

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

October 25, 2019

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

PSF No.: 19MD-117

MAUI

Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Water Supply for Fire Hydrant Maintenance and Use Purposes, Kaunakakai, Molokai, Tax Map Key: (2) 5-3-005: Por. 012.

APPLICANT:

Department of Accounting and General Services and the County of Maui, Department of Water Supply.

LEGAL REFERENCE:

Sections 171-13 and 95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government land situated at Kaunakakai, Molokai, identified by Tax Map Key: (2) 5-3-005: Por. 012, as shown on the attached map labeled Exhibit A-1 and A-2.

AREA:

Easement - 144 square feet, more or less (see Exhibit B)

ZONING:

State Land Use District:	Agriculture/Urban
County of Maui CZO:	Agriculture/Interim

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 Governor's Executive Order ("EO") 4028 dated December 16, 2003 setting aside to Department of Accounting and General Services ("DAGS") for the Kaunakakai Civic Center.

CHARACTER OF USE:

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

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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 that states, "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 Item 46 that states, "Creation or termination of easement, covenants, or other rights in structures or land." See Exhibit C.

DCCA VERIFICATION:

Not applicable. Applicants are government agencies.

APPLICANT REQUIREMENTS:

Applicants shall be required to:

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

REMARKS:

On June 8, 2019, the Department of Land and Natural Resources, Land Division received a request from DAGS to assist with creating a non-exclusive easement to the County of Maui ("COM") within Tax Map Key: (2) 5-3-005: Por. 012 ("Parcel 12") set aside to DAGS for the Kaunakakai Civic Center purposes. The easement is for the operation and maintenance of an existing fire hydrant.

DAGS has had control and management of Parcel 12 under EO No. 4028 since December 16, 2003, and has no objections to the issuance of the easement to COM.

A draft of this submittal was disseminated to agencies listed below with the results indicated:

Agency	Comment
County of Maui – Planning	No response by suspense date.
County of Maui – Public Works	No response by suspense date.
County of Maui – Water Department	No response by suspense date.
Office of Hawaiian Affairs	No response by suspense date.


Staff believes that the operation and maintenance of the fire hydrant on Parcel 12 would involve negligible or no expansion or change in use of the subject area beyond that previously existing and is also consistent with the purpose of the set-aside to DAGS under EO No. 4028.

RECOMMENDATION: That the Board:

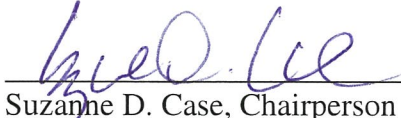
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the County of Maui covering the subject area for fire hydrant and appurtenant 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.

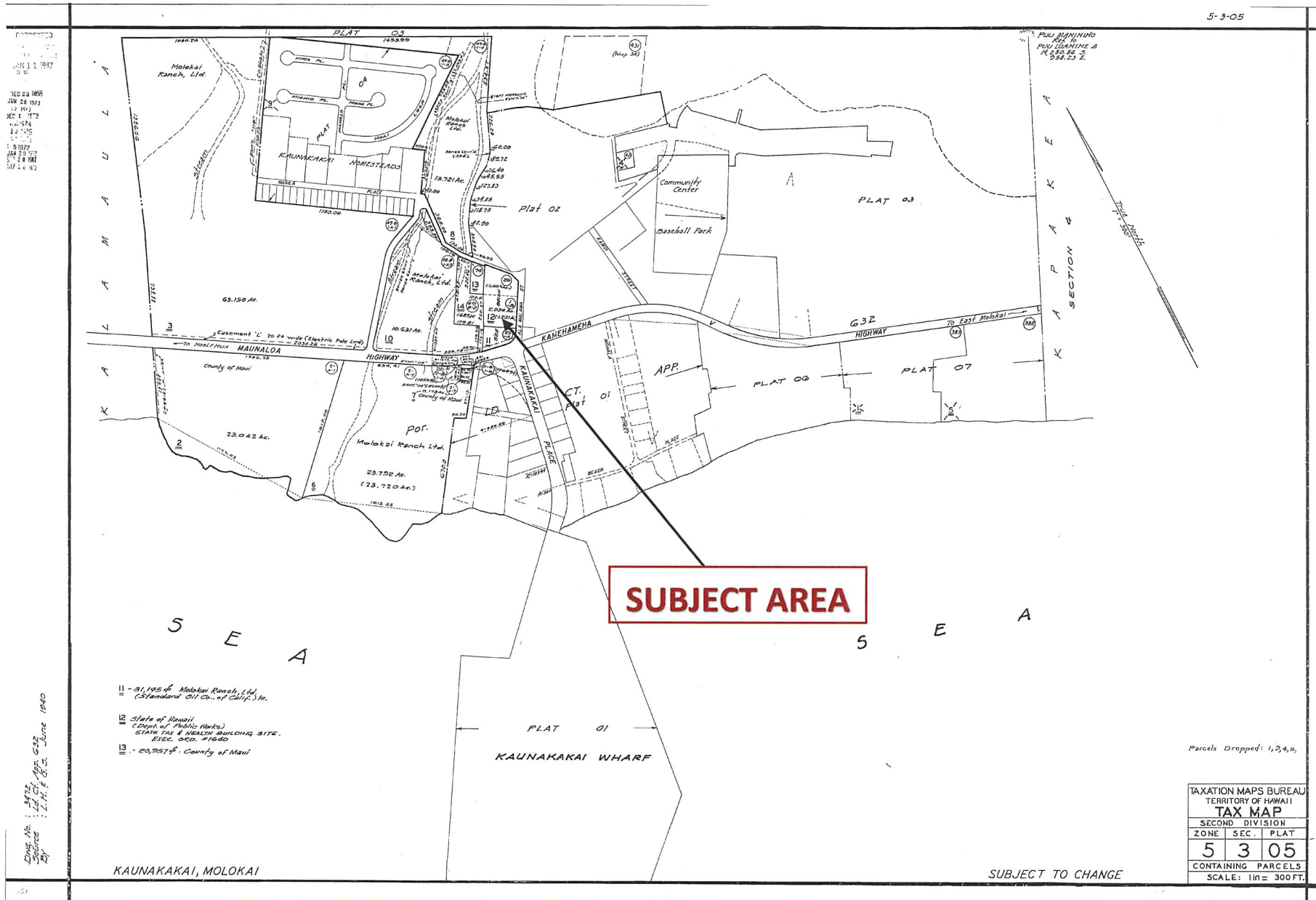
Respectfully Submitted,

  
\_\_\_\_\_  
Edward T. Paa  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson





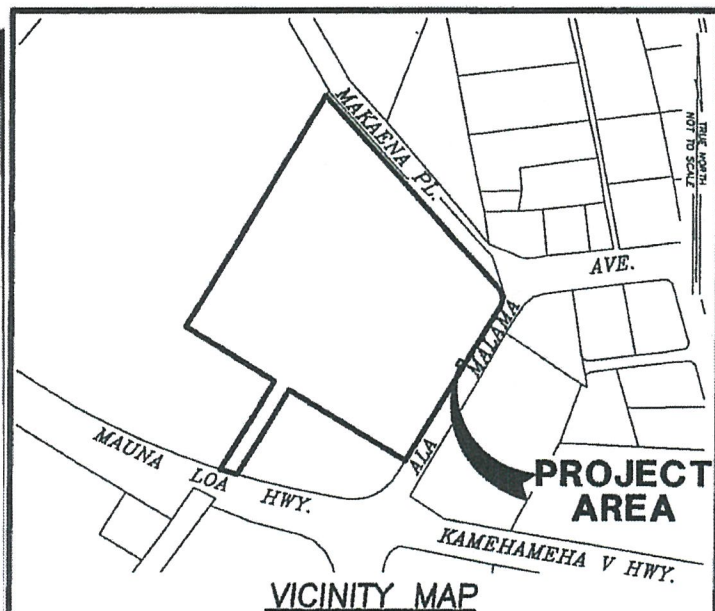




VIEW FROM ALA MALAMA AVENUE

EXHIBIT "A-2"





VICINITY MAP

**NOTES:**

1. EASEMENT FH-1 IS FOR FIRE HYDRANT PURPOSES AND IS IN FAVOR OF THE COUNTY OF MAUI.
2. AZIMUTHS AND COORDINATES ARE REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "PUU LUAHINE"Δ.



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION.

JUSTIN H. LAPP  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE No. 12964  
EXP. DATE 04/2020



LOT 940 (MAP 101)  
4.211 ACRES\*  
LAND COURT APPLICATION 632

EASEMENT FH-1  
144 Sq. Ft.

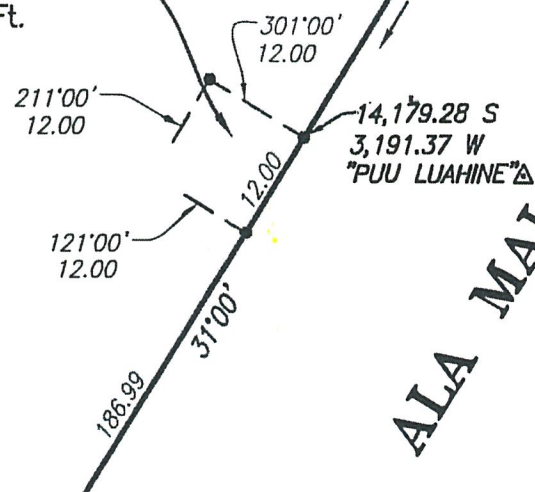


EXHIBIT MAP SHOWING EASEMENT FH-1  
AFFECTING LOT 940 AS SHOWN ON  
LAND COURT APPLICATION 632, MAP 101  
SITUATED AT KAUNAKAKAI, MOLOKAI, MAUI, HAWAII

**ATA** AUSTIN, TSUTSUMI & ASSOCIATES, INC.  
ENGINEERS, SURVEYORS • HONOLULU, WAILUKU, HAWAII

J.N. : 17-554

SCALE: 1 IN. = 20 FT.

TMK: (2) 5-3-005: POR. 012

DATE: 05/21/2019

TRUE NORTH  
Scale: 1IN.=20FT.

LAND COURT APPLICATION 632  
(MAP 101)

EASEMENT FH-1  
(For Fire Hydrant Purposes)

Affecting a portion of Lot 940 as shown on Map 101 of Land Court Application 632.

Situated at Kaunakakai, Molokai, Maui, Hawaii.

Beginning at the East corner of this easement, being also a point on the West side of Ala Malama Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU LUAHINE" being 14,179.28 feet South and 3,191.37 feet West thence running by azimuths measured clockwise from true South:

1. 31° 00' 12.00 feet along the West side of Ala Malama Avenue;
2. 121° 00' 12.00 feet along the remainder of Lot 940 as shown on Map 101 of Land Court Application 632;
3. 211° 00' 12.00 feet along same;
4. 301° 00' 12.00 feet along same, to the point of beginning and containing an area of 144 square feet.



Description Prepared By:

A handwritten signature in black ink, appearing to be "J. Lapp", written over a horizontal line.

EXP 04/20

JUSTIN H. LAPP  
Licensed Professional Land Surveyor  
Certificate No. 12964

Wailuku, Hawaii  
May 21, 2019

TMK: (2) 5-3-005: POR. 012



501 SUMNER STREET, SUITE 521  
HONOLULU, HAWAII 96813-5001

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

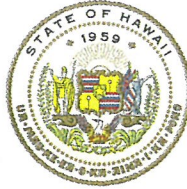
1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

100 PAUHAH STREET, SUITE 207  
HONOLULU, HAWAII 96813-5001

EXHIBIT "B"



DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

October 25, 2019

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

<b>Project Title:</b>	Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Water Supply for Fire Hydrant Maintenance and Use Purposes.
<b>Project / Reference No.:</b>	PSF No. 19MD-117
<b>Project Location:</b>	Kaunakakai, Molokai, Hawaii, Tax Map Key: (2) 5-3-005: 012 por.
<b>Project Description:</b>	Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Water Supply for Fire Hydrant Maintenance and Use Purposes.
<b>Chap. 343 Trigger(s):</b>	Use of State Land
<b>Exemption Class No. and Description:</b>	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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 that states, "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 Item 46 that states, "Creation or termination of easement, covenants, or other rights in structures or land."
<b>Cumulative Impact of Planned Successive Actions in Same Place Significant:</b>	No. This request is pertaining to the issuance of a perpetual non-exclusive easement in a developed area for an existing fire hydrant, and staff believes that the request would involve negligible change in use of the subject area beyond previously existing.

**Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment:**

Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing

**Analysis:**

The requested easement would involve negligible or no expansion or change of use beyond that previously existing.

**Consulted Parties:**

County of Maui Planning Department, County of Maui Public Works Department, County of Maui Water Department, Office of Hawaiian Affairs.

**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.