

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.: 24OD-112

OAHU

Issuance of Right-of-Entry Permit to City and County of Honolulu, Department of Design and Construction for Landscape Improvements; Paalaa, Waialua, Oahu, Tax Map Key: (1) 6-6-009:portion of 023.

APPLICANT:

City and County of Honolulu, Department of Design and Construction

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION/AREA:

Portion of Government lands situated at Paalaa, Waialua, Oahu, Tax Map Key: (1) 6-6-009:portion of 023, as shown on the maps attached as Exhibits A1- A3.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Residential

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:

Encumbered by General Lease No. S-5478 (“GL5478”) to the Office of Hawaiian Affairs for the Waialua Courthouse.

CHARACTER OF USE for RIGHT-OF-ENTRY (“ROE”):

Landscape improvement purposes.

COMMENCEMENT DATE and TERM for ROE:

Right-of-entry permit to begin upon the acceptance of the terms and conditions of the most current right-of-entry form and be for a term of one (1) year, provided that the Chairperson is authorized to extend the right-of-entry term for additional one-year periods for good cause shown.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("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 negligible or no expansion or change of use beyond that previously existing," Part 1, Item 44, that states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". The subject request will probably have 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 (**Exhibit B**).

REMARKS:

The City and County of Honolulu, Department of Design and Construction (“DDC”) is planning Kamehameha Highway improvements which include repaving the roadway and improving the road shoulders for pedestrian safety and ease of use by installing permeable paver blocks to reduce rainwater ponding, concrete walkways, asphalt shoulders, and raised curbs.

All structures for the sidewalk improvement will be within the City and County of Honolulu (“City”) road right-of-way. Sidewalk paver blocks will not be placed within the State parcel (**Exhibit C**). The City is asking for a right-of-entry to level a portion of the grassy lawn in front of the Waialua Courthouse under GL5478 for smooth transition to City’s right-of-way installation of paver blocks on the City’s portion of Kamehameha Highway. Grass sod will be planted on the exposed soil to return site to preexisting conditions.

The Office of Hawaiian Affairs in an email dated August 30, 2024, to the Department of Design and Construction has acknowledged the project and has no concerns at the time.

The DLNR Historic Preservation Division, Department of Hawaiian Homelands, the Office of Hawaiian Affairs, the Aha Moku Advisory Committee, and the Department of Facility Maintenance have not responded to solicitation for comment before the response deadline. The City and County of Honolulu Board of Water Supply (“BWS”) has no objections and concurred with the proposed environmental exemption but commented on their request for construction plans from the Department of Design and Construction who responded that they are in communication with BWS for the project.

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. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu, Department of Design and Construction for landscape improvements covering 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 right-of-entry permit form, as may be amended from time to time; and
 - B. The right-of-entry permit shall expire after one year; provided that the Chairperson is authorized to extend the right-of-entry for additional one-year periods for good cause shown; and
 - B. 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
Land Agent

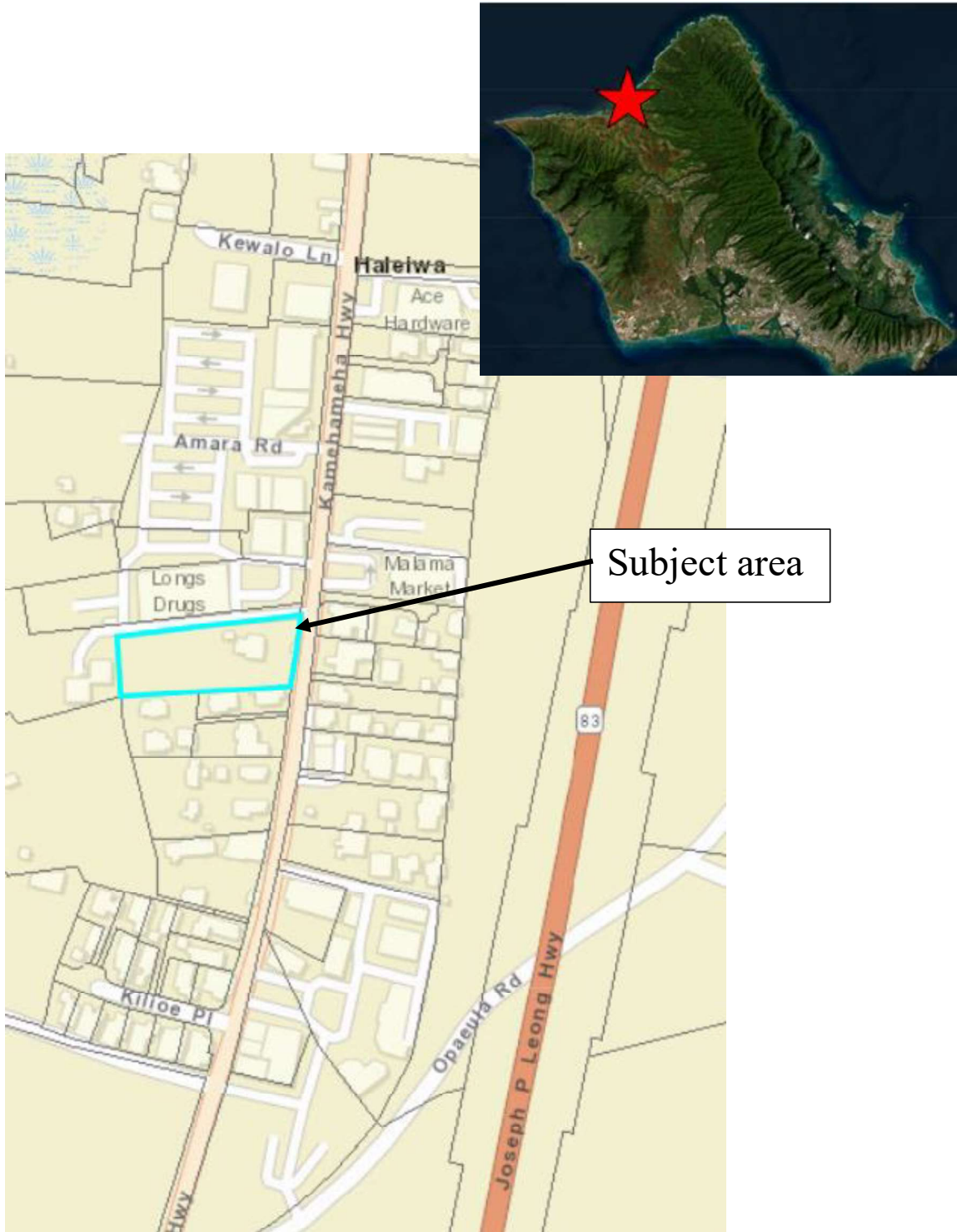
APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

RT





TMK: (1) 6-6-009:portion of 023

Exhibit A1



Red star is approximate area of improvement.



Street view of TMK: (1) 6-6-009;portion of 023

Exhibit A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title: Issuance of Right-of-Entry Permit to City and County of Honolulu, Department of Design and Construction for Landscape Improvements.

Project / Reference No.: PSF 24OD-112

Project Location: Paalaa, Waialua, Oahu, Tax Map Key: (1) 6-6-009:portion of 023

Project Description: ROE for landscape improvements to lawn of GL5478.

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

Exemption Class No.: In accordance with Hawaii Administrative Rules ("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 negligible or no expansion or change of use beyond that previously existing," Part 1, Item 37, that states "Transfer of title to land", Part 1, Item 44, that states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". The subject request will probably have 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 (**Exhibit B**).

Cumulative Impact of Planned Successive Actions in the Same Place: No. The request would involve negligible or no change in use of the subject area beyond that previously existing.

Action May Have Significant Impact on Particularly Sensitive Environment: Area is in an urban environment with no known sensitive environmental issues.

Exhibit B

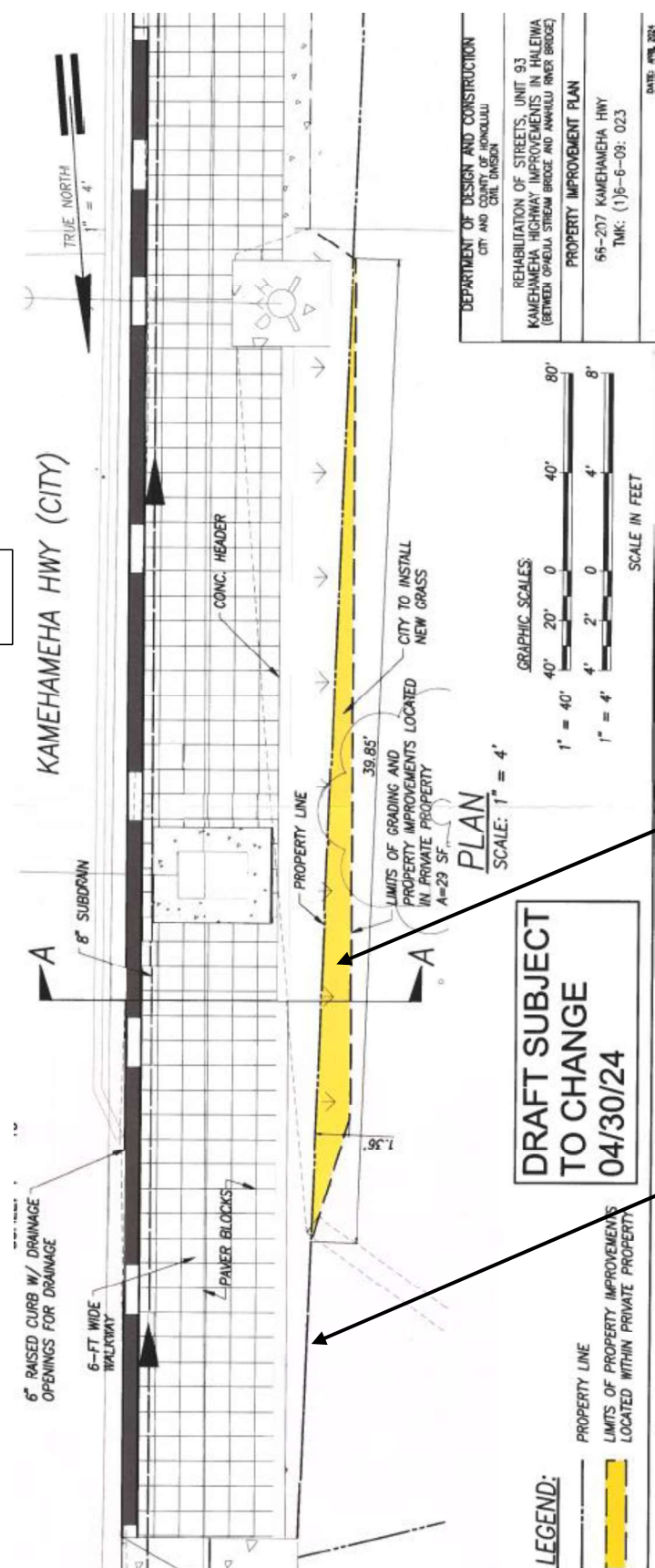
Consulted Parties

Agencies as noted in the submittal.

Analysis and
Recommendation:

Staff believes there would be no significant impact to sensitive environmental or ecological receptors. Recommend 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.

Road Area



Yellow highlight is work area on State parcel.

GL5478 Waialua Courthouse Boundary Line.

TMK: (1) 6-6-009:portion of 023

Exhibit C