

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

April 12, 2013

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

PSF 12OD-177

OAHU

Grant of Perpetual, Non-Exclusive Easement and Issuance of Construction and Management Right-of-Entry to Department of Transportation for Navigation Lighting Purposes, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:006 portion.

APPLICANT:

Department of Transportation, Harbors Division

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003:006 portion, as shown on the attached maps labeled **Exhibit A1** and **A2**.

AREA:

To be determined.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: P-2

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:

Encumbered by Governor's Executive Order No. 1561 setting aside to the City and County of Honolulu for park purposes.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(2) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, that states "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.", as explained in **Exhibit B**.

DCCA VERIFICATION:

Not applicable. 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. At Applicant's own cost, process and obtain approval from the City & County of Honolulu regarding the designation of easement.

REMARKS:

Department of Transportation, Harbors Division (“DOT”) maintains two range lights at the Kechi Lagoon Beach Park for navigational safety. Nevertheless, neither DOT nor the City and County of Honolulu is aware of the exact date of construction of the lights, and there is no record of any land disposition processed for the lights. Lately, the deteriorating condition of the lights requires replacement of the facilities to continue providing the navigational safety for vessels coming into the Honolulu Harbor. Design drawing for the lights is attached as **Exhibit C**. The project does not involve any additional area than the existing footprint and solar energy will be used to power the lights.

Staff believes a perpetual, non-exclusive easement to DOT is the appropriate form of land dispositions for the lights. DOT also requests an immediate construction and management right-of-entry from the Board, which will allow the contractor hired by DOT to commence the replacement project. DOT advises the staff that, upon approval of today’s request, it will procure the service of a land surveyor to provide the map and legal description of the subject area as required in the Applicant Requirement mentioned above.

Department of Health, Department of Transportation, Airports Division, and Division of Aquatic Resources have no comments/objections to the request. At the time of writing this submittal, Division of Forestry and Wildlife, Department of Planning and Permitting, Department of Parks and Recreation, Department of Facility Maintenance, Board of Water Supply, Office of Hawaiian Affairs, and US Department of Fish and Wildlife have not responded. The due date for the requested response falls on April 1, 2013.

Applicant wants to expedite the approval process so it can start the actual construction. Staff will bring any additional comments/objections, if any, received prior to the Board date for the Board’s consideration.

Further, written concurrences from the Governor will be sought prior to issuance of the easement.

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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Department of Transportation covering the subject area for navigation lighting purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

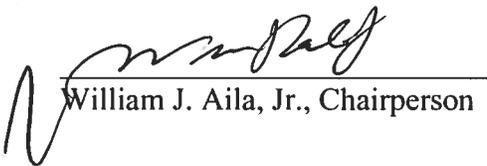
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of immediate construction and management right-of-entry permit to Department of Transportation 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 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,

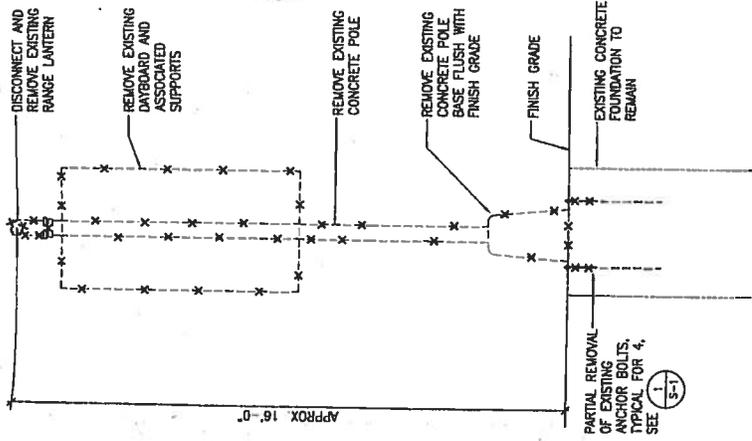


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



2 EXISTING FORWARD RANGE LIGHT DEMOLITION DETAIL
E-2 NOT TO SCALE

STATE OF HAWAII	DATE	DESCRIPTION	BY	CHK
DEPARTMENT OF TRANSPORTATION				
HARBORS DIVISION				
AS BUILT		REPAIR RANGE LIGHTS AT KEEHI LAGOON		
		BARGE CHANNEL		
		MARKETPLACE LEVEL 19800		
		ELECTRICAL SITE PLAN AND DEMOLITION DETAILS		

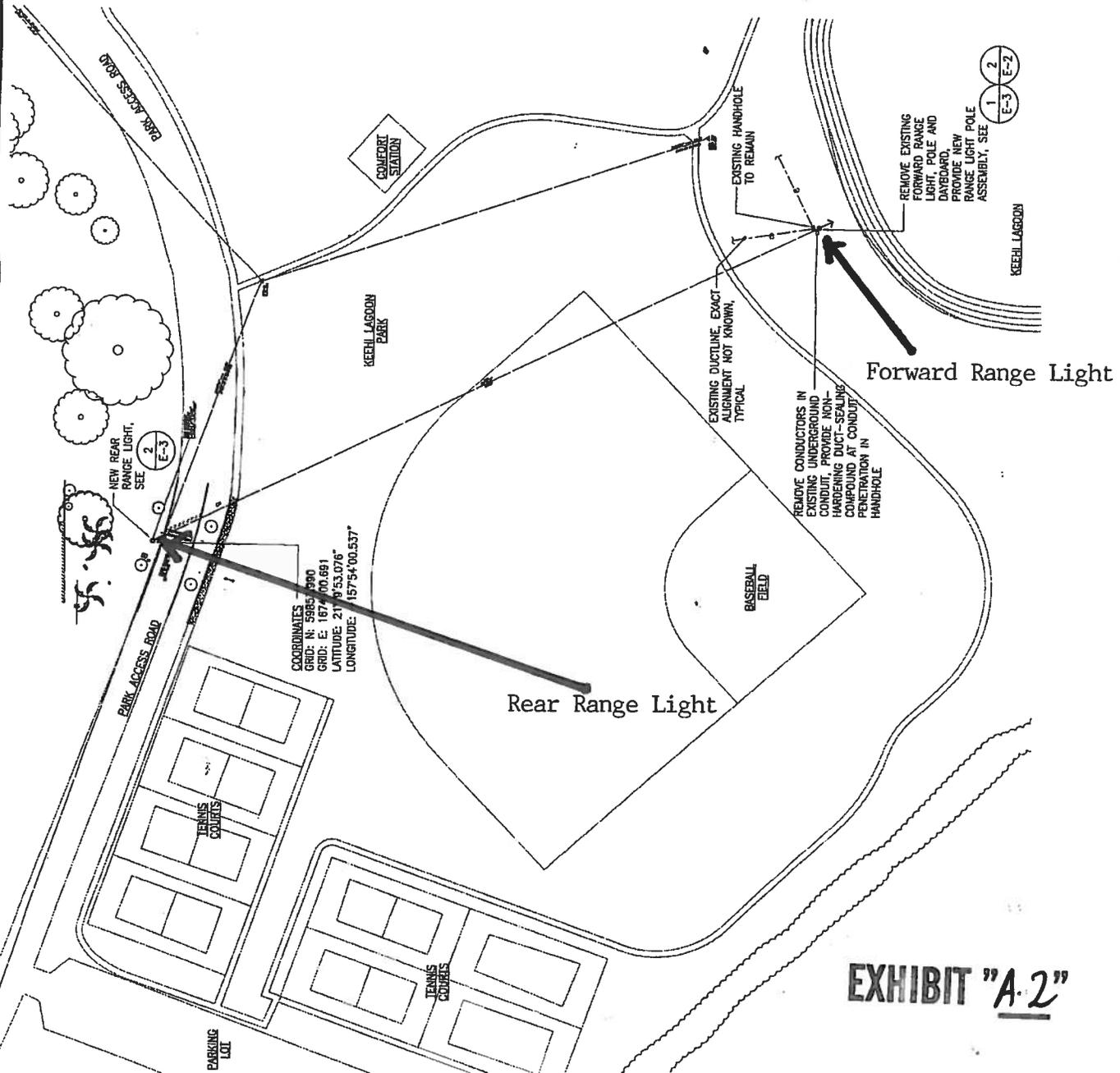


EXHIBIT "A.2"

EXEMPTION NOTIFICATION

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

Project Title: Easement to the Department of Transportation
Project / Reference No.: PSF 12OD-177
Project Location: Honolulu, Oahu, Tax Map Key (1) 1-1-003:006 portion
Project Description: Replacement of Navigation Lighting
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, that states "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Department of Transportation intends to replace two existing lights at the subject location for navigation safety. Department of Transportation and the City and County of Honolulu, who has management jurisdiction over the beach park area pursuant to the Governor's Executive Order No. 1561 are not aware of the exact date of the original placing of the subject lights. The project does not involve any additional area than the existing footprint. Therefore, staff believes the proposed project would involve negligible or no expansion or change in use beyond that previously existing, and no alteration in the conditions of land, water, or vegetation.

Consulted Parties Not Applicable

Recommendation: 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.



William J. Aila Jr., Chairperson

Date

EXHIBIT B

