

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

December 10, 2021

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

HAWAII

Consent to Issuance of Revocable Permit under Governor's Executive Order No. 1562 to Hawaii National Guard, at 1046 Leilani Street, Hilo, Hawaii, Tax Map Key: (3) 2-1-012:003.

CONTROLLING AGENCY (of subject executive order):

Hawaii National Guard

APPLICANT (requesting lease):

County of Hawaii

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.
Section 171-55, Hawaii Revised Statutes, as amended.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: A-5(a)

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:

Governor's Executive Order No. 1562 to Hawaii National Guard for military reservation

ITEM M-11

purposes.

REVOCABLE PERMIT TERMS & CONDITIONS:

LOCATION:

Building 643B, Classroom #1 (C-105), Classroom #2 (C-108), and Classroom #3 (C-108) of Kilauea Military Reserve in Hilo.

CHARACTER OF USE:

Civil Defense and Hilo Emergency Operation Center Purposes

TERM:

Month to month starting on January 1, 2022, not to exceed 12 calendar months (HRS 171-55).

RENT AMOUNT:

To be determined by the Hawaii National Guard.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The controlling agency shall be responsible for ensuring compliance with Chapter 343, HRS.

DCCA VERIFICATION:

Government agency, not applicable.

REMARKS:

County of Hawaii (COH) plans to conduct renovation to its existing civil defense and emergency operation center starting from February 1, 2021. During the renovation, COH requires an alternate site to continue the operation of the emergency operation center to maintain the purpose of Section 127a, Hawaii Revised Statutes and Continuity Operations of Emergency Management on Hawaii Island.

Upon approval of today's request, arrangement with COH on other logistics, for example, sharing of utility charges, access etc. will be covered by a memorandum of agreement between the parties.

The proposed use is consistent with the purpose of the set aside. There are no other pertinent issues or concerns.

RECOMMENDATION:

That the Board consent to the lease between Hawaii National Guard and County of Hawaii, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:

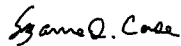
1. Review and approval by the Department of the Attorney General; and
2. Such other terms and conditions as may be prescribed by the Adjutant General to best serve the interests of the State.

Respectfully Submitted,



KENNETH S. HARA
Major General
Adjutant General

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK (3) 2-1-012:003

EXHIBIT A

DAVID Y. IGE
GOVERNOR



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

November 19, 2021

TO: Honorable Suzanne D. Case
Chairperson and Member, Board of Land and Natural Resources (BLNR)

FROM: Major General Kenneth S. Hara *Kenneth S. Hara*
Adjutant General

SUBJECT: Request consent to Issuance of a Revocable Permit under Governor's Executive Order No. 1562 to Hawaii National Guard, at 1046 Leilani Street, Hilo, Hawaii
Tax Map Key: (3) 2-1-012:003

In accordance with Hawai'i Revised Statutes (HRS) §171-11, which requires the approval of the Board of Land and Natural Resources where the use of facilities will exceed 14-days, attached is a request to allow the State Department of Defense (DOD) to issue a revocable permit to the County of Hawaii Civil Defense and Hilo EOC located at 920 Ululani Street, Hilo, Hawaii, for use of Hawaii Army National Guard (HIARNG) Building 643B classrooms at the Keaukaha Military Reserve (KMR) located at 1046 Leilani Street, Hilo, Hawaii. During this period, Civil Defense and Hilo EOC operations will continue to maintain the purpose of HRS-127a and Continuity of Operations (COOP) of Emergency Management on Hawaii Island in the County of Hawaii.

During its January 22, 2021 Land Board meeting, BLNR approved the County of Hawaii's use of Building 643B as a COOP for Emergency Management during the emergency repairs and renovation of the Hilo EOC from February 1, 2021 to July 31, 2021. However, the repairs have not been completed as originally planned and the County is requesting for an extension. In accordance with HRS§171-55, HIARNG will continue to issue a use permit on a month-to-month basis until the renovation is completed.

The State of Hawaii, DOD is a community-based organization. Therefore, the DOD's intent is to lend out facilities, in compliance with Hawaii Revised Statutes and Hawaii National Guard requirements, on a non-interference basis, to qualified entities within the community. The role of the Civil Defense Agency is to direct and coordinate the development and administration of the County's total emergency preparedness and response program to ensure prompt and effective action when natural or man-caused disaster threatens or occurs anywhere in the County of Hawaii. As the current COVID-19 incident and emergency response currently has no determined end date, maintaining COOP and the ability to bring online emergency operations as needed to address potential threats and hazards of natural and manmade disasters is essential to protecting the life and property of residents in the County of Hawaii. Therefore, the DOD is in

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support of the County of Hawaii's request to extend the use of KMR facilities until the renovation is completed.

Since the building will require maintenance and incur utility costs, the DOD intends on assessing the County a monthly fee to be determined by the State. Use of common areas (e.g. breakroom, outdoor areas, restrooms, and parking lot) are permitted. Also, since the property is located on ceded land, 20% of the fees collected will be remitted to the Office of Hawaiian Affairs (OHA) per Section 3 of Act 178, 2006 Session Laws of Hawaii and Executive Order 06-06. In addition, an appropriate percentage of the remaining fees collected will be remitted to the United States Property and Fiscal Office (USPFO) in accordance with the Master Cooperative Agreement regarding non-program income sites.

Your favorable support and placement of the request on the next Land Board meeting agenda is appreciated.

Should there be any questions, please have your staff contact CPT Shaoyu L. Lee, Chief Engineering Officer, Engineering Office at 369-3488 (e-mail: shaoyu.l.lee@hawaii.gov).

Attachments