

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

May 24, 2024

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

Ref. No.: 22OD-052

OAHU

(1) Amend Grant of Non-exclusive Easement under Land Office Deed No. S-29145 for Waterlines and Water Meters Purposes issued to the City and County of Honolulu, Board of Water Supply by adding easement located at tax map key (1) 1-5-041:002 for waterline purpose; and (2) Issuance of a construction right-of-entry permit to the City and County, Board of Water Supply; Sand Island, Honolulu, Oahu Tax Map Keys: (1) 1-5-041:002, 059, 077, 083, 095, 100, 141, 172, 178, 199, 251, 291, 298, 319, and 342.

REMARKS:

At its meeting of September 11, 2015, under agenda item D-5, the Board of Land and Natural Resources (Board) authorized the issuance of a perpetual non-exclusive easement to the City and County of Honolulu, for use by the Board of Water Supply (BWS) for waterlines and water meters purposes (**Exhibit 1**). The easement document, Land Office Deed No. S-29145 (LOD29145), was executed on December 28, 2018, covering all tax map keys described in the subject line, except Parcel 002.

When BWS was planning on new improvements along Hookela Place, which is part of Parcel 002, it was noticed that they had no easement rights for their improvements within Parcel 2 (**Exhibit 2**). Staff reviewed LOD29145 and found that although the waterlines within Parcel 2, affecting lots 114 to 123 and containing an area of 564,907 square feet, were included in the approved Board submittal, the easement for these waterlines was inadvertently missing in LOD29145.

In communication with the Department of the Attorney General (AG) about including the easement located in Parcel 2, the AG mentioned that the easement document form has been updated since the original document and should be amended to include the following paragraph 3:

“3. The Grantee shall not construct, place or maintain any building or structure over or upon the easement area, except for the purposes described in this grant and in accordance with the plans and specifications submitted by the Grantee to and approved in writing by the Chairperson of the Board

of Land and Natural Resources and in full compliance with all applicable laws, ordinances, rules and regulations.”

BWS requests a construction right-of-entry over Parcel 2 (Hookela Place) while the easement document LOD29415, if approved, is being amended. The Department of Accounting and General Services, Survey Division has prepared the map and description of the BWS easements over Parcel 2 as CSF No. 26,015.

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.

There are no other pertinent issues or concerns. Staff recommends the Board authorize the requested amendment as further described in the Recommendation section.

RECOMMENDATION: That the Board authorize:

1. The amendment of the Grant of Non-Exclusive Easement (LOD29145) to include the easement for waterline purposes within Tax Map Key: (1) 1-5-041:002, affecting lots 114 to 123 and containing an area of 564,907 square feet as described in C.S.F. 26,015, 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 easement amendment document form, as may be amended from time to time;
 - B. Review and approval by the Department of Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.
2. Authorize the issuance of a construction right-of-entry permit to the City and County of Honolulu, Board of Water Supply over the subject area TMK: (1) 1-5-041:002 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 amendment, 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 *KOM*

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

September 11, 2015

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

PSF No.: 11OD-195

OAHU

Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Waterlines and Water Meters Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-41: Various.

APPLICANT:

City and County of Honolulu, for the use by the Board of Water Supply.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION and AREA:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, identified by Tax Map Key: (1) 1-5-041:002, 059, 077, 083, 095, 100, 141, 172, 178, 199, 251, 291, 298, 319, and 342. Map for the entire Sand Island Industrial Park and a list showing the respective easement areas are attached as **Exhibit A** and **Exhibit B** respectively.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: I-3

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by General Lease No. S-5261, Sand Island Business Association (“SIBA”), Lessee, for industrial purposes. Lease to expire on June 30, 2047.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
September 11, 2015 Cap.

D-5

EXHIBIT 1

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove waterlines and water meters over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Negative Declaration for the Sand Island Industrial Park infrastructure improvements was published on the Environmental Notice dated May 23, 1990. Majority of the easements requested herein are covered in the 1990 publication.

For easements covered in the subject request but not included in the 1990 publication, staff recommends the Board declare those easements exempted from preparation of an environmental assessment in accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, Exemption Class No. 3, that states. "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same." **Exhibit C.**

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Not applicable. The Applicant has provided material and information for the preparation of the maps and description of the requested easements

REMARKS:

In 1992, Sand Island Business Association ("SIBA") became the master tenant for General Lease No. 5261, covering the Sand Island Industrial Park for over 70 acres of State lands. In 1993, the City and County of Honolulu ("City") approved the subdivision of the area which resulted in over 100 individual and roadway lots, and utility easements. All of these were eventually recorded under File Plan 2102.

Pursuant to the conditions of GL 5261, SIBA is required to maintain the infrastructure

improvements until such improvements are dedicated to the City or other appropriate utility companies. In addition, roads, utilities, storm and sewer drains, water system, underground electric, telephone and streetlight systems are defined as infrastructure improvements.

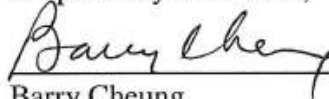
Land Division is working SIBA regarding the dedication of improvements to the respective entities/agencies. In fact, the dedication of electrical and telephone lines was taken care of pursuant to the Board action on August 14, 2015, under agenda item D-10. Today's request pertains to the waterlines and water meters, and staff will bring request(s) to the Board for consideration at the later date(s).

Staff did not solicit comments from other agencies on the subject request as it is pertaining to the compliance of a specific lease conditions. Staff has no objection to the request.

RECOMMENDATION: That the Board:

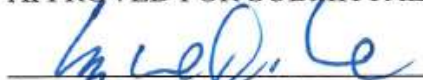
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu covering the subject area for waterlines and water meters 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. 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.

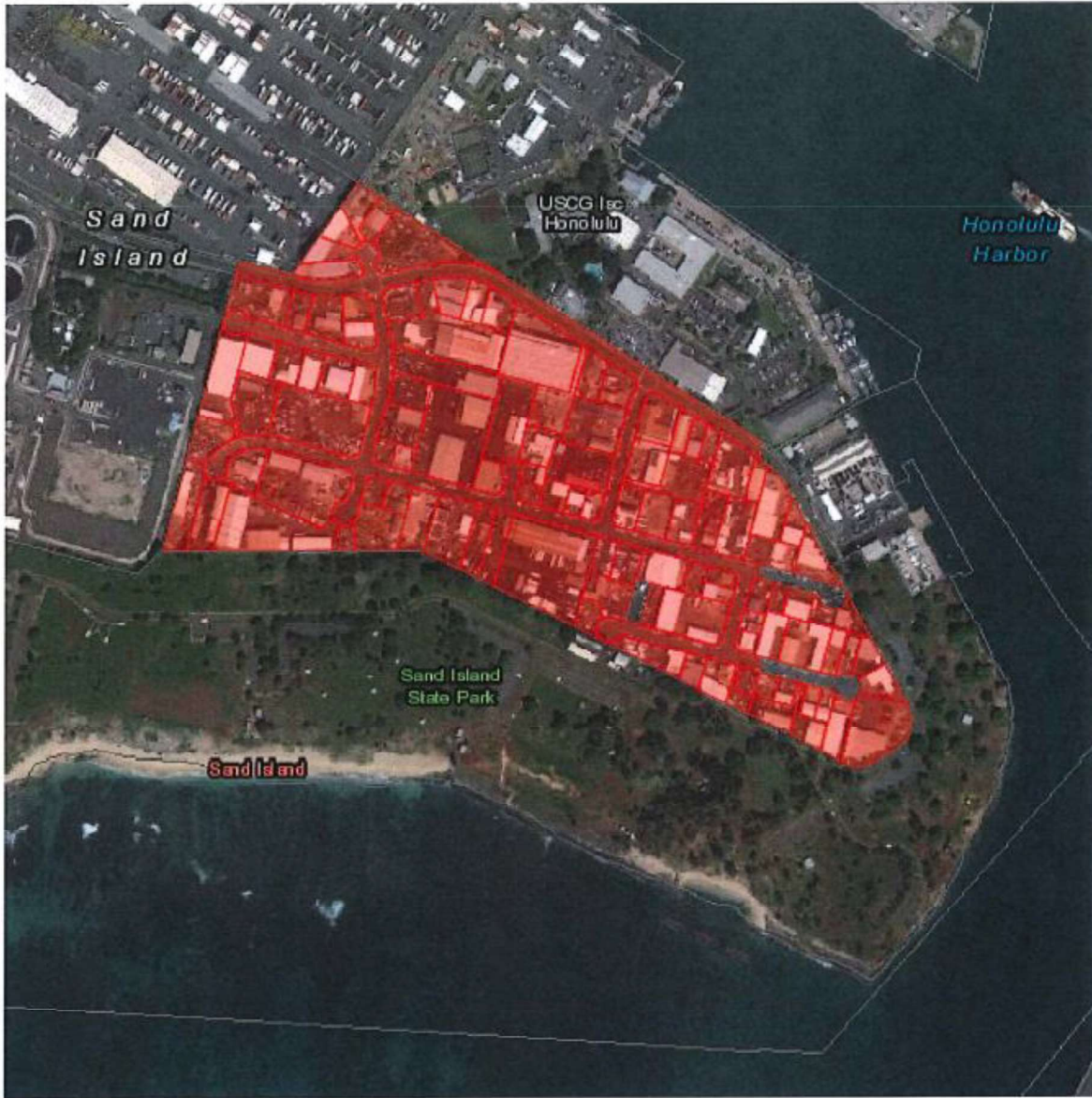
Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 1-5-041:various

Note: The area in red above shows the general area of the Sand Island Industrial Park. Individual tax map keys encumbered by the subject easement are listed in the document attached as Exhibit B of this submittal.

EXHIBIT A

LIST OF REQUESTED EASEMENTS AND ASSOCIATED INFORMATION

Easement No.	Purposes	TMK (1) 1-5-041:	Affecting Lot(s)	Area (sq ft)
17	Waterline	59	25	94
27	Waterline	100	43	59
36	Waterline	199	57	22
37	Waterline	291	59	248
38	Waterline	298	62	160
40	Waterline	251	66	160
43-A	Waterline	100	43	35
51	Waterline	178	95	69
64	Waterline	172	110	380
70	Waterline	77	113	2,350
71	Waterline	141	31	144
71-A*	Water meter	95 & 342	71-A & 72-A	264
109-A*	Water meter	83	109	128
112-A*	Water meter	319	112	130
n/a*#	Waterline	2	114 to 123	564,907

* Indicates easements not covered under the Negative Declaration for the Sand Island Industrial Park infrastructure improvements published in the Environmental Notice on May 23, 1990.

This easement covers multiple road lots created under File Plan 2102.

NOTE: Requested easement that was omitted from LOD29145

EXHIBIT B

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Consent to sublease for utility easement purposes

Project / Reference No.: 110D-195

Project Location: Sand Island, Honolulu, Oahu Tax Map Key: (1) 1-5-041:various

Project Description: Waterlines and water meters easements

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, Exemption Class No. 3, that states. "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same."

The request pertains to some waterlines and water meters easements installed for the development of the industrial park. While majority of the easements were covered in the 1990 Negative Declaration when the industrial park was developed, there are a few easements that were built subsequent to the 1990 determination. Staff does not anticipate the additional easements will create any additional environmental impact. Therefore, staff recommends the Board declare the project exempting from the preparation of the environmental assessment.

Consulted Parties Not applicable

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.




Suzanne D. Case, Chairperson
Date **AUG 19 2015**

EXHIBIT C



TMK (1) 1-5-041:002

EXHIBIT 2