

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

November 8, 2019

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

Ref: 19OD-128

OAHU

Grant of a Perpetual, Non-Exclusive Easement and Issuance of an Immediate Management Right-of-Entry Permit to Department of Transportation, Airports Division for Access Purposes, Kalihi, Honolulu, Oahu, Tax Map Key: (1) 1-2-025: portion of 002.

APPLICANT:

Department of Transportation, Airports Division

LEGAL REFERENCE:

Sections 171-55, and -95, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government land located in Kalihi, Honolulu, Oahu, identified by Tax Map Key: (1) 1-2-025: portion of 002, as shown on the maps attached as **Exhibits A1** and **A2**.

AREA:

To be determined, further subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: I-3

TRUST LAND STATUS:

PL-88-233, i.e. ceded,
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor's Executive Order No. 4572 to Department of Transportation, Highways Division for Highways Truck Weigh Station and Related Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access purposes.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis. Government agency.

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." (**Exhibit B**).

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Executive Order No. ("EO") 4544 dated April 25, 2014 was issued to the Department of

Transportation, Airports Division (“DOT-A”) for Airport Purposes. At its meeting of May 25, 2018, under agenda item D-4, the Board authorized the cancellation of EO 4544 and re-set aside the subject area among the Highways, Airports, and Harbors Divisions of the Department of Transportation. In December 2018, EOs 4572, 4573 and 4574 were issued respectively to the divisions mentioned above.

Recently, DOT-A discovered that it does not have legal access over the historical/current access to Sand Island Access Road, i.e. the proposed easement area. Pursuant to discussions with the Highways Division, an agreement has been reached that will allow DOT-A to use a portion of the land set aside to the Highways Division for access. The proposed location is shown in yellow on Exhibits A1 and A2. DOT-A requests an easement for its use and use by its permittees, licensees, grantees, and any other authorized occupants of the lands under DOT-A’s management jurisdiction pursuant to EO 4573.

Pursuant to DOT’s request dated October 3, 2019 (**Exhibit C**), Highways Division has indicated its concurrence to the proposed easement. Staff has no objection to extend the proposed easement to the parties authorized by DOT-A as described in the preceding paragraph.

DOT-A also requests a management right-of-entry which shall expire upon the issuance of the easement document. Staff does not have any objection to the requested right-of-entry permit.

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.

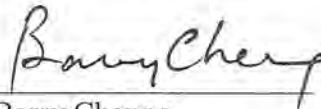
Both Airports and Highways Divisions of the Department of Transportation concur with the proposed environmental assessment exemption declaration. There are no other pertinent issues or concerns.

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 all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Department of Transportation, Airports Division covering the subject area for access 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;

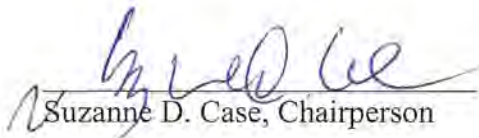
- B. The easement shall run with the land and shall inure to the benefit of the State land set aside to the Department of Transportation, Airports Division pursuant to Governor's Executive Order No. 4573;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a management right-of-entry permit to the Department of Transportation, Airports Division covering the subject area for access 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 permit form, as may be amended from time to time;
 - B. The management right-of-entry permit shall run with the land and shall inure to the benefit of the State land set aside to the Department of Transportation, Airports Division pursuant to Governor's Executive Order No. 4573; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



EXHIBIT A1

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):

Project Title:	Issuance of perpetual access easement.
Project / Reference No.:	19OD-128
Project Location:	Kalihi, Honolulu, Oahu, Tax Map Key: (1) 1-2-025: portion of 002.
Project Description:	Issuance of perpetual easement for access purposes to the Department of Transportation, Airports Division
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with 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."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. Proposed use is not different from uses existing on the premises.
Action May Have Significant Impact on Particularly Sensitive Environment?	No. There are no particularly sensitive environmental issues involved with the proposed use of the property.
Analysis:	The proposed use will involve negligible or no expansion or change of use beyond that previously existing.
Consulted Parties:	Department of Transportation, Highways and Airports Divisions.
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.

EXHIBIT B

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

October 3, 2019

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

AIR-PM
19.0789

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2019 OCT 15 AM 11:51

RECEIVED
LAND DIVISION

TO: THE HONORABLE SUZANNE D. CASE, CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

THRU: EDWIN H. SNIFFEN
DEPUTY DIRECTOR - HIGHWAYS

FROM: JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: REQUEST FOR ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE
EASEMENT AND ISSUANCE OF A TEMPORARY MANAGEMENT RIGHT-
OF-ENTRY PERMIT TO THE STATE OF HAWAI'I, DEPARTMENT OF
TRANSPORTATION, AIRPORTS DIVISION FOR ACCESS PURPOSES,
SITUATE AT MOKAUEA, KALIHI, HONOLULU, O'AHU, HAWAI'I
TAX MAP KEY NO. (1) 1-2-025:002 (POR.)

The State of Hawai'i, Department of Transportation, Airports Division (DOT-A) requests the issuance of a perpetual, non-exclusive easement and issuance of a temporary management right-of-entry permit for access purposes over lands under Executive Order No. 4572 (EO 4572). EO 4572 was issued to the State of Hawai'i, Department of Transportation, Highways Division (DOT-H) for a Truck Weigh Station and Related Purposes Site.

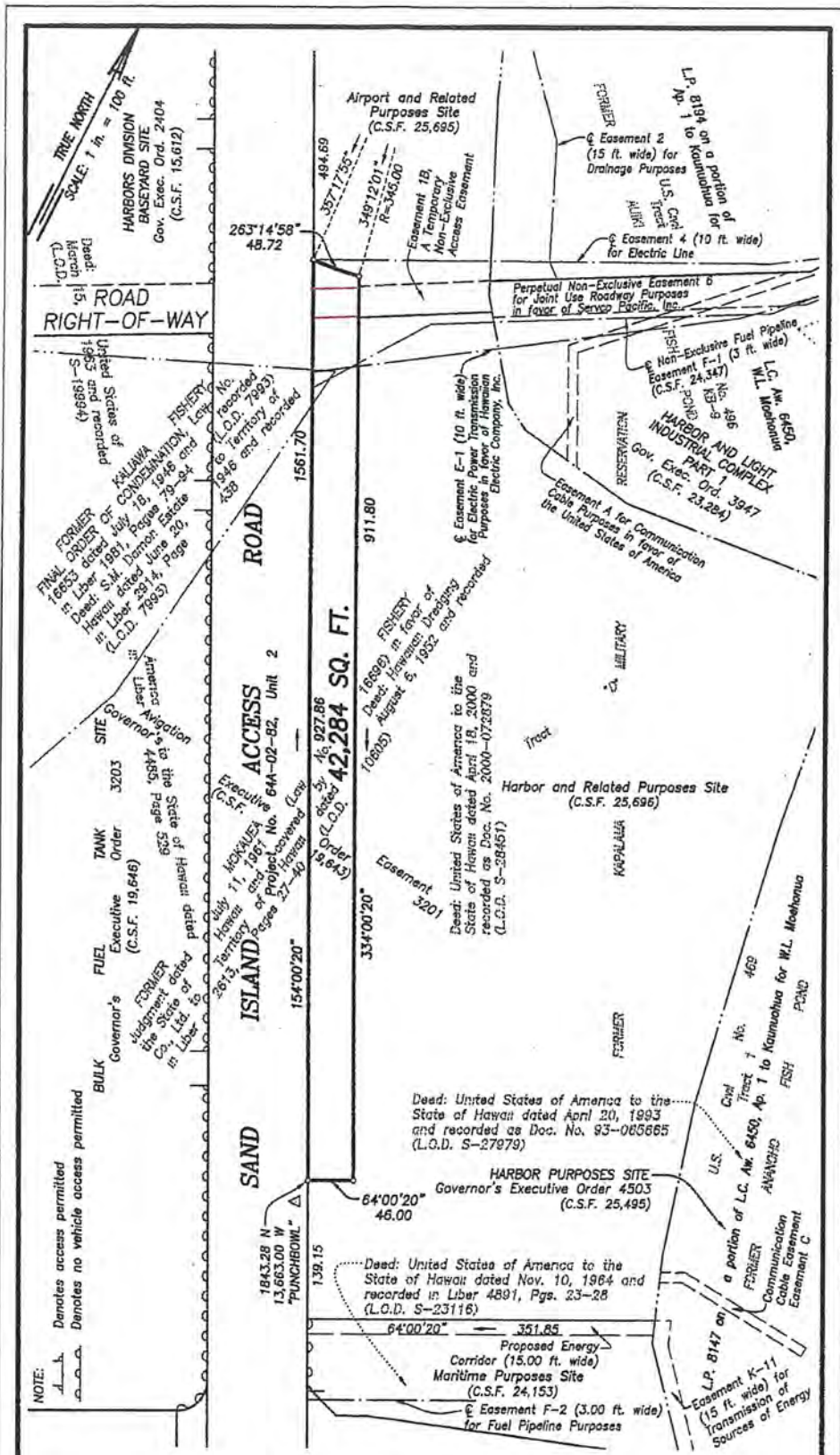
This proposed perpetual, non-exclusive easement is to provide DOT-A, its permittees, occupants, etc., access to Sand Island Access Road from DOT-A's Executive Order No. 4573 (EO 4573). EO 4573 was issued to the State of Hawai'i, Department of Transportation, Airports Division for Airport and Related Purposes Site. See attached C.S.F. No. 25,697 showing in red the location of the non-exclusive access easement.

DOT-H concurs with this request for a perpetual, non-exclusive easement for access purposes affecting EO 4572.

If you have any questions, please call Mike Auerbach of our Property and Business Development Staff at 838-8684. Thank you in advance for your assistance.

Attachment

EXHIBIT "C"



**TRUCK WEIGH STATION
AND RELATED PURPOSES SITE**

Kaliawa and Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Job 0-116(18)
C. BK.

Scale: 1 inch = 100 feet