

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i

June 26, 2020

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

O'AHU

AUTHORIZE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF STATE PARKS TO DIRECTLY NEGOTIATE A TEN-YEAR LEASE WITH HAWAI'I SOFTBALL FOUNDATION, AN ELEEMOSYNARY ORGANIZATION, FOR OUTDOOR RECREATION AND MAINTENANCE PURPOSES AT SAND ISLAND STATE RECREATION AREA (SISRA), HONOLULU, O'AHU, HAWAI'I, TAX MAP KEY: (1) 1-5-041:006 AND 022 PORTION

AND

REQUEST APPROVAL OF DECLARATION OF EXEMPTION FROM CHAPTER 343, HAWAI'I REVISED STATUTES, ENVIRONMENTAL COMPLIANCE REQUIREMENTS FOR THE SUBJECT PROJECT

APPLICANT:

Hawai'i Softball Foundation (HSF) a 501 (c)(3) organization.

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) § 171-13 and 171-43.1, as amended

LOCATION:

Portion of Government lands situated at Sand Island State Recreation Area, Honolulu, O'ahu, as identified by Tax Map Key: (1)1-5-041:006 and 022 (por.), as shown on the attached map EXHIBIT A.

AREA:

Approximately 10 acres more or less of improved/paved and unimproved/unpaved land

ZONING:

State Land Use District: Urban
County of Honolulu CZO: I-3 Waterfront Industrial District, P-2 General Preservation District

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. 2704 to be under the control and management of the Department of Land and Natural Resources, Division of State Parks (DSP) for park purposes.

CHARACTER OF USE:

Outdoor softball recreation and maintenance purposes.

TERM OF LEASE:

Ten years, commencing on the approval by Chairperson.

ANNUALLY RENTAL:

Four hundred eighty and no/100ths dollars (\$480.00) plus water utility charges.

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rules Section 11-200-8 and 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 47 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing." See EXHIBIT B.

DCCA:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

BACKGROUND:

Since 1971, State Parks has received 5 federal grants through the Land and Water Conservation Fund (LWCF) program which have provided funding support for development of the park. The use of these funds has placed approximately 85 acres of the park under LWCF protection which requires that the park be accessible to the public and maintained for outdoor recreation in perpetuity.

With the current LWCF grant that provides funding assistance for reconstruction of the ballfields and renovation of the adjacent comfort station and parking lot, the LWCF boundary will be expanded another 18 acres to encompass the quadrangle. The total acreage under LWCF protection will be 103 acres upon completion of the grant.

HSF was established in 2009 to support the softball community, not only on the island of O'ahu but all over the State of Hawai'i. HSF organizes, encourages, and educates individuals and organizations, and financially supports the development of the game of softball in Hawai'i.

HSF has participated in the Adopt-A-Park program at Sand Island State Recreation Area (SISRA) since 2010 and has invested its own funds to improve the softball fields. Participation in the Adopt-A-Park program was to demonstrate HSF's commitment to develop, manage, and maintain a future softball complex.

HSF is unique in its role for the sport of softball in Hawai'i and was able to gather various entities in softball and bring them together in one collaborative voice. The following are some of the organizations HSF has collaborated with:

- USA Softball (Youth)
- Little League Softball (Youth)
- Chaminade softball (College)
- Hawaii Pacific University (College)
- UH Hilo (College)
- University of Hawaii (College)
- High School Softball – Oahu Interscholastic Association (OIA), Interscholastic League of Honolulu (ILH), Maui Interscholastic League (MIL), Kauai Interscholastic Federation (KIF), Big Island Interscholastic Federation (BIIF)
- Club and Travel ball teams from all Islands.

HSF's programs include: two annual college scholarships, help with the restoration of SISRA, the New City Nissan College Camp, the restoration of Central Oahu Regional Park softball fields and lending support to the Hawai'i Amateur Softball Association, now known as USA Softball programs.

HSF has hosted a variety of groups at SISRA. From youth eight (8) and under to eighteen (18) and under programs, high school programs from associations including: OIA, ILH, MIL, BIIF, and KIF. Collegiate programs like Chaminade University, Hawai'i Pacific University, University of Hawai'i at Hilo, and their visiting opponents have also benefited

from HSF's programs. HSF has hosted travel ball clubs and international organizations from Japan and Australia as well.

Currently, there are six (6) fields in the area with two (2) of the fields completed available for participants. HSF will help renovate all six (6) fields. Throughout its tenure, HSF has contributed over seventy-five thousand and no/100ths dollars (\$75,000.00) of equipment time, infrastructure improvements and revitalization efforts into the first two (2) fields.

HSF will manage and maintain the new Sand Island Softball Complex (Complex). The Complex will be the cornerstone of HSF's educational based programming throughout the State of Hawai'i. It will serve age groups from eight (8) and under to collegiate age programs. It will provide a high-quality venue for practices, games, tournaments, training, camps, and clinics. The fields will be maintained by HSF and provide an exceptional environment that will be safe for all participants to be able to fully enjoy the sport at a unique location. The Complex will enable HSF to continue to develop programs which will enhance the opportunities for participation in the sport. It will allow HSF to maintain its current programs and create new, innovative approaches to provide options to Hawai'i's families by making the grounds family friendly with adequate parking, storage, equipment and safe policies and procedures. All service will be provided for a minimal charge of twelve dollars and no/100ths dollars (\$12.00) per hour for practice and fifteen and no/100ths dollars (\$15.00) per hour for games with a reevaluation of rates to take place every six (6) months by HSF Board and with final approval by DSP.

The value and need of the Complex can be seen by the number of inquiries HSF has received for softball-based events for June 2021 to December 2022. The prospective events would enable the complex to be seventy percent (70%) booked prior to opening. HSF proposes a two-step process for a group to secure the use of any field.

1. Registration with the HSF.
2. Review by the HSF board with a priority given to those events that bring the most impact to the softball community.

The Complex will serve as a gateway to community-based programming. HSF intends to continue to introduce the sport of softball, a sport widely seen as very expensive to participate in, to various communities that fall under specific economic levels. HSF breaks down the barrier by providing used but good equipment to be used by those with need.

Softball requires a high level of individual skill development. HSF provides coaching, a venue to practice, and creates an environment for those who play to give back to both the sport and community.

The Complex will be the only fastpitch softball complex in the state and catalyst for softball in Hawai'i. Over the last decade, the sport has seen unprecedented worldwide growth and has increased opportunities for participants. HSF will utilize the complex as the vehicle to bring those opportunities to participants within the State of Hawai'i.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. However, upon approval the applicant would need to be in compliance with all county, state and federal laws and ordinances pertaining to the lease agreement.

Staff has consulted with Division of Boating and Ocean Recreation and Division of Conservation and Resources Enforcement regarding HRS Chapter 343 exemption, attached as EXHIBIT B.

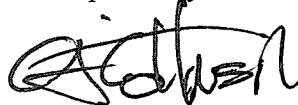
HSF will give a written schedule of use to DSP that insures fair and equitable use is afforded to the public and there is no exclusive use. DSP is recommending that the Board approve a directly negotiated term lease with HSF, an eleemosynary organization.

RECOMMENDATION:

That the Board,

1. Determine that in accordance with Hawai'i Administrative Rules Sections 11-200-8 and 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 47 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."
2. Approve the issuance of a General Lease to Hawai'i Softball Foundation at a nominal rent of four hundred eighty and no/100ths dollars (\$480.00) annually plus water utility charges.
 - a. The standard terms and conditions of the most current general lease, as may be amended from time to time; adding the LWCF requirements and recognize that the State retains control and tenure over the property and has the authority to terminate the lease if any LWCF conditions are not followed.
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the state.

Respectfully submitted,



Curt A. Cottrell, Administrator
Division of State Parks

APPROVAL FOR SUBMITTAL:

Suzanne D. Case

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

EXHIBIT A – Sand Island Recreation Park; Map Location

EXHIBIT B – DLNR Exemption List – June 5, 2015

Sand Island Recreation Area Park

A Field - aprx. 5.47 Acres

B Field - aprx. 4.21 Acres



EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Hawai'i Softball Foundation
Project / Reference No.:	TBD
Project Location:	Sand Island Recreation Area Park, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 1-5-041:006 And 022 Portion
Project Description:	Outdoor Recreation And Maintenance Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s).:	<p>In accordance with Hawai'i Administrative Rule Chapter 11-200.1 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred in by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:</p> <p>HAR § 11-200.1-15(c)(1): "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing."</p> <p>Exemption List, Exemption Class 1, Item 47 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."</p>
Cumulative Impact of Planned Successive Actions in Same Place, Over Time, Significant?	No. The applicant has operated the softball complex at Sand Island Recreation Area Park since 2010, without adverse impact to the land. Therefore, staff believes the use of the proposed lands for this lease will have no significant effect on the environment. The area is developed and is not particularly sensitive environment.
Analysis:	The applicant has proved to be responsible since 2010, through the Adopt-A-Park agreement. The applicant have demonstrated to develop, manage, and maintain a future softball complex.
Consulted Parties:	DOBOR and DOCARE was consulted and they have no objections.
Declaration	The Board finds that these projects will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.

EXHIBIT B