

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

May 8, 2020

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

PSF No.: 20HD-006

Hawaii

**Cancellation of Governor's Executive Order No. 1781 to State of Hawaii,
Department of Defense for Hawaii National Guard Site and Reset Aside to
County of Hawaii for Recreational Programs and Expanded Community
Use, Keaau, Puna, Hawaii; Tax Map Key: (3) 1-6-003:058.**

CONTROLLING AGENCY:

State of Hawaii, Department of Defense

APPLICANT:

County of Hawaii

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of situated at Keaau, Puna, Hawaii identified by Tax Map Key: (3) 1-6-003:058, as shown on the attached map labeled Exhibit A.

AREA:

3.044 acres, more or less.

ZONING:

State Land Use District:	Agricultural
County of Hawaii CZO:	A-20a (Agricultural 20 acre minimum)

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Governor's Executive Order No. 1781 setting aside 3.044 acres to for Hawaii National Guard Site purposes.

PURPOSE OF SET ASIDE:

Recreational programs and expanded community use purposes. "Recreational programs" shall mean activities such as, youth enrichment program and activities, afterschool programs, Summer Fun, intercession activities, intramural/extracurricular activities and sports & fitness activities. "Expanded community use" shall mean activities such as, community meetings, community resource services, Senior Citizen clubs & activities, Town Hall meetings, adult cultural enrichment classes, emergency shelter, County staff and volunteer training site, Community Emergency Response Team (CERT) training site, community disaster preparedness training, Incident Command Station and public health informational meetings and/or testing.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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 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 36 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 attached Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Allow the State DOD Starbase Program continued use of the facility until the program can be relocated; and
- 2) Accept the responsibility of all necessary maintenance and repair of the facility

including areas utilized by the State DOD Starbase Program.

REMARKS:

The subject parcel was obtained by the Territory of Hawaii through a condemnation proceeding against W.H. Shipman, Ltd. on June 28, 1956 for the purpose of procuring a site for the Hawaii National Guard. The Territory of Hawaii paid consideration of \$5,327.00 and the deed does not contain a reverter clause.

The property was set aside to the Hawaii National Guard on March 12, 1957 by Governor's Executive Order No. 1781 (EO1781). The Hawaii National Guard built an armory at the site (Keaau Armory) and utilized the facilities up to the present.

By way of letter dated July 24, 2019, the Hawaii Army National Guard (HIARNG) requested cancellation of EO1781. The reasons for the request are that the Keaau Armory site is now too small to accommodate its operations which will be moving to the Keaukaha Military Reservation in Hilo and a lack of funding resources to provide necessary maintenance to the property. Currently the property is being used to support the State Department of Defense (State DOD), National Guard Bureau Youth Services operations, such as the Starbase Program. The State DOD is looking for alternative accommodations in which to relocate the Starbase Program.

Through a letter dated October 3, 2019, the County of Hawaii requested a set-aside of the property with the purpose of utilizing the facility for recreational programs and expanded community uses. Specifically, for Senior and Youth fitness and cultural activity programs, Summer Fun programs, after school programs, community meetings, and emergency preparedness/response programs. The subject property is located adjacent to a County park and is suitable for inclusion in the park activities and programs. In 2005 the County of Hawaii had expressed its desire to obtain the Keaau Armory site in the event the Hawaii Army National Guard were to no longer need the facility.

Discussions between the State DOD and County of Hawaii have resulted in an agreement that allows the Starbase Program continued use of the facility until another site can be found for the program. The County of Hawaii understands that no Phase I Environmental Site Assessment has been performed on the property but has nevertheless agrees to accept the property in "as is, where is" condition with all faults and defects whether latent or patent, and to be responsible for the repair and maintenance of the facility, including areas utilized by the Starbase Program.

Comments were solicited from the following State and County agencies and no responses were received:

State agencies: Department of Hawaiian Home Lands, Department of Transportation –

Highways Division, Department of Defense and the Office of Hawaiian Affairs.
County agencies: Planning Department and Department of Parks and Recreation.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 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. 1781 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 an executive order setting aside the subject lands to the County of Hawaii 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,

Candace Martin

GH

Candace Martin

KEH

Land Agent

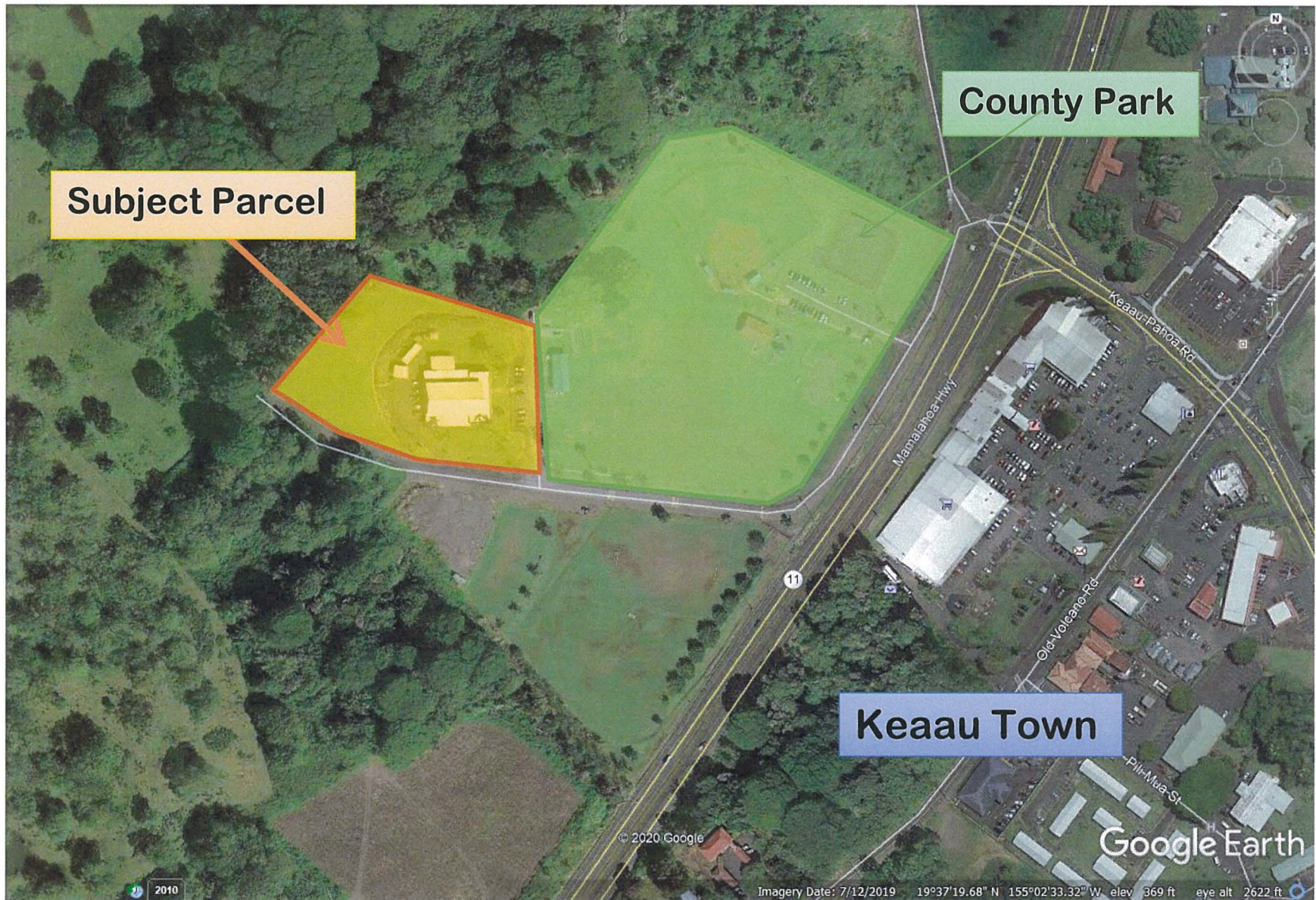
APPROVED FOR SUBMITTAL:

Suzanne D. Case

RT

Suzanne D. Case, Chairperson

EXHIBIT A



DAVID Y. IGE
GOVERNOR OF HAWAII



EXHIBIT B

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 8, 2020

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

Project Title:	Cancellation of Governor's Executive Order No. 1781 to State of Hawaii, Department of Defense for Hawaii National Guard Site and Reset Aside to County of Hawaii for Recreational Programs and Expanded Community Use.
Project / Reference No.:	PSF No. 20HD-006.
Project Location:	Keaau, Puna, Hawaii, Tax Map Key: (3) 1-6-003:058.
Project Description:	Transfer of management authority of State land from the Hawaii Army National Guard to the County of Hawaii.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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 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 36 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. There are no successive actions planned for the site.

**Action May Have
Significant Impact on
Particularly Sensitive
Environment?:**

No. There are no particularly sensitive environmental issues involved with the proposed use of the property. The property will continue to be used in a manner consistent with previous use.

Analysis:

The transfer of management authority will not change the existing use of the property. The proposed use will involve negligible or no expansion or change of use beyond that previously existing.

Consulted Parties:

State agencies: Department of Hawaiian Home Lands, Department of Transportation – Highways Division, Department of Defense and the Office of Hawaiian Affairs.

County agencies: Planning Department and Department of Parks and Recreation. No negative comments were received.

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.