

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

January 10, 2025

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

PSF No.:24OD-140

OAHU

Grant of Perpetual, Non-Exclusive Easement to Department of Transportation for Footbridge and Footpath Purposes, Auwaiolimu, Honolulu, Oahu, Tax Map Key: (1) 2-2-014: portions of 012.

APPLICANT:

Department of Transportation, Highways Division (“DOT”).

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land located in Auwaiolimu, Honolulu, Oahu, identified by Tax Map Key: (1) 2-2-014: portions of 012, as shown on **Exhibit A1** and **A2**.

AREA:

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

ZONING:

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

Unencumbered.

The subject road reserve is a remnant under Section 171-52, HRS and has been abandoned as a future road under Chapter 264, HRS.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair over, under and across State-owned land for footbridge and footpath purposes.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis. Government agency.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 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 Item 46 that states, "Creation or termination of easement, covenants, or other rights in structures or land."

In addition, General Exemption Type 2 that states, "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially have the same purpose, capacity, density, height, and dimensions as the structure replaced", Part 1, item 11 that states "Replacement or reconstruction of existing bridges and flumes".

The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action.

DCCA VERIFICATION:

Not applicable. Governmental 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 subject State parcel (Parcel 12) is described as Road Reserve on a map dated October 17, 1956 prepared by DAGS and now attached as **Exhibit B1** and **B2**. Registered Map No. 3024 dated September 1939 also shows the subject area as “road reserve”. (**Exhibit C**).

There is a masonry lined storm drain partly within Parcel 12 at its southern tip before the Auwaiolimu Street. Due to the elevation changes, there are steps and a footbridge built across the drainageway as shown on Exhibit B connecting the sidewalk of Auwaiolimu Street and Parcel 12.<sup>1</sup> Staff understands this footpath was used by students and parents as an alternative entrance to the adjacent Pauoa Elementary School, in addition to the front entrance on Pauoa Road.

Land Division eventually received reports about the deteriorating condition of the bridge, and started reaching out to other State and county entities inquiring if they would be interested in obtaining a land disposition from the Board which would include maintenance obligation. Unfortunately, Land Division did not receive any positive response and the footbridge was eventually taken down to eliminate potential liability to the State.

Recently, Land Division received a formal request from DOT regarding an easement for footbridge and footpath purposes over the above-mentioned storm drain. Pursuant to DOT, the State Representative for the district requested DOT’s assistance.

DOT would place a steel plate over the storm drain and make other associated improvements to reactivate the footpath previously utilized by the students. DOT provides some image for the proposed improvement as **Exhibit D** for the Board’s reference.

For the Board’s reference, any easement to be granted by the Board would encumber only the department’s interest over Parcel 12, as shown on Exhibit B. DOT understands that they need to contact the City and County of Honolulu for the portion of Auwaiolimu Street before entering Parcel 12.

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<sup>1</sup> Staff could not locate any record pertaining to the party responsible for construction the steps and footbridge as shown on Exhibit B.

DOT also administers the Safe Routes to School program and staff believes the subject request fits into the mission of this program. Staff did not solicit comments from other governmental entities as the project is basically to re-build the footbridge and path that once was there. DOT 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.

To expedite the construction, DOT requested issuance of an immediate construction and management right-of-entry permit. Chairperson, pursuant to the authority delegated to her in 2013, granted the requested right-of-entry permit to DOT on December 20, 2024. There are no other pertinent issues or concerns. Land Division does not have any objection to the subject 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 11-200.1-15 and -16, 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 as a de minimis action.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Department of Transportation covering the subject area for footbridge and footpath 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*

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Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



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Dawn N. S. Chang, Chairperson

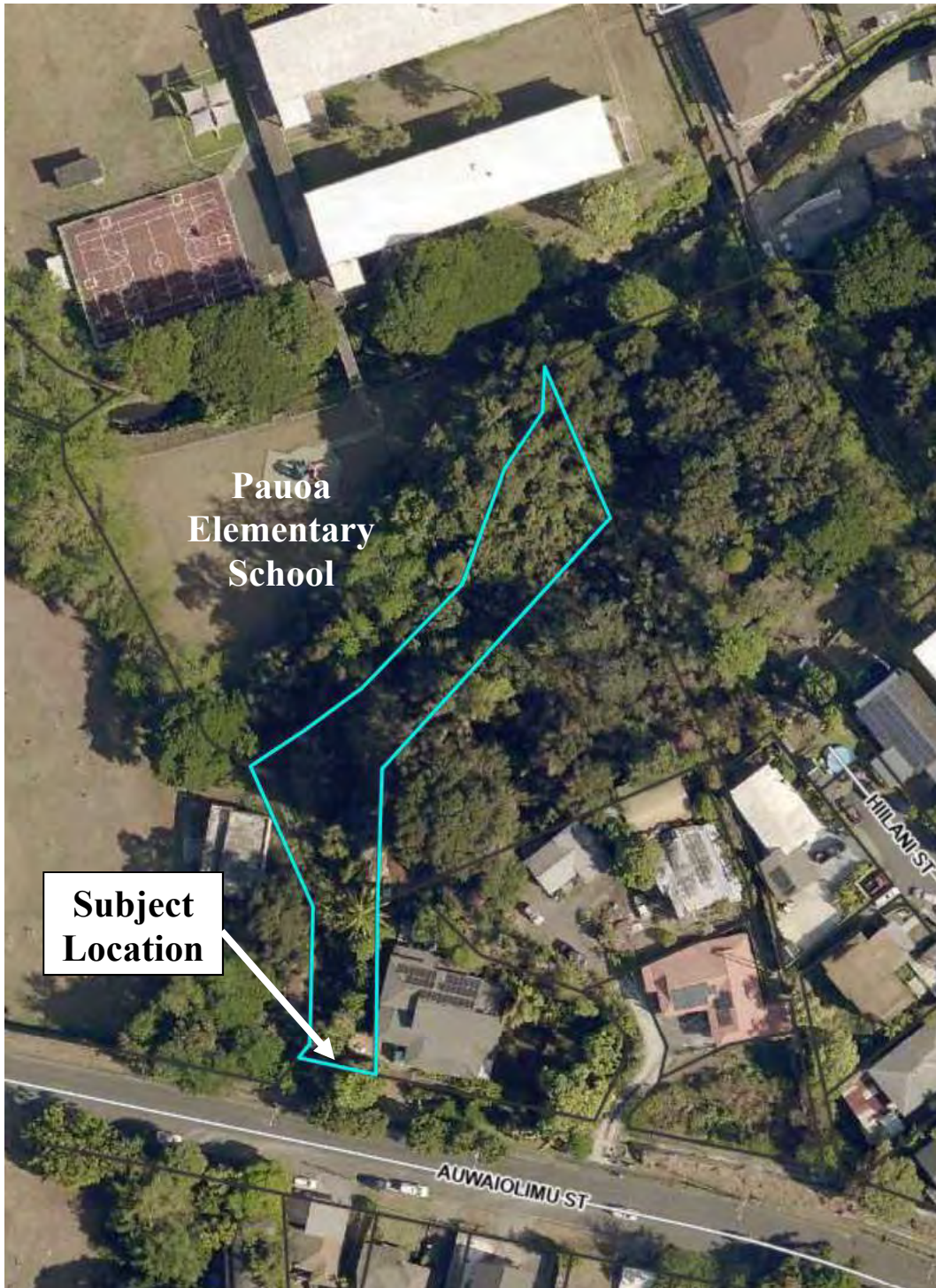
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**TMK (1) 2-2-014:012**

# EXHIBIT A1

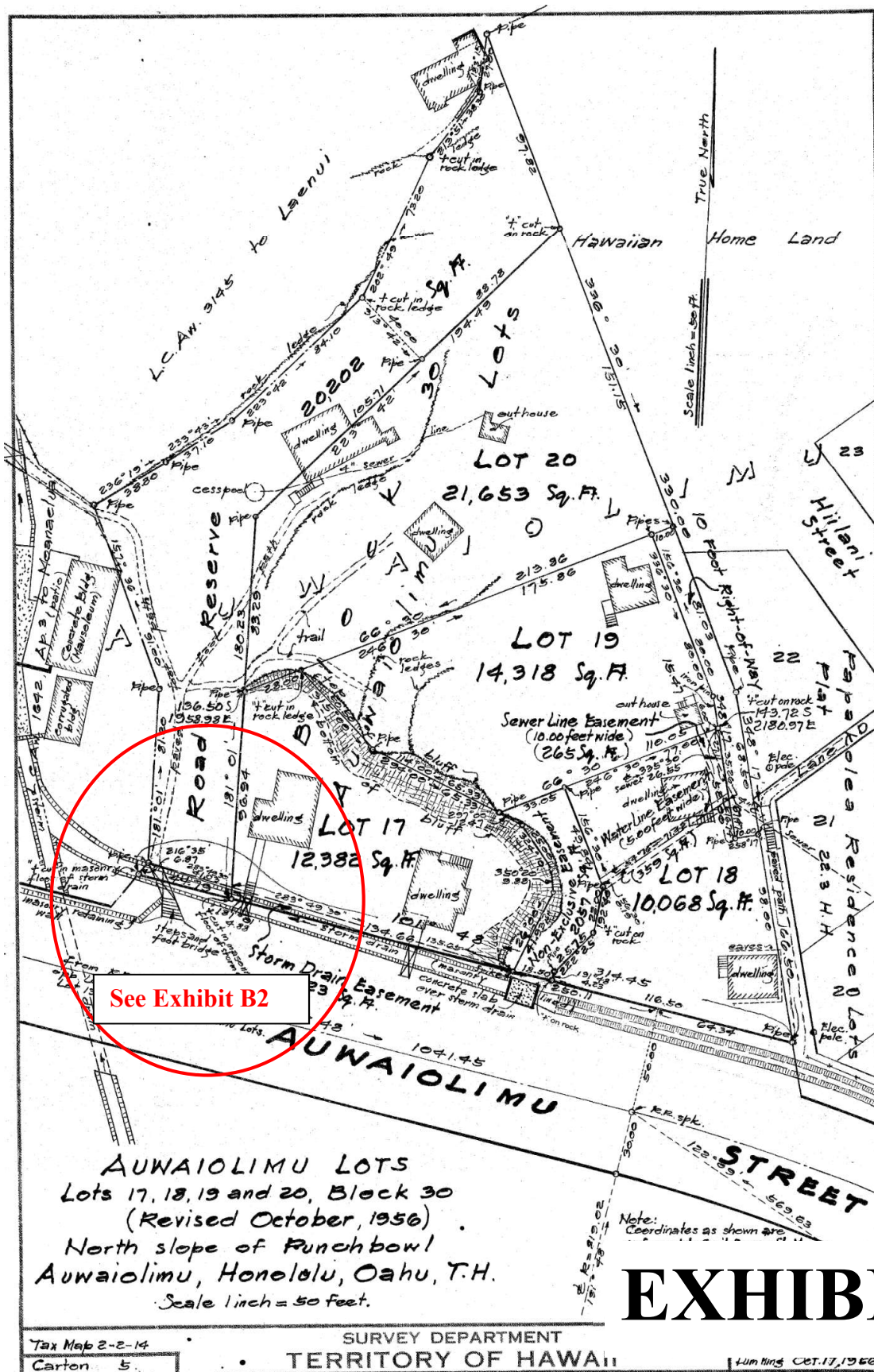


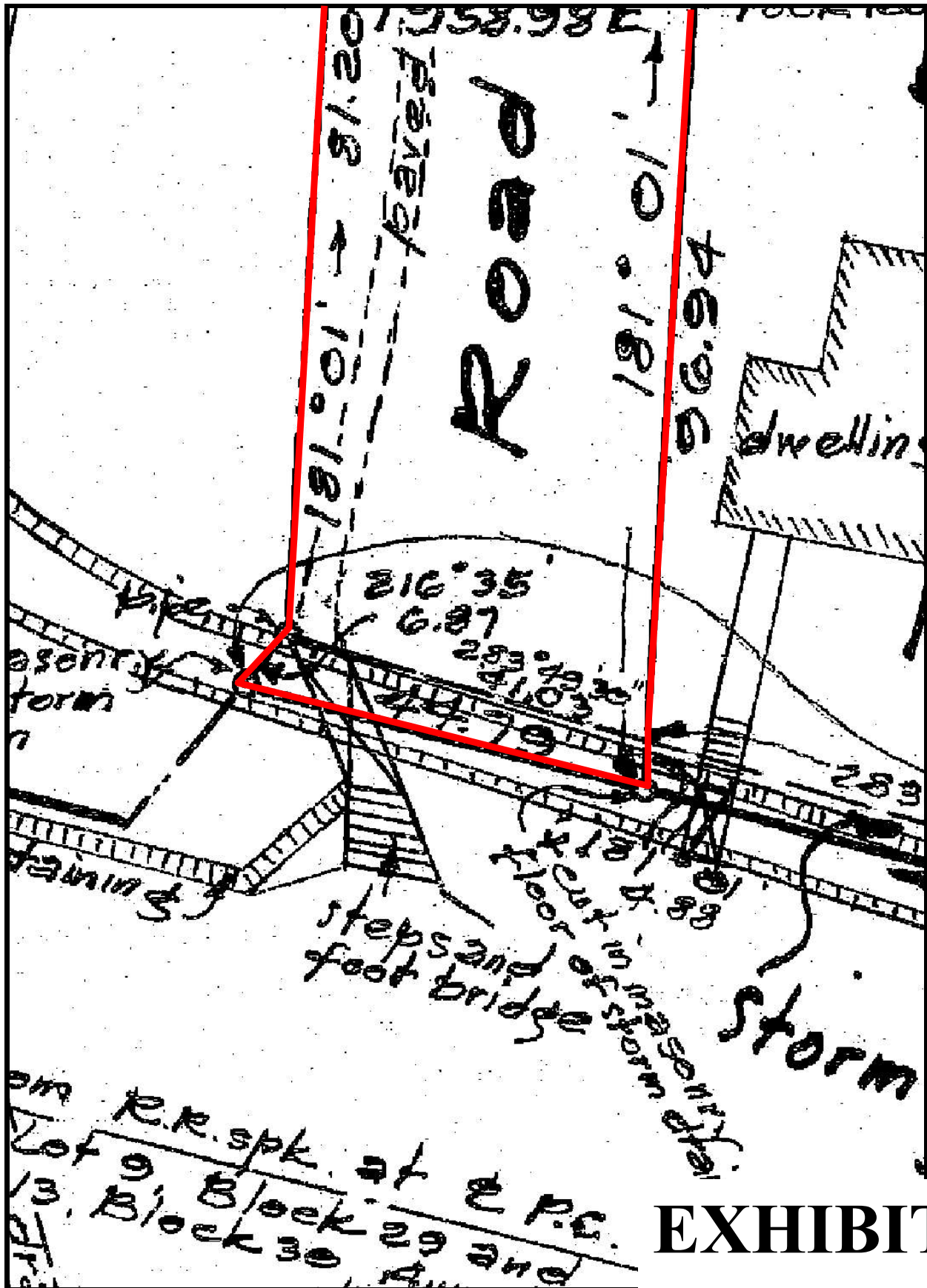


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# **EXHIBIT A2**







**EXHIBIT B2**



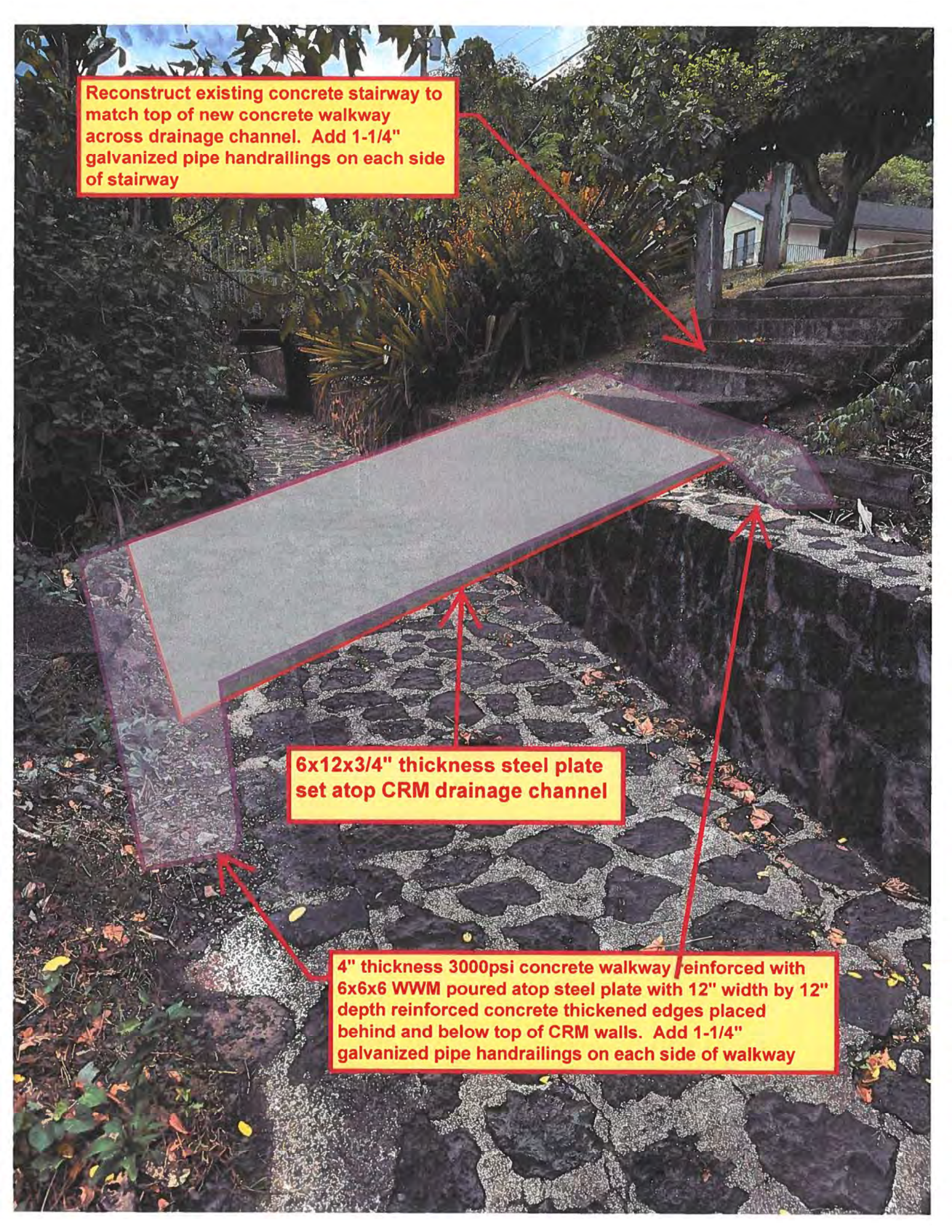




Proposed 4 ft AC Walking Path (L=250'+/-)

# EXHIBIT D





Reconstruct existing concrete stairway to match top of new concrete walkway across drainage channel. Add 1-1/4" galvanized pipe handrailings on each side of stairway

6x12x3/4" thickness steel plate set atop CRM drainage channel

4" thickness 3000psi concrete walkway reinforced with 6x6x6 WWM poured atop steel plate with 12" width by 12" depth reinforced concrete thickened edges placed behind and below top of CRM walls. Add 1-1/4" galvanized pipe handrailings on each side of walkway











