

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

August 26, 2011

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

PSF 11od-134

OAHU

Cancellation of Governor's Executive Order No.4096 and Reset Aside to  
Department of Agriculture for Animal Quarantine, Animal Welfare, and General  
Commercial Use Purposes, Halawa, Ewa, Oahu, Tax Map Key:(1) 9-9-10:34 & 54

CONTROLLING AGENCY (of subject executive order):

Department of Agriculture

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Halawa, Ewa, Oahu, identified by Tax Map Key:  
(1) 9-9-010:034 & 054, as shown on the attached map labeled Exhibit A.

AREA:

Parcel 34 - 14.921 acres Lot 184-F  
Parcel 54 - 9.662 acres Lot 184-C-1  
Total: 24.583 acres, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: I-2

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded.  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor’s Executive Order No. 4096 setting aside 26.200 acres to Department of Agriculture for animal quarantine, animal welfare and agriculture related purposes.

PURPOSE OF SET ASIDE:

Animal quarantine, animal welfare, and general commercial purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

None

REMARKS:

The subject parcels were used for animal quarantine station under the jurisdiction of the Department of Agriculture (DOA) since 1965. Over the years, portions of the parcels had been withdrawn for other freeway and vector control purposes. Currently, Governor’s Executive Order No. 4096, setting aside 26.200 acres for animal quarantine, animal welfare, and agriculture related purposes, provides the management authority for DOA.

Recently, Act 185, SLH 2011 was signed into law by the Governor. The law allows DOA using its Division of Animal Industry’s properties or facilities for commercial uses. DOA requests, via its letter attached as Exhibit B, amending the public purposes of the set aside to read “animal quarantine, animal welfare, and general commercial use”. Staff understands such changes would bring revenue from a prospective lessee to DOA for its animal industry’s program.

Since EO 4096 was issued in 2005, the acreage and the lot number of the parcels were changed due to the withdrawal of 1.617 acres by EO 4175 issued in 2006 for vector control facility. Therefore, staff believes cancelling EO 4096 and reset aside the current acreages (24.583 acres), the new lot designation as mentioned above, and the latest purposes would be in order.

Staff did not solicit comments from other government agencies on the subject request as it is mainly for housekeeping purposes.

There are no other pertinent issues or concerns, and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No.4096 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.
  
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Agriculture 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,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



