

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

January 24, 2025

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

PSF No: 23OD-021

OAHU

Amend Prior Board Action of October 13, 2023, Item D-12, Request for Set Aside to the City and County of Honolulu, Board of Water Supply for Water Tank Purposes; Grant of Perpetual, Non-Exclusive Easement for Access and Utility Purposes; Issuance of Immediate Construction and Management Right-of-Entry Permit; Honouliuli, Ewa, Oahu, Tax Map Key (1) 9-1-018: portions of 008.

The purpose of the amendment is to seek an extension of the construction and management right-of-entry permit (“ROE”) and authorize the Chairperson to further extend the ROE, if necessary.

BACKGROUND:

At its meeting of October 13, 2023, under agenda item D-12, the Board of Land and Natural Resources approved the subject matter.¹

Pursuant to the above-mentioned approval and Section 171-55, Hawaii Revised Statutes, a construction and management ROE was issued to and accepted by the Board of Water Supply (“BWS”) on October 25, 2023. The ROE was for a term of one (1) year and would therefore expire on October 24, 2024.

Around September 2024, BWS submitted an application to the City and County of Honolulu, Department of Planning and Permitting to subdivide and designate the water tank site and access and utility easement, as required by the 2023 approval.

For the Board’s reference, the set-aside and easement areas need to be finally established by survey and subdivision approval before Land Division can procure an appraisal, at BWS’ cost, to determine the fair market value of the subject disposition for the purpose of calculating the water credits for the State.²

¹ Entire 2023 submittal can be downloaded from <https://dlnr.hawaii.gov/wp-content/uploads/2023/10/D-12.pdf>

² See Consideration section on page 2 of the 2023 submittal for issues related to water credit.

Staff recommends the Board approve an after-the-fact annual renewal of the ROE to comply with the statutory language limiting the term of any right-of-entry permit issued pursuant to 171-55, HRS, to one-year. Further, staff recommends the Board renew the above-mentioned ROE for another year commencing from the Board date and delegate to the Chairperson authority to approve additional annual renewals, if required.

RECOMMENDATION: That the Board amend its prior Board action of October 13, 2023, under agenda item D-12 by:

1. Approving the after-the-fact renewal of the construction and management ROE issued to the Board of Water Supply, renewing the subject ROE for one calendar year commencing October 25, 2024, and delegating to the Chairperson authority to approve any additional renewals for good cause shown.
2. Affirming that, except as amended hereby, all terms and conditions listed in its October 13, 2023 approval shall remain the same.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

KEM RT