

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

January 12, 2022

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

Oahu

Consent to Lease of Lands under Governor's Executive Order No. 172 to Partners in Development Foundation, Kailua, Koolaupoko, Oahu TMK (1) 4-2-006: portion of 002.

Controlling Agency:

Department of Human Services ("DHS"), Office of the Youth Services ("OYS").

Applicant:

Partners in Development Foundation ("PIDF"), a 501(c)(3) domestic non-profit charitable organization

Legal Reference:

Sections 171-11 and 171-43.1, Hawaii Revised Statutes ("HRS").

Zoning:

State Land Use District: Agriculture
City and County of Honolulu LUO: AG-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:

Governors Executive Order 172 dated December 13, 1924, setting aside the land to the Department of Human Services, Office of the Youth Services, formerly known as the Board of Industrial Schools for Girls.

Lease Terms and Conditions:

Location:

Pasture #2, #3A on Exhibits A1 and A2.

Character of Use:

Aina Based learning environment for at-risk youth population utilizing horticulture approach purposes.

Term:

This request is seeking a lease covering the time period up to twenty-five (25) years that will allow PIDF to continue its purpose of providing social services for youth at-risk with opportunities through its Kupa Aina Farms program that develops sustainable food production models and provides cultural aina-based experiential learning and treatment for the participating at-risk youth. The lease will allow PIDF to market the produce and beef of PIDF, Kupa Aina Farms and use the profits to manage and maintain the farm which at will provide stability of PIDF to actively pursue programmatic and capital improvement resources to assure sustainability of Kawaioloa Campus programming.

Commencement Date:

To be determined by the Director of Human Services

Rent:

To be determined by the Director of Human Services.

Chapter 343, HRS – 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 concurred with by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type. 1, Part 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”, Item 40, which states the “Leases of state land involving negligible or no expansion or change of use beyond that previously existing”. See exemption notification attached as Exhibit B.

DCCA Verification

Place of Business Registration Confirmed: Yes

Registered business name confirmed: Yes
Applicant in good standing confirmed: Yes

REMARKS:

Governor's Executive Order No. ("EO") 172 was issued in 1924 to the Board of Industrial Schools for Girls Industrial School purposes. In 1937, EO 784 covering the spring reserve and the associated pipeline easement was issued to the same agency, which served as the water supply to the facility under EO 172. Currently, OYS under the Department of Human Services is the agency, pursuant to Chapter 352, HRS, responsible for the administration of the facility.

The Juvenile Justice System in Hawai'i, under jurisdiction of the family court, is moving from an outdated punitive approach towards a variety of evidence-based intervention systems, including trauma-informed care, family engagement, gender-responsive and culturally competent services. This follows a nationwide juvenile justice reform that is finally recognizing the high failure rates of incarceration without proper treatment.

In 2018, the State Legislature passed Act 208 creating the Kawaioloa Youth and Family Wellness Center, which was codified into chapter 352D, HRS. Section 352D-7.5(a), HRS, provides, "the office of youth services may create and develop a central youth service center known as the Kawaioloa youth and family wellness center at the site of the Hawaii youth correctional facilities"

In addition, section 352D-7.5(d), HRS, describes "The Kawaioloa youth and family wellness center services and programs may include but shall not be limited to mental health services and programs, substance abuse treatment programs, crisis shelters for homeless youth, crisis shelters for victims of human and sex trafficking, vocational training, group homes, day treatment programs, aftercare, independent and family counseling services, educational services, and other services and programs that may be required to meet the needs of youth or young adults."

In partnership with OYS, PIDF will utilize ten (10) acres (pasture #2 and #3A) as shown on Exhibit A2 as a pilot for Korean Natural farming to create an 'Āina-based learning environment for at-risk youth populations. Mental Health treatment and vocational skills will be conducted as well.


OYS is requesting consent from the Board to issue a direct lease to PIDF, Kupa Aina Farms. This request is to allow PIDF the ability to market the product and beef of Kupa Aina Farms and use the profits to manage and maintain the farm. This would allow for stability of PIDF to actively pursue programmatic and capital improvement resources to assure sustainability of on-campus programming.

RECOMMENDATIONS:

1. Declare that, after considering the potential effects of the proposed disposition as provided by chapter 343, HRS, and chapter 11-200, 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. Consent to the lease between the Department of Human Services, Office of Youth Services and Partners in Development Foundation described above, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following.
 - a. The standard terms and conditions of the most current non-profit lease document form as may be amended, as appropriate;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Director of Human Services to best serve the interests of the State.

Respectfully Submitted

Leanne Gillespie Jan 12, 2022
Leanne Gillespie Date
Acting Executive Director
Office of Youth Service

 Jan 12, 2022
Catherine Betts Date
Director
Department of Human Services

Approved for Submittal

Suzanne D. Case Jan 17, 2022
Suzanne D. Case Date
Chairperson
Board of Land and Natural Resources.

EXHIBIT A1



TMK (1) 4-2-006: portion of 002

EXHIBIT A2



EXHIBIT B

EXEMPTION NOTIFICATION

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

Project Title: Consent to issuance of a direct lease with Partners in Development Foundation for the use of portions of the Hawaii Youth Correctional Facility in Kailua, Oahu.

Project / Reference No.: EO 172

Project Location: Kailua, Koolopoko, Oahu, TMK:(1) 4-2-006: portions of: 002

Project Description: Issuance of a direct lease between the Department of Human Services, Office of Youth Services and Partners in Development Foundation regarding the use of portions of the Hawaii Youth Correctional Facility in Kailua, Oahu.

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type. 1, Part 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", Item 40, which states the "Leases of state land involving negligible or no expansion or change of use beyond that previously existing".

Office of Youth Services plan to issue leases with the social service provider regarding the use of portions of the Hawaii Youth Correctional Facility. Staff does not anticipate any change of use beyond the previously existing.

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 Land and Natural Resources.

Recommendation:

It is recommended that the Board find that 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.