

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

August 8, 2025

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

PSF No.:25OD-037

Oahu

Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu, Department of Design and Construction for Drainage Purposes and Issuance of a Construction Right-of-Entry, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-010:Portion of 107.

APPLICANT:

City and County of Honolulu, Department of Design and Construction
680 South King Street, 11th Floor
Honolulu, Hawaii 96813

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land of Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-010:Portion of 107, as shown on the attached map labeled Exhibit A.

AREA:

1,397 square feet, more or less.

ZONING:

State Land Use District: Agricultural
City & County of Honolulu LUO: AG-2 General Agriculture

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.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair, replace and remove a concrete swale, grouted rubble paving, and concrete cap along retaining wall for drainage purposes.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 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,*" and Part 1, Item 13 that states, "*Repair and maintenance of existing utilities and drainage systems.*" 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 §11-200.1-16, HAR.

DCCA VERIFICATION:

Not applicable. The Applicant is a government 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 designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

In their request for an easement and right-of-entry, the City and County of Honolulu, Department of Design & Construction ("DDC") indicated that they have plans to construct a new concrete swale, grouted rubble paving, and concrete cap along the existing retaining wall located at Waikupanaha Street, near the intersection with Kumuhau Street. The retaining wall is part of the existing city owned drainage system.

In addition, DDC requested for a construction right-of-entry to so that they may proceed with the construction.

Comments were solicited from the following agencies:

DLNR-Division of Forestry and Wildlife	No response received.
DLNR-Division of Aquatic Resources	No response received.
DLNR-Commission on Water Resources Management	No response received.
Department of Agriculture	Subject area relates to TMK: (1) 4-1-010:107 instead of 104. (<i>reference to parcel has been corrected</i>)
C&C-Board of Water Supply	No objections. No comments.
C&C-Dept of Design & Construction	No response received.
C&C-Dept of Facility Maintenance	No response received.

Such use would result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Applicant has not had a lease, permit, easement or other disposition of State

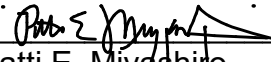
terminated within the last five (5) years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns. Staff recommends issuance of the requested easement and construction right-of-entry for the purpose stated above.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-16, HAR, this project is a de minimis action that 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 to the City and County of Honolulu, Department of Design and Construction covering the requested easement 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. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Subject to the Applicant fulfilling all the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to the City and County of Honolulu, Department of Design and Construction covering the subject area for drainage 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,

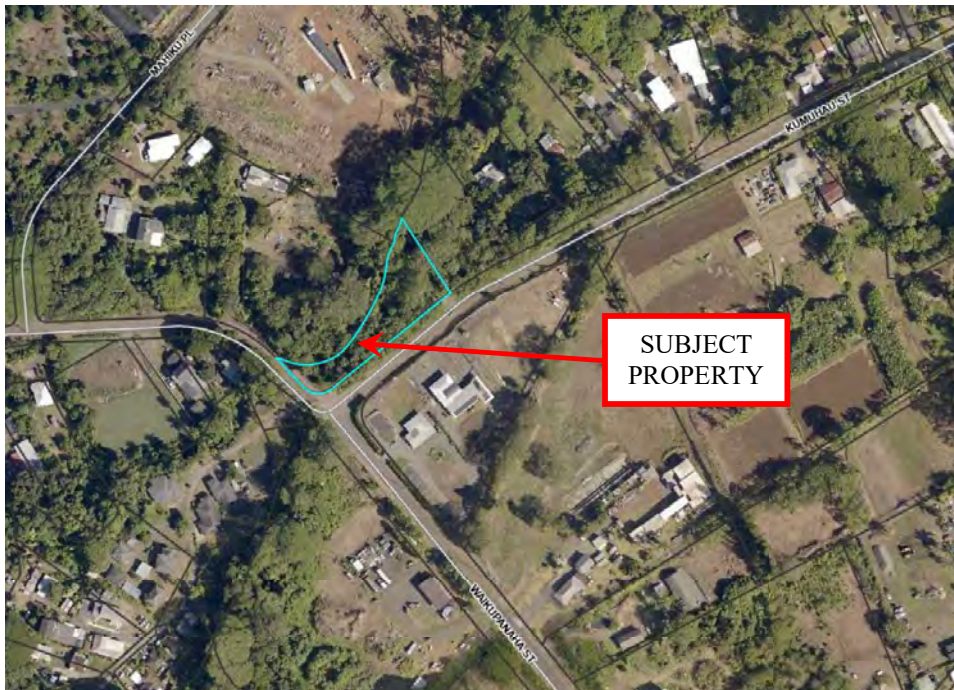


Patti E. Miyashiro
Land Agent

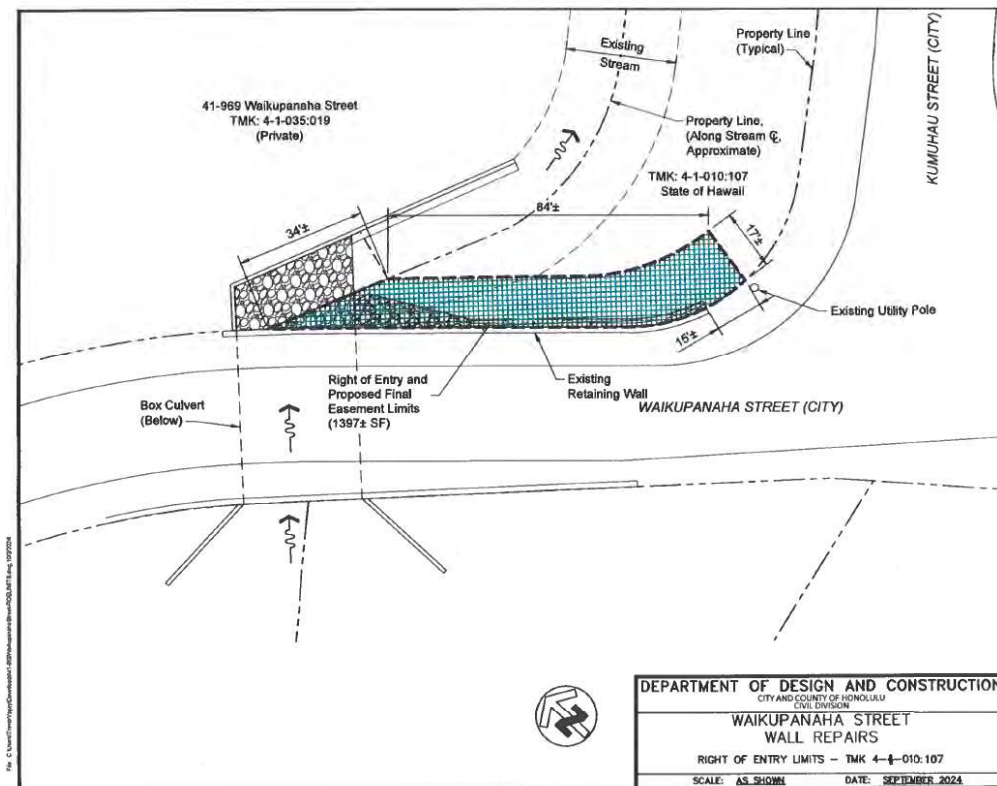
APPROVED FOR SUBMITTAL:



Dawn N. Chang, Chairperson



TAX MAP KEY: (1) 4-1-010:PORTION OF 107



City & County of Honolulu's Project Map



Figure 1: Existing Retaining Wall along Waikupanaha Street



**Figure 2: View of Stream from Waikupanaha - Property line along middle of stream.
State land on right side of photo.**