

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

June 26, 2020

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

PSF No.: 20OD-022

OAHU

Grant of Perpetual, Non-Exclusive Easement to the United States of America, Army Corps of Engineers for Drainage and Flowage Purposes and Issuance of Right-of-Entry Permit; Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-006: portion of 013.

APPLICANT:

United States of America, Army Corps of Engineers ("Applicant").

LEGAL REFERENCE:

Section 171-55 and 95 Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-006: portion of 013, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

16,804 square feet, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: I-2, Intensive Industrial

TRUST LAND STATUS:

Section 5(e) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 2840 ("EO 2840") setting aside to the City and County of Honolulu for Refuse Processing and Transfer Station.

CHARACTER OF USE:

Right, privilege and authority to conduct, construct, use, maintain, repair, replace and remove drainage and flowage control measures over, under and across State-owned land.

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 March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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," Part 1, item 40 that states, "creation or termination of easement, covenants, or other rights in structures or land." See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

None

REMARKS:

The subject parcel was a portion of lands determined by the United States as no longer needed and conveyed back to the State of Hawaii on January 10, 1967 under Land Office Deed No S-24,358. On June 2, 1977 the subject parcel was set aside to the City and County of Honolulu ("City") under EO 2840 for the Refuse Processing and Transfer Station. The set aside included a portion of the Kahauiki Stream that flows into Moanalua Stream on the northern end of the parcel, designated as Easement C and reserved to the State of

Hawaii for a drainage canal.

The Applicant requests that the Board of Land and Natural Resources (“Board”) authorize a grant of easement over Easement C in the subject parcel to mitigate periodic flooding in the adjacent area of Fort Shafter Flats. The US Army Corps of Engineers intends a flooding mitigation project to clear then maintain the stream as needed to ensure free flow of water.

In response for comments from other Government agencies, the Board of Water Supply, the Department of Design and Construction, and the Department of Environmental Services and Department of Facilities Maintenance have no objection/comment to the request and concurs with the proposed EA exemption. The Division of Aquatic Resources, and the Office of Hawaiian Affairs have not responded to solicitation for comment before the response deadline.

The Applicant is requesting a right-of-entry prior to the issuance of the easement document to allow the proposed flooding mitigation project to begin and staff has no objection 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 11-200.1-15, 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 perpetual, non-exclusive easement to United States of America, Army Corps of Engineers covering the subject area for drainage and 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.
3. Authorize the issuance of a right-of-entry permit to United States of America, 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; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

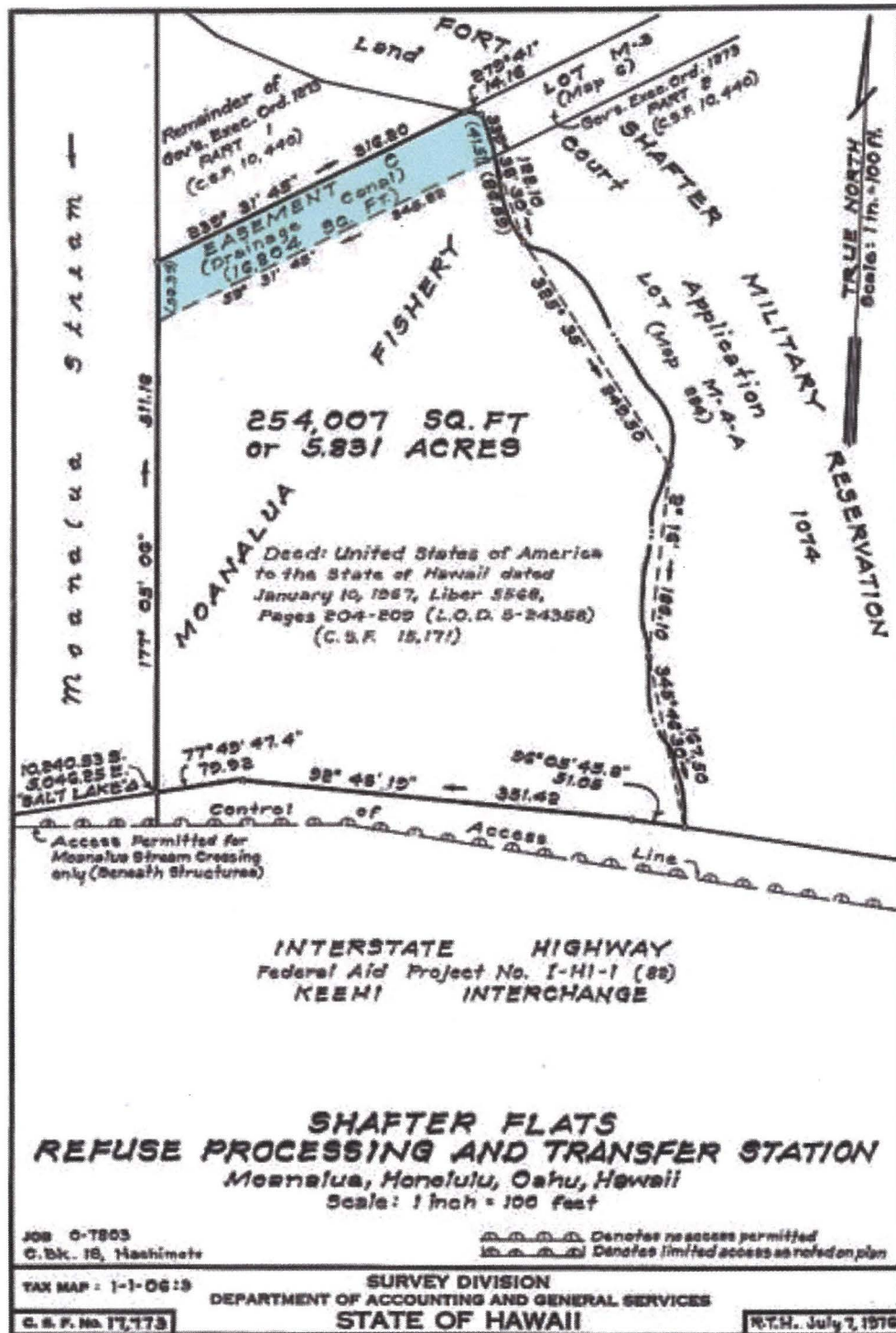


Darlene J. Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

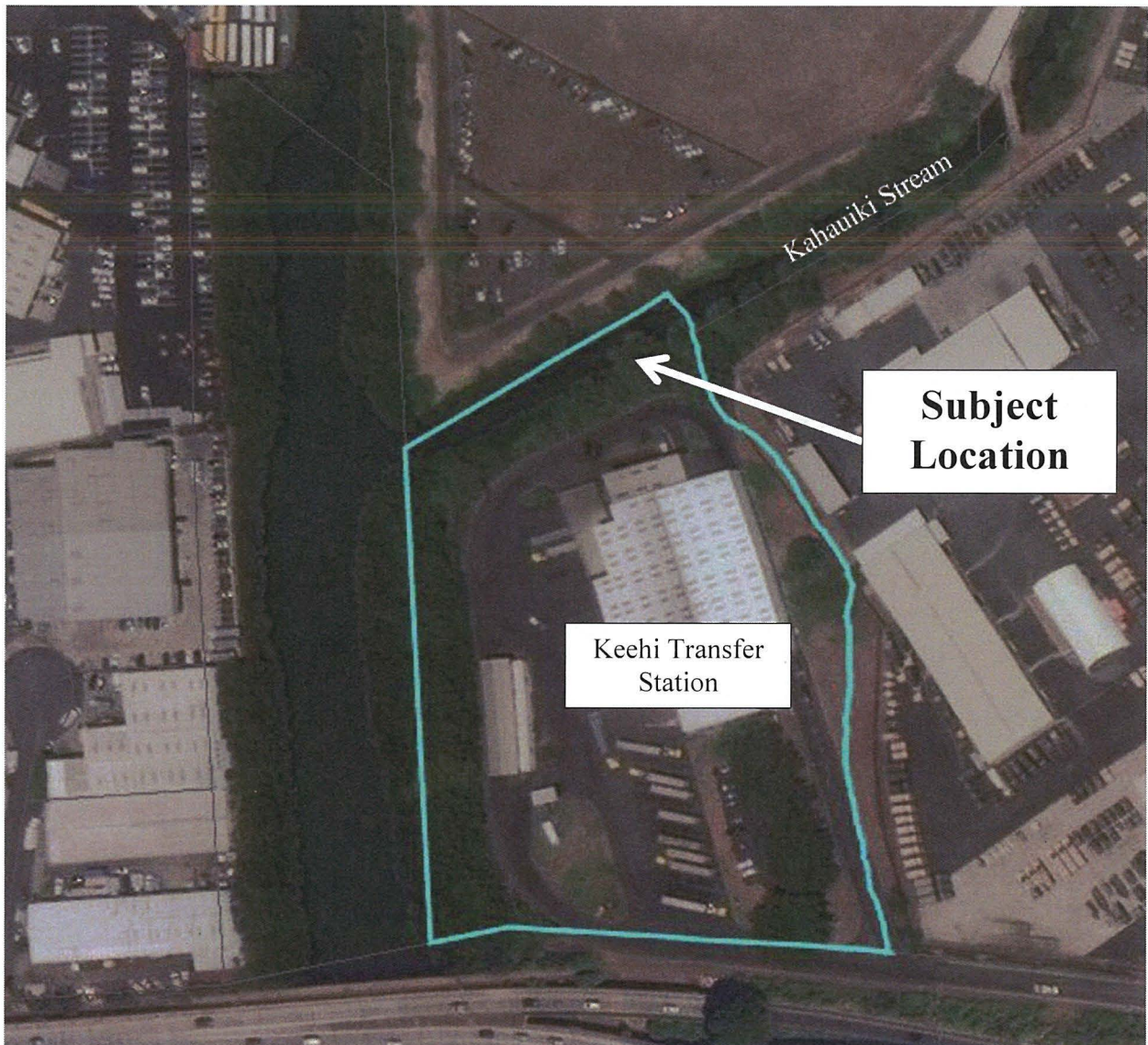


Suzanne D. Case, Chairperson



TMK (1) 1-1-006: portion of 013

EXHIBIT A1



TMK (1) 1-1-006: portion of 013

EXHIBIT A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, Hawaii Administrative Rules.

Project Title:	Grant of Perpetual, Non-Exclusive Easement to the United States of America, Army Corps of Engineers, for Drainage and Flowage Purposes and Issuance of Right-of-Entry Permit.
Project / Reference No.:	20OD-022
Project Location:	Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-006:portion of 013.
Project Description:	Grant of Perpetual, Non-Exclusive Easement to the United States of America, Army Corps of Engineers, for Drainage and Flowage Purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rule Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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," Part 1, item 40 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. There is no projected negative cumulative impact due to successive action.
Action May Have Significant Impact on Particularly Sensitive Environment:	No. Any particularly sensitive environmental issues for the subject area were not brought to the attention of the Division.
Consulted Parties	Agencies as noted in the submittal.

EXHIBIT B

Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.
Recommendation:	That the Board finds 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.