

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

May 26, 2023

PSF No. 18OD-025

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

Oahu

Amend Prior Board Action of June 22, 2018, (Item D-3), Grant of Perpetual, Non-Exclusive Easement, Issuance of a Construction and Management Right-of-Entry to the City and County of Honolulu for Sewer Line Purposes, Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 212, and 239; (1) 1-2-021:035, 036 and 037.

This amendment is to update the references to the tax map keys for the requested location and the encumbrances.

BACKGROUND:

At its meeting on June 22, 2018 (Item D-3), the Board of Land and Natural Resources (“Board”), approved the grant of perpetual, non-exclusive easement to the City and County of Honolulu for sewer line purposes (**Exhibit 1**).

During the review process by the Department of the Attorney General (“AG”), a few issues were noted. It was determined that staff should request amendments of the prior Board action as described in the following paragraphs:

Tax Map Key (“TMK”) of the requested easement:

Since the June 22, 2018 board action, there has been a subdivision consolidation of a portion of the subject area, a new TMK has been designated: TMK: (1) 1-1-003:252 (formerly known as (1) 1-1-003:003, 204, 205, 206, 207, 211, and 212).

TMK referenced in encumbrances:

The body of the June 22, 2018 board submittal contained a typographical error in the TMK for encumbrances LOD24090 and LOD28331. The corrected TMK should reference TMK: (1) 1-2-021:035.


Since the June 22, 2018 board action, Executive Order No. 4513 was amended by Executive Order No. 4588 dated July 18, 2019 for affordable housing for homeless families, including any revenue generating activities assisting the management of the housing project purposes for TMK: (1) 1-1-003:252. Also inadvertently, Executive Order 1561 setting aside land for public purpose was omitted and should be included in reference to current use status for TMK: (1) 1-1-003:239.

RECOMMENDATION: That the Board amend its prior action of June 22, 2018, Item D-3, as follows:

- A. Include Tax Map Key: (1) 1-1-003:252 in the description of the TMK involved in the requested easement.
- B. Replace Current Use Status on page 2 of the 2018 submittal with the following table:

TMK	Agency/Permittee	Encumbrances	Purpose
(1) 1-1-003:252 (formerly known as (1) 1-1-003:003, 204, 205, 206, 207, 211, and 212).	City and County of Honolulu	EO4588	Affordable Housing For Homeless Families, Including Any Revenue Generating Activities Assisting The Management Of The Housing Project
(1) 1-1-003:239	City and County of Honolulu	EO1838 EO1561	Keehi Lagoon Beach Park
(1) 1-2-021:035	City and County of Honolulu	LOD24090	Non-Exclusive Perpetual Easement for Sewer System
(1) 1-2-021:035	The Gas Company, LLC	LOD28331	Non-Exclusive Perpetual Easement for Gas Lines
(1) 1-1-003:004	Division of State Parks	EO3967	Pacific War Memorial Site
(1) 1-1-003:138		Unencumbered	Moanalua Stream
(1) 1-2-021:036	JSR Equipment, Inc.	RP 7470	Baseyard, Office, and Storage
(1) 1-2-021:037	Harry and Jeanette Weinberg Foundation	RP 7835	Storage, Parking, and Office

- C. Except as amended hereby, affirm that all terms and conditions listed in its June 22, 2018 approval shall remain the same.

Respectfully Submitted,


Darlene Bryant-Takamatsu, Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

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

June 22, 2018

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

PSF No. 18OD-025

Oahu

Grant of Perpetual, Non-Exclusive Easement, Issuance of a Construction and Management Right-of-Entry to the City and County of Honolulu for Sewer Line Purposes, Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Keys: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 212, and 239; (1) 1-2-021:035, 036 and 037.

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

Sections 171-13, -55, and -95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Keys: (1) 1-1-003:003, 004, 138 (portion of Moanalua Stream)*, 204, 205, 206, 207, 212, 239; (1) 1-2-021:035, 036 and 037, and portion of Kalihi Stream*, as shown on the attached maps labeled as **Exhibit A**.

*Portions of Moanalua Stream and Kalihi Stream are Conservation District Lands.

AREA:

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

ZONING:

State Land Use District: Urban
City and County of Honolulu Land Use Ordinance: P-1, P-2, and I-2.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
June 22, 2018 *co.*

D-3

Exhibit 1

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

TMK	Agency/Permittee	Encumbrances	Purposes
1-1-003:003, 204, 205, 206, 207, 212	City & County of Honolulu	EO 4513	Affordable Housing Project for Homeless Families
1-1-003:004	Division of State Parks	EO 3967	Pacific War Memorial Site
1-1-003:138		Unencumbered	Moanalua Stream
1-1-003:239	City and County of Honolulu	EO 1838	Keehi Lagoon Beach Park
1-1-021:035	City and County of Honolulu	LOD24090	Non-Exclusive Perpetual Easement for Sewer System
1-1-021:035	The Gas Company, LLC	LOD28331	Non-Exclusive Perpetual Easement for Gas Lines
1-2-021:036	JSR Equipment, Inc.	RP 7470	Baseyard, Office, and Storage
1-2-021:037	Harry and Jeanette Weinberg Foundation	RP 7835	Storage, Parking, and Office

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 sewer line purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on October 8, 2017 with a Finding of No Significant Impact (FONSI) titled as "Kamehameha Highway Wastewater Pump Station Force Main System Improvements FEA (FONSI)".

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Not applicable. Government agency.

APPLICANT REQUIREMENTS: 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 subdivision at Applicant's own cost.

REMARKS:

The City and County of Honolulu ("City") has finalized its plans to install a new 36-inch sewer force main within the subject area. The proposed project would serve as a backup facility for the active 42-inch diameter force main as required under the First Amended 2010 Wastewater Consent Decree between the City, the U.S. Environmental Protection Agency, and the State Department of Health. The total length of the new force main is estimated at 3,100 linear feet. Of this length, approximately 2,000 feet would be installed utilizing the trenchless horizontal directional drilling (HDD) method and 1,100 feet would be installed using open-trench construction. See **Exhibit B**.

As noted from the table above, the entire 3,100 feet alignment crosses over multiple State parcels falling under different jurisdiction (agencies or tenants). Staff will obtain the written concurrence from the parties involved for the issuance of the requested easement.

Conservation District Use Permit

Portions of the requested easement area are Moanalua and Kalihi Streams, which require a conservation district use permit ("CDUP"). The Office of Conservation and Coastal Lands has submitted a separate item on today's agenda, recommending the issuance of a CDUP for the project. Upon approval, the requested easement will be subject to the terms and conditions of the CDUP (OA-3816).

Right-of-entry

The City is also requesting the issuance of a construction and management right-of-entry for equipment storage, staging, and operational purposes over portions of the subject areas, specifically, over portions of Keehi Lagoon Beach Park managed by the City under an executive order and portions occupied by JSR Equipment, Inc. ("JSR") under Revocable Permit 7470.

Communication is ongoing between JSR and the City to finalize logistics, including compensation and a possible alternative location provided by the City to accommodate the temporary displacement of JSR from a portion of its RP area (about 17,141 square feet) during the 9-month construction period, scheduled to begin in November of 2018. Once the construction project is completed, the City agrees to clear the construction easement area and restore to a condition satisfactory to the Department and JSR.

Though a portion of the area leased to JSR will be utilized by the City during the construction, JSR will receive monetary compensation from the City in addition to a temporary site for the continuance of its business. Therefore, staff does not believe any

reduction in the monthly rent under RP 7470 is appropriate.

Staff did not solicit comments for the subject easement request as comments were solicited during the environmental assessment process.

RECOMMENDATION: That the Board:

1. 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 covering the subject area for sewer line 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. Terms and conditions of Conservation District Use Permit (OA-3816);
 - 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.

2. Issuance of a construction and management right-of-entry to the City and County of Honolulu covering the subject area for sewer line 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 document 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,


 Barry Cheung
 District Land Agent

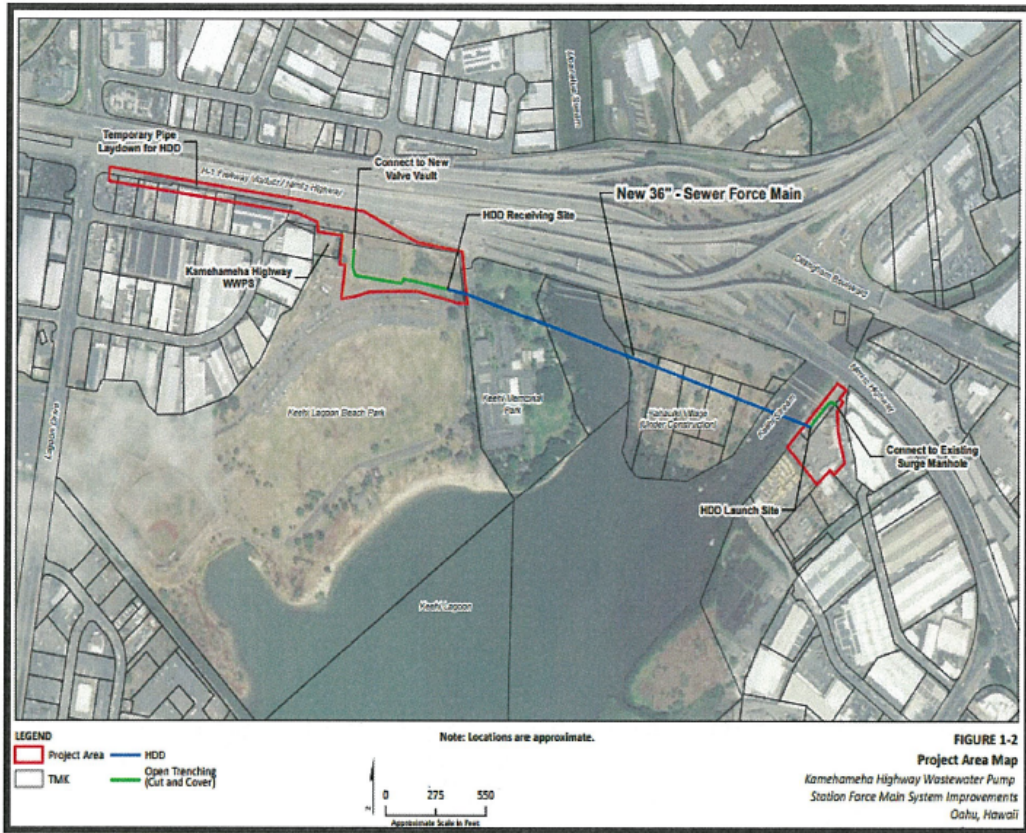
APPROVED FOR SUBMITTAL:


 Suzanne D. Case, Chairperson



TMK: (1) 1-1-03:03, 04, 138, 204, 205, 206, 207, 212, 239; (1) 1-2-21:35, 36, 37 portion

Exhibit A



TMK: (1) 1-1-03:03, 04, 138, 204, 205, 206, 207, 212, 239; (1) 1-2-21:35, 36, 37portion

Exhibit B