - 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.
- II. Except as amended hereby, all terms and conditions listed in its June 22, 2018 Board approval to remain the same.

Respectfully Submitted,

  
\_\_\_\_\_  
Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



# EXHIBIT A



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.: 99OD-076

OAHU

*Request to Amend the Board's Prior Approvals for the Setting-Aside of State Lands Located at the Pearl City Educational Complex to the Department of Education to Serve Public School Purposes.*

The purpose of this submittal is to amend the following Board Actions of: February 14, 1969 (Item F-11), "Amend Board Action of August 23, 1968 Relating to Set-Aside of Lands of Waimano to Department of Education".

Issuance of an Immediate Right-of-Entry to the Department of Education and Also to the Department of Health; Waimano-Uka, Ewa, Oahu, Tax Map Key: (1) 9-7-025: 004.

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. See the "Exemption Notification" following within this report.

REMARKS:

Staff is unaware of any finalized document that exists, such as a Governor's Executive Order, which officially had set-aside the subject State lands to the Department of Education (DOE) to be used for education purposes of the Pearl City Educational Complex. As such, this amendment is intended to accomplish such purpose, and further, will include Lot Number 2 and Number 3, as shown on C.S.F. 15,692, on Exhibit 2, into the subject set-aside of land to DOE, which in part, comprise the current Pearl City High School and the Momilani Elementary School sites. This amendment further proposes a withdrawal of State

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

June 22, 2018 Go

D-9

**EXHIBIT "A"**

land from the DOE, described as a triangular-shaped piece of land of approximately 8,907 square feet or 0.204 acres, which was previously included within Governor's Executive Order No. 1020. This triangular-shaped piece of land needs to be withdrawn from Governor's Executive Order No. 2273 and then reset-aside to the Department of Health (DOH).

The following C.S.F. Map numbers include information on the subject parcels that relate to this specific set-aside request:

C.S.F. Map Number 15,693, (Pearl City Educational Complex), 85.650 Acres. **See Exhibit 1.**

C.S.F. Map Number 15,692, (Withdrawal, Portions of Waimano Home), Lot Number 2 and Number 3: 0.242 Acre and 3.367 Acres, respectively. **See Exhibit 2.**

In accordance with the previously cited C.S.F. Maps Numbers 15,693, the subject request to set aside the State Lands to DOE consists of a total of: 85.65 Acres .

Further, the subject request is to withdraw the triangular-shaped piece of land of approximately 8,907 square feet or 0.204 acres, from Governor's Executive Order No. 2273 and to have it reset-aside to DOH. See the shaded area on **Exhibit 3**, as shown on C.S.F. Map 15,693.

The Office of Environmental Quality Control requests compliance with the environmental requirements of Chapter 343, HRS, prior to the implementation of the proposed request. As such, see the "Exemption Notification" following within this report.

The Department of Education, Department of Facility Maintenance, Division of State Parks, Commission on Water Resource Management, Department of Hawaiian Home Lands, Division of Forestry and Wildlife, Department of Parks and Recreation, Board of Water Supply, Department of Planning and Permitting and the Office of Hawaiian Affairs had no comments to make with regards to the subject request.

The State Historic Preservation Division had not responded as of the suspense date of the subject request.

#### BACKGROUND:

On March 11, 1966, the Board approved of the withdrawal of State lands from Governor's Executive Order No. 1020, which had previously set aside State lands to the Waimano Training School and Hospital, (currently under the control and management of the Department of Health). **See Exhibit 4.**

Pursuant to Governor's Executive Order No. 2273, executed on May 2<sup>nd</sup>, 1966, a gross area of 83.38 Acres (the subject school site) was withdrawn from Governor's Executive Order No. 1020. **See Exhibit 5.**



Pursuant to its meeting on February 14, 1969, (Item F-11) the Board approved to amend its action by increasing the number of acres of land to be set-aside to the DOE from 60 acres to 87 acres, more or less. The addition of land included within the subject set-aside occurred as the result of the City's refusal to grant subdivision approval for a roadway that had been constructed over Parcel "B" (60.787 acres). As a result, a State owned remainder lot identified as Parcel "C" (26.489 acres) in effect, had no legal means of access to it and thus, was deemed to be non-conforming in accordance with the Comprehensive Zoning Code. This matter caused the Board to amend its prior action by consenting to approve the additional land for its set-aside to the DOE. See BLNR submittal (item F-11) as **Exhibit 6**.

**Exhibits 7 and 8** depict the subject school parcel, Tax Map Key (1) 9-7-025:004, which parcel presently is encumbered, in part, by both the DOH and the DOE. Staff suggests that the areas of the subject parcel which have been previously set-aside to DOH, remain unchanged. Staff also suggests that the remaining areas of the subject parcel then be re-set aside to DOE, to serve public school purposes.

Considering the above, the respective DOH and DOE governmental agencies may then bring closure with regards to this unresolved matter.

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

RECOMMENDATION: That the Board:

1. Amend its prior Board actions of February 14, 1969 (Item F-11) and a resetting-aside of the State lands to the Department of Education to serve public school purposes.
2. Withdraw the triangular-shaped piece of State land from Governor's Executive Order No. 2273 for a resetting-aside to the Department of Health.
3. Approve of, and recommend to the Governor the issuance of an executive order resetting aside the subject triangular-shaped piece of State land to the Department of Health 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



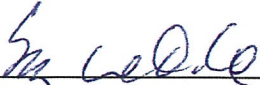
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 4. Authorize the issuance of an immediate right-of-entry permit to the Department of Health covering ~~the subject~~ triangular-shaped piece of State land under the terms and conditions 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.
- 5. ~~Approve of, and recommend~~ to the Governor the issuance of an executive order setting aside ~~the remaining subject~~ State lands 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.
- 6. Authorize the ~~issuance~~ of an immediate right-of-entry permit to the Department of Education covering the ~~remaining~~ subject State lands 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.
- 7. All of the other terms and conditions that were previously listed within the Board's approval for: February 14, 1969 (Item F-11) shall remain the same.

Respectfully Submitted,



Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:



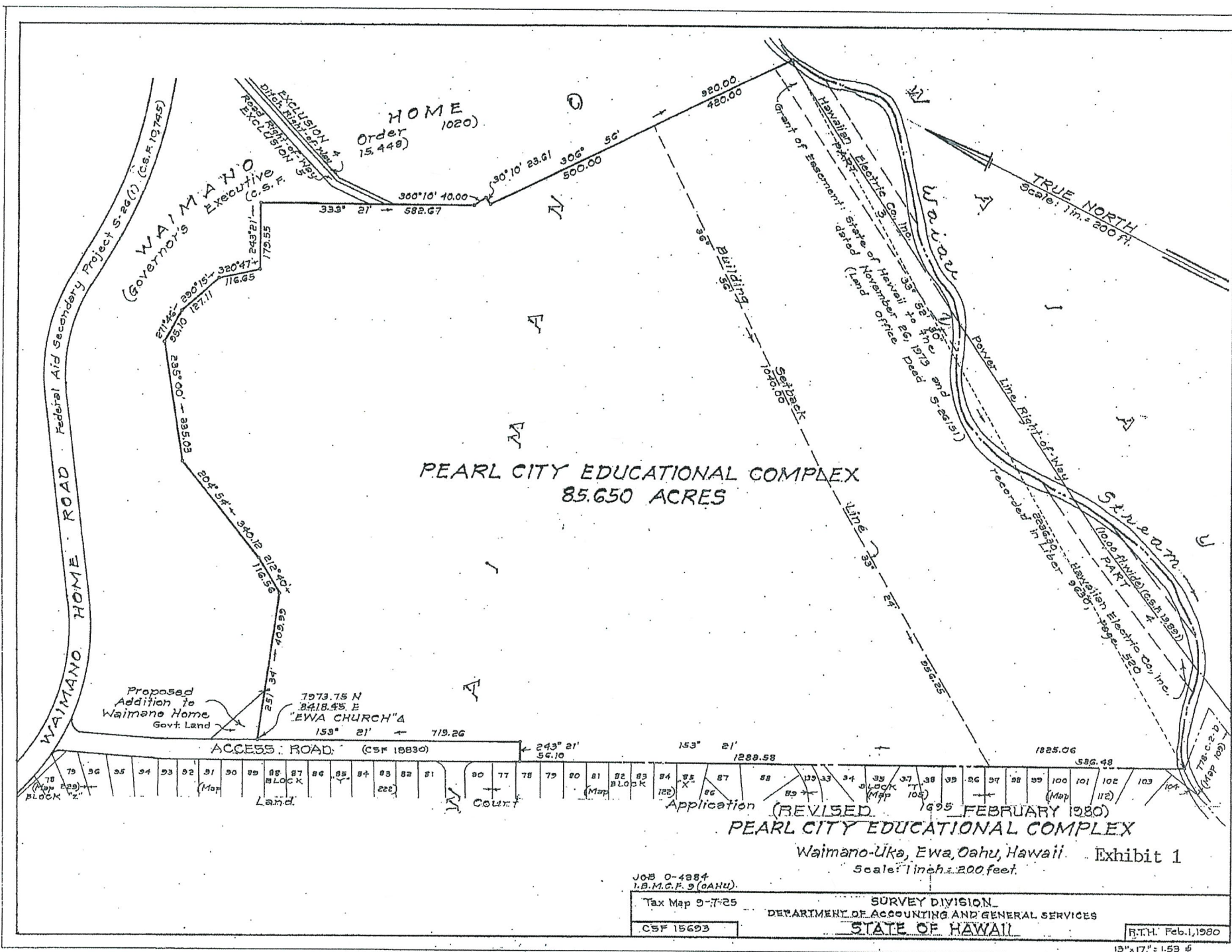
Suzanne D. Case, Chairperson

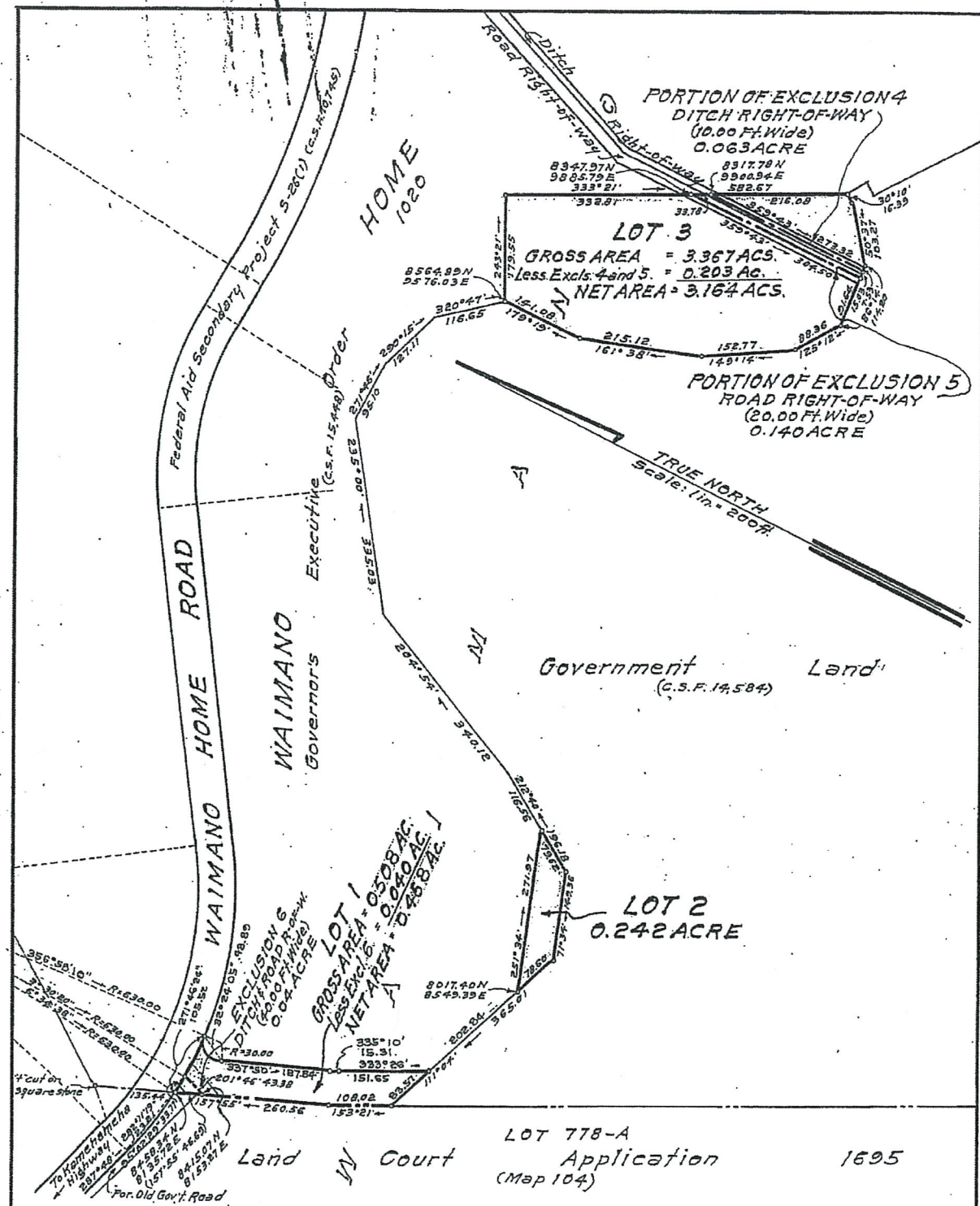
### EXEMPTION NOTIFICATION

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

Project Title:	Request to Amend the Board's Prior Approvals for the Setting-Aside of State Lands Located at the Pearl City Educational Complex to the Department of Education to Serve Public School Purposes.
Project / Reference No.:	PSF 99OD-076
Project Location:	Waimano-Uka, Ewa, Oahu, Tax Map Key: (1) 9-7-025: 004.
Project Description:	Setting Aside of State Land to serve 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."
Cumulative Impact of Planned Successive Action in Same Place Significant?:	No, there is no cumulative impact since there are no successive actions in the same place, for which there would be any significance.
Action May Have Significant Impact on Particularly Sensitive Environment?:	No, a particularly sensitive environment does not exist whereby it could be significantly impacted.
Analysis:	No plans for the project are known that will have a significant effect on the environment.
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.







**WITHDRAWAL**  
**PORTIONS OF WAIMANO HOME**  
 Governor's Executive Order 1020  
**LOTS 1, 2 AND 3**

Exhibit 2

Waimano-Uka, Ewa, Oahu, Hawaii.

Scale: 1 inch = 200 feet Lot: revised August 1975 by R.S.N.  
 Lot 1 revised March 1969, A. Taga  
 Coordinates referred to EWACHURCH "A"

JOB 0-4284  
 C. BK I.B.M. C.F. 9

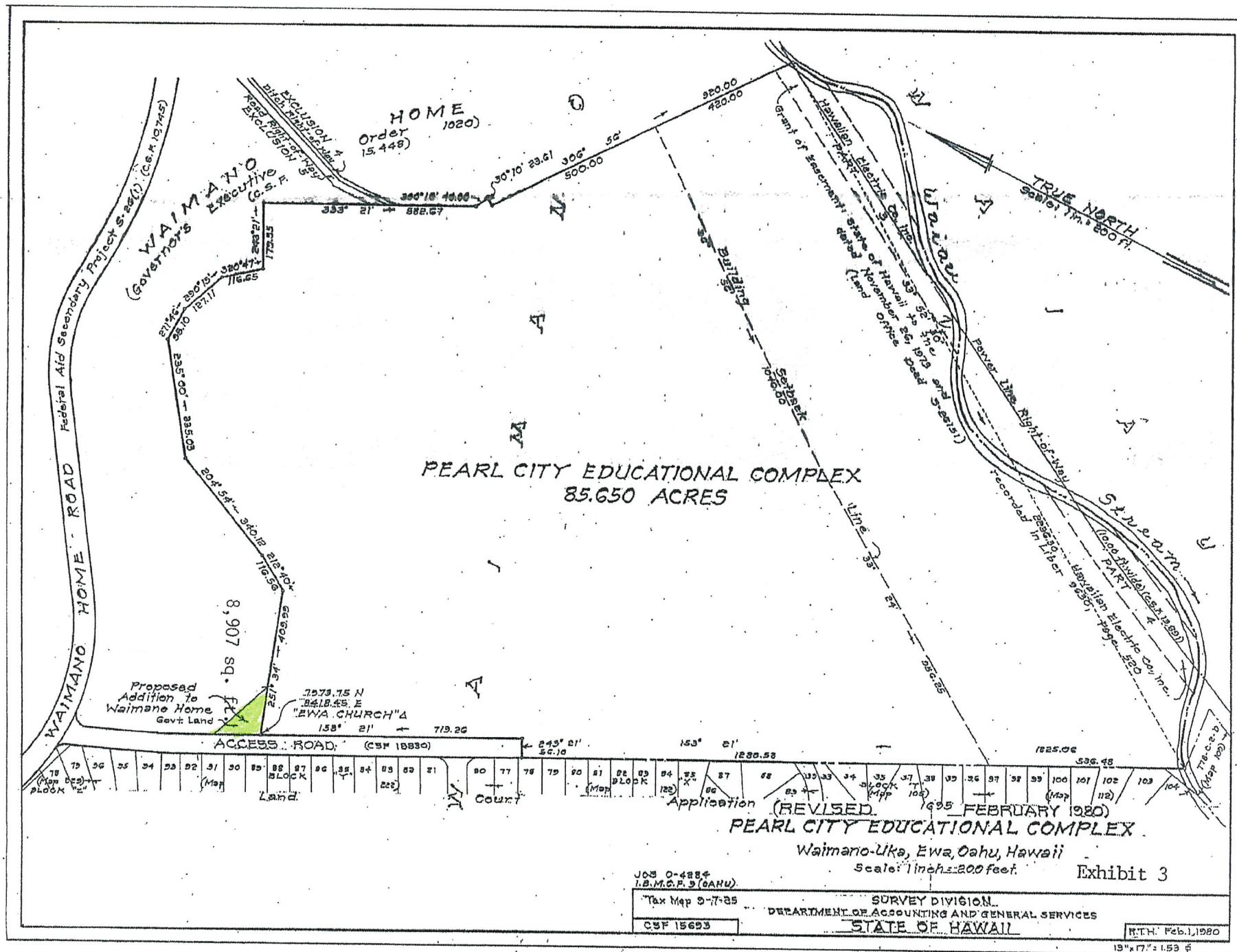
TAX MAP 9-7-25

**SURVEY DIVISION**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**  
**STATE OF HAWAII**

C. S. F. No. 15,692

A.T. Dec. 6, 1968







STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HONOLULU, HAWAII  
Division of Land Management

March 11, 1966

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

Gentlemen:      WITHDRAWAL OF LAND FROM EXECUTIVE ORDER  
                    NO. 1020 COVERING WAIMANO HOME, WAIMANO,      OAHU  
                    OAHU, HAWAII

STATUTE:      Section 103A-11, R.L.H. 1955, as amended.

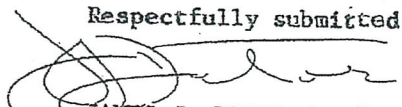
FOR:      The withdrawal of a portion of land from Executive  
                    Order No. 1020, being that portion as shown in red  
                    on C.S.F. Map No. 14584 in the basic file.

AREA:      75.32 acres

REMARKS:      By letter dated June 30, 1964, the Department of  
                    Health stated the subject area to be excess to  
                    departmental needs and that there were no objections  
                    to the Board of Land and Natural Resources leasing  
                    the area out. We have an application to lease the  
                    area for farming which is being processed and will  
                    be presented to the Board at a later date. The  
                    subject area presently is zoned Conservation and  
                    diversified farming is a permitted use.

RECOMMENDATION:      That the Board recommend to the Governor issuance  
                                of an Executive Order withdrawing the subject area,  
                                comprising 75.32 acres, from the operation of  
                                Executive Order No. 1020 (Waimano Home).

Respectfully submitted,

  
JAMES J. DETOR, Head  
Division of Land Management

RECOMMENDED FOR APPROVAL:

  
JIM P. FERRY, Chairman

ITEM F-15

Approved by the Board  
at its meeting held on

March 16, 1966

Exhibit 4

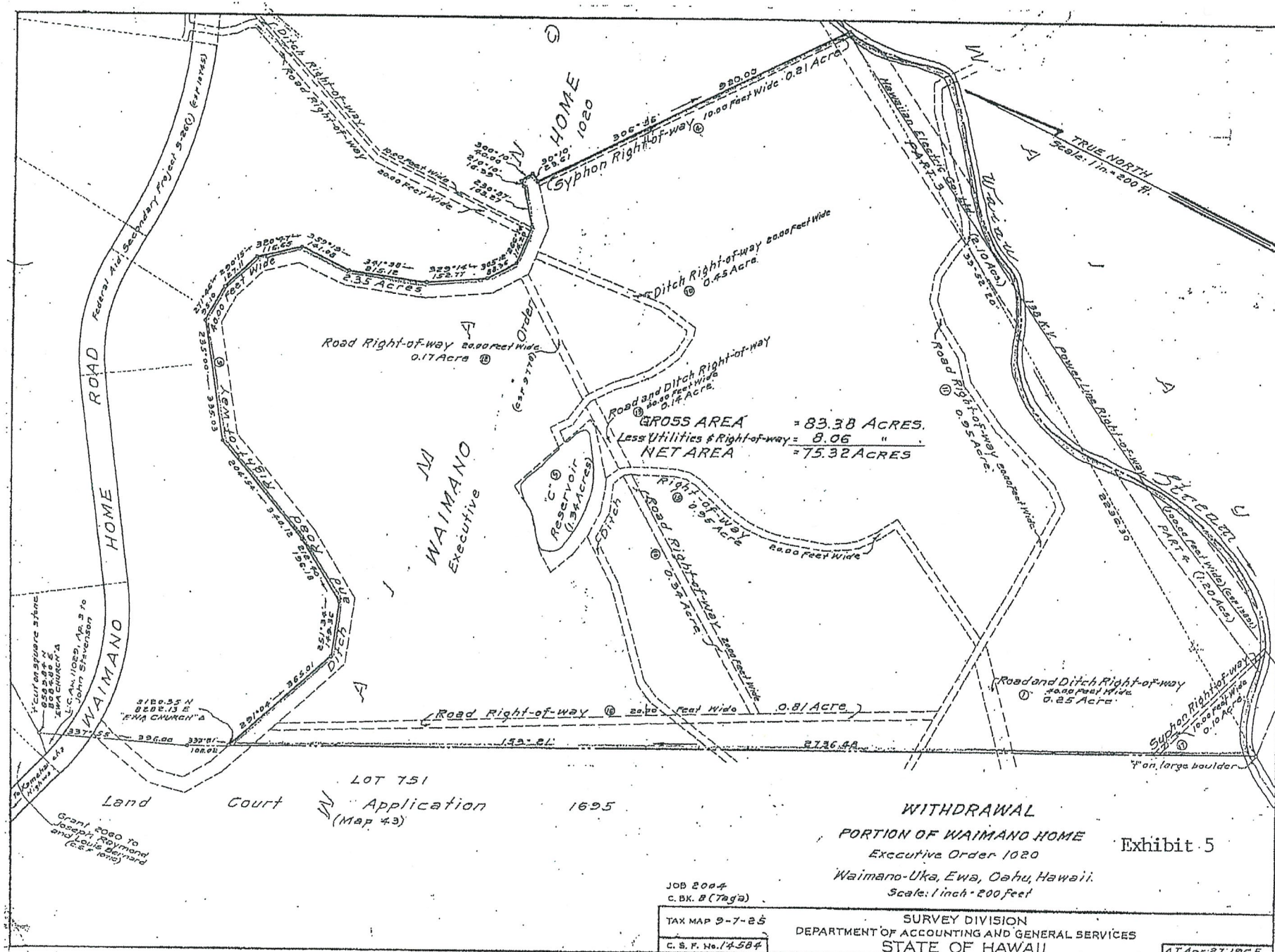


Exhibit 5

WITHDRAWAL  
PORTION OF WAIMANO HOME  
Executive Order 1020

Waimano-Uka, Ewa, Oahu, Hawaii.  
Scale: 1 inch = 200 feet

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

AT Apr 27, 1965

$$13'817'' = 1.5 \text{ m}$$

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HONOLULU, HAWAII  
Division of Land Management

February 14, 1969

Board of Land & Natural Resources  
Honolulu, Hawaii

Gentlemen:

OAHU

SUBJECT: Amend Board Action of August 23, 1968 Relating  
to Set-Aside of Lands of Waimano to Department  
of Education

At its regular meeting of August 23, 1968, the Board approved and recommended to the Governor the setting aside of 60 $\frac{1}{2}$  acres of the lands of Waimano for the Pearl City Educational Complex.

The Survey Office prepared and sent to the City Planning Department a subdivision of the Waimano lands showing:

1. Parcel "A", the remainder of the Waimano Home lands, 242.104 acres;
2. Parcel "B", the Educational Complex Lot, 50.787 acres; and
3. Parcel "C", the Government remainder parcel of 26.489 acres.

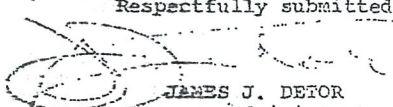
Access to Parcel "C" was proposed over a 55-foot road easement along the Western boundary of Parcel "B". This makes Parcel "C" a non-conforming lot under the new Comprehensive Zoning Code and the subdivision was denied by City Planning unless the proposed road was constructed in its entirety. Money for the construction is not presently available as the Complex will be built in increments.

In order to make the subdivision acceptable to the City and County, it is proposed to set aside the entire 87.276 acres to the Department of Education, with the understanding, confirmed by letter, that the Department of Education will interpose no objection if we later want to withdraw and develop the 26.489-acre Parcel "C". Department of Education has already verbally agreed to this.


RECOMMENDATION:

That the Board amend its action of August 23, 1968 by changing the number of acres to be set aside to the Department of Education from 60 to 87 $\frac{1}{2}$  acres.

Respectfully submitted,

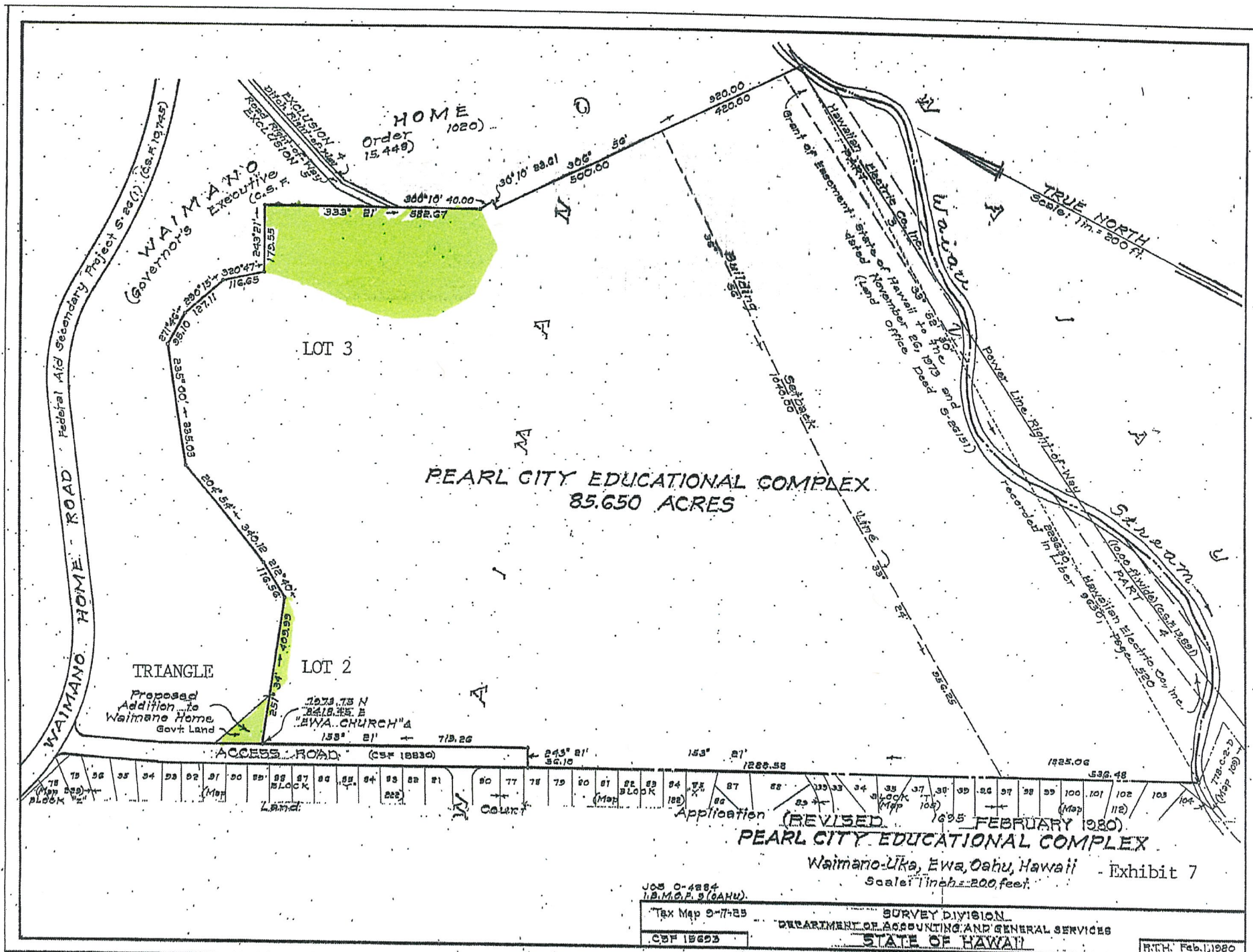
  
JAMES J. DEFOR  
Program Administrator  
Division of Land Management

RECOMMENDED FOR APPROVAL:

  
SUNAO KIDO, Chairman

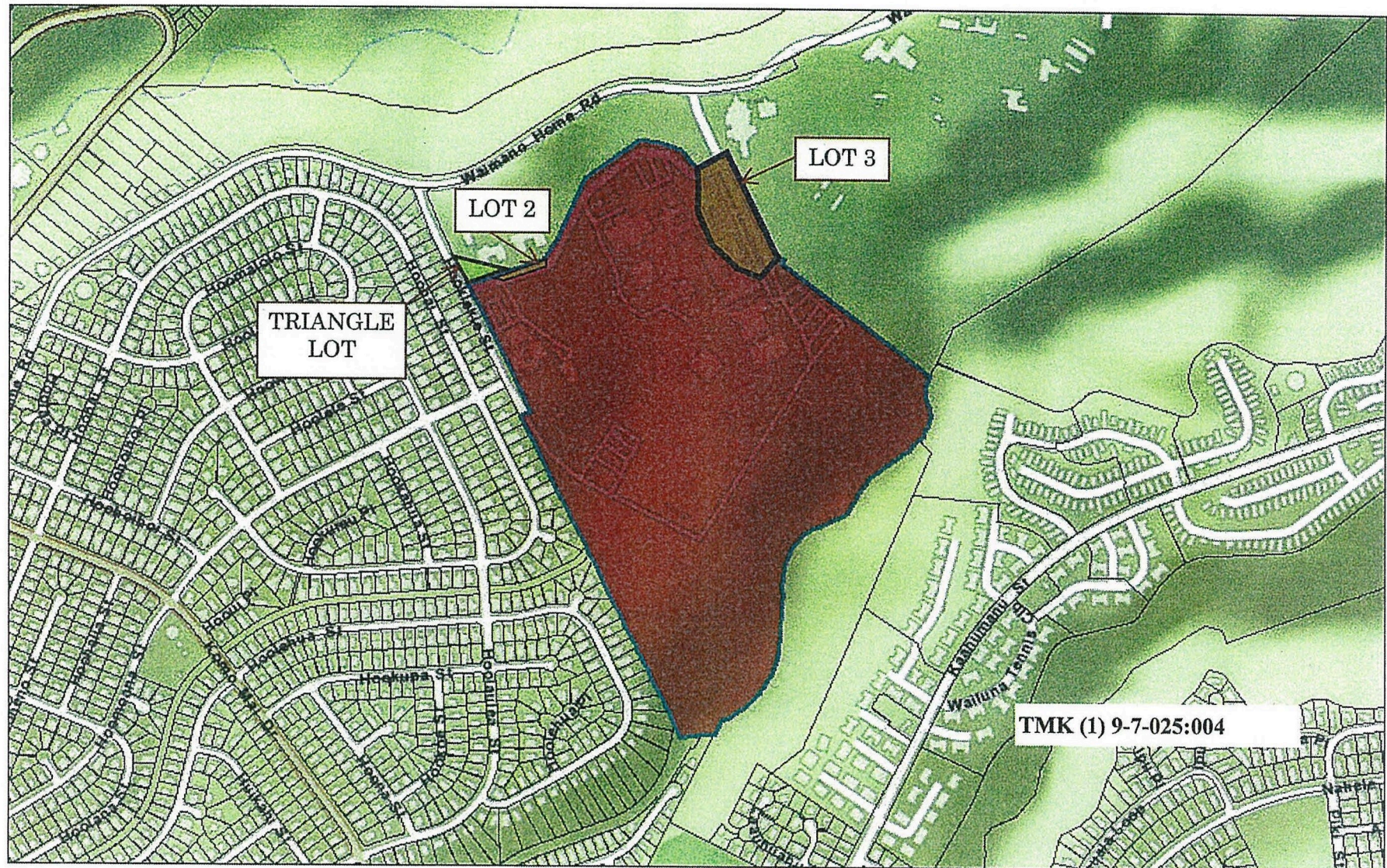
Exhibi





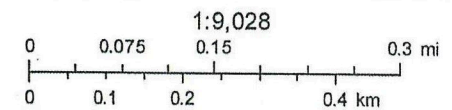


# Public Land Trust Information System



April 11, 2018

Exhibit 8

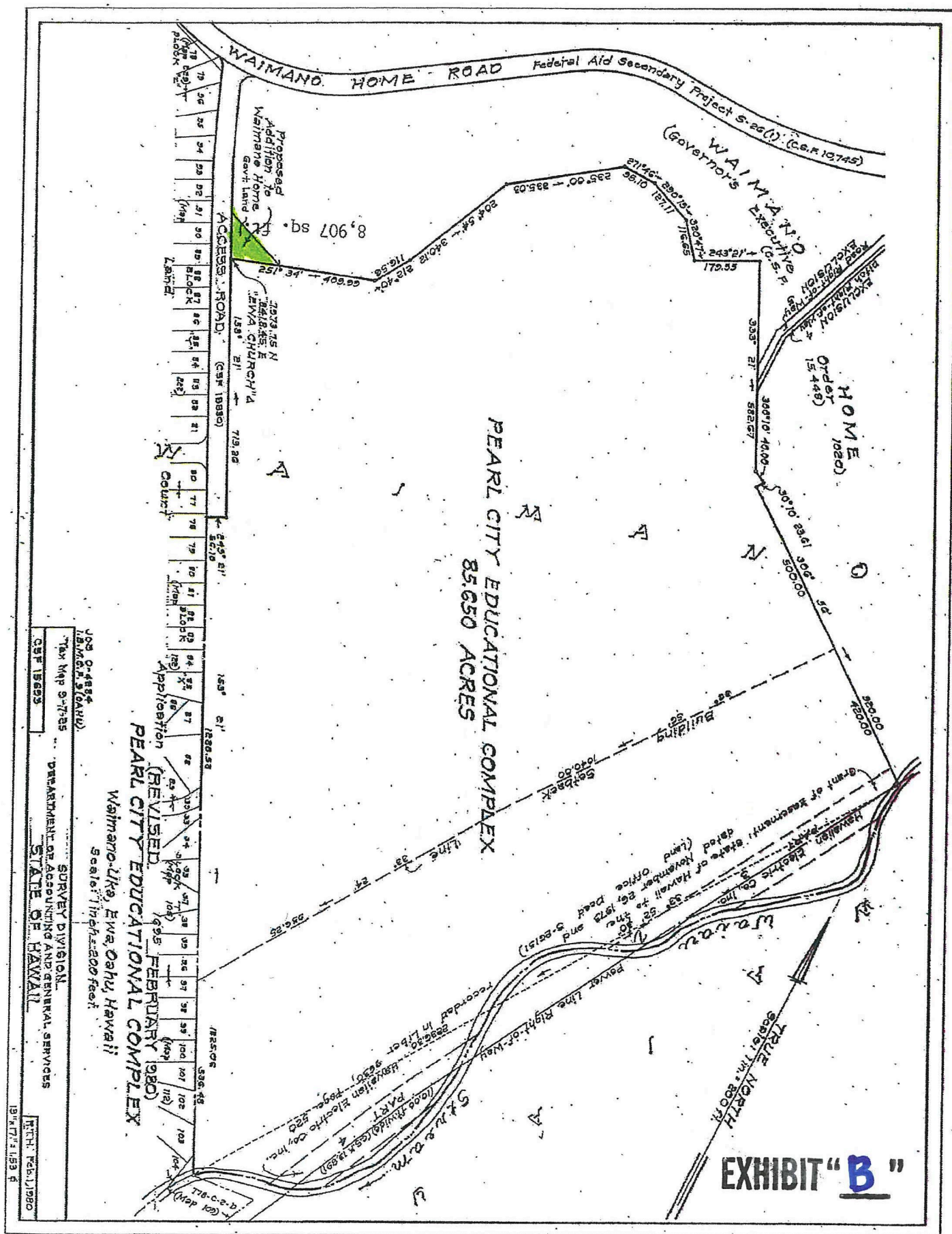


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



# EXHIBIT B

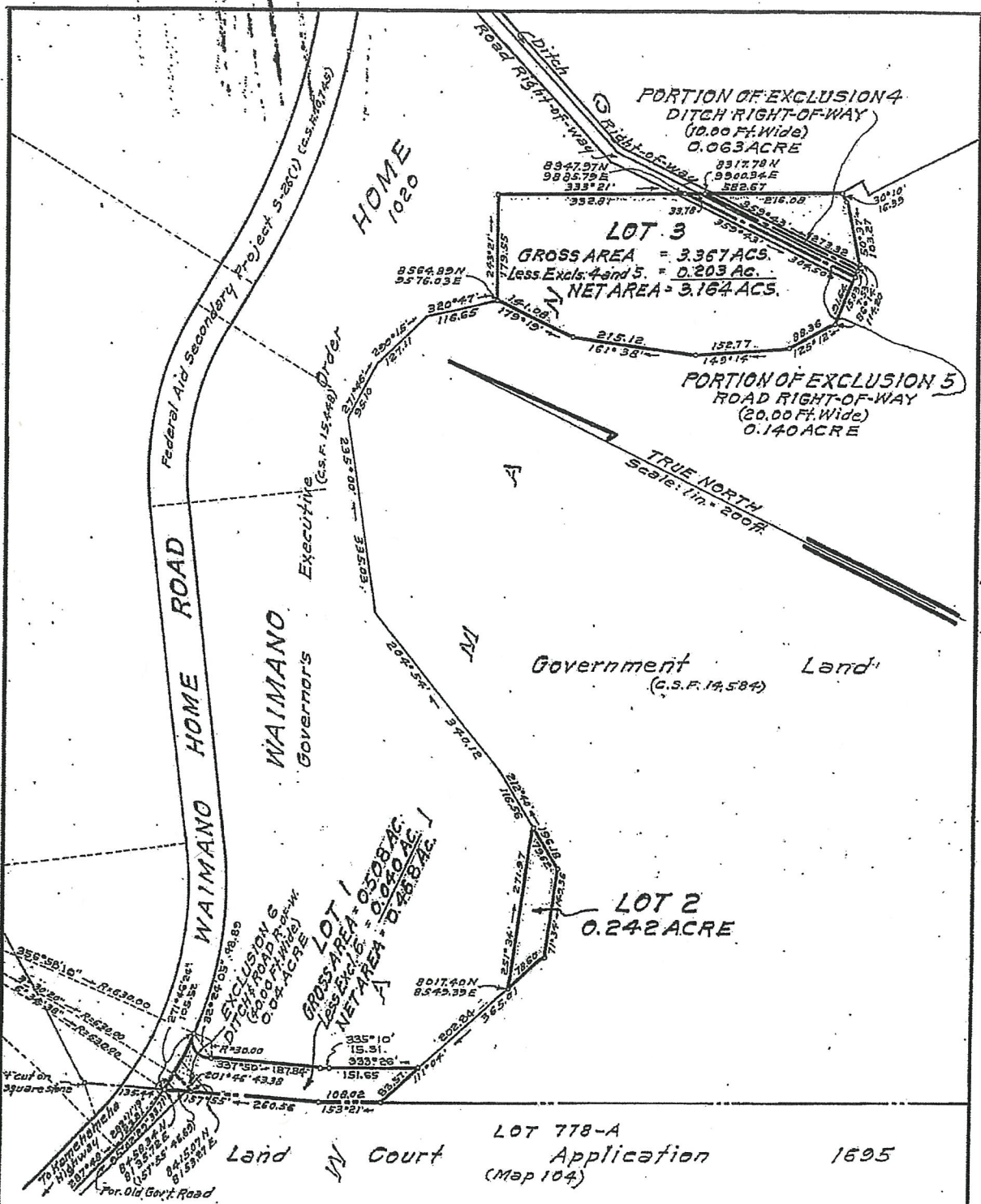






# EXHIBIT C





**WITHDRAWAL**  
**PORTIONS OF WAIMANO HOME**  
 Governors Executive Order 1020  
**LOTS 1, 2 AND 3**

**EXHIBIT "C"**

Waimano-Uka, Ewa, Oahu, Hawaii.

JOB 0-4284  
 C. BK I.B.M. C.F. 9

Scale: 1 inch = 200 feet Lot: Revised August 1975 J.R.S.N.  
 Lot 1 revised March 1969, A. Tapp  
 Coordinates referred to "EWA CHURCH" A

TAX MAP 9-7-25

SURVEY DIVISION  
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

C. S. F. No. 15,692

STATE OF HAWAII

A.T. Dec. 6, 1968