

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

March 10, 2017

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

PSF No.: 17OD-002

OAHU

Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Waterline Purposes, Issuance of Right-of-Entry Permit; Honolulu, Oahu, Tax Map Key: (1) 3-1-042: Portion of 011.

APPLICANT:

City and County of Honolulu, for the use by the Board of Water Supply.

LEGAL REFERENCE:

Section 171-55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, Tax Map Key: (1) 3-1-042: Portion of 011, as shown on the maps attached as **Exhibit A1** to **A3**.

AREA:

595 square feet, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: F-1

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:

Encumbered by General Lease No. 5661, University of Hawaii (UH), Lessee, for educational purposes, expiring on August 31, 2069.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove waterlines over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "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," item 46 that states, "creation or termination of easement, covenants, or other rights in structures or land." See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

None. Applicant provided the map and legal description of the requested area, and the proposed easement has been approved by the Department of Planning and Permitting.

REMARKS:

During the special district use permit application process for the proposed Culinary Institute of the Pacific by the University of Hawaii, Board of Water Supply requests a perpetual, non-exclusive easement for its waterline at the subject location.

Department of Planning and Permitting, Department of Health, and Department of Facility Maintenance have no objections/comments to the subject request. Department of Parks and Recreation, State Historic Preservation Division, Commission on Water Resource Management, and Office of Hawaiian Affairs have not responded to solicitation for comments before the response deadline. UH, by email, concurs with the issuance of the waterline easement.

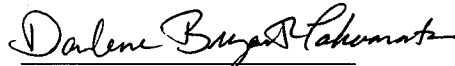
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no other pertinent issues or concerns, and staff has no objection to the request described above.

RECOMMENDATION: That the Board:

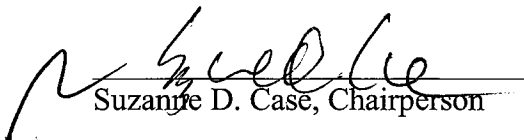
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu covering the subject area for waterlines purposes 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 perpetual easement document 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 Chairperson to best serve the interests of the State.
3. Issuance of a right-of-entry permit to the City and County of Honolulu, Board of Water Supply covering the subject area for waterlines purposes 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 management right-of-entry permit document form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Darlene J. Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



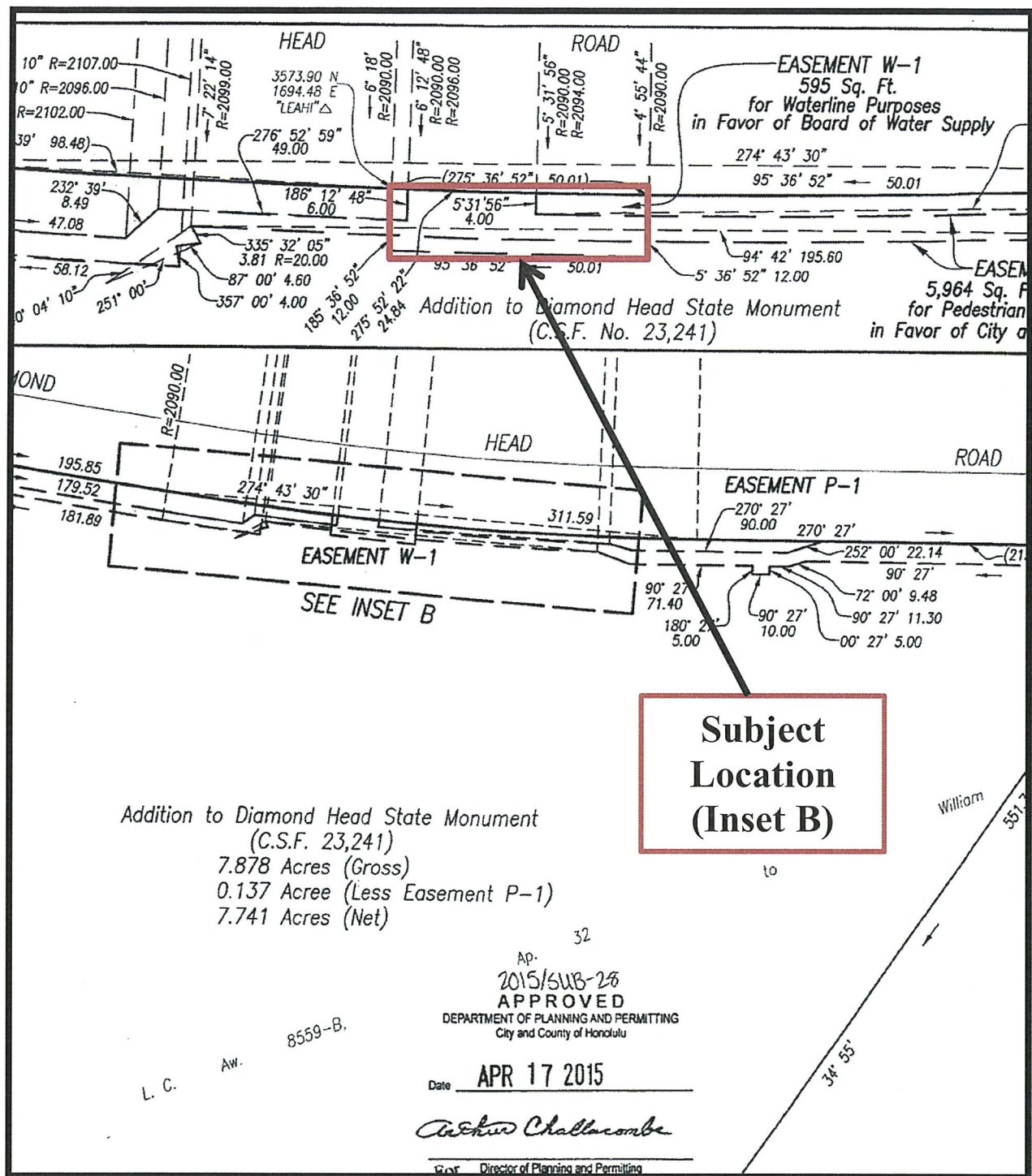
Suzanne D. Case, Chairperson





TMK (1) 3-1-042: Portion of 011

EXHIBIT A2



TMK (1) 3-1-042: Portion of 011

EXHIBIT A3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Perpetual Non-Exclusive Easement for Waterlines Purposes

Project / Reference No.: 17OD-002

Project Location: Honolulu, Oahu, Tax Map Key: (1) 3-1-042:por. of 011.

Project Description: The project is regarding the installation of pipelines to serve the proposed Culinary Institute of the Pacific at the location.


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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "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," item 46 that states, "creation or termination of easement, covenants, or other rights in structures or land."

Staff believes that the proposed project would involve negligible or no expansion or change in use beyond that previously existing.

Consulted Parties: Agencies as noted in the submittal

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.


Suzanne D. Case, Chairperson


 Date 4/5/17

EXHIBIT B