

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

July 28, 2017

PSF No.: 17KD-076
Ref. No.: EO# 4448

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

KAUAI

Grant of Perpetual, Non-Exclusive Easement to the County of Kauai, Department of Water, Over Lands Encumbered Under Governor's Executive Order No. 4448 to the Department of Accounting and General Services; Issuance of Immediate Management and Construction Right-of-Entry for Access and Water Pipeline Purposes, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-6-005:001.

APPLICANT:

County of Kauai, a municipal corporation of the State of Hawaii.

LEGAL REFERENCE:

Section 171-13 or 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land, the former Lihue Courthouse Lot, Lihue Town, situate at Kalapaki, Lihue, Kauai, identified by Tax Map Key: (4) 3-6-005:001, as shown on the attached map labeled Exhibit A.

AREA:

180 square feet, more or less.

ZONING:

State Land Use District:	Urban
County of Kauai CZO:	Commercial

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO x

CURRENT USE STATUS:

Encumbered under Governor's Executive Order No. 4448, to the Department of Accounting and General Services for Government Office purpose, dated December 12, 2013.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit B

DCCA VERIFICATION:

Not applicable. Applicant, a government entity, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The subject area, the former Lihue Courthouse property, was formerly under Governor's Executive Order No. 820, dated October 3, 1939, to the Department of Accounting and General Services for the Lihue Courthouse Lot purposes.

In 1967, EO 2321 withdrew 324 square feet from EO 820 for exchange with the County of Kauai for road realignment purposes.

On July 11, 2007, Governor Linda Lingle issued a Proclamation declaring emergency disaster relief for the County of Kauai, related to the number of homeless on Kauai and the associated human health and safety issues. The declaration designated the building known as the Lihue Courthouse as a temporary shelter for the homeless. In partnership with Kauai Economic Opportunity, Inc. (KEO) and Hawaii Public Housing Authority, the County sub-granted Act 100 funds for the social services and management needed to operate the new temporary emergency shelter.

Since 2009, the building has been vacant.

The subject parcel is currently encumbered under Governor's Executive Order No. 4448, dated December 12, 2013, by the Department of Accounting and General Services, for Addition to Lihue State Office Building Lot purposes.

DAGS recently restored and renovated the former Lihue Courthouse building which has been converted into office spaces, which will be used for additional State offices. Occupancy of the building requires that the County of Kauai, Department of Water obtain an easement on the southeast entrance of the building, to access a 4-inch water lateral and an above-ground 4-inch Reduced Pressure Detector Assembly (RPDA) with a water meter, for maintenance purposes. The easement will enable CoK BOW to connect its pipelines of an existing water system within the Umi Street road right-of-way to service the building. (Exhibit B)

The County of Kauai 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.


Various governmental agencies and interest groups were solicited for comments. All respondents had no objections to the 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to County of Kauai, Department of Water, covering the subject area for 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. Grant an immediate management and construction right-of-entry to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf, over portions of TMK: (4) 3-6-005: portion of 001, 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 management and construction right-of-entry form, as may be amended from time to time;
 - B. Prior to the commencement of any ground work activities, COK DOW shall coordinate its proposed work schedule and activities with DAGS;
 - C. This management and construction right-of-entry is effective upon Land Board approval and shall continue until the grant of easement is issued; and
 - D. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully Submitted,



Wesley T. Matsunaga
Acting District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

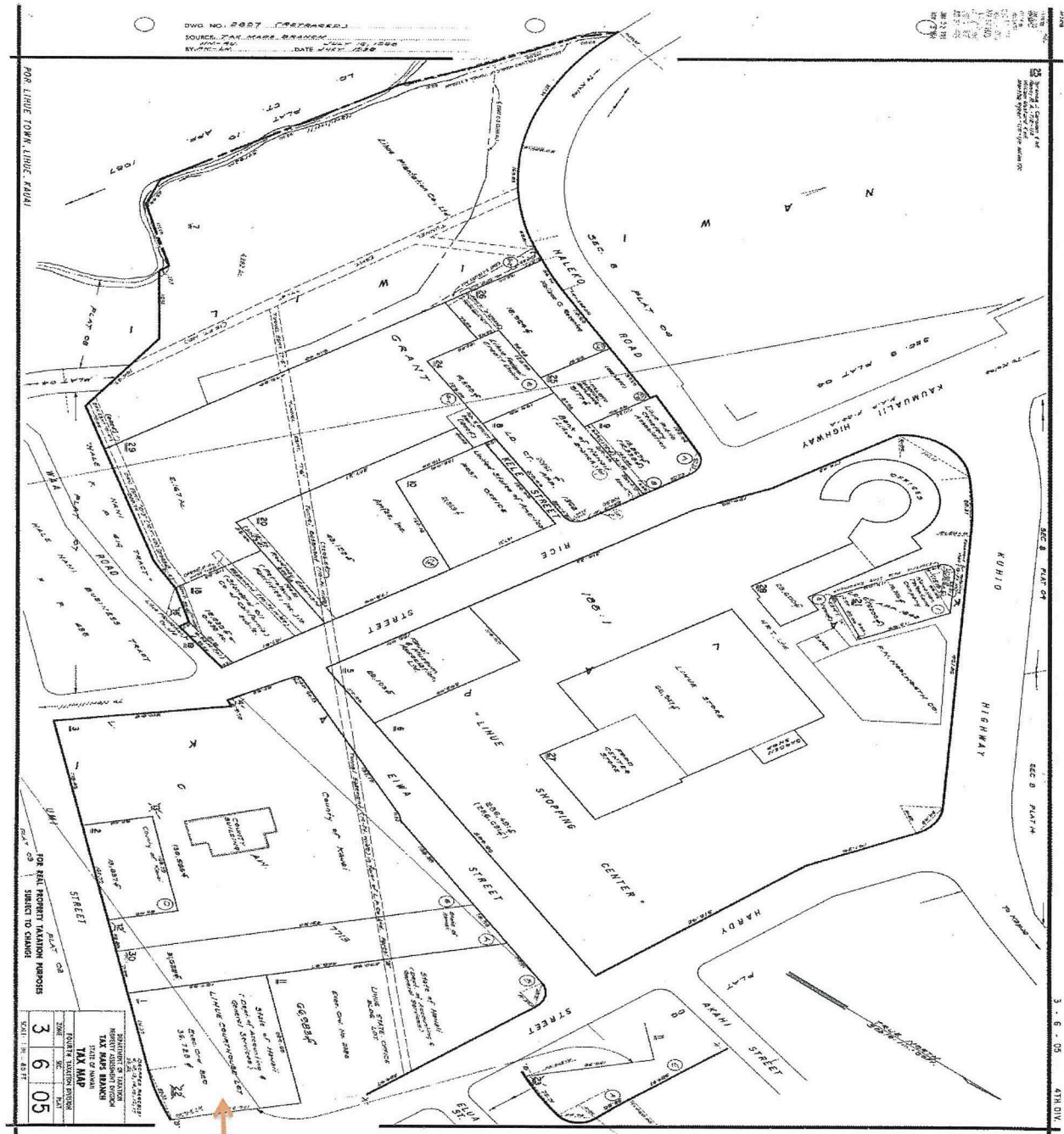
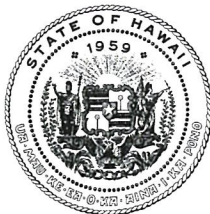
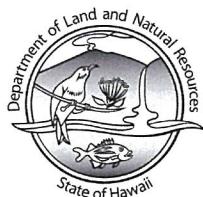


EXHIBIT A

SUBJECT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PSF No.: 17KD-058
Ref. No.: EO 4448

EXEMPTION NOTIFICATION

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

Project Title:	Grant of Term, Non-Exclusive Easement to the County of Kauai, Department of Water Map Key: (4)) 3-6-005:001
Project / Reference No.:	PSF No.: 17KD-076
Project Location:	Kalapaki, Lihue, Kauai.
Project Description:	Grant of Term, Non-Exclusive Easement to the County of Kauai, Department of Water at Former Lihue Courthouse
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to, Exemption Class 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" and Class No. 3, Item 15, "Utility service connection and installation," and Class 6, Item 5, Construction or placement of utilities (telecommunications, electrical, solar panels, drainage, waterlines, sewers) and related equipment accessory to existing facilities on state lands.
Exemption Item Description from Agency Exemption List:	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.
Consulted Parties:	County Department of Water and Department of Accounting and General Services.

Recommendation:

The issuance of a grant of easement in itself will probably have minimal or no significant effect on the environment. It is recommended that the Board of Land and Natural Resources find that the action is exempt from the preparation of an environmental assessment.

Suzanne D. Case, Chairperson

Date



EXHIBIT B