

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

July 12, 2013

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

PSF No.: 11OD-047

Oahu

RESUBMITTAL: Withdrawal from Governor’s Executive Order No. 1997; Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Traffic Signal Equipment and Sidewalk Easement; Set Aside to the Department of Land and Natural Resources, Division of State Parks for Baseyard Purposes; Issuance of Management and Construction Right-of-Entry Permits; Diamond Head, Honolulu, Oahu, Tax Map Key: (1) 3-1-042;portions of 006 and 020.

APPLICANTS:

City and County of Honolulu (“City”); and

Department of Land and Natural Resources, Division of State Parks (“DSP”)

LEGAL REFERENCE:

Section 171-11, 55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands situated at Diamond Head, Honolulu, Oahu, Tax Map Key: (1) 3-1-042: portions of 020 and 006, shown on the maps attached as **Exhibits A1, A2 and A3.**

AREA & PURPOSES:

Withdrawal from EO 1997:	2.318 acres
Roadway:	0.162 acre
Baseyard:	2.156 acres
Traffic Signal Equipment Easement:	1,184 square feet
Sidewalk Easement:	To be determined

ZONING:

State Land Use District:                      Urban

City and County of Honolulu LUO: R-5

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 Governor's Executive Order No. 3688, set aside to the Department of Land and Natural Resource, Division of State Parks for Addition to Diamond Head Monument purposes;

Encumbered by Governor's Executive Order No. 1997, set aside to the Department of Defense for Diamond Head Reservation purposes; and

871 square feet is encumbered by perpetual, non-exclusive easement (LOD 28389) in favor of Hawaiian Electric Company, Inc. for underground ductline and transformer purposes.

EASEMENT CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

For the proposed set aside to the DSP, the action is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to DSP's use of the lands, DSP shall be responsible for compliance with Chapter 343, HRS, as amended.

The City's Department of Transportation Services ("DTS") has declared the subject traffic signal equipment and sidewalk improvement project exempt from the preparation of an environmental assessment pursuant to Exemption Item 2 of DTS's Exemption List dated April 17, 1985, which reads, "Installation of street lights; directional, informational, and regulatory signs; pavement marks, traffic signals; freeway surveillance and control system; and fire alarm system." See **Exhibit B**.

APPLICANT REQUIREMENTS: City shall be required to:

- 1) Provide survey maps and descriptions for the roadway and easements as described above, according to State DAGS Survey Division standards.

- 2) Obtain approvals for designating the easements from the City and County of Honolulu, Department of Planning and Permitting.

[Note: Upon approval of today's request and the provision of the above items, staff will work with the DAGS Survey Division regarding the map and description of the base yard area.]

### REMARKS

The City plans to install traffic signal equipment and to make improvements to the intersection of Diamond Head Road and Makapuu Avenue. According to the records maintained by the Land Division, the requested traffic signal equipment and the roadway area are portions of State lands encumbered by Executive Order No. 1997; whereas the sidewalk easement area is encumbered by Executive Order No. 3688.

Staff notes that there was no previous executive order withdrawing the existing roadway from EO 1997. Therefore, staff believes that withdrawing the roadway [from Diamond Head Road up to the boundary of Parcel 20 on Makapuu Avenue] from EO 1997 will be in order, since such roadway should be recognized as a county highway, pursuant to Chapter 264-1, HRS. Further, any request for disposition from the Board over such roadway portion shall not be necessary.

Adjacent to the roadway portion is the baseyard currently used by DSP, with an area of about 2.156 acres. Staff cannot locate any prior documentation for the withdrawal of the DSP's area from EO 1997. Therefore, staff recommends that the Board authorize the withdrawal and re-set aside the 2.156-acre to DSP for baseyard purposes.

Within the proposed DSP set aside area, the City requests an additional area of 1,184 square feet for traffic signal equipment purposes. Further, the work project includes a new sidewalk area located on the makai side of the intersection. The size of the sidewalk area will be determined at a later time. The Division of State Parks has no objections to the subject request.

The Board of Water Supply has no objections to the subject request providing that the issuance of the Governor's Executive Order for the proposed set aside be subject to the existing water tunnel and water pipeline easement. Staff responds that such improvements will be part of the encumbrances of the legal description of the requested areas.

Department of Health, Department of Parks and Recreation, Department of Facility Maintenance, Department of Permit and Planning, and the Office of Hawaiian Affairs have no objections to the subject request.

State Historic Preservation Division, Office of Conservation and Coastal Lands, Commission on Water Resource Management, and the Department of Defense have not responded to the

subject request as of the suspense date of this report.

Staff is unaware of any further pertinent issues or concerns regarding the subject request and has no objections to it.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing the subject area from Governor's Executive Order No. 1997, 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 executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - 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.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside 2.156 acres to the Department of Land and Natural Resources, Division of State Parks under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu covering the subject area for traffic signal equipment and sidewalk easement purposes under the terms and conditions cited above, which are by this reference

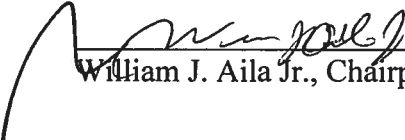
incorporated herein and further subject to the following:

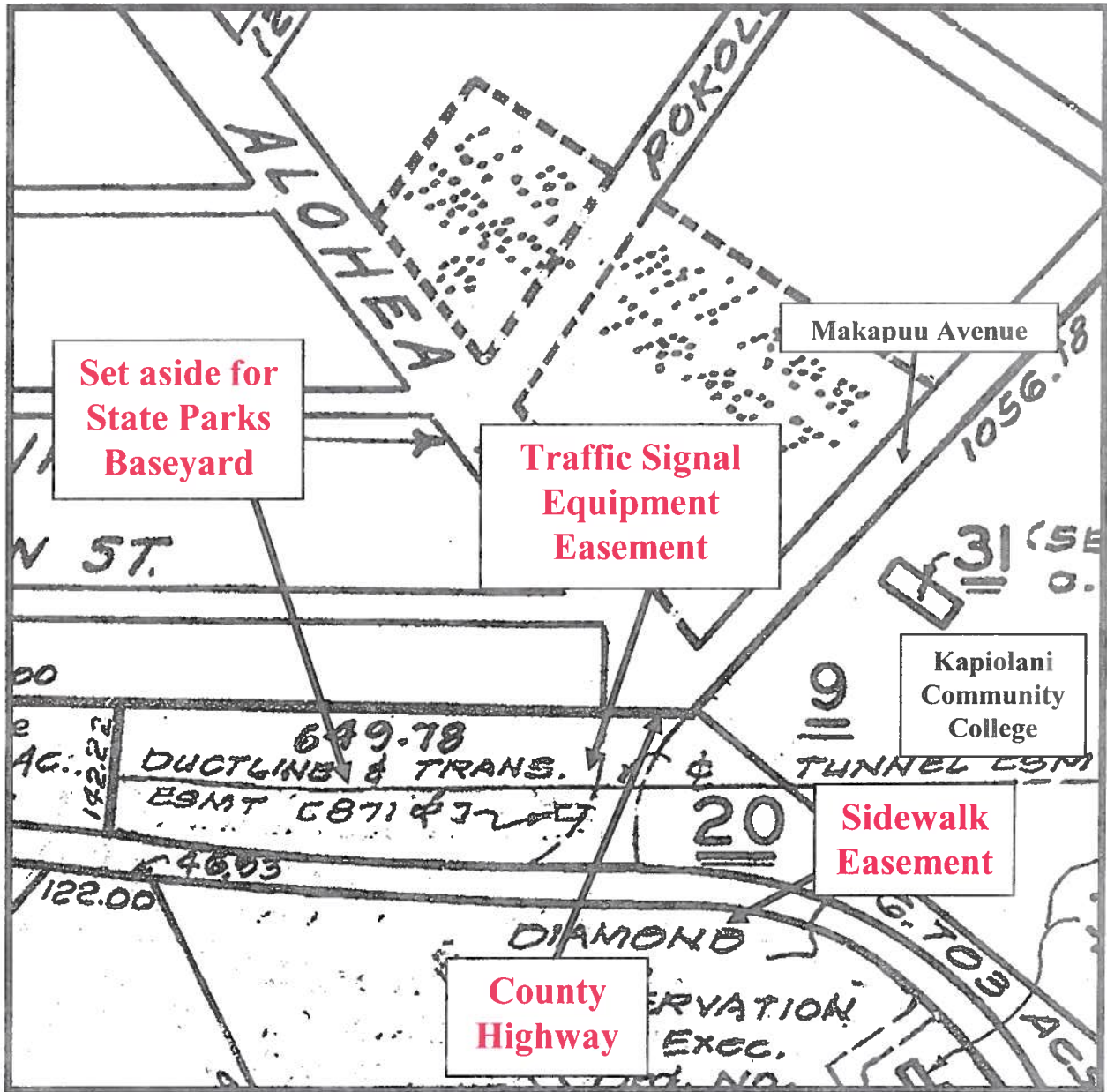
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Issuance of a management right of entry to the Department of Land and Natural Resources, Division of State Parks covering the subject area for baseyard 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 right-of-entry document 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.
5. Issuance of an immediate construction and management right of entry to the City and County of Honolulu covering the subject area for traffic signal equipment and sidewalk 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 right of entry document 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.

Respectfully Submitted,

  
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Timmy Chee  
Land Agent

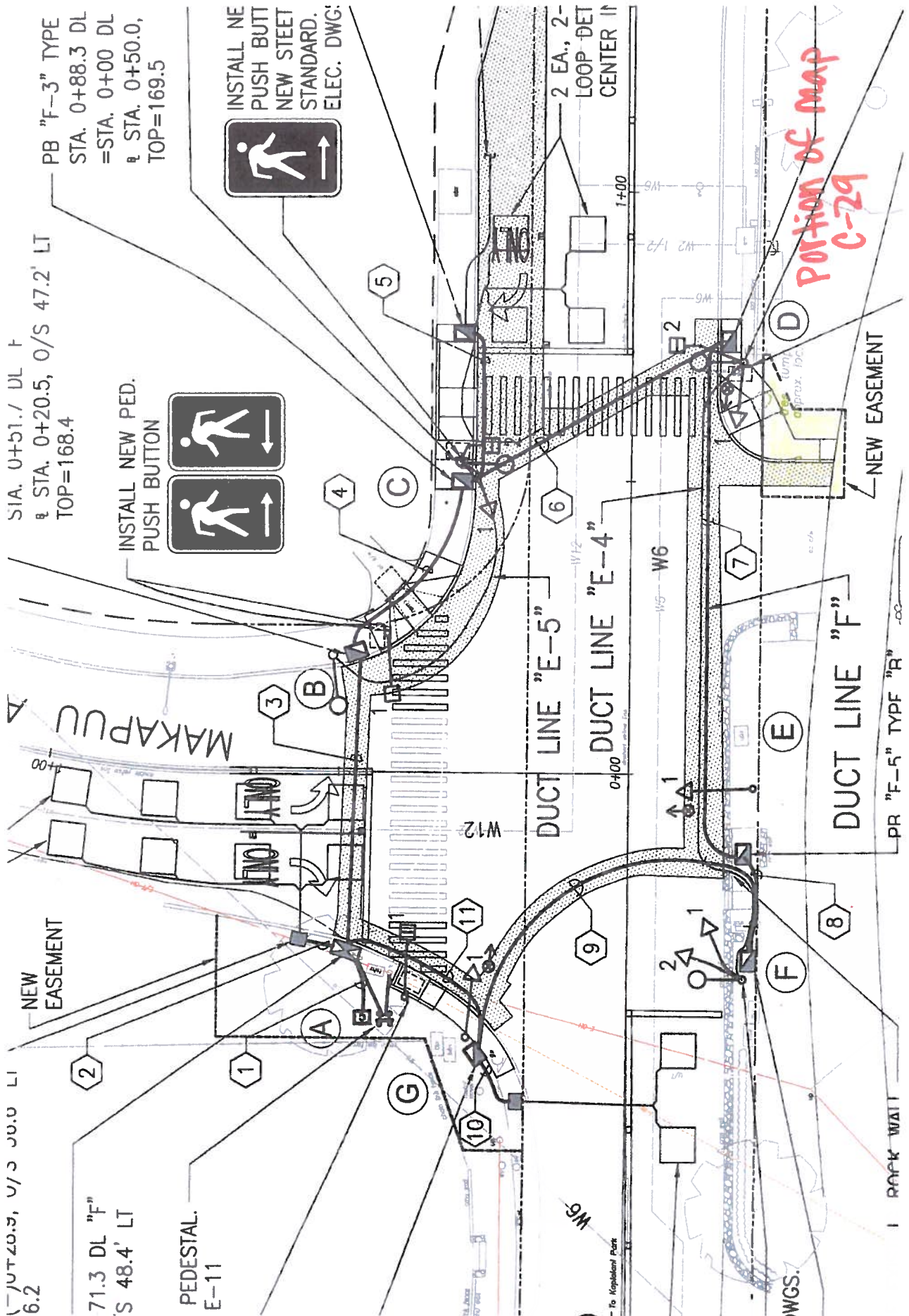
APPROVED FOR SUBMITTAL:

  
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William J. Aila Jr., Chairperson

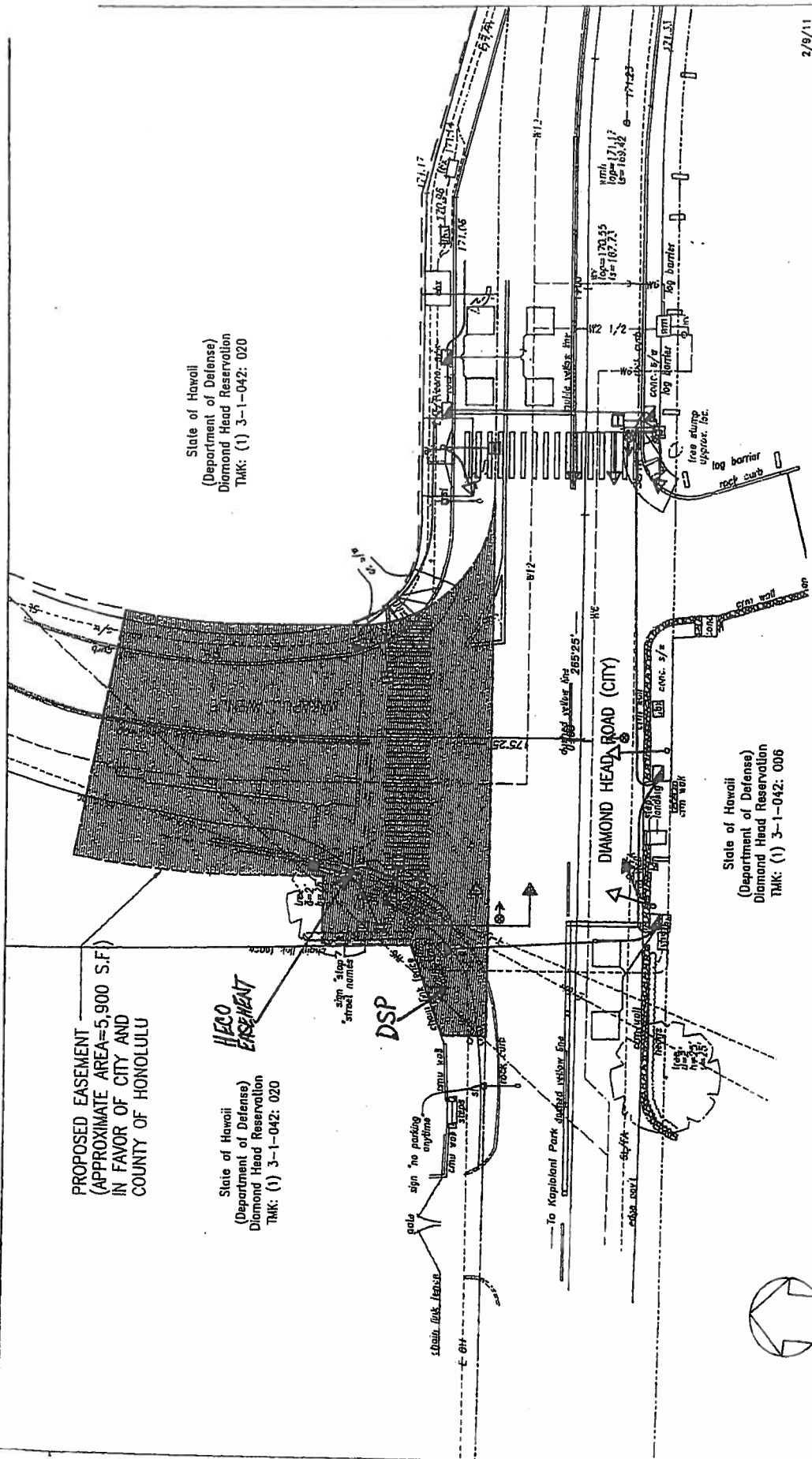


TAX MAP KEY: (1) 3-1-042:PORTIONS of 006 and 020

# EXHIBIT A1



**EXHIBIT A2**



State of Hawaii  
 (Department of Defense)  
 Diamond Head Reservation  
 TMK: (1) 3-1-042: 020

PROPOSED EASEMENT  
 (APPROXIMATE AREA=5,900 S.F.)  
 IN FAVOR OF CITY AND  
 COUNTY OF HONOLULU

State of Hawaii  
 (Department of Defense)  
 Diamond Head Reservation  
 TMK: (1) 3-1-042: 020

State of Hawaii  
 (Department of Defense)  
 Diamond Head Reservation  
 TMK: (1) 3-1-042: 006

NORTH  
 SCALE: 1"=20'

DEPARTMENT OF TRANSPORTATION SERVICES CITY & COUNTY OF HONOLULU  TRAFFIC SIGNALS AT VARIOUS LOCATIONS, PHASE 12B FEDERAL AD PROJ. NO. STP-0001(—)	2/9/11 EXHIBIT  AT&T AUSTIN, TSUBOI & ASSOCIATES, INC. PROFESSIONAL ENGINEERS 1445 KALANIAN'OLAHU AVE., SUITE 1000 HONOLULU, HAWAII 96813  DIAMOND HEAD ROAD/MAKAPUU AVENUE PROPOSED EASEMENT PLAN
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DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL  
MAYOR



MICHAEL D. FORMBY  
DIRECTOR

MARK N. GARRITY, AICP  
DEPUTY DIRECTOR

May 10, 2013

Mr. Russell Y. Tsuji, Land Administrator  
Department of Land and Natural Resources  
State of Hawaii  
1155 Punchbowl Street, Room 220  
Honolulu, Hawaii 96813

Attention: Timmy Chee, Oahu District Land Agent

Dear Mr. Tsuji:

SUBJECT: Traffic Signals at Various Locations, Phase 14  
Declaration of Exemption

Attached is the Memorandum for the Record exempting our project from the preparation of an Environmental Assessment due to categorical exclusions, per your request.

If there are any questions regarding the above, please contact Mr. Warren Yamamoto at 768-3725.

Very truly yours,

  
Michael D. Formby  
Director

Attachment

cc: Greg Fujinaka, DDC

RECEIVED  
LAND DIVISION  
2013 MAY 13 AM 10:00  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

EXHIBIT "B"

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813

Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL  
MAYOR



MICHAEL D. FORMBY  
DIRECTOR

MARK N. GARRITY, AICP  
DEPUTY DIRECTOR

April 31, 2013

MEMORANDUM FOR THE RECORD

FROM: TRAFFIC SIGNALS AND TECHNOLOGY DIVISION  
DEPARTMENT OF TRANSPORTATION SERVICES

SUBJECT: DECLARATION OF EXEMPTION from the preparation of an  
Environmental Assessment under the authority of Chapter  
343, HRS and chapter 11-200, HAR

PROJECT TITLE: TRAFFIC SIGNALS AT VARIOUS LOCATIONS, PHASE 14  
DESIGN

Project Description: The City and County of Honolulu, Department of  
Transportation Services is seeking Federal funds from the Federal Highway  
Administration to construct new and modified traffic signals at seven locations in  
Honolulu, including:

1. New traffic signal at Harding Avenue/Seventh Avenue with an interconnect  
line along Harding Avenue to the existing Harding Avenue/Sixth Avenue traffic  
signal.
2. New traffic signal at Diamond Head Road/Makapuu Avenue with an  
interconnect line along Diamond Head Road and 18th Avenue to the existing  
18th Avenue/Kilauea Avenue traffic signal.
3. New traffic signal at Waipahu Street/Honowai Street with an interconnect  
line along Waipahu Street and Waikele Street to the existing Farrington  
Highway/Waikele Street traffic signal.
4. Replace existing traffic signal standard and mastarm at the Vineyard  
Boulevard/Pau Lane traffic signal due to its poor condition.

5. Modify traffic signal at Waimano Home Road/Moanalua Road/Kuala Street to add a left turn lane and phase on Waimano Home Road mauka bound approach. Add a new traffic signal controller to the adjacent Waimano Home Road/Noelani Street traffic signal which currently shares the traffic signal controller with Moanalua Road/Kuala Street.
6. Modify traffic signal at Pauoa Road/Pacific Heights Road to add a left turn phase on Pacific Heights Road mauka bound approach.
7. New school flashing beacon on Alala Street.

The Diamond Head Road/Makapuu Avenue and Vineyard Boulevard/Pua Lane locations require access over State of Hawaii property.

Project Cost: Total estimated construction cost is \$3,500,000.

Exemption Class Number: 7

Exempt Item number from Agency Exemption List (if applicable): 2

Exempt Item Description from Agency Exemption List (if applicable):  
Installation of street lights; directional, informational, and regulatory signs;  
pavement marks; traffic signals; freeway surveillance and control system; and fire  
alarm systems.

Date Agency Exemption List Approved (if applicable): April 17, 1985

I have considered the potential effects of the above project listed as provided by Chapter 343, HRS and Chapter 1-200 HAR. I declare that this project will probably have minimal or no significant effect on the environment and it's, therefore, exempt from the preparation of an environmental assessment.