

STATE OF HAWAII
DEPARTMENT OF HEALTH
Adult Mental Health Division
Honolulu, Hawaii 96813

December 9, 2011

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

PSF No.: _____

OAHU

Issuance of Right-of-Entry Permit to Avalon Health Care, Incorporated on Lands Encumbered by Executive Order 3504, Kaneohe, *Hawaii State Hospital, Oahu*, Tax Map Key: Div. 1, Zone 4, Sect. 5, Plat 023, Parcel 002, to conduct environmental studies.

APPLICANT:

Avalon Health Realty – Kaneohe, LLC
255 E. 400 S
Salt Lake City, Utah 84111

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Department of Health, Adult Mental Health Division, Hawaii State Hospital situated at Kaneohe, Oahu identified by Tax Map Key: 1-4-5-023-002, as shown on the attached map labeled Exhibit A.

AREA:

4.8 acres, more or less.

ZONING:

State Land Use District: General Agricultural
County of Oahu CZO: AG-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3504 to the Department of Health for State Hospital Site purposes.

CHARACTER OF USE:

Long term care facility purposes.

TERM OF RIGHT-OF-ENTRY:

Twelve (12) months, commencing from the date of contractor's Notice-To-Proceed. This is subject to renewal.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The subject request is exempt from the preparation of an environmental assessment pursuant to Hawaii Administrative Rules § 11-200-8(A)(5) that exempts the class of actions described as "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO ___
Registered business name confirmed:	YES <u>X</u>	NO ___
Applicant in good standing confirmed:	YES <u>X</u>	NO ___

REMARKS:

The State of Hawaii, Department of Health, Adult Mental Health Division and Avalon Health Realty – Kaneohe, LLC. have negotiated and have substantially agreed to terms for a lease and development agreement. Prior to execution of this agreement the lessee Avalon Health Realty – Kaneohe, LLC needs to access the area to determine if the lot can be built on and developed as agreed through these agreements. Their right-of-entry will allow Avalon Health Realty - Kaneohe, LLC to conduct due diligence in connection with a development agreement with the Department of Health ("DOH").

The requested area is currently encumbered by the Department of Health through governor's

Executive Order - 3504. The DOH has no objections to the subject request. DOH did not solicit comments from other governmental agencies.

DOH has no objections to the request and also recommends that the DOH Director be authorized to extend the term of the right-of-entry permit for good cause, in the event that this project is delayed due to administrative, legal, weather or any unexpected circumstances.

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, 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 issuance of a right-of-entry permit from DOH to Avalon Health Realty – Kaneohe, LLC covering the subject area 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. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the DOH Director to best serve the interests of the State.
 - D. Authorize the DOH Director to extend the term of the right of entry.

Respectfully Submitted,



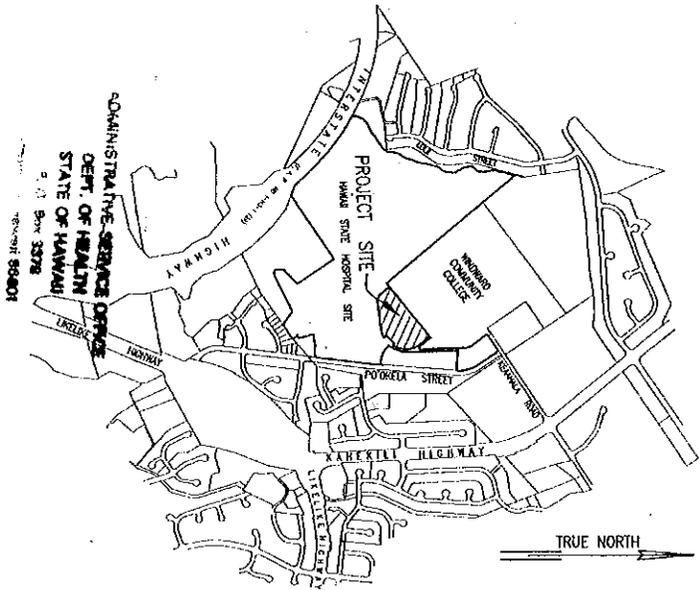
Loretta J. Fuddy, ACSW, MPH
Director of Health

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

APPROVED
J. M. Adams
 DEC 28 2009

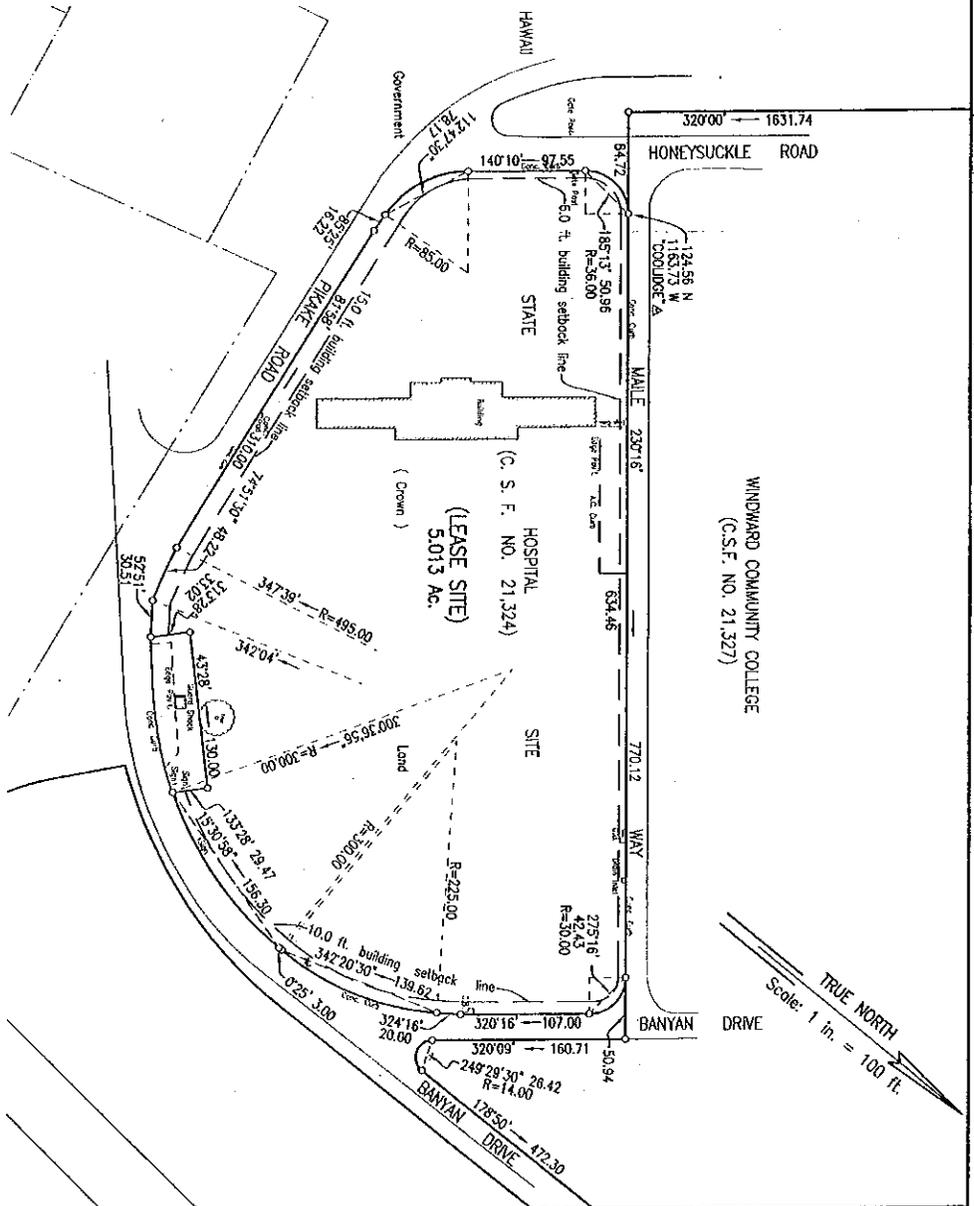


12/4/09

PLAN SHOWING
LONG-TERM CARE FACILITY (LEASE SITE)
BEING A PORTION OF HAWAII STATE HOSPITAL

AT KEAAHAA, KANEHEE, KOOLAUPOKO, HAWAII

CONTROLPOINT SURVEYING, INC.
 1150 SOUTH KING STREET, SUITE 1200
 HONOLULU, HAWAII 96814



By: _____
 Licensed Professional Land Surveyor
 Certificate Number 3499
 License Expires 4/10

This work was prepared by me
 or under my direct supervision