

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

January 22, 2021

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

Ref: 20OD-109

OAHU

Set Aside to Department of Land and Natural Resources, Division of Aquatic Resources, for Addition to Fisheries Research Center and Related Purposes, Sand Island, Honolulu, Oahu Tax Map Key: (1) 1-5-041:333.

APPLICANT:

Department of Land and Natural Resources, Division of Aquatic Resources.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land and submerged land and ship berthing easement situated at Sand Island, Honolulu, Oahu, identified by Tax Map Key (1) 1-5-041:333, as shown on the map attached as **Exhibit A**.

AREA:

1.615 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: I-3/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 General Lease No. S-5219 for terminal project site and ship berthing easement. The Lessee shall use or allow the premises leased to be used solely for commercial and industrial purposes of establishing a cable ship berth and depot for maintenance, repair, and storage of transoceanic submarine telecommunication cables. By a separate request on today's agenda, Lessee requests a one-year holdover upon the current expiration date of November 21, 2021.

PURPOSE:

Addition to Fisheries Research Center and Related Purposes.

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 November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type 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", Item 36 that states, "Transfer of management authority over state-owned land, such as setting aside of state lands." See **Exhibit B**.

APPLICANT REQUIREMENTS:

None.

REMARKS:

General Lease No. S-5219 was issued to AT&T Submarine Systems, Inc., for a term of thirty (30) years, commencing on November 21, 1991. It encumbers 1.615 acres of wharf area for ship depot purposes, which includes a warehouse and sheds for housing of equipment. The lease also consists of 0.952 acre of submerged lands used for docking a communication cable laying ship. At its meeting of February 11, 2011, agenda item D-16. The Board gave its consent to the assignment of the subject lease to SubCom, LLC (Lessee).

DAR has been using the adjacent State parcel as its Anuenue Fishery for fisheries research center purposes pursuant to Governor's Executive Order No. 4618. Due to its expanding research programs, DAR sees an opportunity in expanding its research center to the subject parcel when the lease expires.

Staff believes DAR's proposed use of the subject parcel is appropriate due to its proximity to the existing facility.

Department of Transportation, Harbors Division (DOT) requests to use the berth easement to alleviate the congestion at Honolulu Harbor. DAR has expressed its agreement to DOT's request. In view of Lessee's requested holdover, staff will bring present DOT's request to use the subject parcel to the Board after the Lessee moves out at the expiration of its holdover.

Other than DOT and DAR, staff did not receive any comments/objections from other governmental agencies when solicited on the proposed use of the subject parcel after November 2021. There are no other pertinent issues or concerns. Staff recommends the Board approve DAR's request.

RECOMMENDATION: That the Board, subject to Applicant fulfilling the Applicant Requirements above:

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 setting aside the subject lands to Department of Land and Natural Resources, Division of Aquatic Resources, 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,

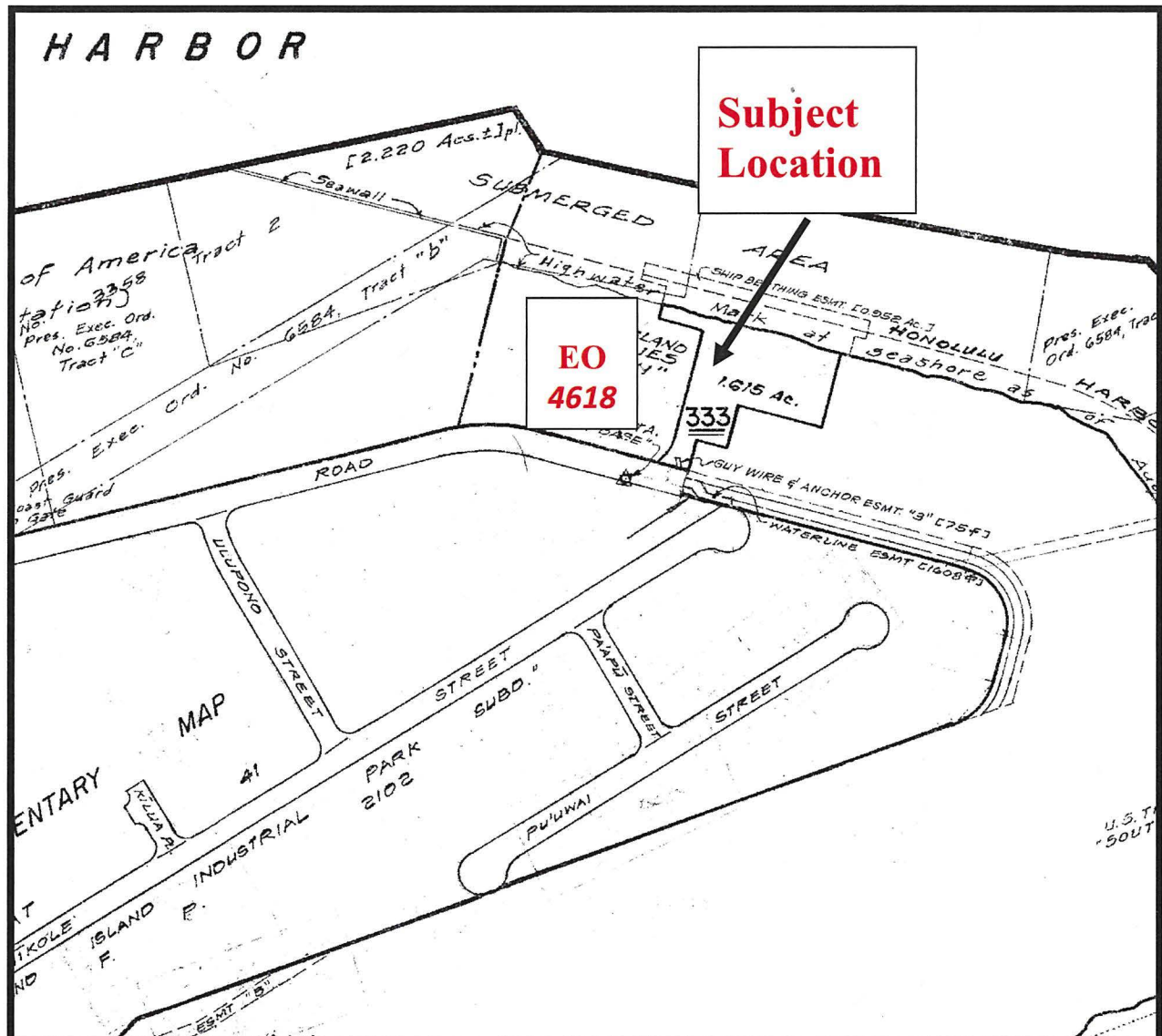
Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson



TMK (1) 1-5-041:333

EXHIBIT A

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title:	Set aside public lands to Division of Aquatics Resources.
Reference No.:	200D-109
Project Location:	Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:333.
Project Description:	Set aside public lands for fisheries research center and related purposes.
Chap. 343 Trigger(s):	Use of State Land.
Exemption Class No.:	<p>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 November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type 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", Item 36 that states, "Transfer of management authority over state-owned land, such as setting aside of state lands."</p> <p>The Applicant's proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. Staff believes the request would involve negligible impact to the subject area.
Action May Have Significant Impact on Particularly Sensitive Environment?	Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible impact.
Consulted Parties:	Department of Transportation, Harbors Division and Division of Aquatic Resources.
Analysis:	Based on the above mentioned, Staff believes there would be

EXHIBIT B

no significant impact to sensitive environmental or ecological receptors.