

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

April 14, 2023

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

Ref: 23OD-008

Oahu

Issuance of Perpetual, Non-Exclusive Easement for Water Pipeline and Water Meter Purposes and Immediate Construction Right-of-Entry Permit to City and County of Honolulu, Board of Water Supply; Honolulu, Oahu, Tax Map Key: (1) 3-1-042: portions of 027.

APPLICANT:

City and County of Honolulu, by its Board of Water Supply (“BWS”).

LEGAL REFERENCE:

Sections 171-13, 55 and 95(a), Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Government lands situated at Waimanalo, Honolulu, Oahu, Tax Map Key: (1) 3-1-042: portions of 027 as shown on the map attached as **Exhibit A**.

AREA:

747 square feet, 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-10

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:

Governor's Executive Order No. 1997 setting aside to the Department of Defense for Diamond Head reservation purposes.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis as requested easements only serve the government structures at the site.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 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. 39 that states "Creation or termination of easement, covenants, or other rights in structures or land." The subject request probably has minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR. See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS: The Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
2. Process and obtain designation of easement approval from the City and County of Honolulu, Department of Planning and Permitting at Applicant's own cost.

REMARKS:

BWS is planning to install a water pipeline and a 6-inch detector check water meter for the fire sprinkler system being installed for structures on the subject property currently being used by the Department of Defense (“DOD”). BWS will retain ownership of the water meter after installation and will need a legal right to access the new water meter for operation and maintenance purposes. DOD is working with BWS on the subject project and indicated no objection to the requested easement.

In view of the project timeline, BWS also requests issuance of an immediate construction right-of-entry permit which shall expire upon issuance of the requested amendment.

In response for comments from other Government agencies, the Department of Planning and Permitting and the Department of Facility Maintenance had no objections and concurred with the proposed EA exemption. The Division of State Parks had no comments and concurred with the proposed EA exemption. Office of Conservation and Coastal Lands, Commission on Water Resource Management, the Office of Hawaiian Affairs, and City and County Department of Parks & Recreation have not responded to solicitation for comment as of this writing.

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.

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 the City and County of Honolulu, Board of Water Supply over 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 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 an immediate construction right-of-entry permit to the City and County of Honolulu, Board of Water Supply over the subject area, under

the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. The standard terms and conditions of the most current right-of-entry 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 Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

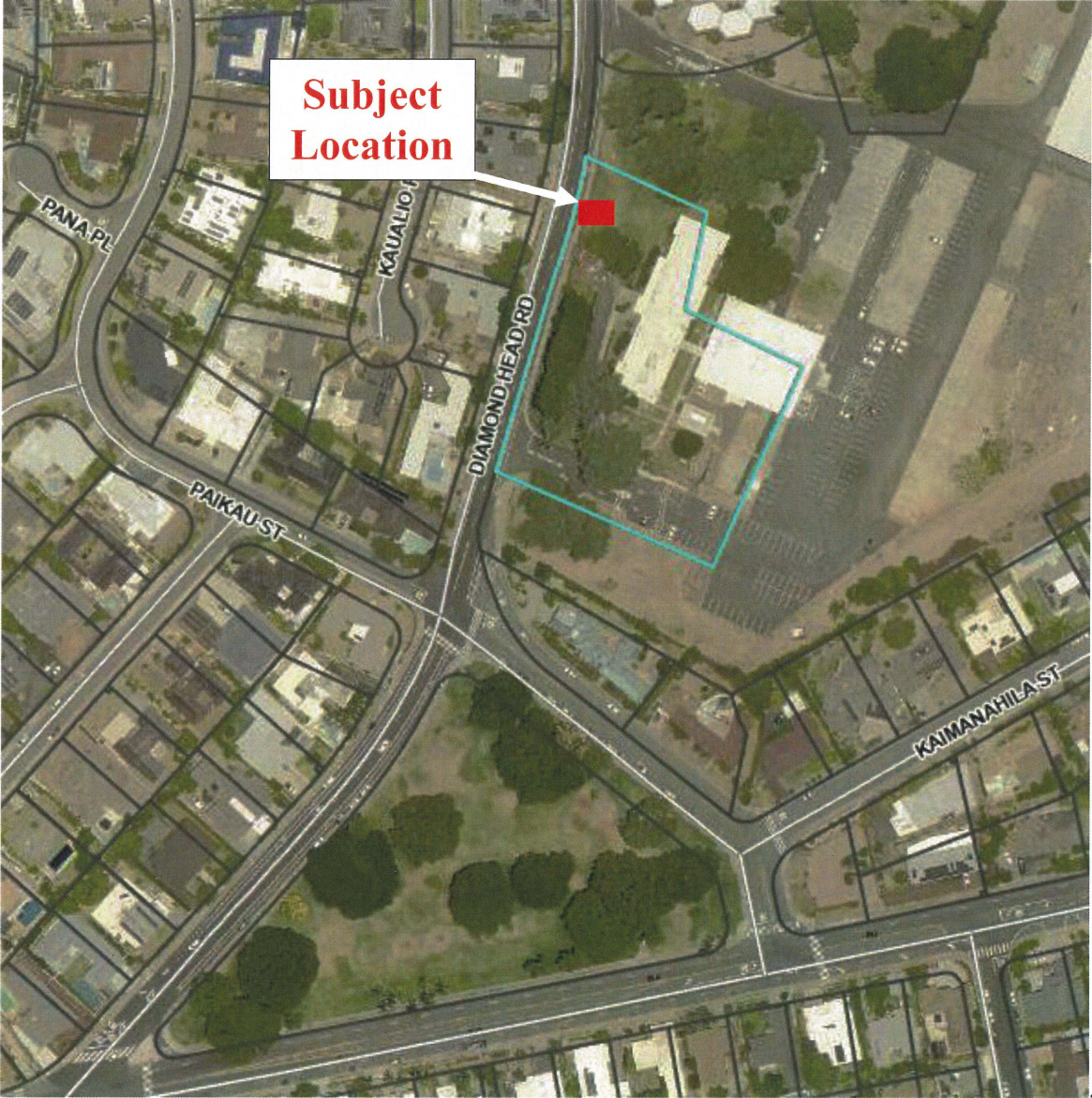


Dawn N. S. Chang, Chairperson *RT* *KOM*



TMK (1) 3-1-042: portion of 027

EXHIBIT A-1



TMK (1) 3-1-042: portion of 027

EXHIBIT A-2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title: Perpetual, Non-Exclusive Easement for Water Pipeline and Water Meter Purposes.

Project / Reference No.: 23OD-008

Project Location: Honolulu, Oahu; Tax Map Key: (1) 3-1-042: portion of 027.

Project Description: Water pipeline and water meter for the fire sprinkler system.

Chapter 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with HAR § 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states “Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing,” and Part 1, Item No. 39, 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, the request is pertaining to the installation of a water meter in a developed area. 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.

EXHIBIT B

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.