

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

April 9, 2020

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

Ref No: 20OD-019

Oahu

Amend the Public Purpose of Governor’s Executive Orders No. 383, 3577, 1402, 2466, and 3458; Honolulu and Waianae, Oahu, Tax Map Keys: (1) 2-1-051:006, (1) 2-7-008:002, and (1) 8-3-001:036.

The amendment is to revise the public purpose of the above-mentioned Governor’s Executive Orders to read “Parks and Community Needs and Social Services Purposes”.

APPLICANT:

City and County of Honolulu (“City”).

LEGAL REFERENCE:

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

LOCATION:

Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1) 2-7-008:002, (1) 2-1-051:006, and Keaau, Waianae, Oahu, identified by Tax Map Key: (1) 8-3-001:036, as shown on the attached maps labeled **Exhibit A1-A3**.

CURRENT USE STATUS and AREA:

TMK	Encumbrances	Area	Current Purpose	Agency
1-2-1-051:006	EO 0383 Mother Walden	39,976 sq. ft.	Park and Playground	City and County of Honolulu
1-2-7-008:002	EO 3577 Stadium Park	7.274 acres	Park	

1-8-3-001:036	EO 1402 EO 2466 EO 3458 Kea’au Park	Total of 38.048 acres	Public Park	
---------------	--	--------------------------	-------------	--

ZONING and TRUST LAND STATUS:

TMK	State Land Use	County LUO	Trust Land Status	DHHL Entitlement
1-2-1-051:006	Urban	Multi-Use	5 (b)	No
1-2-7-008:002	Urban	Preservation 2	5 (a)	No
1-8-3-001:036	Conservation	Preservation 1	5 (b)	No

PROPOSED PURPOSE:

For Park and Community Needs and Social Services Purposes.

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-16 (a)(2) of the Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred upon by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Part 2, item No. 1 that states: “Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.” See **Exhibit B**.

APPLICANT REQUIREMENTS:

None.

REMARKS:

To address the homeless situation in the State, Honolulu Police Department (“HPD”) proposed the concept of a Lift Mobile Navigation Center (“LIFT”) in June 2018. The idea was to lift the parks regulations to facilitate the establishment of a mobile navigation center. The unrestricted park land would allow HPD to take over a section of a designated area free from any park rules, such as permitting, closure times, and camping restrictions. LIFT was subsequently rebranded as Homeless Outreach and Navigation for Unsheltered Persons (“HONU”)¹.

The Office for the Governor’s Coordinator on Homelessness has appropriated funding through Act 209, Session Laws of Hawaii 2018 for the HONU program, with HPD and the

¹ Information for the HONU program can be downloaded from www.honolulu.gov/rep/site/ohou/HONU-191021.pdf

Department of Community Services taking up the management role of the program. Other outreach or shelter providers will also participate in the program.

The HONU program will remain at a location for a short period of between 60-90 days before rotating the program to another location. At the writing of this submittal, a HONU site is set up at the Waipahu Cultural Park owned and managed by the City. On February 12, 2020, the Chairperson issued a right-of-entry to the City for the HONU program at the Old Stadium Park pursuant to the Governor's Emergency Proclamation on homelessness. Together with the Waipahu Cultural Park (see **Exhibit C** for photos of site), the three parks mentioned in today's submittal are the planned locations for the HONU sites.

On any HONU site, ten (10) inflatable tents will be placed to house about 80 people or up to 100 family members. Social services like medical care, mental health counseling, substance abuse counseling, housing navigation, hygiene and laundry service, and transportation to shelter, and additional services like identity card replacement, veterinary care for pets, meals (for those accepting shelter), and transportation to transit stations (during extended stay) will be provided at the HONU site.

It is also noted that the HONU site will serve as temporary overnight shelter until existing shelter services are available. Plainclothes officers will be in the park with additional patrols in nearby neighborhoods. Upon the closing of the HONU site, HPD will utilize existing ordinances to enforce park rules and ensure that the area remains cleared for future park use by the community.

Pursuant to subsequent discussions with the City and the Department of the Attorney General, it is believed that an amendment of the purpose described in the subject executive order is prudent. Staff brings today's request for the Board's consideration.

City has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

Department of Parks and Recreation and Department of Community Services have no objection to the request and concur to the proposed environmental assessment exemption.

There are no other pertinent issues and concerns. Staff recommends the Board approve the request as listed in the Recommendation section.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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.

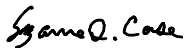
2. Approve of and recommend to the Governor the issuance of an executive order(s) amending the public purposes of Governor’s Executive Orders No. 383, 3577, 1402, 2466, and 3458 under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - 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,



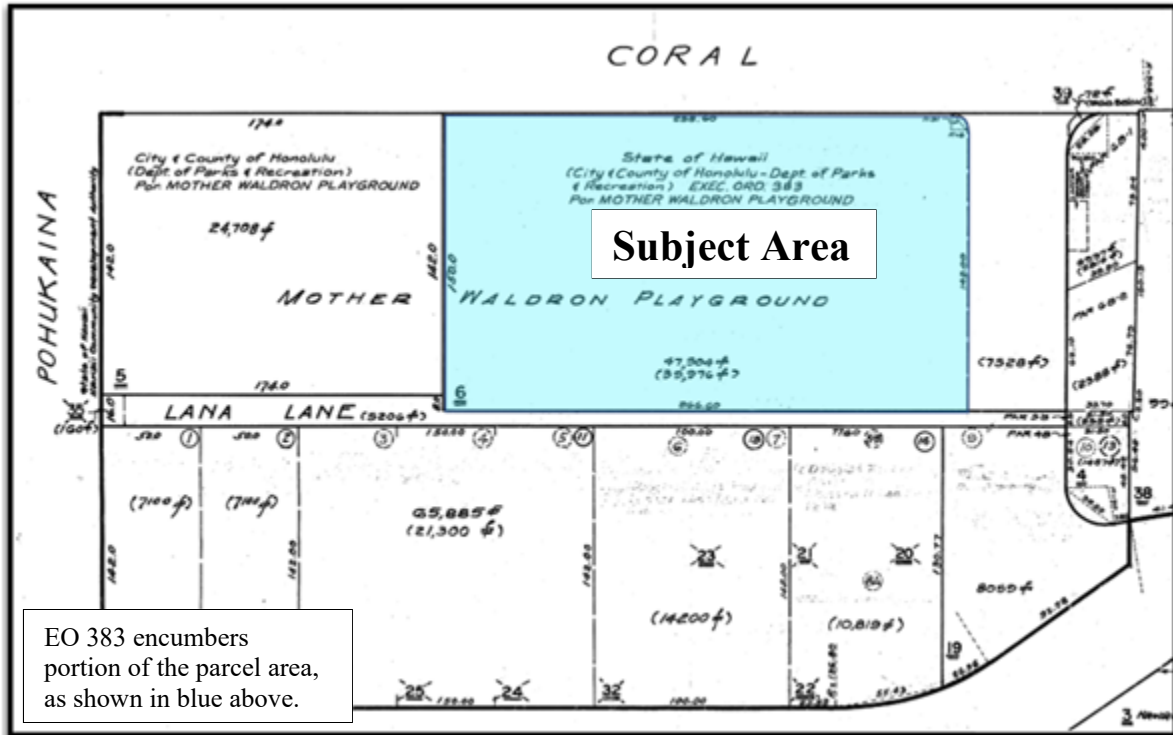
Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

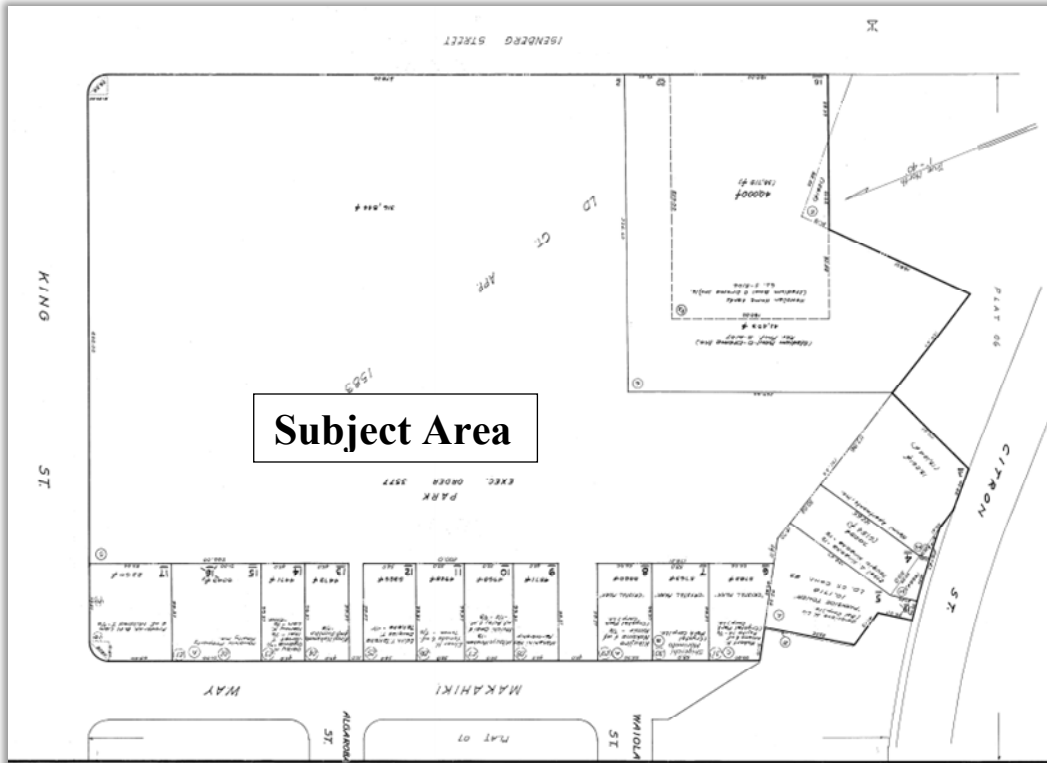


Suzanne D. Case, Chairperson

RT



TMK (1) 2-1-051: por. 006 (Mother Waldron Park)



TMK (1) 2-7-008:002 (Stadium Park)

Exhibit A2



Subject Area



TMK: (1) 8-3-001:036 (Kea'au Park, Waianae)

Exhibit A3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, Hawaii Administrative Rules.

Project Title: Amend the Public Purpose of Governor’s Executive Orders No. 383, 3577, 1402, 2466, and 3458.

Project / Reference No.: PSF 200D-019

Project Location: Honolulu and Waianae, Oahu, Tax Map Keys: (1) 2-7-008:002, (1) 2-1-051:006, and (1) 8-3-001:036.

Project Description: Revise the public purpose of the above-mentioned Governor’s Executive Orders to read “Parks and Community Needs and Social Services Purposes”.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Section 11-200.1-16 (a)(2) of the Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred upon by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Part 2, item No. 1 that states: “Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.”

Cumulative Impact of Planned Successive Actions in Same Place Significant: No, the request is pertaining to a community action at the subject public parks and revising the Executive Orders’ purpose to facilitate the planned action over portions of the parks. 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: No, 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 B

Analysis:

The proposed program plans to occupy a portion of the park, while the parks are still open to public use. The program will help the community to address the homeless situation, and the manner of utilization by the program is not different from other normal park uses. It is also under monitoring by both the social services provider and law enforcement agencies. 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.



Waipahu Cultural Park HONU Site

Exhibit C