

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

July 11, 2025

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

Ref No. GL5164

OAHU

Amendment of Grant of Non-Exclusive Easement No. S-5164 to Henry Albert Mohrschladt for Seawall and Loose Rock Wall for Landscaping Purposes; Paumalu, Koolauloa, Oahu, Tax Map Key: (1) 5-9-001: portion of 038.

The purpose of amending the document is to (1) insert a provision allowing the easement to be appurtenant to and inure to the benefit of the private real property identified as Tax Map Key: (1) 5-9-001:026, CPR No. 0002; (2) updating the insurance provision to meet the current requirements.

APPLICANT:

Henry Albert Mohrschladt, unmarried.

LEGAL REFERENCE:

Section 171-6, and 13, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government lands situated at Paumalu, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-9-001: portion of 038,¹ as shown on the attached map labeled **Exhibit A1 – A2**.

AREA:

1,654 square feet, more or less.

¹ There was no reference to any tax map key on the original easement document other than the easement map where the private property, (1) 5-9-001:026, was noted. Upon review, the subject improvement is located within State parcel (1) 5-9-003:038.

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 Grant of Non-Exclusive Easement S-5164 (“GL5164”) to Henry Albert Mohrschladt for Seawall and Loose Rock Wall for Landscaping Purposes.

Encumbered by Governor Executive Order No. 2598 to the City and County of Honolulu for park and related purposes.

CONSIDERATION:

Current rent is \$4,200 payable semi-annually, pursuant to last rental reopening on March 10, 2017.

TERM:

Forty (40) years from March 10, 1987 to March 9, 2027.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The proposed activity is a use of state land triggering environmental review under HRS chapter 343 and HAR chapter 11-200.1. Staff requests a determination of exemption by the Board that the applicant’s proposed activity is a type of action falling within General Exemption Type 1 (*Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.*), **Part 1**, no. 40 Leases of state land involving negligible or no expansion or change of use beyond that previously existing. – from Department of Land and Natural Resources’s exemption list as previously concurred by the Environmental Council on November 10, 2020.

The Part 1 categories of the exemption list do not require preparation of an HAR § 11-200.1-17 exemption notice, per HAR § 11-200.1-16(b), and for this specified activity any environmental impacts are characterized as *de minimis*, with minimal or no significant effects, and no cumulative impacts.

DCCA VERIFICATION:

Not required for individuals.

APPLICANT REQUIREMENTS:

None.

REMARKS:

GL5164 was originally issued to Paul and Catherine Catanzaro, owners of the abutting private property in September 1987. The private property was then converted into a horizontal property regime in 1989, with apartment no. C abutting the shoreline. Henry Albert Mohrschladt purchased apartment C, identified as Tax Map Key: (1) 5-9-001:026, CPR No. 0002 in October 2001 and was assigned GL5164. At its meeting of March 22, 2002, under agenda item D-14, the Board of Land and Natural Resources (“BLNR”) authorized the consent to the assignment of GL5164 to Henry Albert Mohrschladt (“Grantee”). The current language in GL5164 requires prior written consent from the Board in the event of any change of the grantee. The Grantee requests to amend the subject easement by allowing the easement to inure to the benefit of the abutting property, further identified as TMK: (1) 5-9-001:026, CPR No. 0002. The amendment should also include updated insurance provisions for the current standard easement conditions.

Staff is aware of the upcoming expiration of the subject easement. In discussion with the Office of Conservation and Coastal Land (OCCL), a site inspection would be conducted by OCCL in June 2025 before any policy call for the subject encroachment beyond the current expiration date is decided.

RECOMMENDATION: That the Board amend the Grant of Non-Exclusive Easement No. S-5164 as follows:

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. Authorize the amendment of Grant of Non-Exclusive Easement No. S-5164 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 amendment of easement form, as may be amended from time to time;

- b. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 5-9-001:026, CPR No. 0002 provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantor of such transaction in writing, and shall notify Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
- c. Update paragraph 8 of the subject easement terms with the current insurance provision, including the requirement of coverage in an amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate, and naming the State of Hawaii as additional insured;
- d. Review and approval by the Department of the Attorney General; and
- e. Terms and conditions as prescribed by the Chairperson to best serve the interest of the State.

Respectfully Submitted,



Darlene Bryant-Takamatsu, Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson



TMK (1) 5-9-001:038portion

EXHIBIT A1

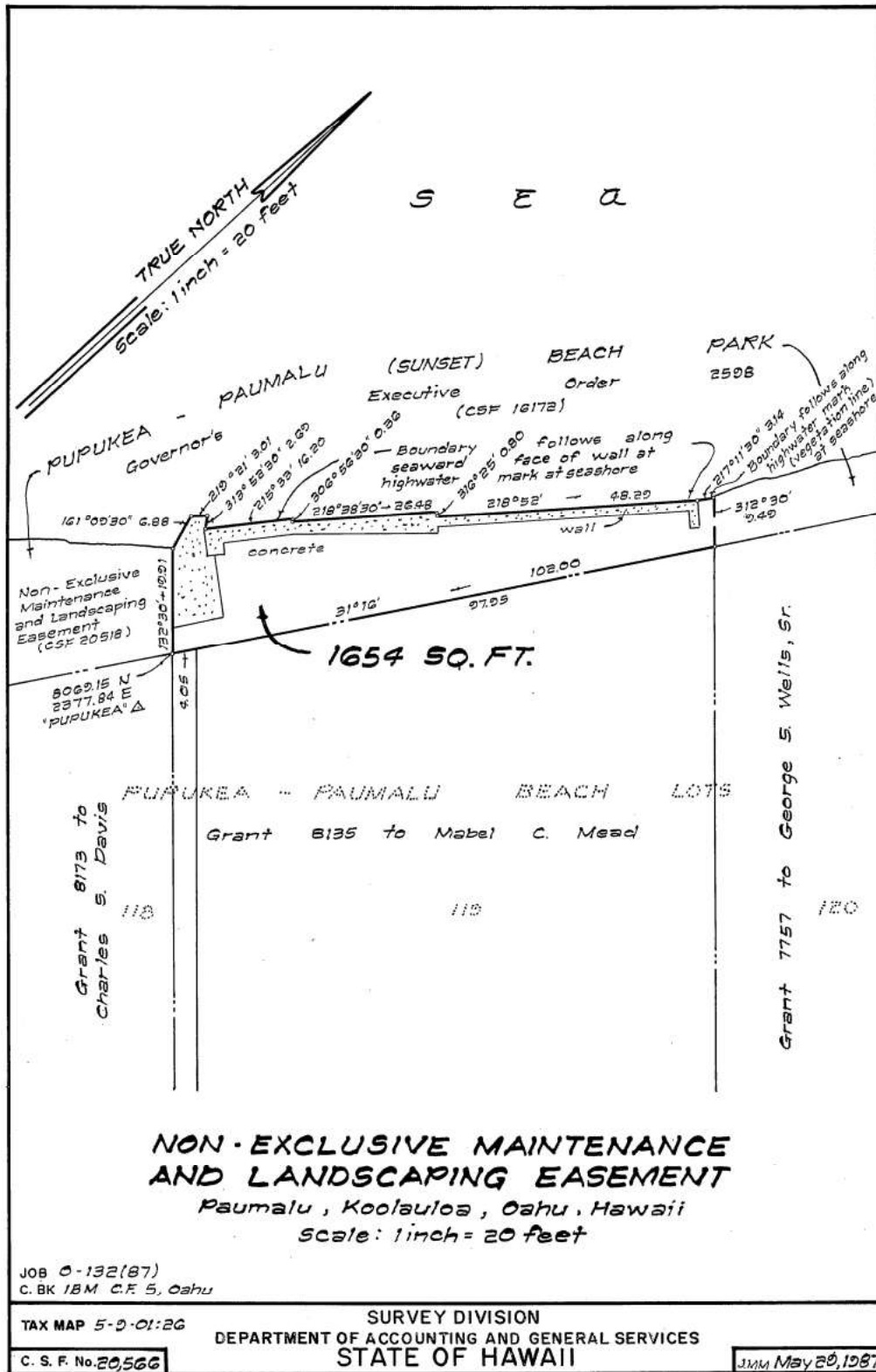


EXHIBIT A2