

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

August 25, 2023

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

PSF No.: 23OD-053

Oahu

Cancellation of Governor's Executive Order No. 0004 and Reset Aside to 1) City and County of Honolulu, Department of Parks and Recreation for Public Park and Other Recreational Purposes and 2) Department of Land and Natural Resources, Division of State Parks for Culture and Recreation Program Purposes, Kaukahoku, Nuuanu Valley, Honolulu, Oahu, Tax Map Key: (1) 2-2-034:027 and 028.

CONTROLLING AGENCY (of subject executive order):

City and County of Honolulu

APPLICANT (requesting set aside):

- 1. City and County of Honolulu, Department of Parks and Recreation
- 2. Department of Land and Natural Resources, Division of State Parks

LEGAL REFERENCE:

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

LOCATION:

Portion of lands identified as Nuuanu Valley Park and Queen Emma House Reservation, situated at Kaukahoku, Nuuanu Valley, Honolulu, Oahu, further identified by Tax Map Key: (1) 2-2-034:027 and 028, as shown on the attached map labeled **Exhibit A-1 and A-2**.

AREA:

8.364 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu CZO: P-2 General Preservation

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. 0004 setting aside acres 9.824 acres to City and County of Honolulu, Department of Parks and Recreation for Nuuanu Park purposes.

General Lease No. 4356 to the Daughters of Hawaii, an eleemosynary corporation for educational purposes. Sixty-five (65) year lease, expiring August 24, 2037.

PURPOSE OF SET ASIDE:

1. Public Park and Other Recreational purposes.
2. Cultural and Recreational Activities purposes.

AREA TO BE SET ASIDE:

1. 6.204 acres, more or less.
2. 2.160 acres, more or less.

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 Class No. 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."

The proposed dispositions are de minimis actions that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR

APPLICANT REQUIREMENTS:

Not Applicable

BACKGROUND:

Governor's Executive Order No. 0004 was issued on April 6, 1911, to the City and County of Honolulu setting aside the 9.824 acres as shown as **Exhibit B** for a public park to be known as Nuuanu Park.

Pursuant to Act 188, Session Laws 1915, the Governor was authorized to set aside a parcel of land within the Nuuanu Park identified as the "Queen Emma House Reservation". On July 20, 1915, Governor's Executive Order No. 0031 was issued to the Daughters of Hawaii setting aside 22,750 square feet for the purpose of maintaining and caring for the area as a Hawaiian Museum, subject to such rules and regulations as may be adopted from time to time by the boards of supervisors of the City and County of Honolulu.

In April 1950, the Daughters of Hawaii requested additional property for the construction of a pavilion. The Board of Parks and Recreation in their letter dated May 3, 1950, recognized the merit of the request and had no objection to the release of additional park area to the Daughters of Hawaii. On June 27, 1950, GEO No. 1384 was issued to withdraw the requested 13,125 square feet and set aside to the Daughters of Hawaii by GEO No. 1386 on June 30, 1950 for addition to the Queen Emma House Reservation under GEO 0031 as shown as **Exhibit C**.

Act 100, Session Laws of Hawaii 1971 was enacted relating to Lease of Public Lands to Eleemosynary Organizations. On August 24, 1972, GEO No. 2617 was issued for the cancellation of GEO 0031 and 1386. General Lease No. S-4356 was issued to the Daughters of Hawaii for a sixty-five (65) year lease commencing August 25, 1972, covering 2.160 acres as shown as **Exhibit D**. At the time of this request to the Land Board, the Daughters of Hawaii had requested additional area adjoining the Queen Emma Summer Palace site be included in the new lease. The City and County of Honolulu, Department of Parks and Recreation ("DPR") was in favor of the Daughters of Hawaii assuming control of the proposed lease area.

In August 1973, 1.455 acres was withdrawn from GEO No. 0004 and set aside to the Department of Transportation for a portion of Nuuanu Pali Highway.

REMARKS:

By their memorandum dated June 5, 2023, the Division of State Parks (“DSP”) requested the transfer of the lease issued to the Daughters of Hawaii for the Queen Emma Summer Palace from Land Division to DSP by GEO. DSP covers culture and recreation program areas, and the objective of these programs is to enrich the lives of people of all ages by providing opportunities and preserving facilities for cultural and recreational activities. Cultural activities in this program encompass both Hawaii’s exceptionally rich natural history and its human cultural heritage.

DSP currently manages the lease for Iolani Palace to the Friends of Iolani Palace, and like the Iolani Palace, the Queen Emma Summer Palace is a significant cultural and historic property. For years, DSP has spent staff time, processed Grants-In-Aid, and managed Capital Improvement Projects for the Queen Emma Summer Palace.

A review of our files showed that for the area currently encumbered by General Lease No. S-4356, with the exception of area under GEO No. 1386, the lease area was not formally withdrawn from GEO No. 0004. Therefore, for housekeeping purposes we are requesting the cancellation of GEO No. 0004 and reset aside of the area encumbered by General Lease No. S-4356 to DSP and the remainder of the area under GEO No. 0004 be reset aside to DPR.

Comments were solicited from the following agencies:

DLNR - Division of State Parks	No objections/comments. Concur to the proposed EA exemption
C&C – Dept of Parks and Recreation	No Response.
Office of Hawaiian Affairs	No Response.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 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 as a de minimis action.

2. Approve of and recommend to the Governor issuance of an executive order canceling Governor’s Executive Order No. 0004 and subject 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.

3. Approve of and recommend to the Governor the issuance of an executive order setting aside 6.204 acres to the City and County of Honolulu, Department of Parks and Recreation 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. Approve of and recommend to the Governor the issuance of an executive order setting aside 2.160 acres to the Department of Land and Natural Resources, Division of State Parks 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,



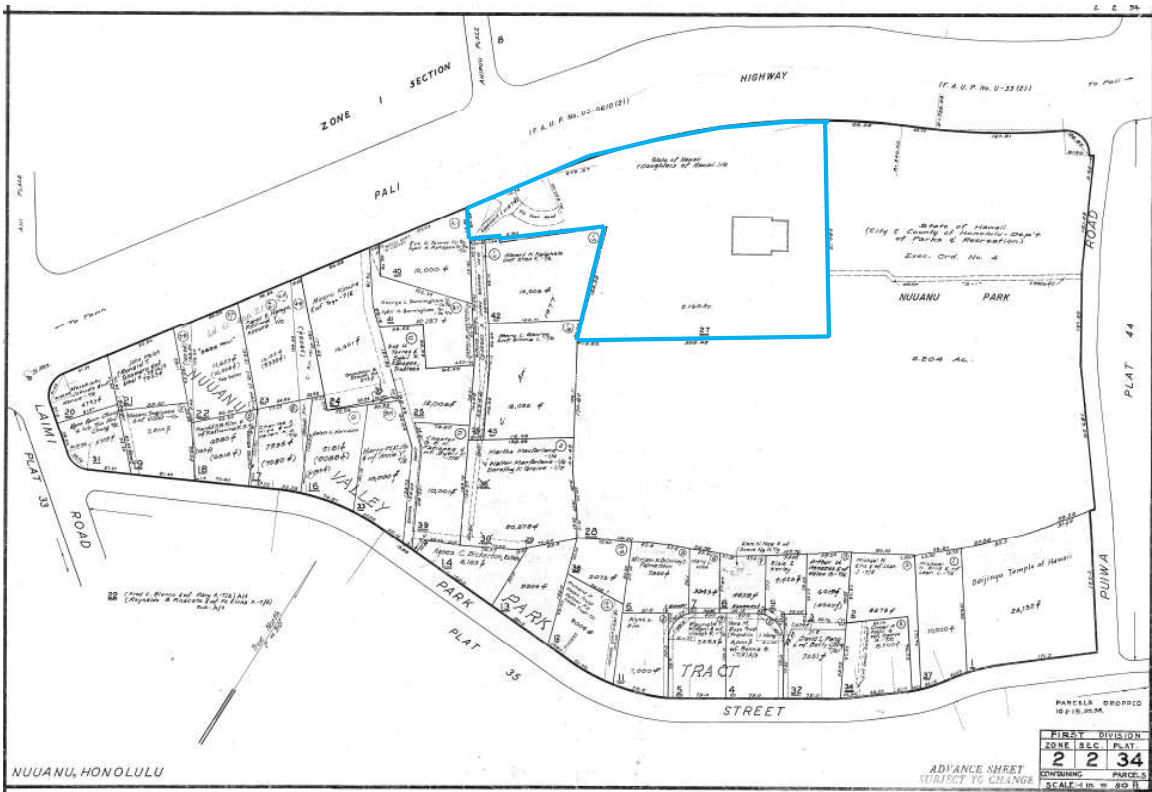
Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:



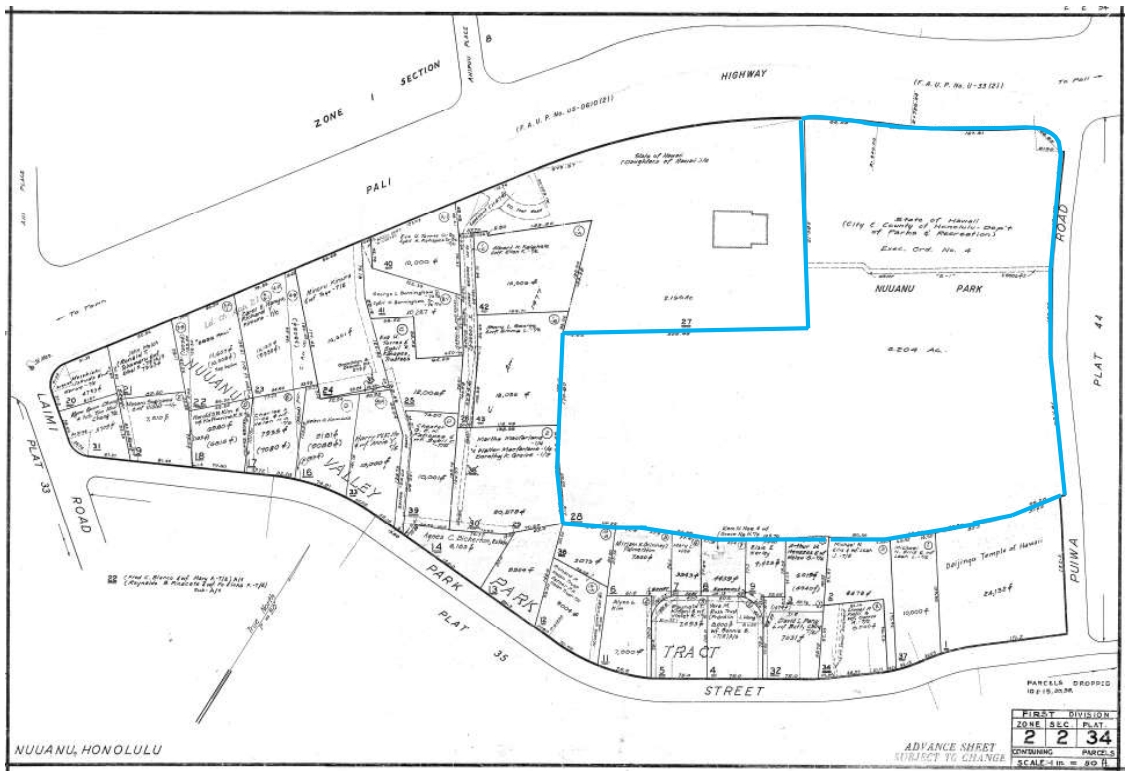
Dawn N. S. Chang, Chairperson

RT



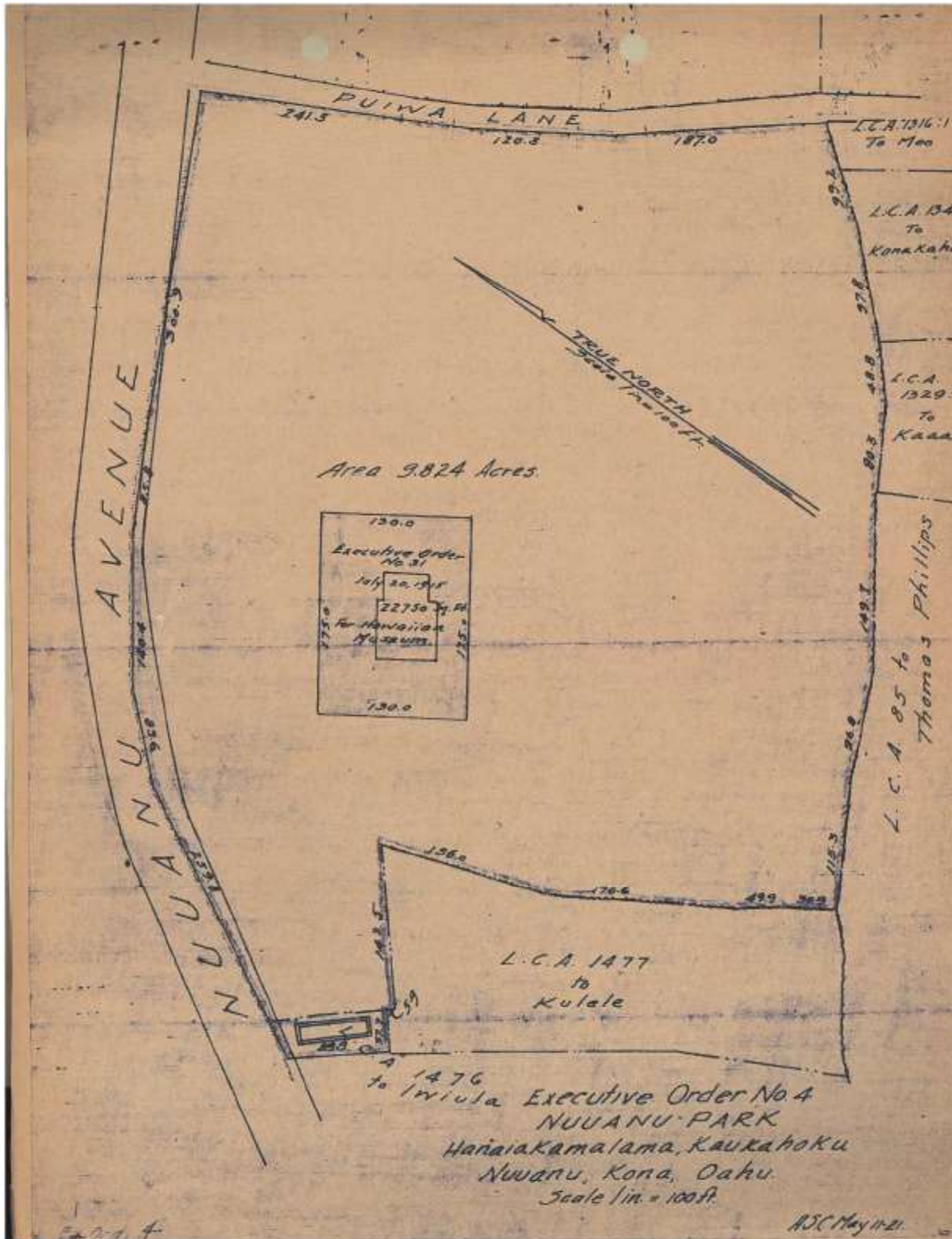
TAX MAP KEY: (1) 2-2-034:027

EXHIBIT A-1



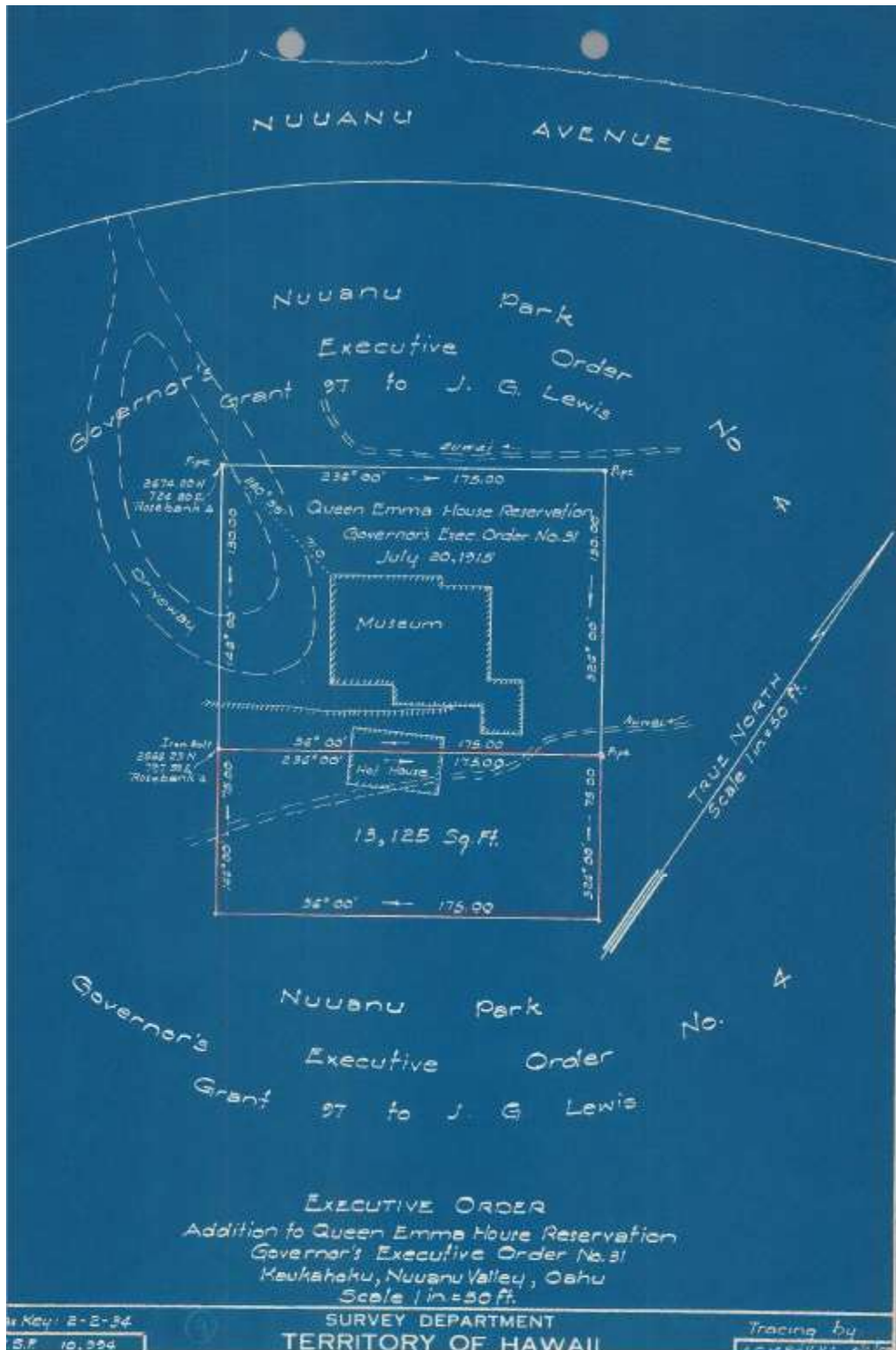
TAX MAP KEY: (1) 2-2-034:028

EXHIBIT A-2



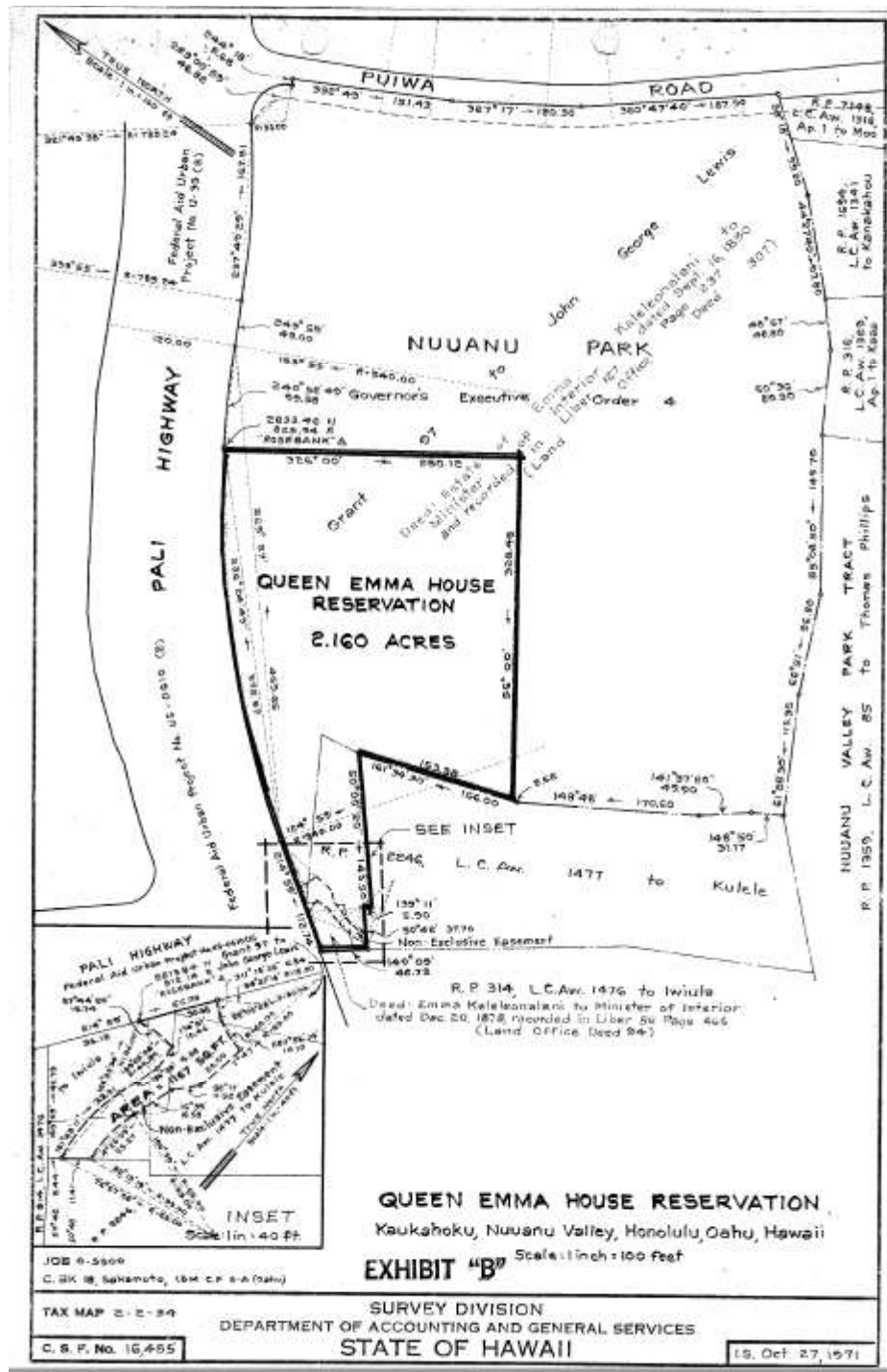
Executive Order No. 0004
Including Executive Order No. 31

EXHIBIT B



Map to Executive Order No. 1386
Addition to Queen Emma House Reservation

EXHIBIT C



Map for General Lease S-4356 to Daughters of Hawaii

EXHIBIT D