

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

March 24, 2017

PSF No. 16OD-156

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

Oahu

Issuance of Perpetual, Non-Exclusive Easement to the Department of Agriculture for Irrigation Water Pipeline Purposes; Issuance of Immediate Construction and Management Right-of-Entry Permit; Waimanalo, Koolau-poko, Oahu, Tax Map Key (1) 4-1-008:080 and 4-1-026:004 portions.

APPLICANT:

Department of Agriculture (DOA)

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waimanalo, Koolau-poko, Oahu, Tax Map Key (1) 4-1-008:080 and 4-1-026:004 portions, as shown on the maps attached as **Exhibits 1-A and 1-B**.

AREA:

To be determined, subject to review and approval by DAGS Survey Division.

ZONING:

State Land Use District:	Agriculture
City and County of Honolulu	AG-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admissions Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested alignment is vacant and unencumbered. See Remarks Section regarding existing improvements in the vicinity.

CHARACTER OF USE:

Irrigation Water Pipeline Purposes

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 2**.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and legal descriptions according to State DAGS standards and at Applicant's own cost; and
2. Process and obtain designation of easement approval from the Department of Planning and Permitting of the City and County of Honolulu at Applicant's own cost.

REMARKS:

Department of Hawaiian Home Lands (DHHL) and the University of Hawaii (UH) are in the process of subdividing the former Meadow Gold Dairy site in Waimanalo. Preliminary

approval of the subdivision was obtained recently. In the past, the Board has approved the conveyance of about 50 acres to DHHL and issue a lease to UH over the remaining acreages.

The Agricultural Resource Management Division (ARMD) of the DOA operates and manages the Waimanalo Irrigation System. ARMD has awarded a work contract to extend its main distribution pipeline that will provide for irrigation water service to approximately 196 acres of the former Meadow Gold Dairy site. Upon the completion of the pipeline work, the last segment of "open ditch" will then be eliminated. As such, the DOA requests the issuance of a perpetual, non-exclusive easement over subject State lands for irrigation water pipeline purposes.

Department of Health, Department of Parks and Recreation, Department of Planning, and Department of Facility Maintenance have no comments/objections to the subject request. State Historic Preservation Division, Commission on Water Resource Management, University of Hawaii, Board of Water Supply, and Office of Hawaiian Affairs had not responded as of the suspense date of the subject request.

Department of Hawaiian Home Lands wants to ensure its parcel in the neighboring will also receive irrigated water service. See **Exhibit 3**.

Staff notes that the Board of Water Supply, pursuant to Governor's Executive Order No. 4215, operates a well site together with pipeline and access easement in the vicinity, as shown on Exhibit 1-A. However, the requested location of the pipeline easement is not in conflict with the existing pipelines. DOA will ensure the existing improvements will not be affected by the incoming pipeline easement.

DOA also requests an immediate construction and management right-of-entry until the issuance of the requested easement. There are no other pertinent issues or concerns and staff has no objections to subject request.

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 Department of Agriculture covering the subject area for irrigation water pipeline 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;

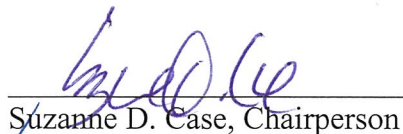
- B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Issuance of an immediate construction and management right-of-entry to the Department of Agriculture covering the subject area for irrigation water pipeline 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 right-of-entry document form, as may be amended from time to time;
  - B. The right-of-entry permit shall expire upon the issuance of the requested easement; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

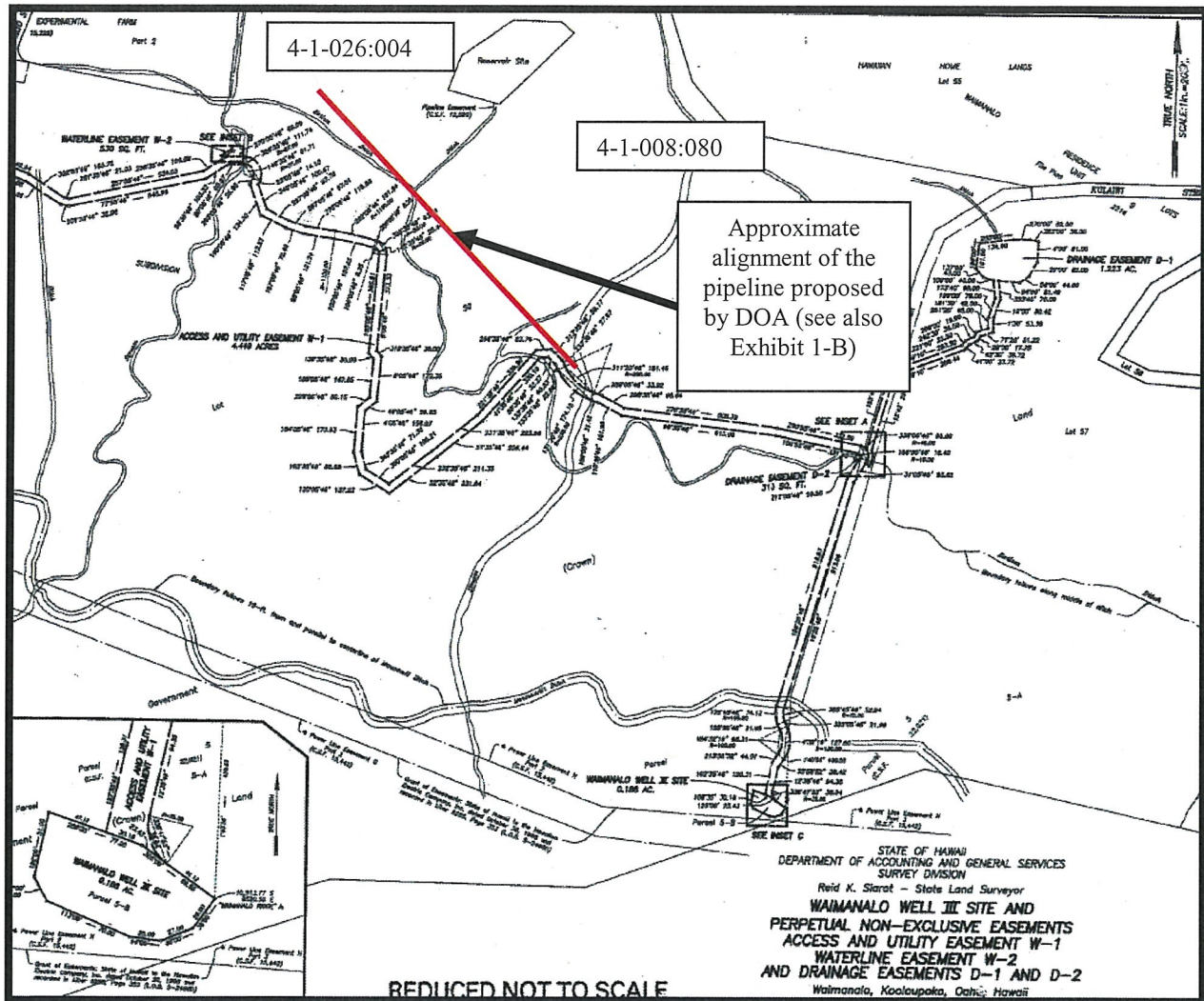
Respectfully Submitted,



Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:

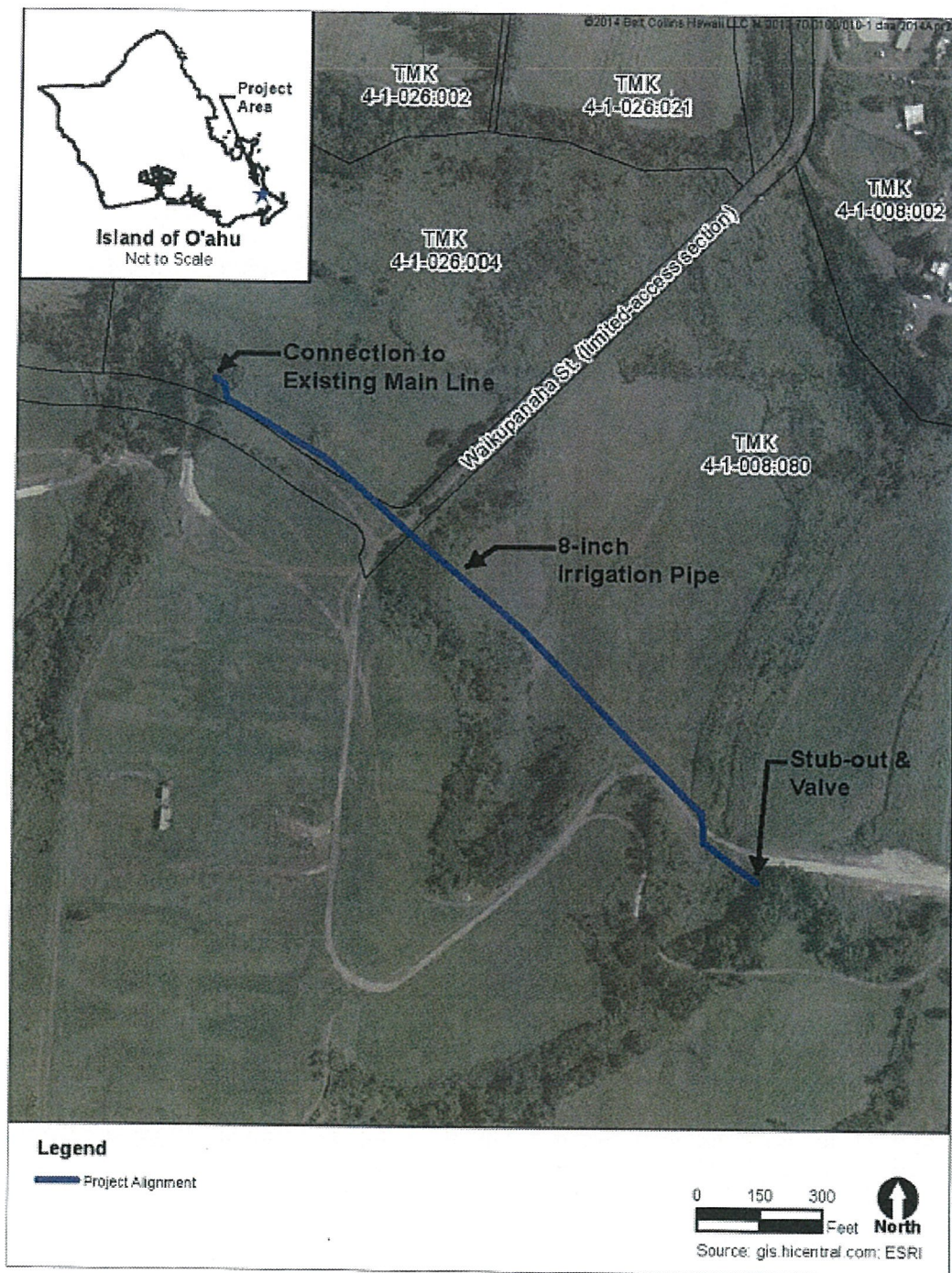
  
Suzanne D. Case, Chairperson



**TMK (1) 4-1-008:080 and 4-1-026:004**

# EXHIBIT 1-A





1  
2 Figure 2-1. Site Plan

TMK (1) 4-1-008:080 and 4-1-026:004

EXHIBIT 1-B

### EXEMPTION NOTIFICATION

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

Project Title: Issuance of Perpetual, Non-Exclusive Easement and Issuance of Immediate Construction and Management Right-of-Entry for Irrigation Water Pipeline Purposes.

Project / Reference No.: PSF 16OD-156

Project Location: Waimanalo, Koolaupoko, Oahu, Tax Map Key (1) 4-1-008:080 and 4-1-026:004 portions.

Project Description: Installing irrigation water pipeline to serve the fields in the vicinity.

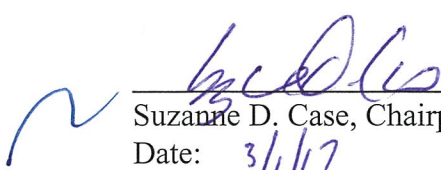
Chapter 343 Trigger(s): Use of State Land

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: 3/1/17

**EXHIBIT 2**

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JOBIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM I. AHA, JR.  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P. O. BOX 1879  
HONOLULU, HAWAII 96805

March 2, 2017

MEMORANDUM

TO: Suzzanne Case, Chairperson  
Board of Land and Natural Resources

FROM: Jobie M. K. Masagatani, Chairman *masg*  
Hawaiian Homes Commission

SUBJECT: Request for Comments on Irrigation Water Pipeline,  
Waimānalo, Ko'olau Poko, O'ahu, TMK (1) 4-1-08: 80

The Department of Hawaiian Home Lands (DHHL) received an email notification indicating that the Department of Land and Natural Resources is processing a request for a perpetual easement for an irrigation water pipeline to be installed and maintained by the Department of Agriculture.

We do not have any objections to the proposed irrigation water pipeline, but would like to add the following comment:

1. Potential Impacts to DHHL's Neighboring Parcel - Ensure that our land at the end of the pipeline will receive irrigated water service.

DHHL's neighboring parcel is currently designated as agricultural. We want to ensure that our lands will be able to receive irrigated water service. Under DHHL's Waimānalo's Regional Plan (completed in 2011), the community identified the need for updating the Waimānalo Irrigation System.

Mahalo for the opportunity to comment. If you have further questions, please contact Sharde Freitas at (808) 620-9485 or email her at sharde.k.freitas@hawaii.gov.

**EXHIBIT 3**