

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

June 13, 2025

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

Ref. No.: 25OD-045

OAHU

Issuance of Perpetual, Non-Exclusive Easement for Water Pipeline Purposes and Issuance of Construction Right-of-Entry to State Department of Transportation, Harbors Division; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041 :por. of 005 and por. of 022.

APPLICANT:

Department of Transportation, Harbors Division

LEGAL REFERENCE:

Section 171-13, 55 and 95 Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041 :portion of 005 and 022, as shown on the maps attached as **Exhibits A1- A2**.

AREA:

2,500 square feet, more or less, subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

TMK: (1) 1-5-041: portion of 005
State Land Use District: Urban
City and County of Honolulu LUO: I-3

TMK: (1) 1-5-041: portion of 022
State Land Use District: Urban
City and County of Honolulu LUO: P-2

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:

TMK: (1) 1-5-041:005

Encumbered by Governor's Executive No. 3939 ("EO3939") to the City and County of Honolulu for Sewage Treatment Plant Site, Public Health, and Ancillary Purposes.

TMK: (1) 1-5-041:022

Encumbered by Governor's Executive No. 4498 ("EO4498") to the City and County of Honolulu for Addition to Sewage Treatment Plant Site, Public Health, and Ancillary Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipeline and appurtenant equipment, over, under and across State-owned land.

COMMENCEMENT DATE for CONSTRUCTION RIGHT-OF-ENTRY:

Construction 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 39, that states the "Creation or termination of easement, covenants, or other rights in structures or land" and 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" and General Exemption Type 4, that states, "Minor alterations in the conditions of land, water, or vegetation." 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**).

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps with metes and bounds description according to State DAGS standards and at Applicant's own cost; and
2. Process and obtain designation of easement approval from the Department of Planning

and Permitting at Applicant's own cost.

3. Obtain written concurrence from the City and County of Honolulu, Department of Environmental Services.

REMARKS:

The Department of Transportation ("DOT") requests the installation of a new underground water transmission pipeline through State Lands under EO3939 and EO4498 to the City for the Sand Island Wastewater Treatment Plant. The pipeline will allow for water to be delivered to the abutting parcel TMK: (1) 1-5-041:351 which is under DOT- Harbors Division, but being leased to Matson Terminals, Inc. ("Matson") who need the water for use in their livestock cargo operation. Livestock are housed in special containers on the parcel upon arrival and until being shipped out. DOT conveyed that water is currently transmitted by an above ground waterline that is regularly damaged due to brush clearings and or vehicular traffic.

In view of the project timeline, DOT also requests issuance of an immediate construction right-of-entry permit which shall expire in one year or upon issuance of the requested easement, whichever shall first occur. Staff is including a recommendation below to delegate authority to the Chairperson to extend the right-of-entry for additional one-year periods for good cause shown.

The Department of Environmental Services ("ENV") commented there are sewer facilities in the area of the proposed easement of 8-inch to 12-inch sewer pipelines, sewer manholes, and a wastewater pump station therefore they request that the design of the waterline be coordinated to avoid conflict with the in-ground facilities and provide sufficient clearance. They request the opportunity to review and comment on the water pipeline plans prior to installation. Staff has included this request from ENV in the applicant requirements.

In answer to request for comments the Department of Hawaiian Homelands have no comments and concur with the environmental assessment, and the Board of Water Supply has no objections, no comments and concur with the environmental assessment. The Division of Forestry and Wildlife, Office of Conservation and Coastal Lands, Department of Planning and Permitting, and the Department of Facilities Maintenance have not responded to a request for comments before the deadline.

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. 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, Harbors Division over 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 perpetual easement document form, as may be amended from time to time;
 - B. Obtain written concurrence from the Department of Environmental Services for the water pipeline easement.
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction right-of-entry permit to the Department of Transportation, Harbors Division over 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;
 - B. The right-of-entry permit shall expire after one year or upon issuance of the requested easement, 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;
 - C. Obtain written concurrence from the Department of Environmental Services for the water pipeline easement construction plan prior to installation; and
 - D. 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:



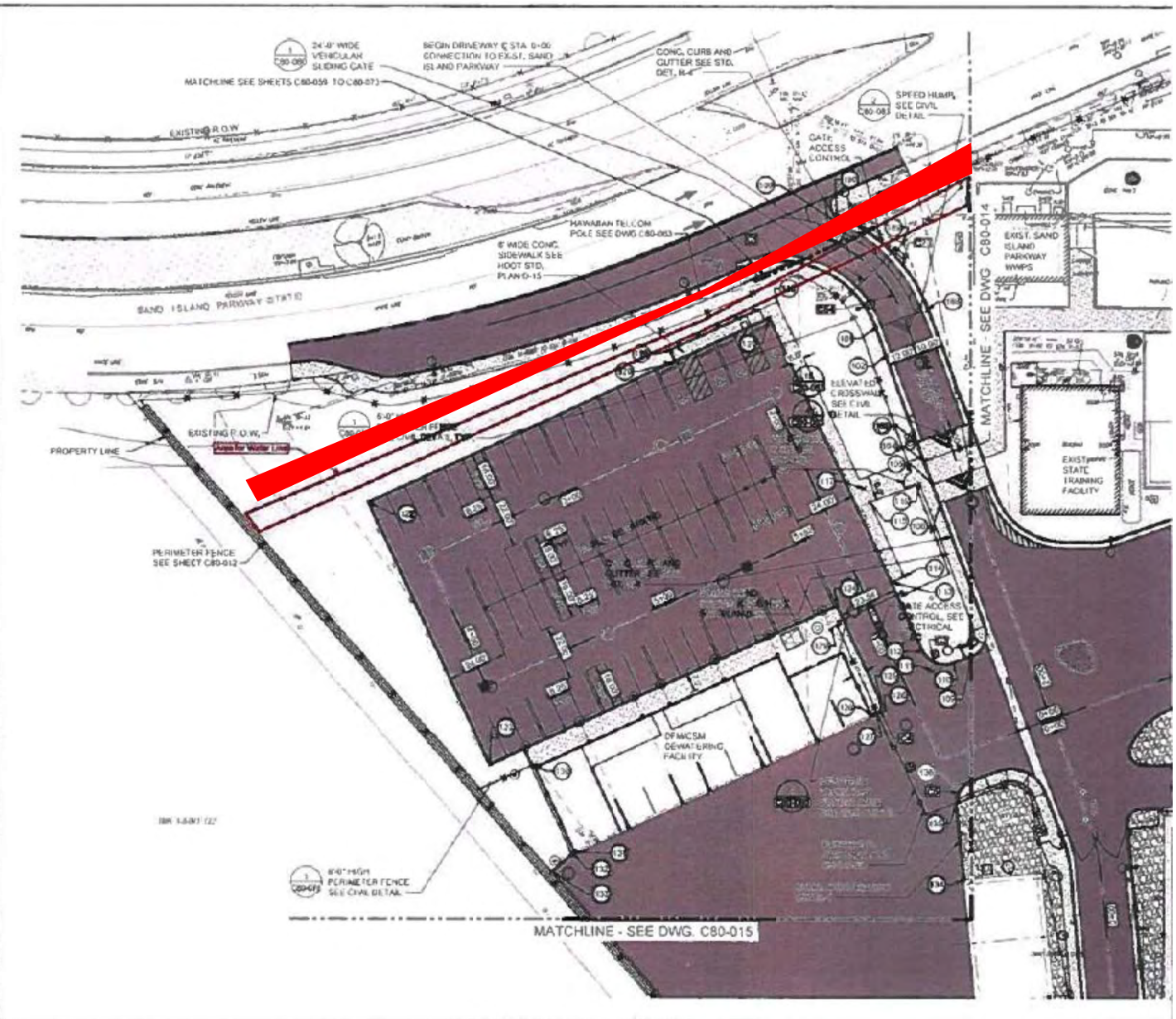
Dawn N.S. Chang, Chairperson





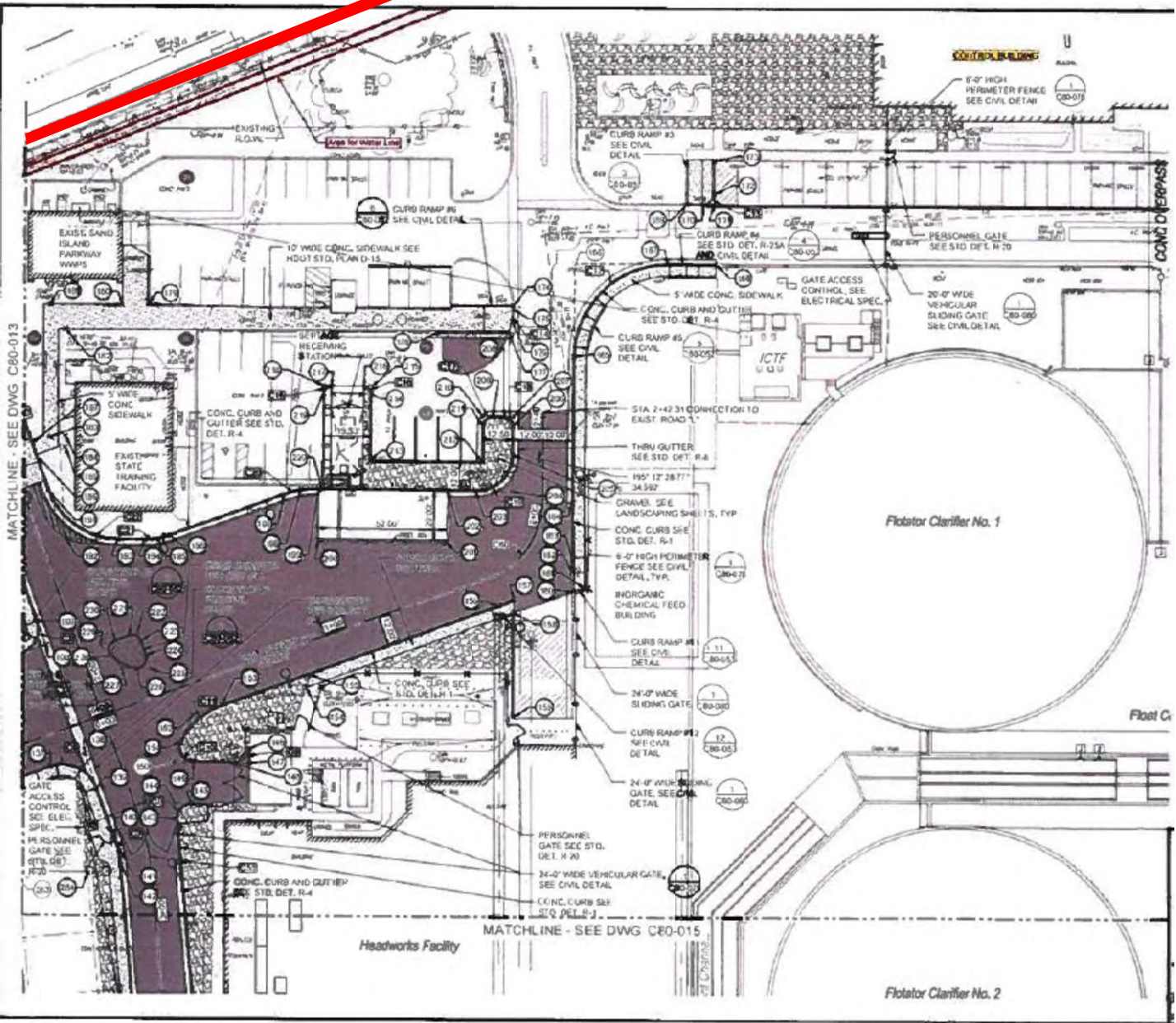
TMK (1) 1-5-041:portion of 005 and portion of 022

Exhibit A-1



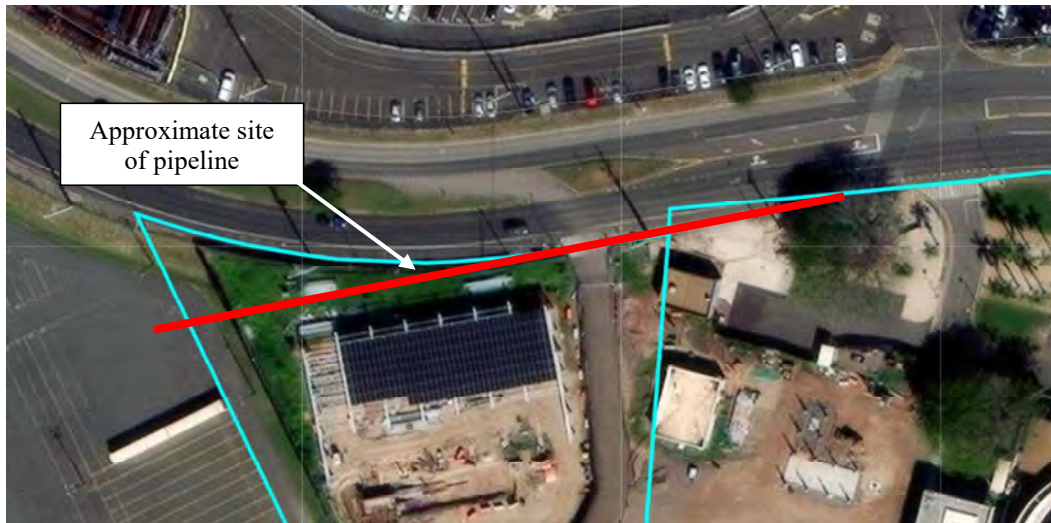
TMK (1) 1-5-041:portion of 022

Exhibit A-2



TMK (1) 1-5-041:portion of 005

Exhibit A-3



TMK: (1) 1-5-041:portion of 005 and 022

Exhibit A-4

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Perpetual Non-Exclusive Easement for Water Pipeline and Construction Right-of-Entry Permit to Department of Transportation, Harbors Division

Project / Reference No.: PSF 25OD-045

Project Location: Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: portions of 005 and portions of 022.

Project Description: Issuance of Perpetual Non-Exclusive Easement for Water Pipeline and Construction Right-of-Entry Permit to Department of Transportation, Harbors Division

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 39, that states the "Creation or termination of easement, covenants, or other rights in structures or land" and 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" and General Exemption Type 4, that states, "Minor alterations in the conditions of land, water, or vegetation." 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.

Cumulative Impact of Planned Successive Actions in the Same Place:

No. The area is not open for public use and has no known flora or fauna that would be affected by cumulative impact of successive action.

Exhibit B

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

Area is an intensive use urban environment with no known sensitive environmental issues.

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.