

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

March 22, 2019

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

PSF No.:18OD-122

Oahu

Grant of Non-Exclusive Easement Identified as Easement 9667 as shown on Land Court Application 1069, Map 1409 to City and County of Honolulu, Board of Water Supply for Flowage Easement Purposes, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-018: Portion 008.

APPLICANT:

City and County of Honolulu, Board of Water Supply ("C&C/BWS")

LEGAL REFERENCE:

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

LOCATION:

Easement 9667 for flowage purposes as shown on Land Court Application 1069, Map 1409 situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-018: portion of 008, as shown outlined in red on the attached map labeled **Exhibit A**.

AREA:

0.098 acre, more or less.

ZONING:

State Land Use District: Urban  
City & County of Honolulu CZO: AG-1, Restricted Agricultural District

TRUST LAND STATUS:

Non-Ceded – Acquired after Statehood.  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 7907 to Sugarland Farms, Inc. for agriculture purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair an easement over, under and across State-owned land for flowage purposes.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In July 1998, the Final Environmental Impact Statement for the East Kapolei Master Plan was accepted by the Housing and Community Development Corporation of Hawaii, now the Hawaii Housing Finance and Development Corporation. The subject site is located within the East Kapolei Master Plan area.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

None

REMARKS:

On September 10, 2008, the Land Court approved the subdivision and designation of easements as shown on Map 1409 of Land Court Application 1069, creating Lots 18059 and 18060 and designating Easement 9667 for Flowage Purposes and Easement 9668 for Access Road and Utility Purposes. Subsequently, Governor's Executive Order (GEO) 4307 was issued to the C&C/BWS setting aside Lot 18059 and easement 9668 for a Water

Tank Reservoir Purposes together with an easement for access road and utility. The water tank reservoir area is identified as Tax Map Key: (1) 9-1-018:007 and the access road and utility easement is identified as (1) 9-1-018: portion of 008, both outlined in blue on the attached map labeled Exhibit A.

It was brought to staff's attention that GEO 4307 did not include Easement 9667 for flowage easement. Staff met with the representatives of BWS and understood that the Easement 9667, which is an open ditch on the ground, joins with the existing gulch on the property which will be serving as the outlet of the water. If any future development of the parcel requires the realignment of the easement, the current open ditch area can be built over with the open ditch modified to a drainline. Upon further discussion, the Division believes that the granting of today's request will not substantially impact any future development potential of the subject parcel. Therefore, staff does not have any objection to the subject request.


Sugarland Farms, permittee for Revocable Permit No. 7907, was consulted and has no objections to this request. Since comments were solicited during the environmental assessment process, staff did not request for additional comments from other agencies.

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.

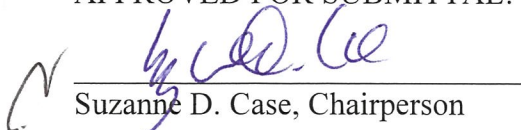
RECOMMENDATION: That the Board authorize the issuance of a perpetual non-exclusive easement identified as Easement 9667 as shown on Land Court Application 1069, Map 1409 to the City and County of Honolulu, Board of Water Supply covering the subject area for flowage purposes under the terms and conditions 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.

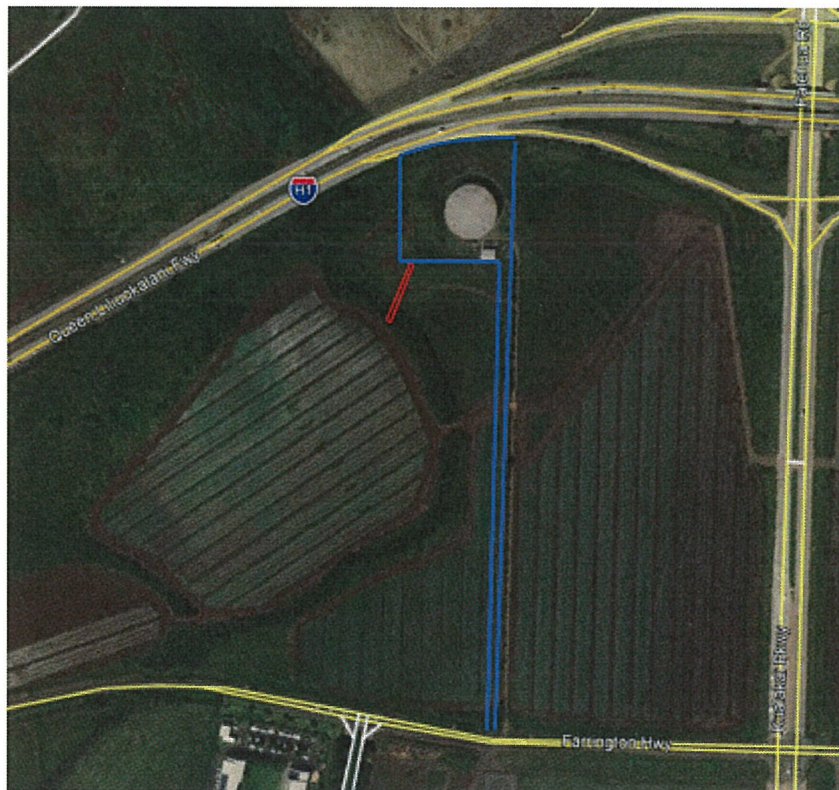
Respectfully Submitted,

  
Patti E. Miyashiro  
Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson





# EXHIBIT A