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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

HAR-PM.0002078.23

October 20, 2023

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

OAHU

Request to Withdraw Lands from Governor's Executive Order No. 3947 and Reset Aside to the State of Hawaii, Department of Agriculture (HDOA), and Withdraw Lands from Governor's Executive Order No. 4075 and Reset Aside to the State of Hawaii, Department of Transportation (HDOT).

LEGAL REFERENCE:

Hawaii Revised Statutes, Sections 171-6, 171-11, 171-13, and 171-95, as amended.

CONTROLLING AGENCY

HDOT

APPLICANT:

HDOA

CHARACTER OF USE:

Portion of Governor's Executive Order No. 3947 that encompasses Road 2 is utilized for roadway access purposes.

LOCATION:

Portion of Governmental lands adjacent to the Kapalama Container Terminal (KCT), Honolulu Harbor, island of Oahu, Tax Map Key (TMK) No. (1) 1-2-025:011 (P), as shown on the enclosed maps labeled Exhibits A1, A2 and B.

ITEM M-3

AREA: See enclosed Exhibits A1, A2 and B.

1. Area 1: Approximately 15,520 square feet of land in TMK No. (1) 1-2-025:011 (P), situated adjacent to KCT, Honolulu Harbor, Governor’s Executive Order No. 3947, as shown in Exhibit A1.
2. Area 2: Approximately 15,404 square feet of land in TMK No. (1) 1-2-025:011 (P), situated adjacent to KCT, Honolulu Harbor, Governor’s Executive Order No. 4075, as shown in Exhibit A2.

ZONING:

State Land Use Commission:	Urban
City and County of Honolulu:	I-3 (Waterfront Industrial District) P-1 (Restricted Preservation District)

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Lands acquired after statehood (non-ceded lands).

CURRENT USE STATUS:

The area is currently occupied by the Applicant.

LAND TITLE STATUS:

Governor’s Executive Order No. 3947 for Harbor Purposes, to be under the control and management of HDOT.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, that exempts the following:

“Exemption Type 8: Continuing administrative activities.”

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16(b). The exemption declaration for the action described above is based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 8, Part 1:

- No. 8a. "Transfer of management authority or title over public lands between HDOT and public agencies through Governor's Executive Orders or other legal instruments."

BACKGROUND:

This request for the withdrawal and exchange of certain parcels, between the HDOA, and the HDOT, which front Road 2 and Auiki Street. Both HDOA and HDOT have agreed to exchange Area 1 currently under HDOT's management jurisdiction through Governor's Executive Order No. 3947, for Area 2 that is currently under HDOA's management jurisdiction through Governor's Executive Order No. 4075. Areas 1 and 2 are further identified below, as shown and as referred to in Exhibits A1, A2, and B.

The HDOT currently has management and control authority of Road 2. Road 2 is primarily utilized for ingress and egress purposes, such that non-exclusive access easements have been granted to third parties. Road 2 is a sole access road that allows HDOA staff and its guests to access the HDOA Measurement Standards and Plant Quarantine Inspection buildings that are adjacent to HDOT's property. Additionally, this exchange of lands would also allow the HDOT a point of ingress and egress directly onto Auiki Street from its lot on TMK No. (1) 1-2-025:001 (P), and allow HDOA to maintain and manage the area that HDOA employees currently park their personal vehicles along Road 2. Furthermore, the exchange will allow for HDOT to utilize an exit from its facility directly onto Auiki Street rather than Road 2, which will help alleviate additional traffic on Road 2.

In addition to the proposed exchange of parcels, HDOT also agrees to grant to HDOA a non-exclusive perpetual easement right to Road No. 2 for access to the HDOA parcel. Furthermore, as HDOT re-develops its parcel, it will create a pedestrian access in or near Area 2 that may be used by HDOA personnel during emergencies or when ingress and egress by Road No. 2 is not feasible.

REMARKS:

Through discussions with HDOA, it is apparent that this exchange of lands will allow for better efficiencies for both HDOA and HDOT, which is mutually beneficial for both Agencies. HDOA's facility currently utilizes Road 2 as the sole means for access into the facility from Auiki Street, therefore this exchange will allow HDOA to directly manage and control the portion of Road 2 that fronts their facility directly. Whereas, for HDOT, the exchange will allow for a one way in and one way out ingress and egress configuration, that will improve safety and efficiency when entering the lot that HDOT plans to relocate its base yard and maintenance facility.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds that approving the Governor issuance of an Executive Order withdrawing approximate 15,520 square feet of land, from Governor's Executive Order No. 3947, and subject to the following will serve the best interests of the State.

1. The standard terms and conditions of the most current Executive Order form, as may be amended from time to time;

2. Disapproval by the Legislature by two-thirds votes or, either the House of Representatives or the Senate by a majority of votes by both in any regular or special session following the date of the setting aside;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds that approving the Governor issuance of an Executive Order withdrawing approximate 15,404 square feet of land from Governor's Executive Order No. 4075, and subject to the following will serve the best interests of the State.

1. The standard terms and conditions of the most current Executive Order form, as may be amended from time to time;
2. Disapproval by the Legislature by two-thirds votes, or either the House of Representatives or the Senate by a majority of votes by both in any regular or special session following the date of the setting aside;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

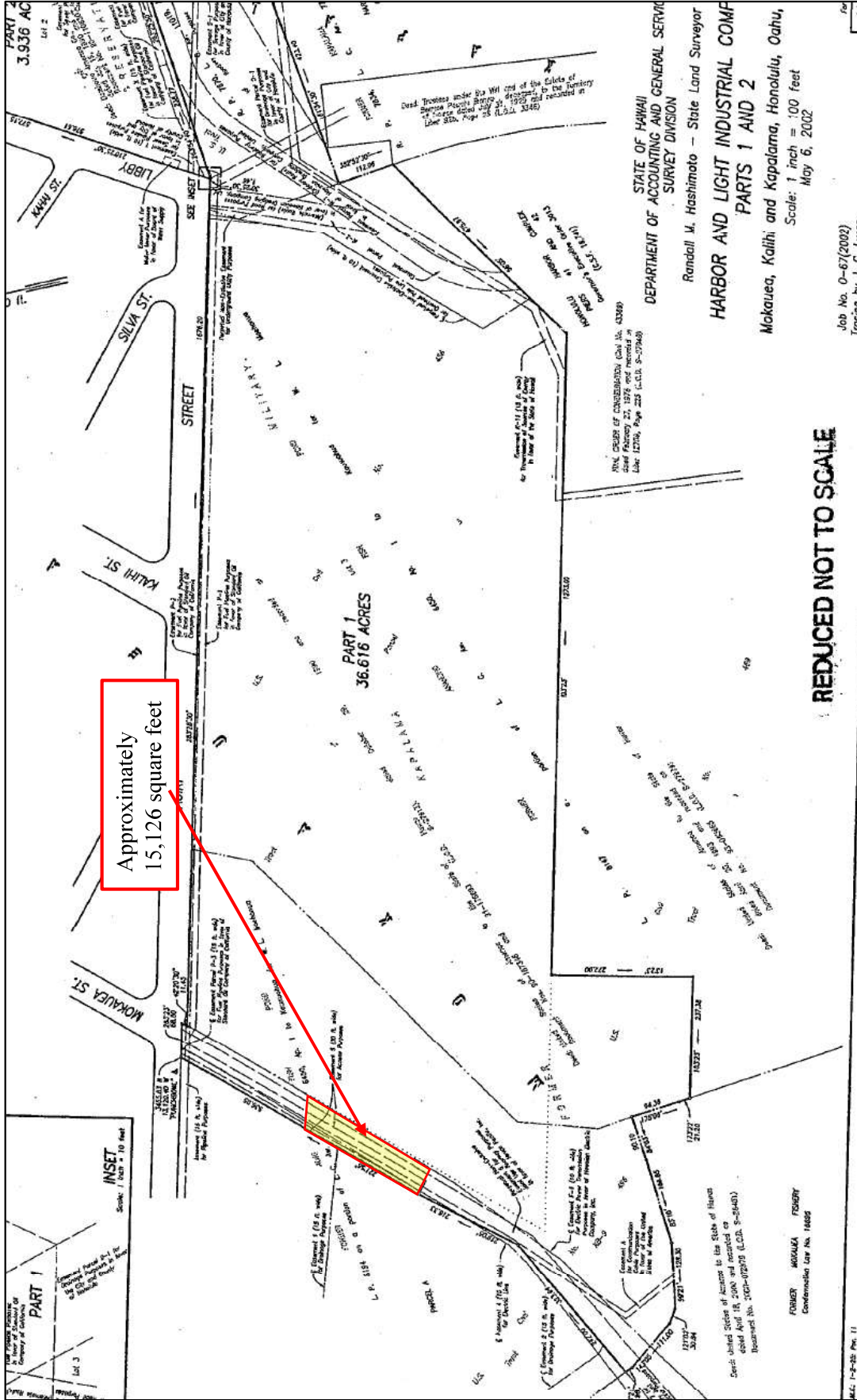
APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures

Area 1



REDUCED NOT TO SCALE

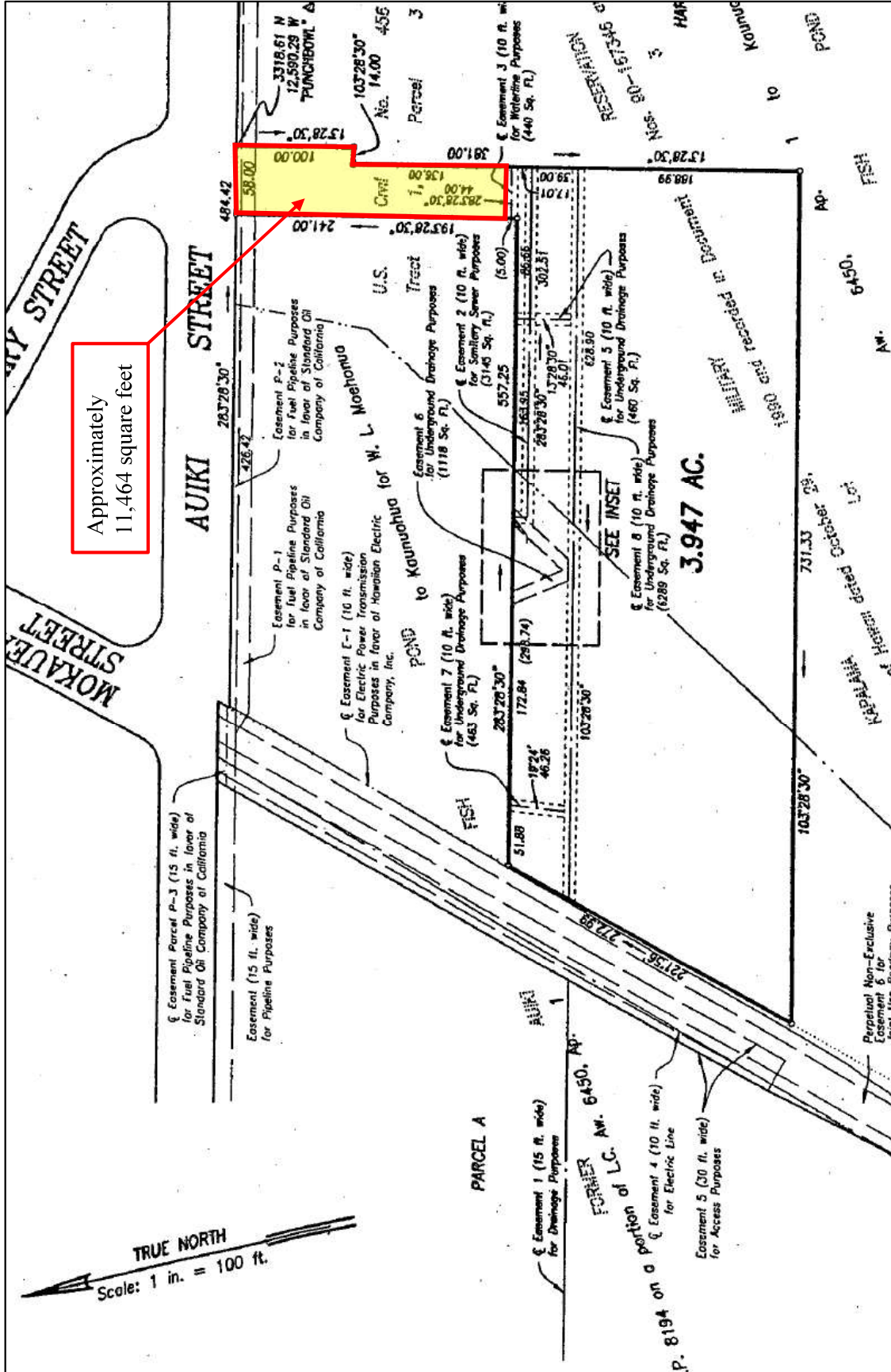
STATE OF HAWAII
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 Survey Division
 Randall M. Hashimoto - State Land Surveyor
 HARBOR AND LIGHT INDUSTRIAL COMPLEX
 PARTS 1 AND 2
 Mokauea, Kalahi and Kapaemaha, Honolulu, Oahu,
 Scale: 1 inch = 100 feet
 May 6, 2002

Job No. O-67(2002)
 Tracing by J. G. Lucas

FORMER MOKUAEA FISHERY
 Confirmation Law No. 16055

Area 2

Approximately 11,464 square feet



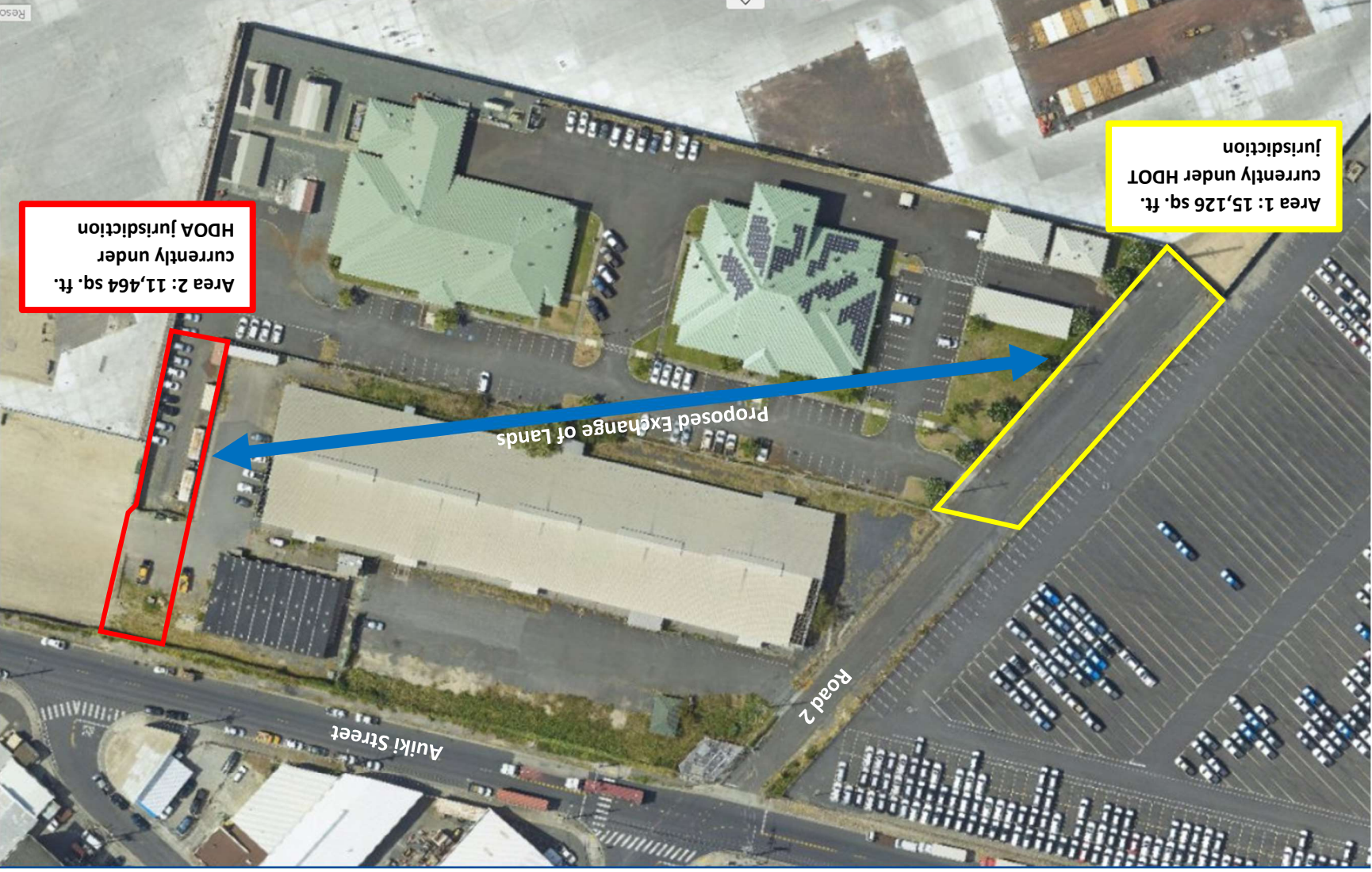


EXHIBIT B