

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

May 12, 2023

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

Ref: 23OD-017

Oahu

Issuance of Perpetual Non-Exclusive Easements for Water Pipeline and Water Meter Purposes and Immediate Construction Right-of-Entry Permit to City and County of Honolulu, Board of Water Supply on Lands Set Aside to the Department of Education under Governor’s Executive Order No. 386; Kapahulu, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 3-1-023: portions of 054.

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 Kapahulu, Honolulu, Oahu, Tax Map Key: (1) 3-1-023: portions of 054 as shown on the map attached as **Exhibit A1-A3**.

AREA:

247 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-3.5

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. 386 setting aside land to the Department of Education for Deaf and Blind School Site 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.¹

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-16 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

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.

¹ Gratis consideration pursuant to HRS 171-95 (3). In the future, should the water pipeline easement be used to deliver water to private entities or users other than the school (government project), staff is including a recommendation below that the Board have right to charge fair market compensation for the easement.

REMARKS:

The Hawaii School for the Deaf and Blind intends to expand the school by adding more classroom and bathroom facilities. The Department of Education is working with BWS on the subject project. BWS intends to install a new 8-inch water pipeline and water meter to service the expansion. BWS will retain ownership of the water pipeline and water meter after installation and will need a legal right to access the new water pipeline and water meter for operation and maintenance purposes.

In view of the project timeline, BWS also requests issuance of an immediate construction right-of-entry permit which shall expire in one year or upon issuance of the requested easement, whichever shall first occur. Staff is including a recommendation below to delegate authority to the Chairperson to extend the right-of-entry for additional one year periods for good cause shown.

The Department of Facilities Management has no objections and concurs with the environmental assessment exemption. The Department of Planning and Permitting, Department of Parks and Recreation, Department of Education and the Office of Hawaiian Affairs have not responded to a request for comments before the deadline.

The 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. The easement shall be issued on a gratis basis; provided that in the future, should the water pipeline easement be used to deliver water to private entities or users other than the school (government project), the Board shall have right to charge fair market compensation for the easement;
 - 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.
3. Authorize the issuance of an immediate construction and 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;
 - B. The right-of-entry permit shall expire after one year or upon issuance of the requested easement, whichever shall first occur; provided that the Chairperson is authorized to extend the right-of-entry for additional one year periods for good cause shown; and
 - C. 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

Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

RT

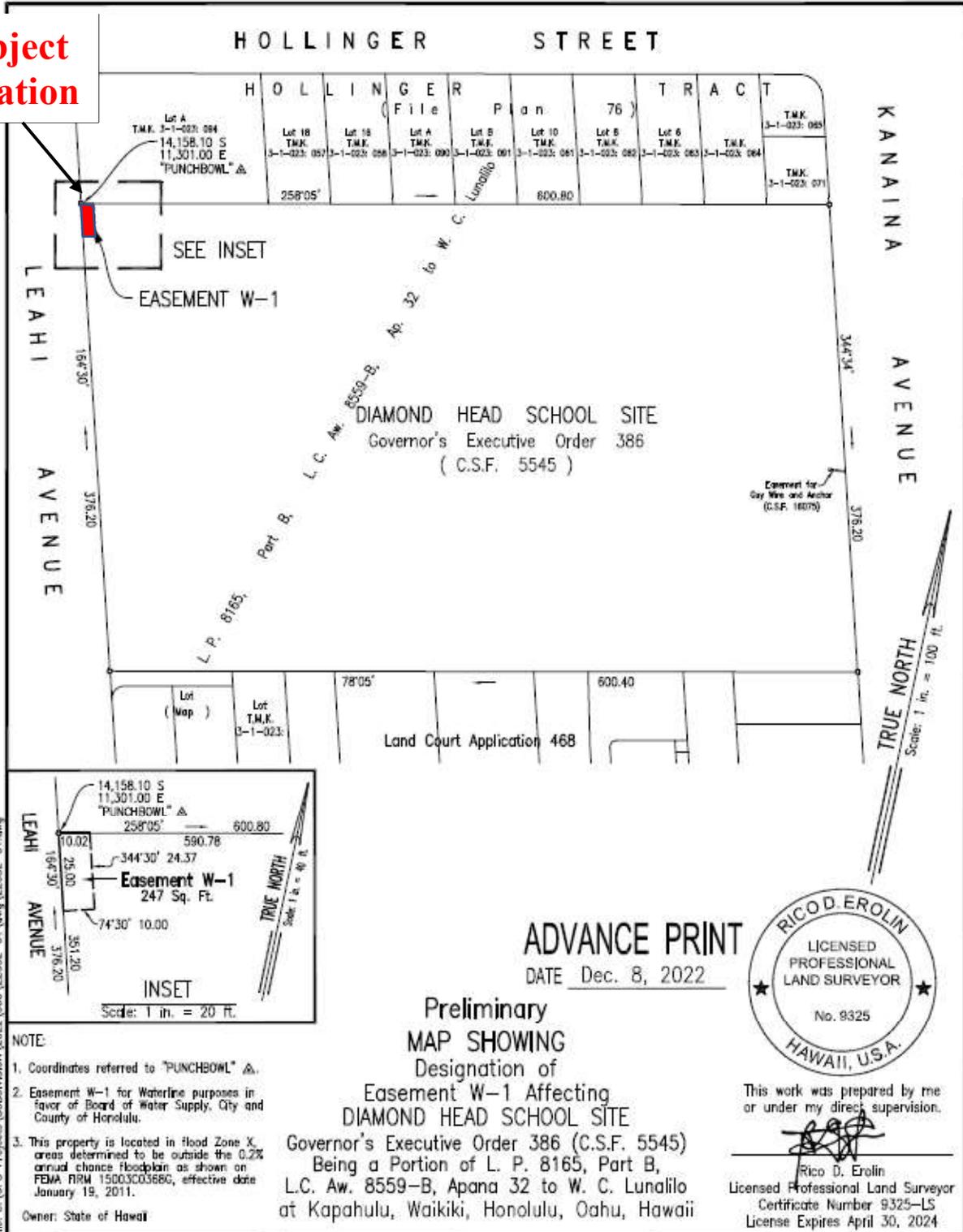
KEM



TMK (1) 3-1-023: portion of 054

EXHIBIT A-1

Subject Location



File: C:\CPS Projects\SUBMIT\BLNR_2022\000\22032-01.dwg 22032-01.dwg

- NOTE:
- Coordinates referred to "PUNCHBOWL" Δ.
 - Easement W-1 for Waterline purposes in favor of Board of Water Supply, City and County of Honolulu.
 - This property is located in flood Zone X, areas determined to be outside the 0.2% annual chance floodplain as shown on FEMA FIRI 15003C0366C, effective date January 19, 2011.

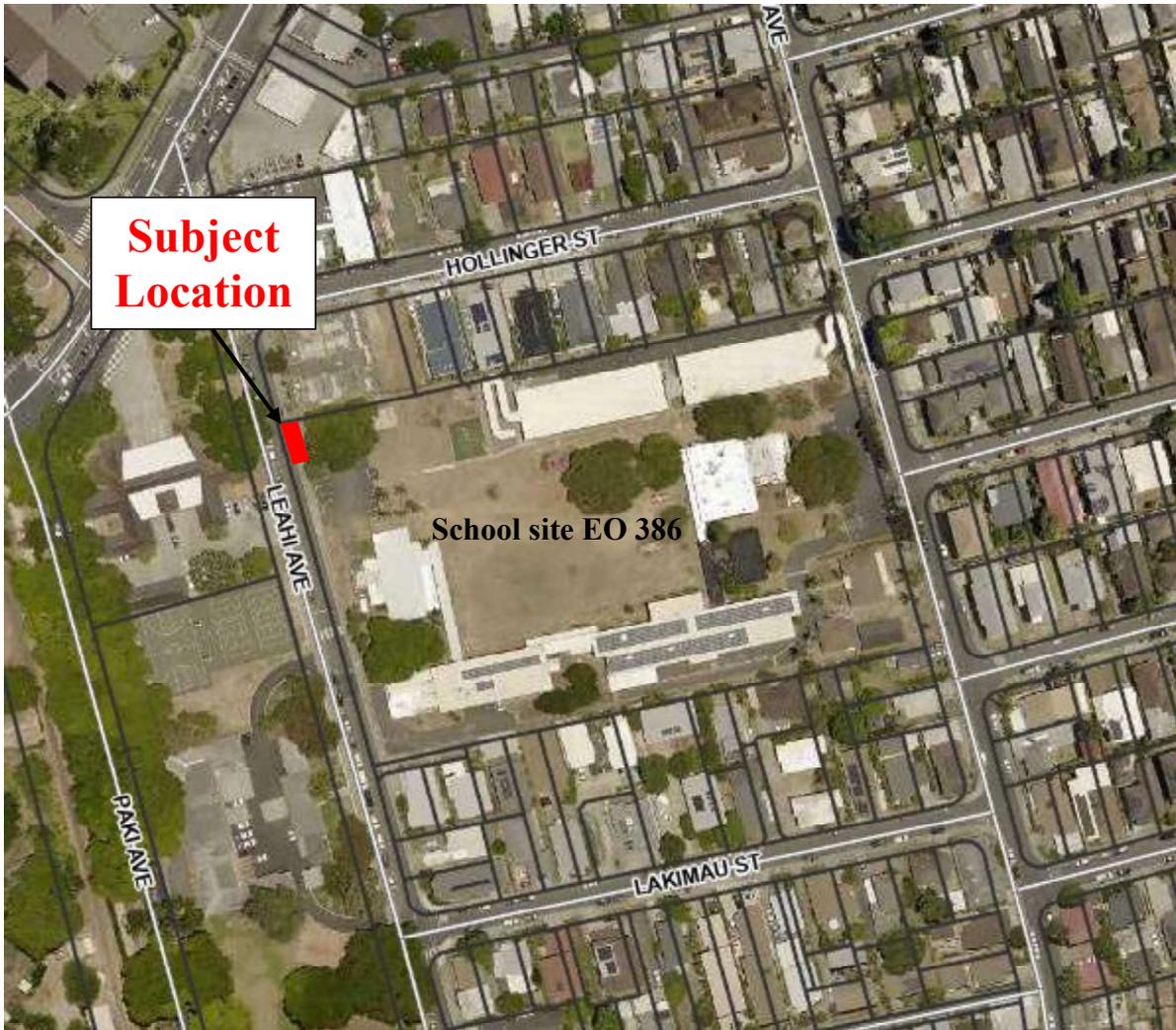
TMK: (1) 3-1-023: 054
Job No. 22032-01

CONTROLPOINT SURVEYING, INC.
615 Piikoi Street, Suite 700
Honolulu, Hawaii 96814

December 8, 2022
8.5x11

TMK (1) 3-1-023: portion of 054

EXHIBIT A-2



TMK (1) 3-1-023: portion of 054

EXHIBIT A-3

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-017

Project Location: Kapahulu, Waikiki, Honolulu, Oahu; Tax Map Key: (1) 3-1-023: portion of 054.

Project Description: Water pipeline and water meter

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 pipeline and 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.