

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

June 24, 2022

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

PSF No.: 22HD-018

HAWAII

Withdrawal of Approximately 4 Acres from Revocable Permit No. S-7673 (RP7673), Hawaii County Economic Opportunity Council (HCEOC), Permittee, through Amendment of RP7673 or Cancellation of RP7673 and Reissuance of a New Revocable Permit to HCEOC, or through such other Documentation as the Department of the Attorney General Deems Appropriate; Set-Aside to the County of Hawaii for the Relocation of the Central Fire Station; Issuance of Immediate Right-of-Entry to the County of Hawaii for Preliminary Study and Management Purposes, Waiakea, South Hilo, Hawaii; TMK: (3) 2-5-006:159 (portion).

APPLICANT:

County of Hawaii.

LEGAL REFERENCE:

Sections 171-11 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii; TMK: (3) 2-5-006:159 (portion), as shown on the attached **Exhibit A**.

AREA:

A portion of parcel 159 consisting of 4 acres, more or less.¹

ZONING:

State Land Use District:	Agriculture, Urban
County of Hawaii Zoning:	A-1a, PD, RS-10

¹ The total area of the parcel is 23.954 acres.

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:

Subject property is currently encumbered by Revocable Permit S-7673 to the Hawaii County Economic Opportunity Council (HCEOC), a Hawaii non-profit organization.

CHARACTER OF USE OF REVOCABLE PERMIT:

Establishing a self-supporting agricultural training program for economically disadvantaged youth and the unemployed or underemployed who are potentially capable or interested in pursuing a career in agriculture.

REVOCABLE PERMIT RENT:

\$42.44 per month.

CHARACTER OF USE OF PROPOSED SET-ASIDE:

Fire station 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 General 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," and Part 1, 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." The proposed withdrawal from the revocable permit and set-aside to the County of Hawaii will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment. The County of Hawaii shall be responsible for compliance with Chapter 343, HRS, as to its planned future use of the land. See Exemption Notification attached as **Exhibit B**.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Complete a survey of the proposed boundary alignment for the withdrawn area at its own cost;
2. Provide survey maps and descriptions according to State DAGS standards at Applicant's own cost;
3. Process and obtain subdivision of the withdrawn area at Applicant's own cost;
4. Fence off the withdrawn area at its own cost along the agreed alignment; and
5. Pay to the permittee under Revocable Permit No. S-7673 the fair market value of any improvements made by the permittee in the withdrawn area that have been approved by the State, in accordance with the terms of the lease. There will be no rent offset to HCEOC because it already pays nominal rent of \$42.44 per month.

REMARKS:

The County of Hawaii (County) is requesting a set-aside of a portion of TMK: (3) 2-5-006:159 for Fire Station purposes, facilitated by a Governor's Executive Order. Subject property is currently encumbered by Revocable Permit S-7673 to the HCEOC. The HCEOC has utilized subject property since June 2011 for various agricultural related programs for the disadvantaged. Staff has discussed the County of Hawaii's request with HCEOC who has no objections and does not anticipate any negative impact to current and anticipated programs from the withdrawal of the 4 acres.

The County would like to replace the existing Central Fire Station in Downtown Hilo, built in 1939, with a new modern facility. The request is precipitated by the recent discovery of structural issues with the existing facility. The County is also concerned with the existing facility being located within the current Tsunami Evacuation Zone requiring personnel and equipment to vacate the station during tsunami warnings as well as any actual event.

The requested site will allow the County to build a new modern fire station outside of the Tsunami Evacuation Zone, with better access to major roadways throughout the Hilo area.

As part of the request, the County is also asking for a management right-of-entry onto subject property to proceed with subdivision planning, environmental reviews, and eventual construction, until the set aside process is complete.

This submittal (draft) was sent to the following agencies for comments, see results chart below. Only the County of Hawaii Water Department had comments, see comments attached as **Exhibit C**.

Agency	Response/Comments
State of Hawaii	
DHHL	No Response
DOT Highways Division	No Comments
HIDOA (Dept. of Agriculture)	No Response
OHA	No Response
County of Hawaii	
Planning	No Response
Public Works	No Response
Water Department	Comments (see Exhibit C)

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. Authorize the withdrawal of approximately 4 Acres from Revocable Permit No. S-7673, Hawaii County Economic Opportunity Council, Permittee, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The withdrawal may be effectuated by an amendment of the revocable permit, or by cancellation and reissuance of the revocable permit, or by such other documentation as the Department of the Attorney General deems appropriate;
 - B. There shall be no rent offset to HCEOC under Revocable Permit No. S-7673 for the withdrawal of the approximately 4 acres because HCEOC already pays nominal rent of \$42.44 per month;
 - 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 property 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.
4. Authorize the issuance of an immediate management and construction right-of-entry permit to the County of Hawaii covering the subject property under the terms and 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 right-of-entry permit form, as may be amended from time to time;
 - B. The right-of-entry permit shall remain in force for one year after written acceptance by the County of Hawaii or until the set-aside is Complete, whichever shall first occur. The Chairperson is authorized to renew the right-of-entry for additional one-year periods for good cause shown; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

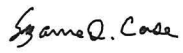
Respectfully Submitted,



Pua Ishibashi
Land Agent

gch

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

RT

EXHIBIT A

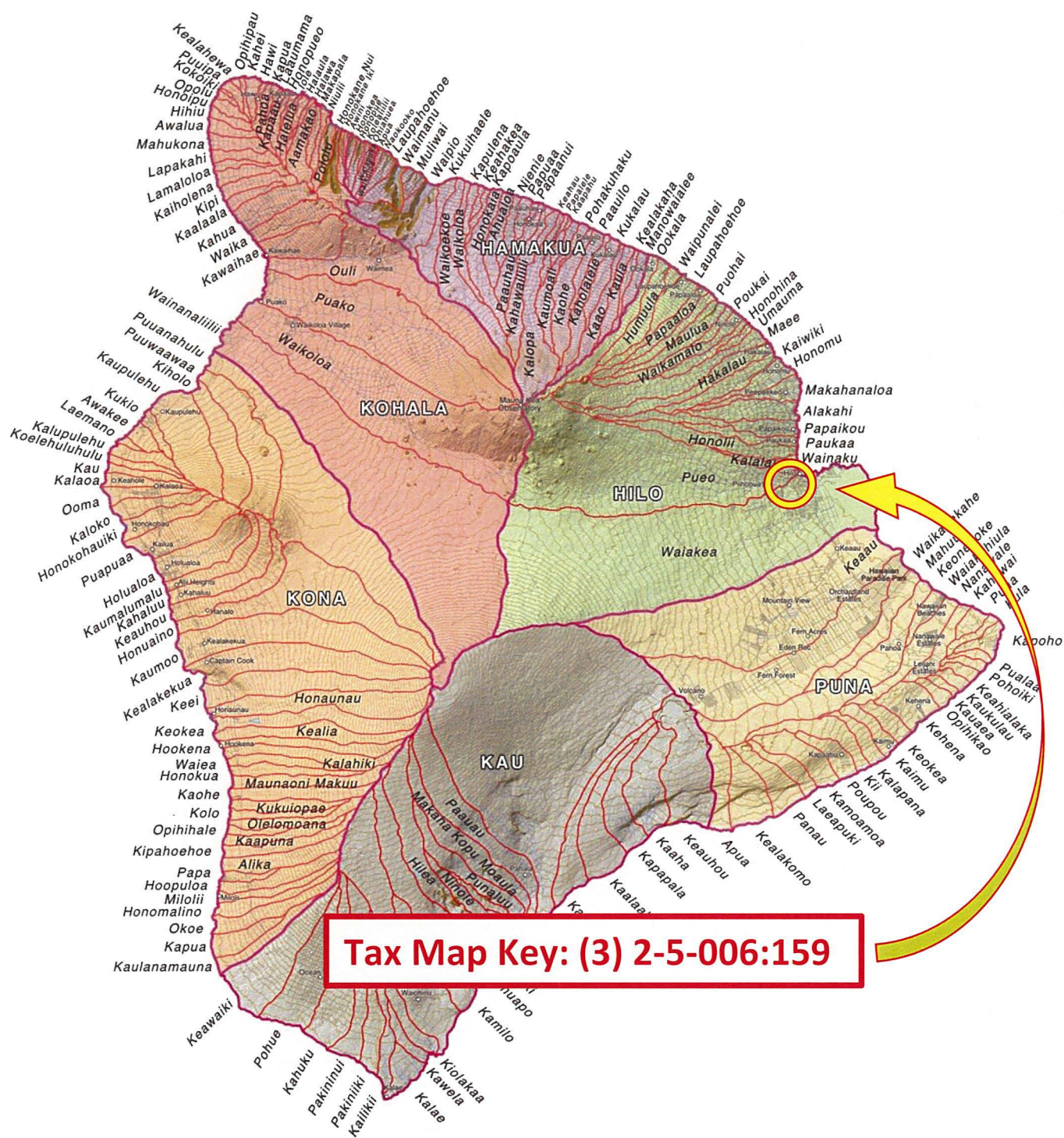
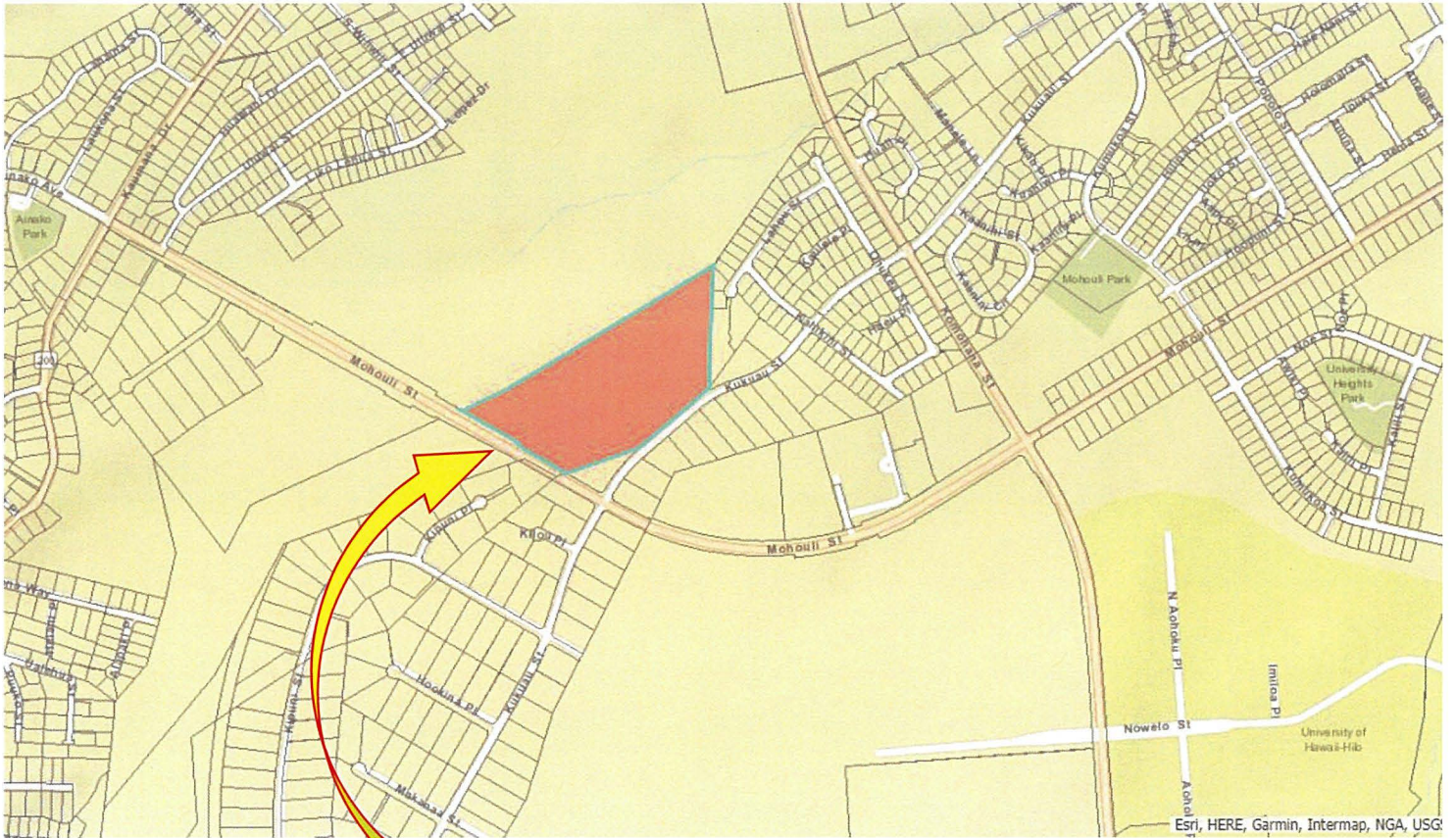


EXHIBIT A



Tax Map Key: (3) 2-5-006:159

EXHIBIT A



Tax Map Key: (3) 2-5-006:159

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 961-9590
FAX: (808) 961-9599

EXHIBIT B

June 24, 2022

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1-16, Hawaii Administrative Rules (HAR):

Project Title: Set-Aside to County of Hawaii, for Fire Station Purposes.

Project/Reference No.: PSF 22HD-018.

Project Location: Portion of Government lands situated at Waiakea, South Hilo, Hawaii; identified by TMK: (3) 2-5-006:159 (portion).

Project Description: The County of Hawaii (County) is requesting a set-aside of a portion of TMK: (3) 2-5-006:159, to build a new fire station to replace the Central Fire Station that has become outdated, structurally unsound, and is in a Tsunami zone.

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

Exemption Type, Part, Item, and Description: In accordance with Hawaii Administrative Rule Sections 11-200.1-16 and the Exemption List for the Department of Land and Natural Resources approved 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, Item #36, where Type 1 exemptions involve "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." and where Item No. 36 under Part 1 applies to "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, the use of the land for fire station purposes is compliant with the county zoning requirements. Staff believes that there will be no cumulative impacts involved.

**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.

Analysis:

Subject property is currently encumbered by Revocable Permit S-7673 to the Hawaii County Economic Opportunity Council (HCEOC). The County of Hawaii (County) is requesting a set-aside of a portion of TMK: (3) 2-5-006:159, to replace the existing Central Fire Stations in Downtown Hilo, built in 1939 with a new modern facility. The County is also concerned with the existing facility being located within the current Tsunami Evacuation Zone requiring personnel and equipment to vacate the station during tsunami warnings as well as any actual event.

The requested site will allow the County to build a new modern fire station outside of the Tsunami Evacuation Zone, with better access to major roadways throughout the Hilo area.

The proposed withdrawal from the revocable permit and set-aside to the County of Hawaii will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment. The County of Hawaii shall be responsible for compliance with Chapter 343, HRS, as to its planned future use of the land.

Consulted Parties:

Relevant state and county government agency responses are included in the submittal to the Land Board.

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.

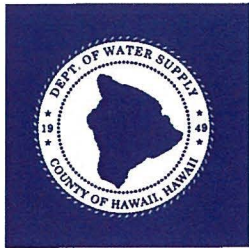


EXHIBIT C

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

April 21, 2022

Mr. Pua Ishibashi
State of Hawai'i
Department of Land and Natural Resources
Land Division
75 Aupuni Street, Room 204
Hilo, HI 96720

2022 APR 25 P 12:05
RECEIVED
LAND DIVISION
HILO, HAWAII

Dear Mr. Ishibashi:

**Subject: Request for Set-Aside to County of Hawai'i, for Fire Station Purposes
Tax Map Key 2-5-006:159 (portion)**

We have reviewed your memorandum regarding the subject request and have the following comments.

Please be informed that there is an existing 8-inch waterline within Kūkūau Street and an existing 12-inch waterline within Mohouli Street, both fronting the subject parcel. There is an existing 5/8-inch meter that serves the subject parcel.

In order to ascertain the water demand for the proposed facility, the Department would request estimated maximum daily water usage calculations prepared by a professional engineer, licensed in the State of Hawai'i, for review and approval. The water usage calculations should include the estimated peak flow in gallons per minute and the total estimated maximum daily water usage in gallons per day.

After review of the calculations, the Department will determine the water commitment deposit amount, facilities charges due, and any water system improvements required for final approval. Pursuant to Rule 5 of the Department's Rules and Regulations, if the water requirements for the project exceed 120,000 GPD (gallons per day), the developer may be required to enter into a Water Development Agreement with the Water Board.

Please be informed that any meter(s) serving the proposed project will require the installation of a reduced pressure type backflow prevention assembly within five feet of the meter on private property. The Department must inspect and approve the installation before water service can be activated.

Should there be any questions, please contact Mr. Ryan Qutoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dmj

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.