

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

May 26, 2023

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

PSF No:11OD-105
14OD-059

OAHU

Amend Prior Board Action of (A) March 24, 2023, Item D-7, *Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation (HART) for Elevated Guideway Purposes; After-the-Fact Approval of Annual Renewal of Right-of-Entry to HART for Each Year Since the Board Approval of the Initial Issuance of the Right-of-Entry at Board’s Meeting of February 10, 2012, Item D-6, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-008: portion of 025; and*

(B) September 13, 2013, Item D-8, *Issuance of (1) a right-of-entry permit for construction of an overhead guideway; (2) a grant of a perpetual non-exclusive easement for an overhead guideway; and (3) a direct lease for a park-and-ride facility, all on State lands in East Kapolei, Honouliuli, Ewa, Oahu TMK (1) 9-1-17:97 por., to City and County of Honolulu for its planned rail transit project.*

This amendment is to add the word “operate” in the Character of Use for the requested easements and right-of-entry permits at both locations.

BACKGROUND:

At its meeting of March 24, 2023, agenda item D-7,¹ the Board approved the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu on behalf of its Honolulu Authority for Rapid Transportation (“HART”) for elevated guideway purposes. The character of use described in the March 2023 submittal was, “right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes”.

When the Board considered a request from HART at its meeting of September 13, 2013,

¹ Download the submittal from <https://dlnr.hawaii.gov/wp-content/uploads/2023/03/D-7.pdf>

agenda item D-8,² regarding its Kapolei location, the character of use was described as, “construction of an elevated guideway for the City’s proposed rail project”.

The first phase of the rail project is scheduled to commence operation in July 2023. Recently, HART contacted the Land Division and requested an amendment to the above-mentioned character of use to add the word “operate” in the approved language. The proposed revised language will read, “right, privilege and authority to construct, use, operate, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes”. There are no other pertinent issues or concerns and staff does not have any objections to the requested changes.

RECOMMENDATION: That the Board:

1. Amend its prior Board actions of March 24, 2023, agenda Item D-7 and September 13, 2013, agenda item D-8 by revising the purpose of the right-of-entry permits and the requested easements to read, “right, privilege and authority to construct, use, operate, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes” (New language underscored).
2. Affirm that, except as amended hereby, all terms and conditions listed in its approvals of March 24, 2023 and September 13, 2013 shall remain the same.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson *PCM*

RT

² Download the submittal from <https://files.hawaii.gov/dlnr/meeting/submittals/130913/D-Land-Submittals-D8.pdf>