

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

July 10, 2020

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

Ref No.: 97OD-276

OAHU

Second Amendment of Prior Board Action dated February 28, 1986, Item F-8, as amended by October 25, 2019, Item D-10, *City and County of Honolulu, Board of Water Supply Requests Set Aside of lands at Sacred Falls Park, Kaluanui, Koolauloa, Oahu, for Well Site Purposes*, Kaluanui, Koolauloa, Oahu, Tax Map Key: Portions of (1) 5-3-011:009 (Portion), 010, and 011

The purpose of this amendment is to seek Board's Authorization to issue the City and County of Honolulu, Board of Water Supply a separate perpetual non-exclusive easement for access and utility purposes in addition to the proposed set-aside.

BACKGROUND:

On February 28, 1986, under Item F-8, the Board authorized the issuance of a Governor's Executive Order (GEO) for the well sites and control station together with non-exclusive easement for water pipelines, electrical lines and access roadway to the Board of Water Supply, City and County of Honolulu, ("BWS") covering an area of 11,928 square feet for the well sites and control station together with easements covering an area of 2.446 acres,

The Board approved Item F-8 included Recommendation B.1 that required BWS to provide Sacred Falls State Park water from its well and a water meter at no cost to the State of Hawaii. While the State and BWS had discussions in 2012 regarding the provision of water and a water meter, no resolution was achieved. Thus, the issuance of the GEO was delayed.

At its meeting on October 25, 2019, under Item D-10 the Board amended its action of February 28, 1986 by removing in its entirety recommendation B.1 regarding the provision of water and water meter. A copy of the October 25, 2019 submittal (including the February 28, 1986 action) is attached as **Exhibit A**.

Staff's request for the preparation of the GEO by the Department of the Attorney General, however, was denied with the notation that the easements should be handled as a separate disposition and not as part of the GEO.

Therefore, this second amendment is being brought to the Board to authorize the issuance

of a perpetual, non-exclusive easement, as highlighted in yellow on **Exhibit B**. For housekeeping purposes, staff also requests the Board remove relevant language in Recommendation B of the 1986 approval regarding the inclusion of the easement in the set-aside.

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.

BWS has no objections to the subject disposition. At the time of finalizing this submittal, the Division of State Parks had not responded to our request for comments. No other agency was solicited for comments as the subject easement request was originally covered in the 1986 Board action.

There are no other pertinent issues or concerns and staff does not have any objections to the request.

**RECOMMENDATION:** That the Board amend its prior action of February 28, 1986, Item F-8 by:

1. Removing language in Recommendation B regarding the inclusion of the easement in the set-aside.
2. Authorizing the issuance of a perpetual, non-exclusive easement for access and utility purposes to the City and County of Honolulu, Board of Water Supply, 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 the best serve the interests of the State.

Respectfully Submitted,

Patti E. Miyashiro

Patti E. Miyashiro, Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson *ET*

D-10

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

Ref No.: 97OD-276

OAHU

Amend Prior Board Action dated February 28, 1986, Item F-8, *City and County of Honolulu, Board of Water Supply Requests Set Aside of lands at Sacred Falls Park, Kaluanui, Koolauloa, Oahu, for Well Site Purposes*, Kaluanui, Koolauloa, Oahu, Tax Map Key: Portions of (1) 5-3-011:009 (Portion), 010, and 011.<sup>1</sup>

The purpose of this amendment is to remove prior Recommendation B.1 regarding the provision of water and water meter to the Division of State Parks at the cost of the City and County of Honolulu, Board of Water Supply.

BACKGROUND:

On February 28, 1986, under Item F-8 (**Exhibit 1**), the Board authorized the issuance of a Governor's Executive Order for the well sites and control station together with non-exclusive easements for water pipelines, electrical lines and access roadway to the City and County of Honolulu, Board of Water Supply ("BWS") covering an area of 11,928 square feet for the well sites and control station together with easements covering an area of 2.446 acres shown on **Exhibits 2a and 2b**.

In the 1986 approval, Recommendation B.1 required that the Sacred Falls State Park shall be provided with water from the wells for a six (6) inch water meter at no cost to the State of Hawaii.

Around August 2010, BWS and the Division of State Parks had discussions regarding the resolution of the water meter requirement, possibly in the manner of a memorandum of agreement ("MOA"). To date, there is no executed MOA.

Recently, staff suggested to both agencies that they proceed with the documentation of the 1986 approval notwithstanding Recommendation B.1 therein. The parties agreed to the proposed approach and staff now brings the request to the Board. Both the Division of State Parks and BWS have both indicated their no objections as shown on **Exhibits 3a and**

<sup>1</sup> Tax map key (1) 5-3-009: portions of 002 mentioned in 1986 submittal has become (1) 5-3-001:009, 010, and 011.

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
October 25, 2019 *cm*

D-10

**Exhibit A**

BLNR – C&amp;C, Board of Water Supply

Page 2

October 25, 2019

3b. Upon approval of today's request, staff will finalize the documentation of the 1986 approval.

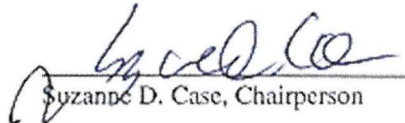
RECOMMENDATION: That the Board:

- A. Amend its prior action of February 28, 1986, Item F-8 by removing Recommendation B.1 in its entirety.
- B. All terms and conditions listed in its February 28, 1986 approval to remain the same.

Respectfully Submitted,

  
Patti E. Miyashiro, Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson



GACADE R. ANTONIO  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
P. O. BOX 511  
HONOLULU, HAWAII 96809

DIVISIONS:  
SURVEYING  
PLANNING  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

February 28, 1986

Board of Land and  
Natural Resources  
Honolulu, Hawaii

Gentlemen:

OAHU

Subject: City and County of Honolulu, Board of Water Supply  
Requests Set Aside of lands at Sacred Falls Park,  
Kaluauui, Koolauloa, Oahu, for Well Site Purposes

At its meeting of October 24, 1980, under agenda Item F-10, the Board granted the Board of Water Supply right of entry to Sacred Falls State Park at Kaluauui, Koolauloa, Oahu, identified as a portion of Parcel 2 of Tax Map Key: 5-3-09, to conduct preliminary survey and drilling of exploratory well. The selection of the site for the exploratory water well was coordinated with the Divisions of State Parks and the Water and Land Development.

The Board of Water Supply has informed us the test drilling proved favorable and, thus, is prepared as part of its second phase to 1) convert the existing exploratory well to a production well, 2) construct a control station, 3) drill a second well, 4) install a 12-inch water pipeline and electrical lines and, 5) construct an access road to service the well site. Therefore, the Board of Water Supply requests the set aside of the well sites and control station together with non-exclusive easements for the water pipeline, electrical lines and access road.

The proposed well sites, control station and easements are shown shaded in red on the map labeled Land Board Exhibit "A" and appended to the basic file. The subject areas are presently encumbered under Governor's Executive Order No. 2830 for the Sacred Falls State Park and within the agriculture district. Entertainement of the foregoing request will require withdrawal of the well sites and control station from Executive Order No. 2830 and re-set aside to the Board of Water Supply.

Our Divisions of State Parks and Water and Land Development have reviewed the above request and have no objections.

RECOMMENDATION:

The Board:

- A. Approve of and recommend to the Governor of Hawaii issuance of an executive order withdrawing the well sites and control station from the operation of Governor's Executive Order No. 2830.

ITEM F-8

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

FEBRUARY 28, 1986

EXHIBIT 1

Board of Land and  
Natural Resources

February 28, 1986

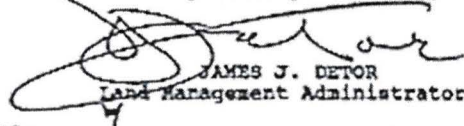
- B. Subsequent to the above withdrawal, approve of and recommend to the Governor of Hawaii issuance of an executive order setting aside the well sites and control station together with non-exclusive easements for water pipelines, electrical lines and access roadway under the management and jurisdiction of the City and County of Honolulu, Board of Water Supply, subject to the following conditions:
1. the Sacred Falls State Park shall be provided with water from the wells for a six (6) inch water meter at no cost to the State of Hawaii
  2. upon cancellation of the executive order and/or abandonment of the premises, the City and County of Honolulu, Board of Water Supply, shall restore the premises to a condition acceptable to the Department of Land and Natural Resources.
- C. Grant the City and County of Honolulu, Board of Water Supply, right of entry to the subject area and permission to 1) convert the existing exploratory well to a production well, 2) construct a control station, 3) drill a second well, 4) install a 12-inch water pipeline and electrical transmission lines and 5) construct an access road to service the well site, subject to the following terms and conditions:
1. concurrence of the Governor
  2. that special use permit, if necessary, shall be obtained by the Board of Water Supply prior to any drilling of well
  3. that drilling application be filed with the Division of Water and Land Development
  4. the whole of the project shall be coordinated with the Division of State Parks and the Division of Water and Land Development
  5. that an archaeological survey be conducted of the well and control station sites and access corridors. survey should be analyzed, reviewed and submitted to the Division of State Parks, Historic Sites Branch, in the form of a report.
  6. the well site and access corridors be surveyed for native and endangered plants and a report submitted to the Division of State Parks
  7. the access corridors should follow the alignment of proposed service roads as noted in the Sacred Falls State Park Master Plan
  8. the grantee shall permit the State Parks Division to share the utility corridors for park development

Board of Land and  
Natural Resources

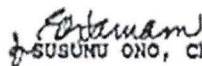
February 28, 1986

9. the grantee shall comply with all applicable environmental requirements of the Office of Environmental Quality Control
10. The grantee shall obtain subdivision approval from the City and County of Honolulu, Department of Land Utilization covering the well and control station site and the access roadway. A copy of the approved subdivision map shall be provided the Department of Land and Natural Resources.
11. the grantee shall submit three (3) sets of the survey parcel maps and description covering the well and control station site and the easement alignments for the water pipeline, electrical transmission lines and access road.
12. the grantee shall give the State Division of State Parks 48 hours' prior notice of commencement and completion of construction
13. standard indemnity and hold-harmless provisions
14. other terms and conditions the Chairperson may prescribe

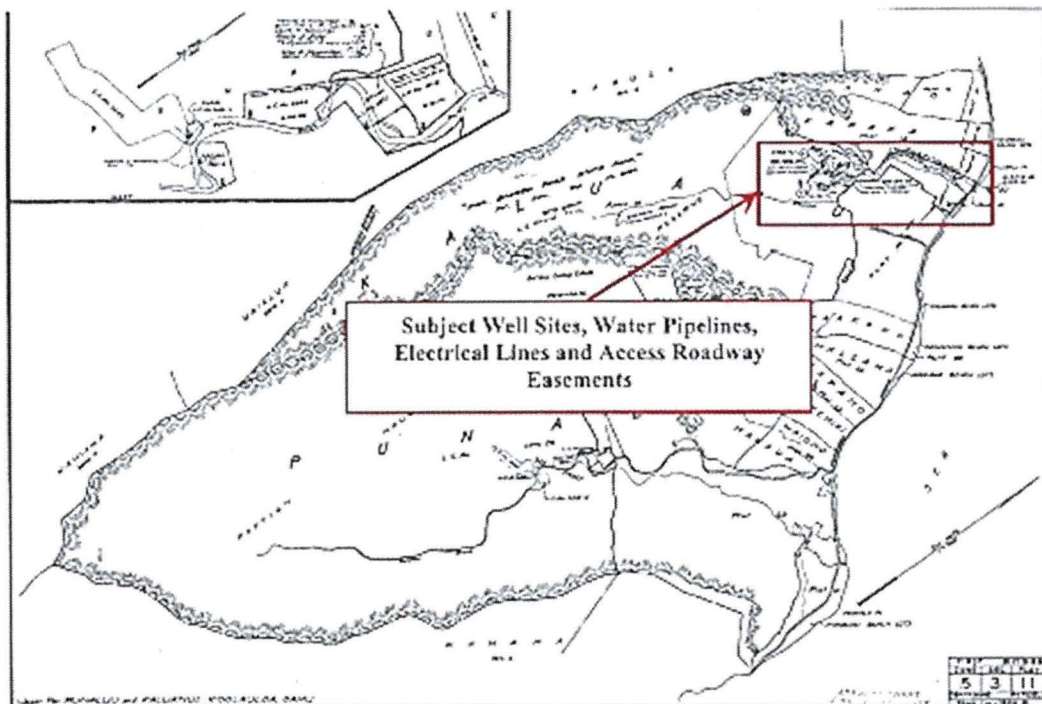
Respectfully submitted,

  
JAMES J. DETOR  
Land Management Administrator

APPROVED FOR SUBMITTAL:

  
SUSUMU ONO, Chairperson







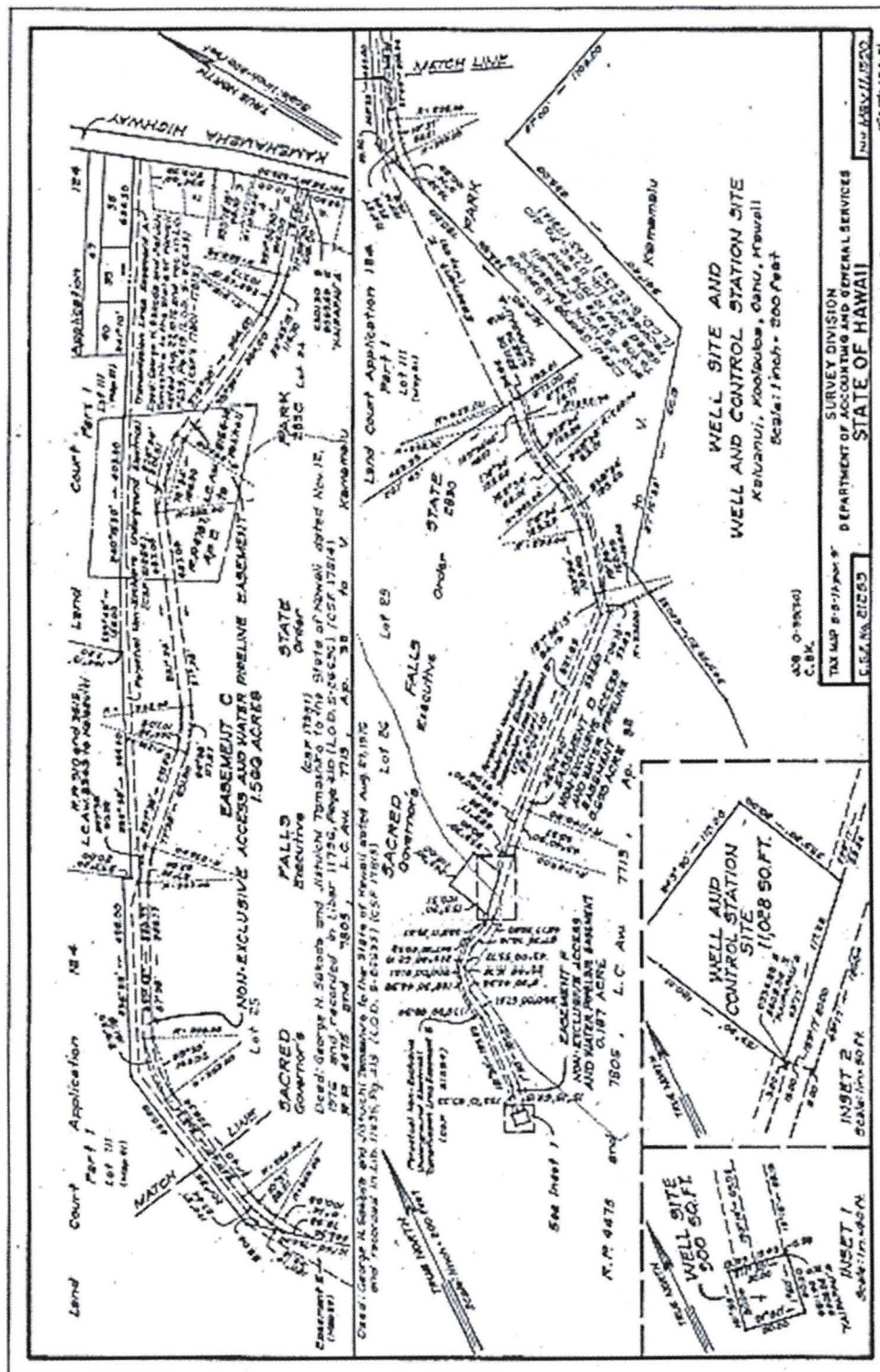


EXHIBIT 2b

BLNR – C&amp;C, Board of Water Supply

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October 25, 2019



KEVIN A. CASE  
COMMISSIONER  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCES  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 8, 2019

Ref. No.: PSF 970D-276  
Author: LD-PEM

MEMORANDUM

TO: State Agencies: County Agencies:  
☒ DLNR-State Parks ☐ Board of Water Supply

FROM: Patti E. Miyashiro, Land Agent *[Signature]*

SUBJECT: Amend Prior Board dated February 28, 1986, Item P-8, City and County of Honolulu, Board of Water Supply Requests Set Aside of lands at Sacred Falls Park, Kaluanui, Koolauloa, Oahu, for Well Site Purposes

LOCATION: Kaluanui, Koolauloa, Oahu, Tax Map Key: 009 (Portion), 010 and 011

APPLICANT: City and County of Honolulu, Board of Water Supply

Transmitted for your review and comment is a copy of the above referenced amendment to previous Land Board action involving State lands. We would appreciate your comments on this application. Please submit any comments by **Monday, July 22, 2019**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0408. Thank you.

## Attachments

- ( ) We have no objections.  
 (X) We have no comments.  
 ( ) Comments are attached.

Signed: *[Signature]*  
 Date: 7/4/19

**EXHIBIT 3a**

BLNR – C&amp;C, Board of Water Supply

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October 25, 2019

DAVID Y. LAU  
CHIEF ENGINEERRECEIVED  
LAND DIVISION

2019 JUL 29 AM 10:38

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAIISTATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISIONPOST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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LN-1302  
Mike-7/15/19  
Duc-7/22/19KEANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
CUSTOMER SERVICE CENTER  
MANAGEMENTmgr  
Depu  
Land

July 8, 2019

Ref. No.: PSF 970D-276  
Author: LD-PEMMEMORANDUM

TO: State Agencies:

DLNR-State Parks

County Agencies:

✓ Board of Water Supply

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LOCATION: Kaluanui, Koolauloa, Oahu, Tax Map Key: 009 (Portion), 010 and 011

APPLICANT: City and County of Honolulu, Board of Water Supply (1) 5. 3. 011:

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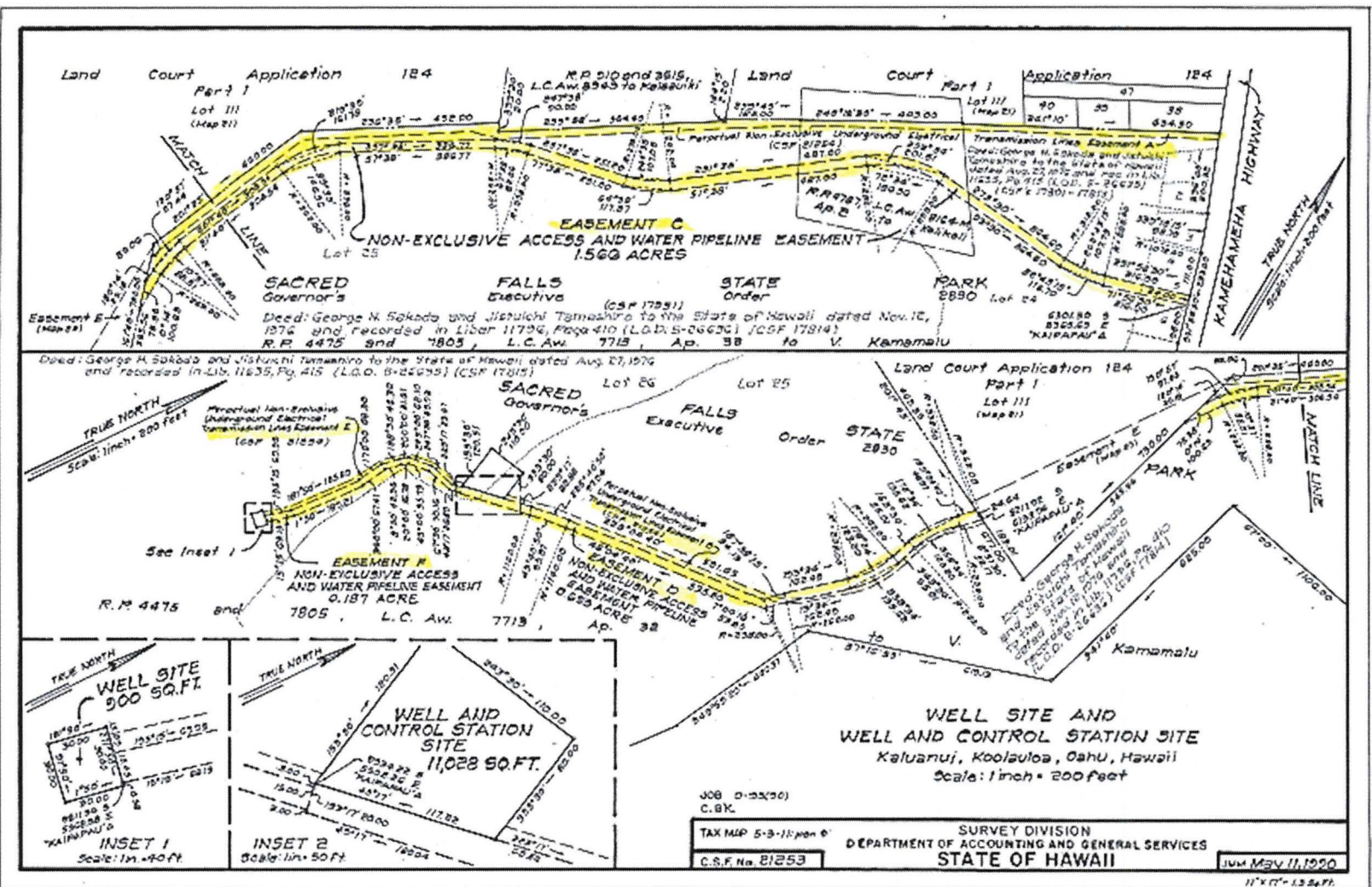
## Attachments

- (X) We have no objections.  
 (X) We have no comments.  
 ( ) Comments are attached.

Signed:   
 Date: 7/15/19

ERNEST Y. W. LAU, P.E.  
 Manager and Chief Engineer  
 Board of Water Supply





EASEMENTS A, B, AND E (UNDERGROUND ELECTRICAL TRANSMISSION LINES)  
 EASEMENTS C, D, AND F (ACCESS AND WATER PIPELINE)