

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

January 25, 2019

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

Ref: PSF 19OD-001

OAHU

Issuance of Right-of-Entry Permit to U.S. Army Corps of Engineers on State Lands for Due Diligence Purposes for the Ala Wai Flood Control Project, Honolulu, Oahu, See Exhibit A for List of Tax Map Keys.

APPLICANT:

The U. S. Army Corps of Engineers ("ACOE")

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by List of Tax Map Keys shown on the table attached as **Exhibit A**, and the maps attached as **Exhibits B-1 to B-3**.

ZONING:

See Exhibit A.

TRUST LAND STATUS:

Sections 5(a) and 5(b) lands of the Hawaii Admission Act. See Exhibit A.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by various dispositions. See Exhibit A for details.

CHARACTER OF USE:

Due diligence purposes, including but not limited to survey and exploration by conducting test borings, and other exploratory work.

TERM OF RIGHT-OF-ENTRY:

Six months, or upon the completion of the survey and exploratory work, whichever is the earlier.

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 concurred with 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 5, No. 1, that states “Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource”, and item 1, which states that “Conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)”. (See **Exhibit C**)

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall obtain written concurrences from all agencies/grantees/permittees shown on Exhibit A.

REMARKS:

ACOE, the State, and the City and County of Honolulu are working on a project partner agreement for the Ala Wai Flood Control Project (“Project”). The U.S. Congress has approved a measure that provides \$199 million for the project.

ACOE, by its letter dated October 31, 2018 (**Exhibit D**), requests the Board authorize the issuance of right-of-entry permit over the State parcels described on Exhibit A¹ for due diligence purposes in relation to the Project. **Exhibit E** is a map showing the areas that

¹ TMKs pertaining to the subject request have been updated by ACOE subsequent to the original request in October 2018, and they are provided in Exhibit A.

will be covered by the due diligence process undertaken by ACOE. The Project involves other properties owned by the City and County of Honolulu and private parties. Nevertheless, only State lands are covered by the subject request. The subject State lands are shown in the table (Exhibit A), maps (Exhibit B-1 to B-3), and are underlined in red on Exhibit E.

Particulars of the due diligence, including boring and test pits, vary with individual locations, and ACOE is required to coordinate with the respective parties as shown on Exhibit A before actual work is commenced.

Following agencies have no comments/objections to the request and concur to the proposed environmental assessment declaration:

The Gas Company, Hawaiian Electric Company, Inc., Division of Forestry and Wildlife, Division of State Parks, Division of Aquatic Resources, Department of Facility Maintenance, Department of Parks and Recreation, Department of Enterprise Services, Board of Water Supply.

Board of Water Supply and Department of Enterprise Services request coordination with their staff prior to entry into the respective areas. Department of Facility Maintenance notes that any damage to the City's improvements shall be corrected to City standards and accepted by the City and at no cost to the City.

Following parties did not respond to the request for comment before the deadline:

Kyo-ya Company, State Historic Preservation Division, Office of Conservation and Coastal Lands, Commission on Water Resources Management, Hawaii State Public Library System.

In addition, staff recommends the Board authorize the Chairperson to further extend the right-of-entry for good cause, e.g. beyond the requested period, or to cover additional parcels.

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 to the U.S. Army Corps of Engineers 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. Such other terms and conditions as may be prescribed by the Chairperson

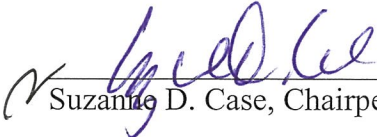
to best serve the interests of the State; and

- C. Authorize the Chairperson to amend the right-of-entry permit to the Applicant for good cause.

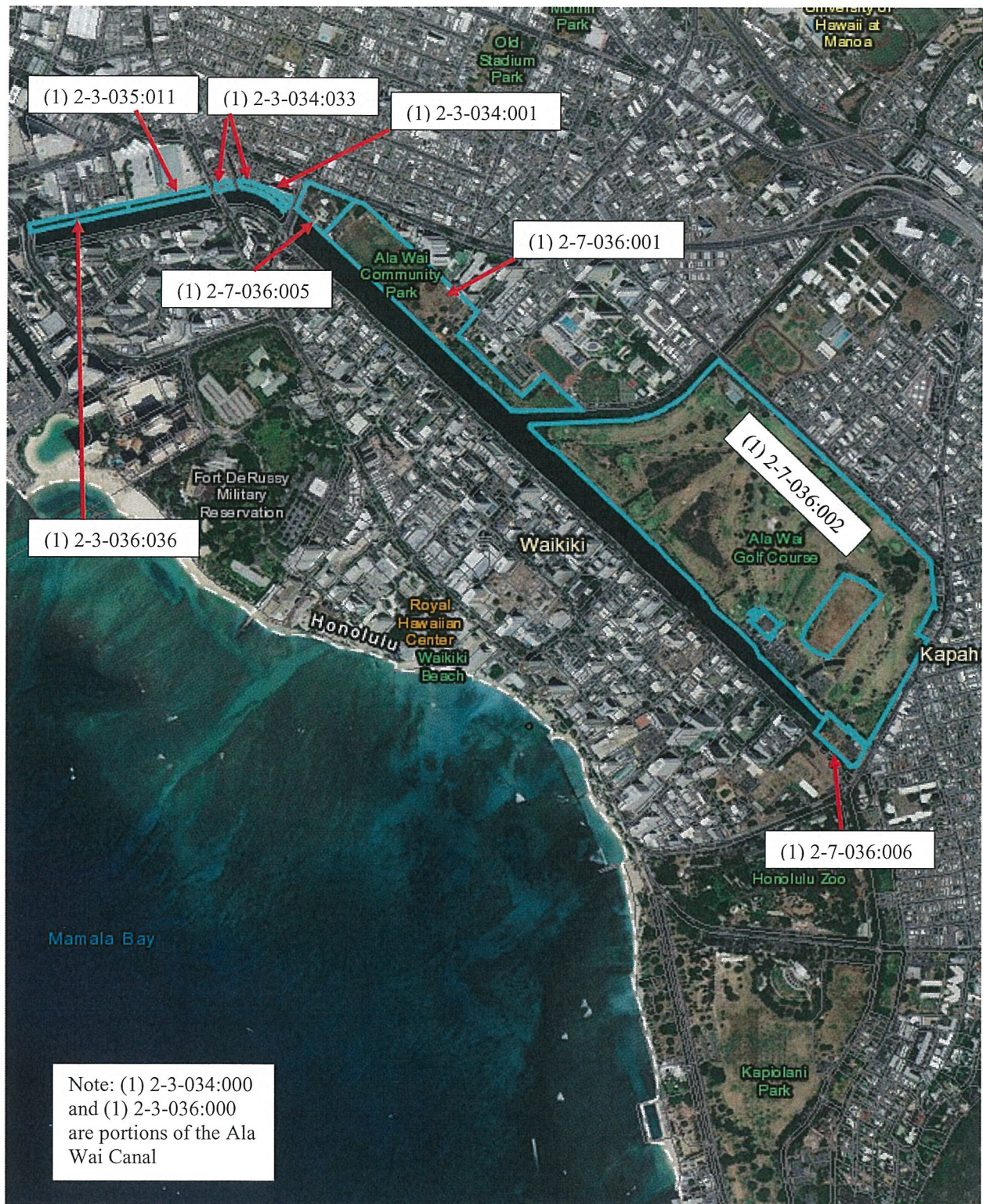
Respectfully Submitted,

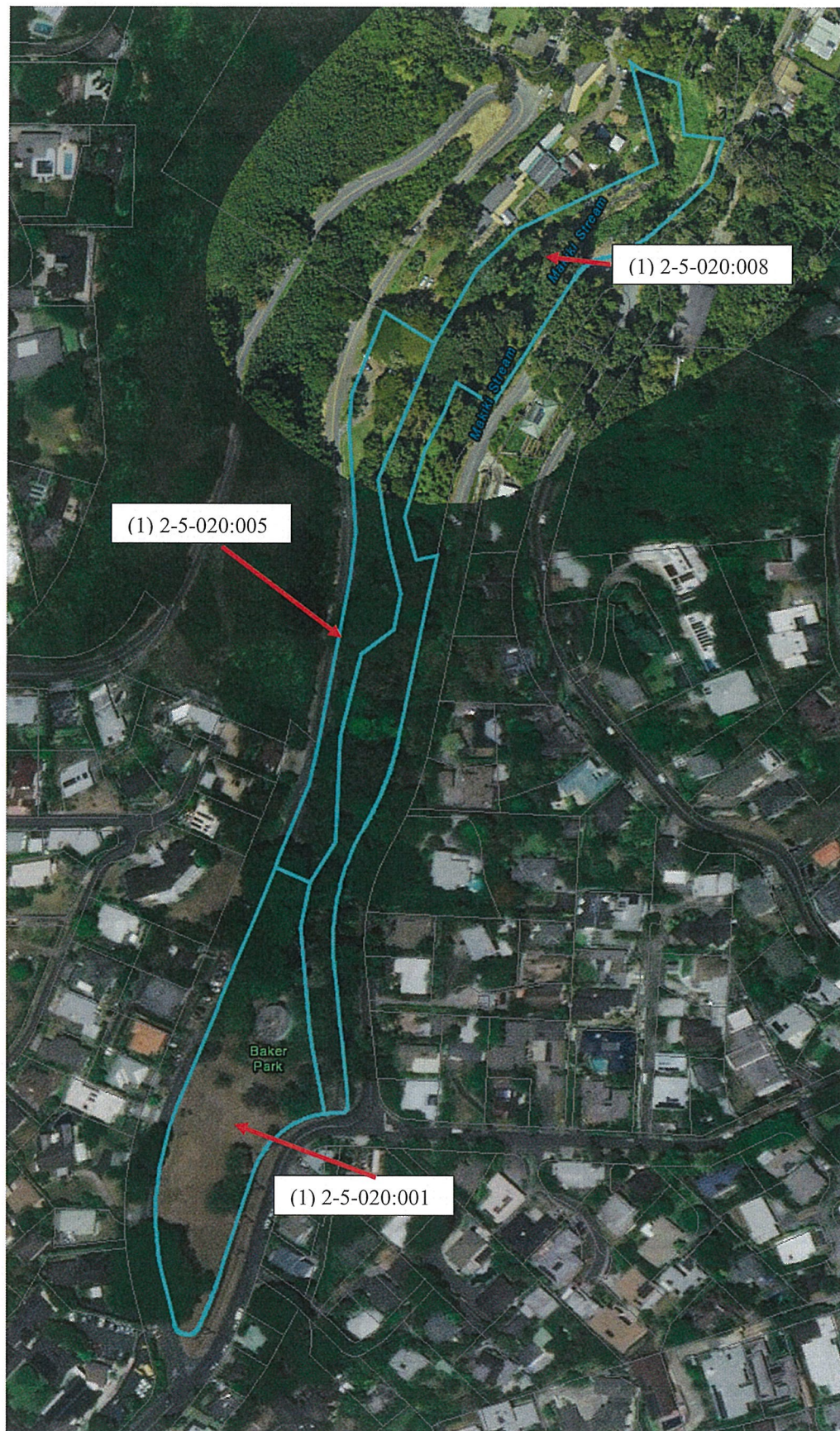

Barry Cheung
District Land Agent

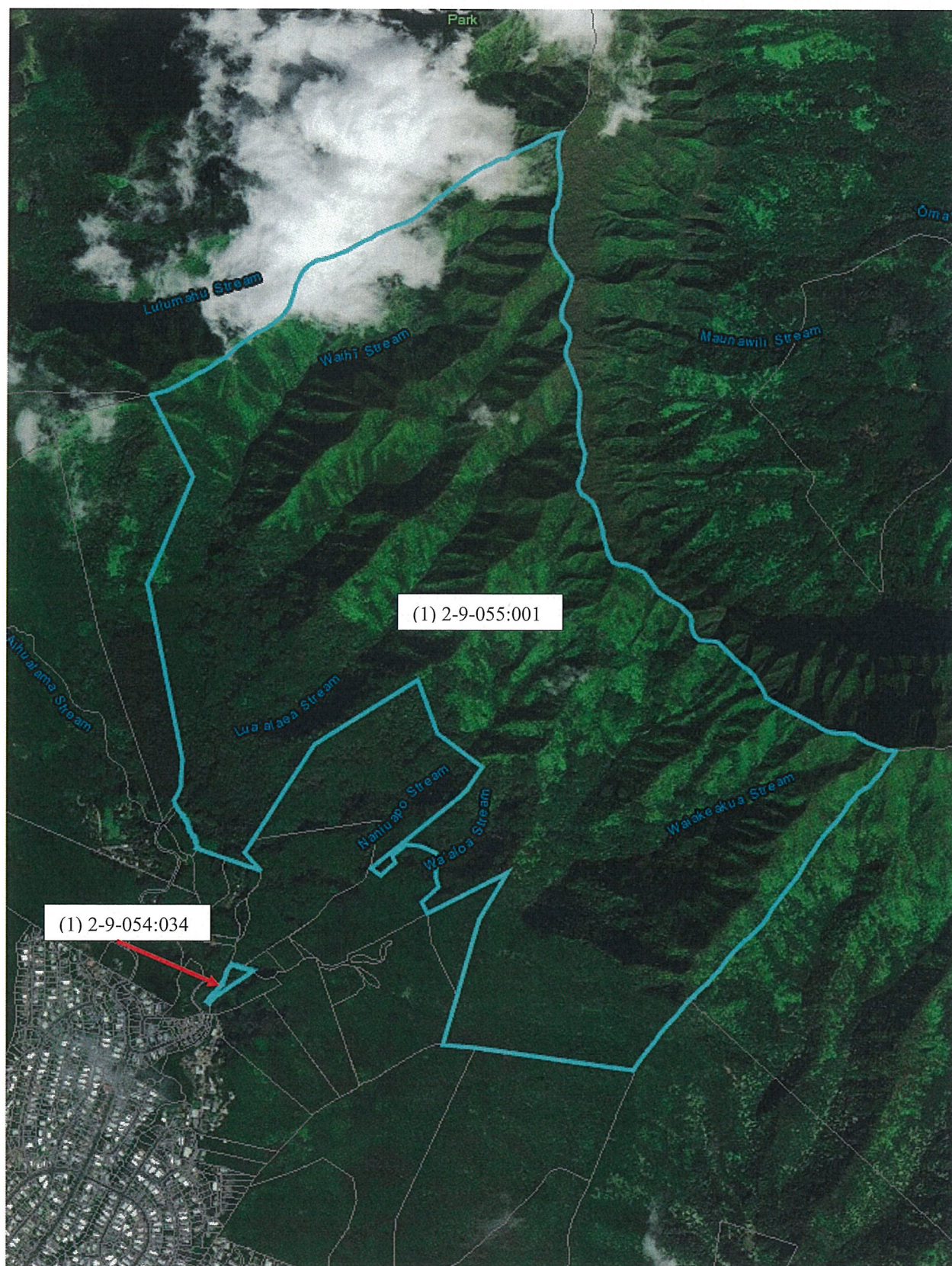
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

Impact Area	TMK	TLS	State Land Use	C&C Zoning	Encumbrances		
					Agency/Grantee/Permittee	Document	Purpose
Ala Wai Canal Floodwalls	(1) 2-3-034:000	5(b)	Urban	Public	Unencumbered		
	(1) 2-3-034:001	5(b)	Urban	Public	American Legion, Department of Hawaii,	RP 3954	American Legion, Department of Hawaii, Ltd.
	(1) 2-3-034:033	5(b)	Urban	Public	City (Department of Parks & Recreation)	GEO 0569	Ala Wai Park
	(1) 2-3-035:011	5(a)	Urban	Public Precinct	City (Department of Parks & Recreation)	GEO 0569	Ala Wai Park
					The Gas Company, LLC	LOD 24327	Utility Easement
	(1) 2-3-036:000	5(b)	Urban	Public	Unencumbered		
	(1) 2-3-036:036	5(a)	Urban	Public	City (Department of Parks & Recreation)	GEO 0569	Ala Wai Park
	(1) 2-7-036:005	5(b)	Urban	P-2	City (Department of Parks & Recreation)	GEO 1428	Addition to Ala Wai Park
Ala Wai Golf Course Multi-Purpose Detention	(1) 2-7-036:002	5(a)	Urban	P-2	Hawaii State Public Library System	GEO 1448	Waikiki-Kapahulu Library
					City (Department of Facility Maintenance)	LOD 24562	Drainage Easement
					Hawaiian Electric Co., Inc.	LOD 28692	Utility Easement
					City (Department of Enterprise Services)	GEO 3885	Ala Wai Golf Course & Park
					City (Department of Facility Maintenance)	LOD 26296	Drainage Easement
					City (Board of Water Supply)	LOD 28914	Waterline Easement
					Hawaiian Electric Co., Inc.	LOD 25803	Utility Easement
					Hawaiian Electric Co., Inc.	LOD 28692	Utility Easement
Makiki Debris and Detention Basin	(1) 2-5-020:001	5(b)	Urban	P-2, R-10	City (Board of Water Supply)	GEO 0419	Makiki Pumping Plant
	(1) 2-5-020:005	5(b)	Conservation	P-1	DLNR - Division of State Parks	GEO 3729	Makiki Valley State Park
	(1) 2-5-020:008	5(b)	Conservation and Urban	P-1, P-2, R-10	DLNR - Division of State Parks	SP0507	Portion of State Park Lease No. 0507
					Hawaiian Electric Co., Inc.	LOD 28648	Utility Easement
Waiakeakua Debris and Detention Basin	(1) 2-9-054:034	5(b)	Conservation	P-1	City (Board of Water Supply)	GEO 1659	Development and Protection of Water Sources
Waihi Debris and Detention Basin	(1) 2-9-055:001	5(b)	Conservation	P-1	DLNR - Division of Forestry and Wildlife	Governor's Proclamation	Honolulu Watershed Forest Reserve
Hausten Ditch Detention	(1) 2-7-036:001	5(a)	Urban	P-2	City (Department of Parks & Recreation)	GEO 0569	Ala Wai Park
					City (Department of Parks & Recreation)	GEO 2036	Addition to Ala Wai Park
					City (Department of Facility Maintenance)	LOD 24502	Drainage Easement
					City (Department of Facility Maintenance)	LOD 24099	Sewer Easement
					Hawaiian Electric Co., Inc.	LOD 18540	Utility Easement







EXEMPTION NOTIFICATION

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

Project Title:	Issuance of Right-of-Entry Permit to the U.S. Army Corps of Engineers for Due Diligence Purposes
Reference No.:	PSF 19OD-001
Project Locations:	Locations as shown in Exhibit A of the submittal.
Project Description:	Due diligence purposes including survey and exploratory work regarding Ala Wai Flood Control Project.
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 with 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 No. 5, which states the "Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", and item 1, which states that "Conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)".
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. The request pertains to the collection of existing environmental data and does not have any planned successive actions.
Action May Have Significant Impact on Particularly Sensitive Environment?	No. The request pertains to the collection of existing environmental data and does not have any planned successive actions.
Consulted Parties:	Agencies as noted in the submittal.
Analysis:	The request pertains to the collection of existing environmental data for the forthcoming flood control project. Such activities are not anticipated to result in any known significant impacts,

EXHIBIT C

whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

Recommendation:

It is recommended that the Board find that 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.



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

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Real Estate Branch
Programs and Project Management Division

Ms. Suzanne Case
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

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DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Dear Ms. Case:

The U.S. Army Corps of Engineers, Honolulu District (USACE), the State of Hawaii, and the City and County of Honolulu have begun discussions for a Project Partnership Agreement (PPA) for the Ala Wai Flood Control Project (FCP). USACE hereby requests that the State of Hawaii, Department of Land and Natural Resources, provides rights-of-entry in support of the design effort for the Ala Wai FCP. The purpose of this request is to begin survey and exploration by conducting test borings, and to carry out other exploratory work as necessary to complete the investigation for the Ala Wai FCP.

This request does not provide a notice to proceed with land acquisitions as the formal PPA has not been executed at this time. Additionally, a rights-of-entry is not an interest in real property and has no market value, therefore no credit can be provided.

Enclosed is a list of parcels that are impacted by the Ala Wai FCP and for which USACE requires access to complete our cooperative design efforts. Please also identify your point-of-contact so our offices can begin our cooperative partnership on this project. You may contact Michael Bauman, Lead Realty Specialist, or e-mail with any questions or concerns.

Sincerely,

Jo Anne E. Oakes
Acting Chief, Real Estate Branch

Enclosure

EXHIBIT D

