

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

October 25, 2019

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

PSF No.:06OD-099

Oahu

Authorize the Amendment of Grant of Easement dated February 11, 1975 by Revising the Area and Boundary of the Easement to the City and County of Honolulu for Tunnel and Water Pipelines Purposes, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-014: Portions of 013.

APPLICANT:

City and County of Honolulu, Board of Water Supply

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-014: portions of 013 as shown on the map labeled **Exhibit A**.

ZONING:

State Land Use District: Conservation
 City and County of Honolulu LUO: P-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
 DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

APPLICANT REQUIREMENTS:

None

CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 4177 to Department of Transportation for Kalaniana’ole Highway Improvements Purposes and Kalaniana’ole Highway Improvement Retaining Wall at Makapuu purposes.

CHARACTER OF USE:

To construct, maintain, repair and reconstruct a tunnel and appurtenant cut-slopes and to construct, maintain, operate, repair, remove and replace water pipelines and appurtenances.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Hawaii Administrative Rules (“HAR”) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, “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 Item 46 that states, “Creation or termination of easement, covenants, or other rights in structures or land.” See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Government agency.

BACKGROUND:

The subject perpetual easement was issued to the City and County of Honolulu for tunnel and water pipeline purposes and was recorded at the Bureau of Conveyance in Liber 10454, Page 1 dated February 11, 1975.

During the preparation of the map over the subject parcel for the “Kalaniana’ole Highway Improvements Retaining wall at Makapuu”, which eventually became Executive Order No. 4177, Department of Transportation, Highways Division (“DOT”) conducted an extensive field and boundary survey. Subsequently, Department of Accounting and General Services, Survey Division (“DAGS”) discovered that there are some discrepancies in the records of Kalaniana’ole Highway in the vicinity. To conform to all conditions on the ground, the boundaries of the road parcels were adjusted.

As a result of this adjustment, the area and boundary of subject easement were affected and need to be corrected. DAGS has prepared the revised map and description of the perpetual non-exclusive easement in accordance to the adjustments made by DOT. Information pertinent to the revision is tabulated below with the original and revised maps attached respectively as **Exhibits C-1** and **C-2**.

Easements	A – tunnel and water pipeline	C-1 slope easement	C-2 slope easement
Original	18,714 sf	3,503 sf	3,583 sf
Revised	16,703 sf	2,702 sf	3,583 sf

Staff believes amending the subject easement to record the updated information is prudent. Staff solicited comments from DOT and City and County of Honolulu, Board of Water Supply and both agencies have no objections to the subject request.

RECOMMENDATION: That the Board

- A. 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.

- B. Authorize the amendment of the grant of easement recorded at the Bureau of Conveyance in Liber 10454, Page 1 dated February 11, 1975 between the State of Hawaii and City and County of Honolulu under the terms and conditions cited above, and further subject to the following:
 - 1. The standard terms and conditions of the most current amendment document form, as may be amended from time to time;
 - 2. Review and approval by the Department of the Attorney General; and
 - 3. 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:


Suzanne D. Case, Chairperson



EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Issuance of an Amendment to the Grant of Easement dated February 11, 1975 to the City and County of Honolulu for Tunnel and Water Pipelines Purposes,

Project / Reference No.: PSF 06OD-099

Project Location: Waimanalo, Honolulu, Oahu, Tax Map Key: (1) 4-1-014: por. 013

Project Description: Regarding the photovoltaic system under the proposed financing of the installation.

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

Exemption Class No.: In accordance with Hawaii Administrative Rules (“HAR”) Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, “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 Item 46 that states, “Creation or termination of easement, covenants, or other rights in structures or land.”

Cumulative Impact of Planned Successive Actions in Same Place Significant? No. The request is for housekeeping purposes only after the revised land survey. Staff does not anticipate there are cumulative impact to the environment by the project.

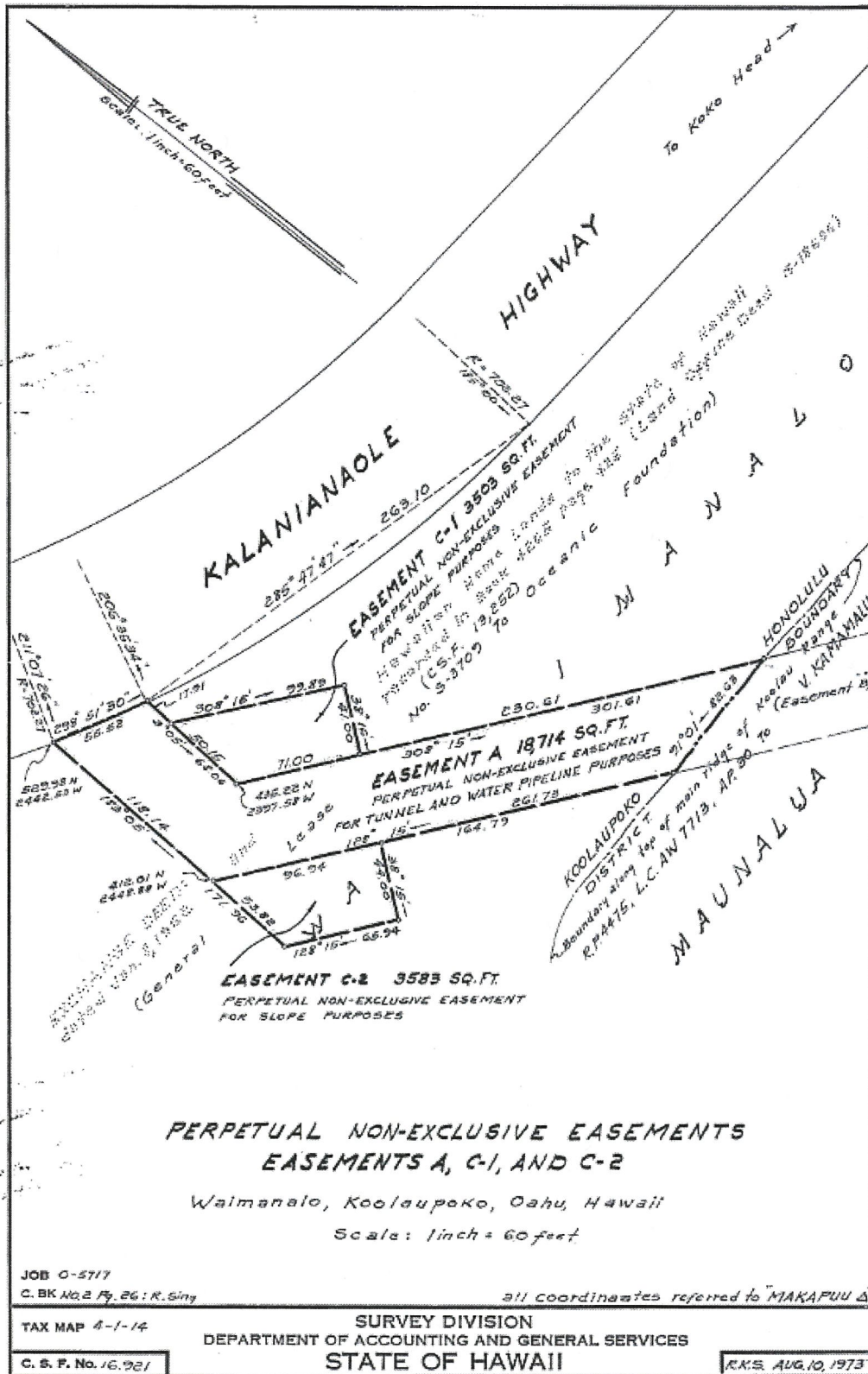
Action May Have Significant Impact on Particularly Sensitive Environment? No. The request is for housekeeping purposes only after the revised land survey. Staff is not aware of any particularly sensitive environments in the vicinity.

Consulted Parties: Agencies as noted in the submittal.

EXHIBIT B

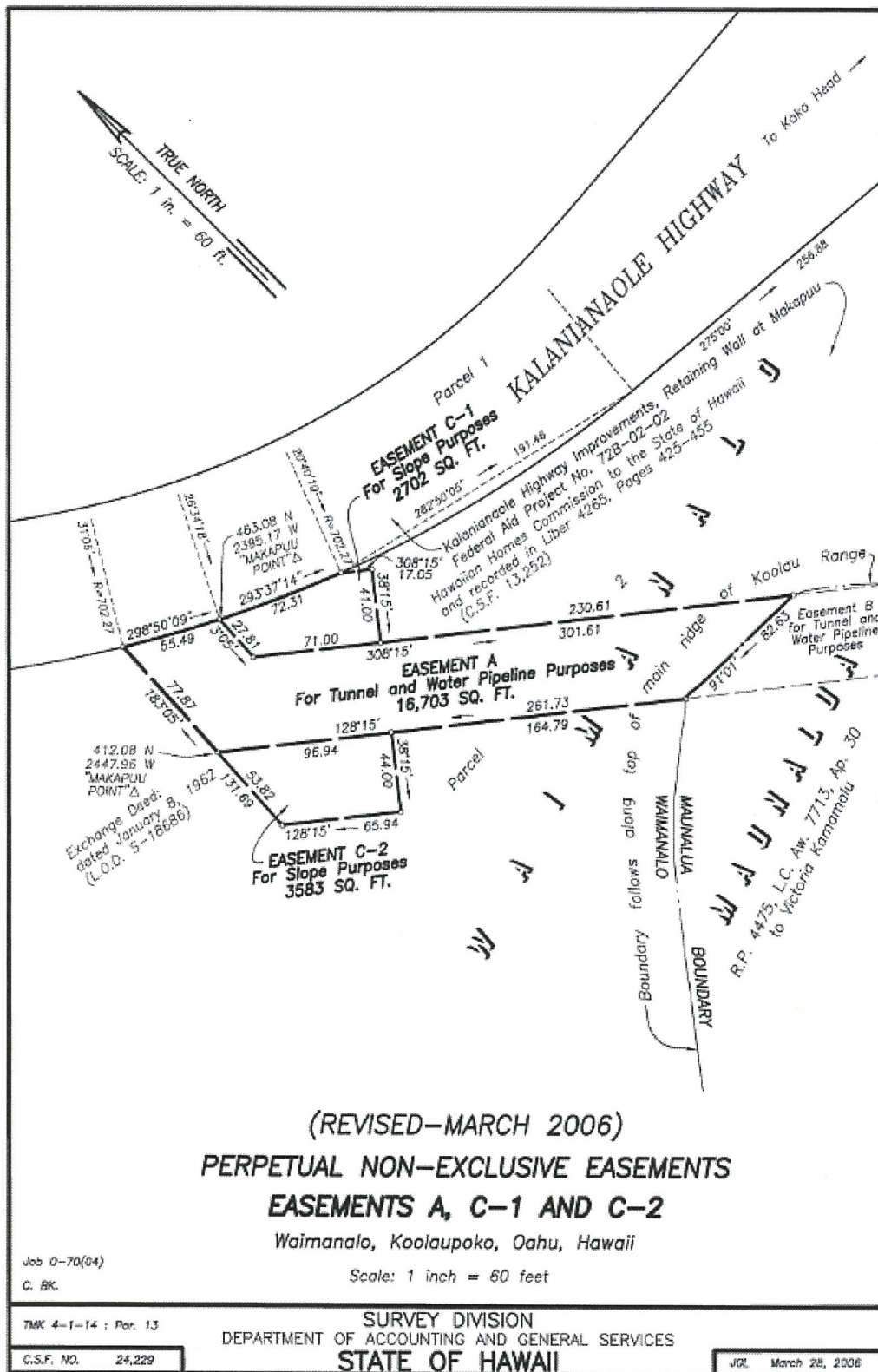
Analysis: Based on the above analysis, staff recommends the Board declare this request be exempted from the preparation of an environmental assessment.

Recommendation: It is recommended that the Board find that 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.



ORIGINAL

EXHIBIT C-1



REVISED

EXHIBIT C-2