

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

July 24, 2020

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

PSF No.: 20OD-065

OAHU

Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu, Board of Water Supply for Water Meter Purposes, Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-003: portion of 071

APPLICANT:

City and County of Honolulu, Board of Water Supply ("BWS").

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Halawa, Ewa, Oahu, identified by Tax Map Key: (1) 9-9-003: portion of 071, as shown on the maps attached as **Exhibits A1 and A2**.

AREA:

72 square feet, more or less, 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: R-5

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order ("EO") 3427 dated September 5, 1989 setting aside to the Stadium Authority for the Aloha Stadium purposes.

CHARACTER OF USE:

Right, privilege, and authority to access, construct, use, maintain, repair, replace, and remove water meter.

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 upon 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, 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 Part 1, Item No. 40, which 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:

Applicant shall be required to process and obtain designation of easement from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

For the 20-mile grade separated fixed guideway rail system from East Kapolei to Ala Moana Center, BWS requests portions of the State land currently encumbered by executive order as mentioned above for water meter purposes.

City and County of Honolulu, Honolulu Authority for Rapid Transportation has been working with the Stadium Authority, Department of Accounting and General Services,

Department of Transportation, and other public utilities regarding various easements needed within the stadium. In 2019, the Board approved the utility easement for Hawaiian Electric Company, Inc., which is similar to the BWS request. Other parties do not have any objections to the general layout of their respective easements. Staff did not solicit comments from other offices/agencies as such consultation process was conducted during the environmental assessment process for the entire rail project.

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.

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 11-200.1-15, 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. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual non-exclusive easement to City and County of Honolulu, Board of Water Supply covering the subject area for water meter 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,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

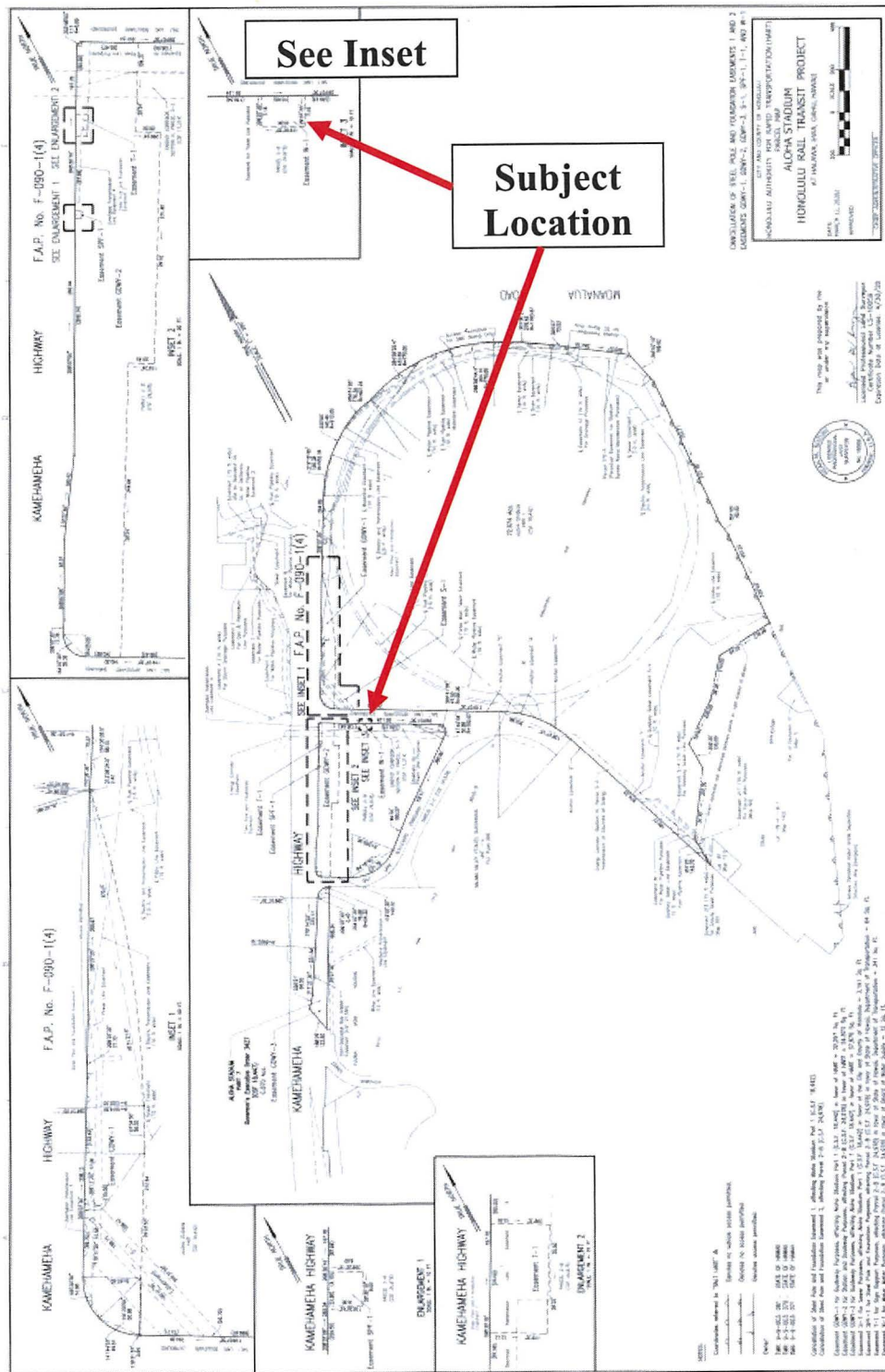
Suzanne D. Case

Suzanne D. Case, Chairperson



TMK (1) 9-9-003: portion of 071

EXHIBIT A1



TMK (1) 9-9-003: portion of 071

EXHIBIT A2

EXEMPTION NOTIFICATION

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

Project Title:	Perpetual Non-Exclusive Easement for Water Meter Purposes.
Project / Reference No.:	20OD-065
Project Location:	Halawa, Ewa, Oahu; Tax Map Key: (1) 9-9-003: portion of 071.
Project Description:	Water meter for the railway project.
Chapter 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred upon 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, 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 Part 1, Item No. 40, which 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, being this request is pertaining to the issuance of a perpetual non-exclusive easement in a developed area, and staff believes that the request would involve negligible expansion or 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.
Consulted Parties	Agencies as noted in the submittal.
Analysis:	The requested easement would involve negligible change from the existing use. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.
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