

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

December 13, 2013

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

PSF No.: 10OD-190

OAHU

Amend Prior Board Action dated November 22, 2010, Agenda Item D-10; Grant of Perpetual, Non-Exclusive Easement to Board of Water Supply for Water Meter Purposes; Sand Island, Honolulu, Oahu; Tax Map Key (1) 1-5-041:039, 046, 119, 302 And

The Amendment is to Seek Board's Authorization to Replace Board of Water Supply with the City and County of Honolulu as the Applicant for the Subject Request and Other Pending Requests.

**BACKGROUND:**

On November 22, 2010, under agenda item D-10, the Board approved the issuance of a perpetual easement for water meter purposes to Board of Water Supply ("BWS"). A copy of the approved submittal is attached as **Exhibit 1**. On October 9, 2013, BWS requested the City and County of Honolulu be named as the applicant for all pending easement requests, including the subject one, which were formerly under the Board of Water Supply as applicant.

BWS explained that pursuant to Section 7-105 (e) of the Revised Charter of Honolulu, the Board of Water Supply shall "...[h]ave the authority to acquire by eminent domain, purchase, lease or otherwise, in the name of the city, all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the water systems of the city." The requested change of applicant's name will be consistent with the provision in the Charter.

Staff has no objections to the request. For housekeeping purposes, staff recommends the Board authorize same change applicable to other pending requests formerly under the BWS as applicant.

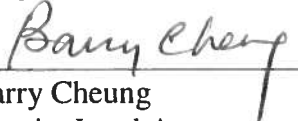
**RECOMMENDATION:** That the Board:

1. Amend its prior action of November 22, 2010, agenda item D-10 by replacing the


Applicant with the City and County of Honolulu;

2. Authorize Recommendation 1 be applicable for other pending request which were formerly under the Board of Water Supply as applicant; and
3. All other terms and conditions in the prior approvals shall remain in full force and effect.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson



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

November 22, 2010

Board of Land and Natural Resources  
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Grant of Perpetual, Non-Exclusive Easement to Board of Water Supply for Water Meter Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:039, 046, 119, 302.

APPLICANT:

Board of Water Supply

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Sand Island, Honolulu, Oahu, identified by Tax Map Key: (1) 1-5-041:039, 046, 119, 302, as shown on the attached map labeled Exhibit A.

AREA:

576 square feet, more or less.

ZONING:

State Land Use District: Urban  
City & County of Honolulu LUO: I-3

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:

(rev. 02/2010)

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
November 22, 2010

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**EXHIBIT "L"**

D-10

Encumbered by General Lease No. S-5261, Sand Island Business Association, Lessee, for improvement and management of Sand Island Industrial Park purposes. Lease to expire on June 30, 2047.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 that states "Construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to : ... (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; ...", and Exemption Class No. 4 that states " Minor alteration in the conditions of land, water or vegetation." A copy of the environment assessment exemption notification is prepared at Exhibit B.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

None. Survey map and description provided.

REMARKS:

Under the development of the Sand Island Industrial Park, installation of utilities is completed on the premises. The subject request involves two water meter easements in favor of the Board of Water Supply (BWS). Approval was obtained from the Department of Planning and Permitting, City and County of Honolulu in 1995 designating the easements.

During a recent process for water supply for one of the sublessees at the subject location, representative of the Sand Island Business Association (Lessee) and BWS noted that the subject easements was never finalized, and both parties want to conclude the request as soon as possible.

Staff did not solicit comments from other agencies other than the Lessee and BWS as it is for housekeeping purpose only.

There are no other pertinent issues or concerns, and staff has no objection to the request.


**RECOMMENDATION:** That the Board:

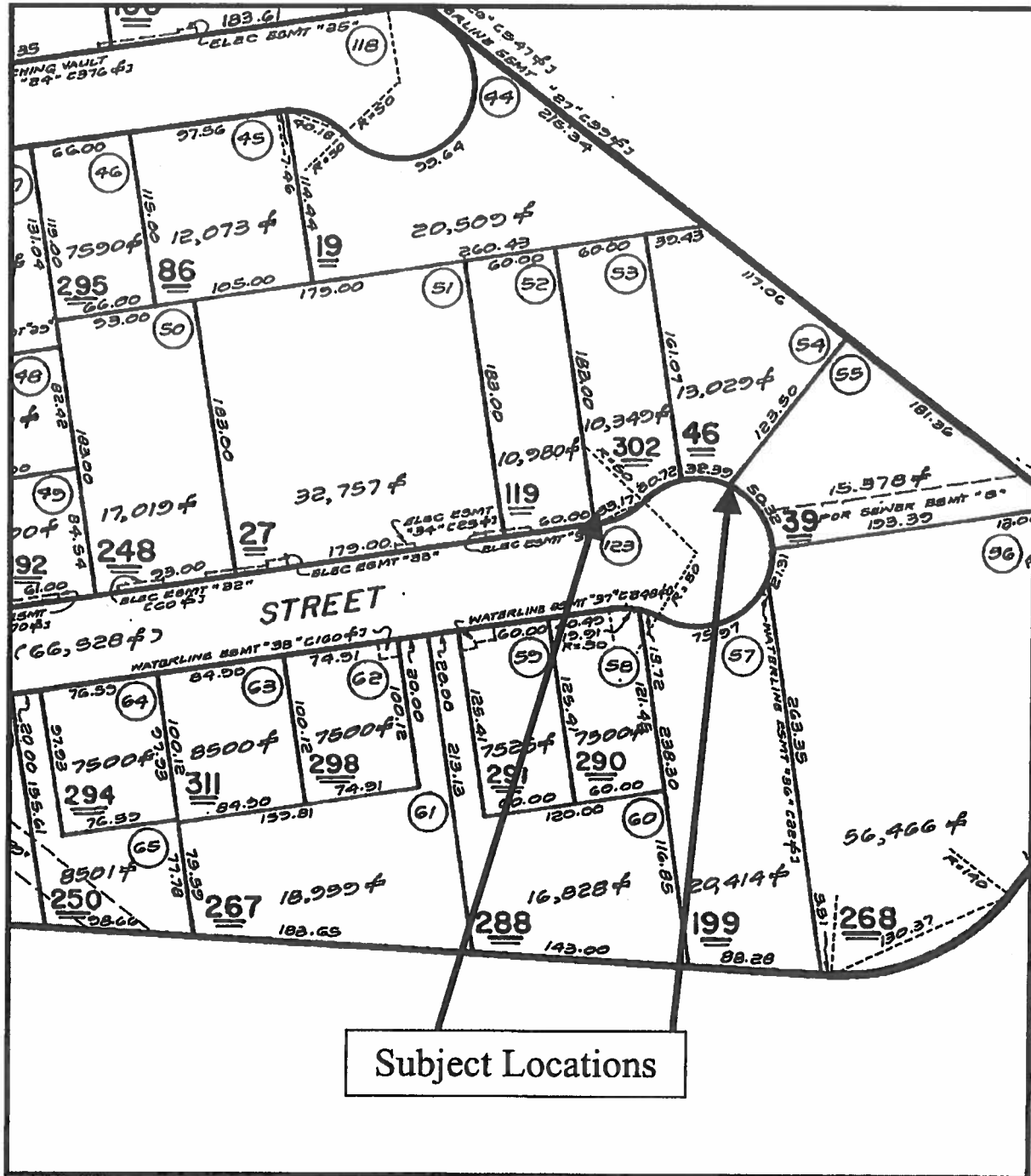
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a perpetual non-exclusive easement to Board of water Supply covering the subject area for water meter 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,

  
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Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Chairperson



TMK (1) 1-5-041:039, 046, 119, 302

# EXHIBIT A

LINDA LINGLE  
GOVERNOR OF HAWAII



LAURA H. THOLEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 22, 2010

## EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Perpetual, Non-Exclusive Water Meter Easement to the Board of Water Supply

Project / Reference No.: PSF 10od-190

Project Location: Sand Island, Honolulu, Oahu, TMK (1) 1-5-041:039, 046, 119, 302

Project Description: Issuance of perpetual, non-exclusive water meter easement to the Board of Water Supply

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

Exemption Class No.: In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 that states "Construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to : ... (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; ...", and Exemption Class No. 4 that states " Minor alteration in the conditions of land, water or vegetation."

The request is to provide the adjacent industrial lots with water supply with the installation of the water meter. Subdivision was approved by the Department of Planning and Permitting in 1995. The subject easement request only relates to about 576 square feet and the use of the land for water meter does not result in any known significant impacts, whether immediate or cumulative, to

**EXHIBIT B**

the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible alteration in the conditions of land, water, or vegetation at the subject location.

Consulted Parties                      Not applicable

Exemption Item Description  
from Agency Exemption List: Not applicable

Recommendation:                      It is recommend that 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.

\_\_\_\_\_  
Laura H. Thielen, Chairperson

\_\_\_\_\_  
Date