

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

June 22, 2012

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

PSF No.: 12HD-070

HAWAII

Grant of Term, Non-Exclusive Easement to the United States Department of Transportation, Federal Aviation Administration for Utility and Airspace Purposes For Its Doppler VORTAC Facility, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/ 2-1-013: portion of 002.

APPLICANT:

United States Department of Transportation, Federal Aviation Administration (FAA).

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Key: (3) 2-1-013: portion of 002, as shown on the attached map labeled Exhibit A.

EASEMENT AREA:

Utility Easement: 0.1585 acres (6,905 square feet), more or less.

Airspace Easement: 54.365 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO x

CURRENT USE STATUS:

Encumbered under General Lease No. S-5982, FAA, Lessee, for Radar Site and Clear Zone Area purposes. Lease expires on December 31, 2075.

Encumbered under Revocable Permit No. S-4171 to the County of Hawaii for public skeet shooting range purposes.

Encumbered by Land License No. S-357 to Yamada & Sons, Inc. for Quarry purposes.

CHARACTER OF USE:

For utility and airspace clear zone:

Right, privilege and authority to use and maintain airspace clear zone and to construct, use, maintain, repair, replace and remove telecommunication/electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

EASEMENT TERM:

Fifty-five (55) years.

ANNUAL RENT:

Not applicable, easement will be issued at gratis.

RENTAL REOPENINGS:

Not applicable, easement will be issued at gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit D**.

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. 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."

DCCA VERIFICATION:

Not applicable. The Applicant as a federal government agency is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

Governor's Executive Order No. 1271, dated November 10, 1948, was issued to the Federal Aviation Administration (formerly known as the Civil Aeronautics Administration), for Range Site and Access Road purposes. The Range Site is a Very High Frequency Omni-directional Range Tactical Air Navigation (VORTAC) Facility. The subject site consists of 4.645 acres and is situated at Waiakea, South Hilo, Hawaii, identified as Tax Map Key: (3) 2-1-013:009.

On September 2, 1958, Governor's Executive Order No. 1858, consisting of 0.183 acres (799s.f.) was issued to the Federal Aviation Administration for addition to the Range Site.

Over the years since the Range Site was acquired, periodic clearing of trees has been conducted to minimize the obstruction/interference caused by overgrown trees within a thousand foot radius of the tower site. The overgrown trees if too tall, would interfere with the needed 360° signals to and from the aircraft on approach to the Hilo Airport.

On September 13, 1996, prior to conducting one of its planned tree maintenance projects, Francis Benevides, FAA, contacted the Hawaii District Land Office to inform that there have been Hawaiian Bat sightings within the 1,000 foot radius of the tower site, at nights. The Division of Forestry and Wildlife (DOFAW) was notified and a biological survey of

the area was conducted. The DOFAW survey findings indicated that there was no Hawaiian Bat habitat in the area, and that the bats were just traversing the area at the time. As a result, it was determined that no Hawaiian Bats or Bat Habitats were being threatened.

By letter dated January 10, 2012, Darice B.N. Young, Realty Contracting Officer, Federal Aviation Administration, requested a utility and airspace clear zone easement for the Hilo VORTAC Site. The utility easement, consisting of approximately 0.1585 acres (6,905 square feet), is to legalize the existing underground and overhead electrical and telephone lines that traverse the subject property. The telephone and electrical lines were constructed soon after the radar site was acquired, however, at that time; it was thought that an easement was not necessary. The existing utility lines are for the most part within the access roadway. The majority of the utility lines is overhead, but go underground for the last 1,000 feet of the VORTAC Site. **(Exhibit B)** The airspace clear zone easement is a restricted airspace area, consisting of 54.365 acres, which extends in a 1,000-foot radius from the VORTAC antenna. **(Exhibit C)**

FAA Has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

On 5/14/12, various governmental agencies and interest groups were solicited for comments. To date, the only respondent was the County Planning Department, which had no objections 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of two (2) term, non-exclusive easements to the Federal Aviation Administration covering the subject area for utility and airspace clear zone 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 utility and airspace clear zone 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. Grant an Immediate Management and Construction Right-of-Entry to FAA, its contractors, consultants, and/or persons acting for or on its behalf, subject to the following terms and conditions:
- A. The standard terms and conditions of the most current management and construction right-of-entry document form, as may be amended from time to time;
 - B. This right-of-entry is effective upon Land Board approval and shall terminate upon issuance of the grant of easement document;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

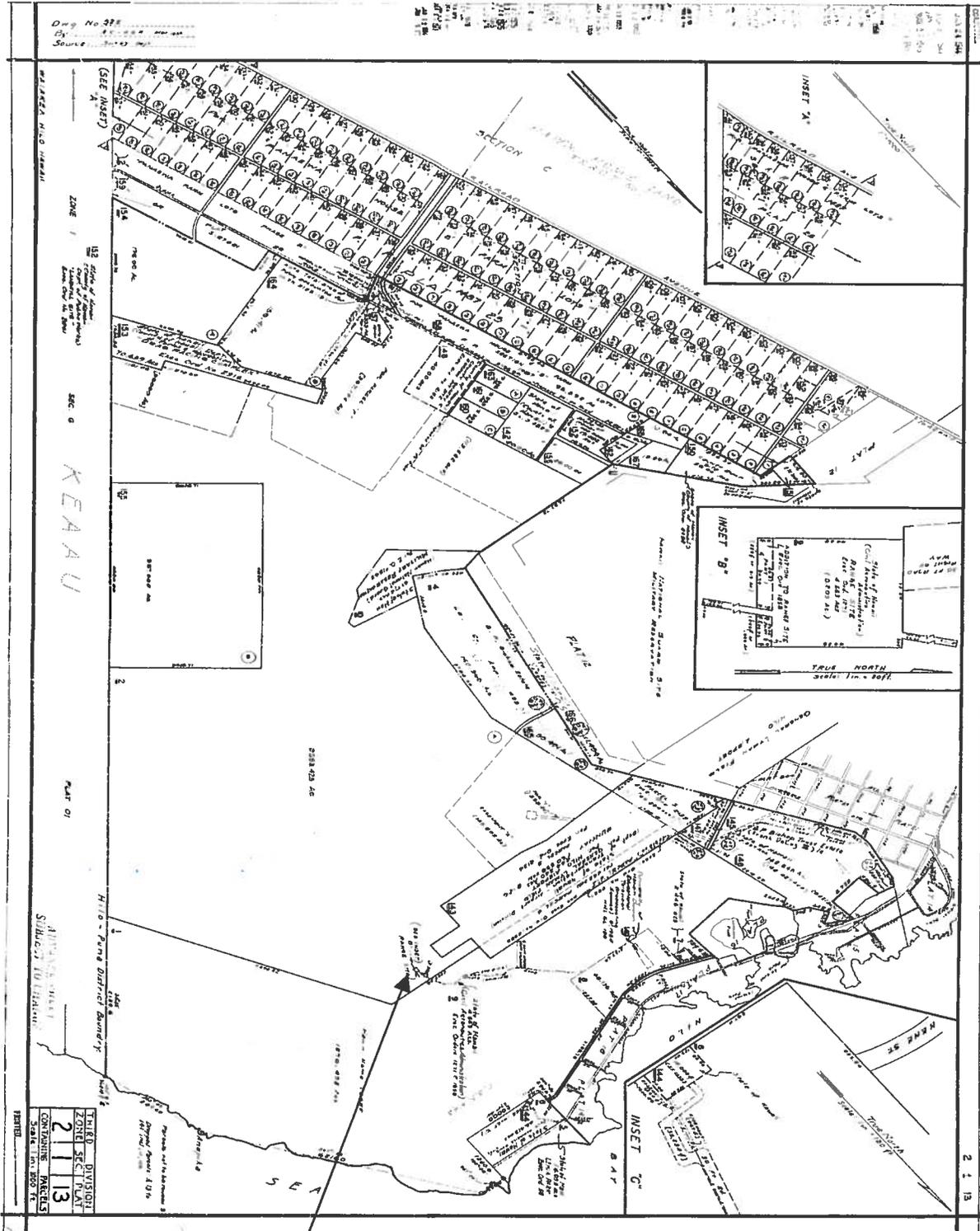


Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:

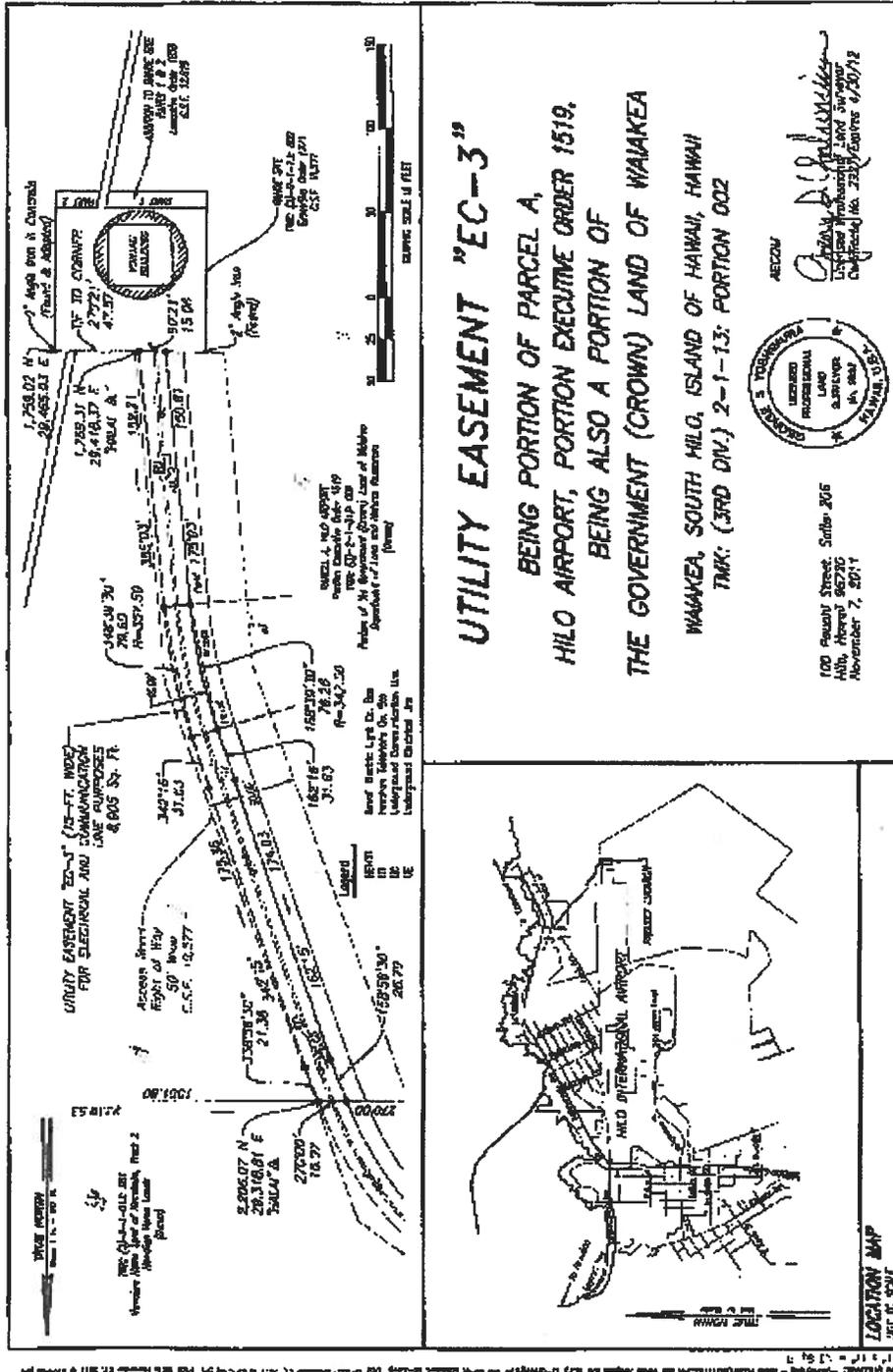


William J. Aila, Jr., Chairperson



Subject

EXHIBIT A



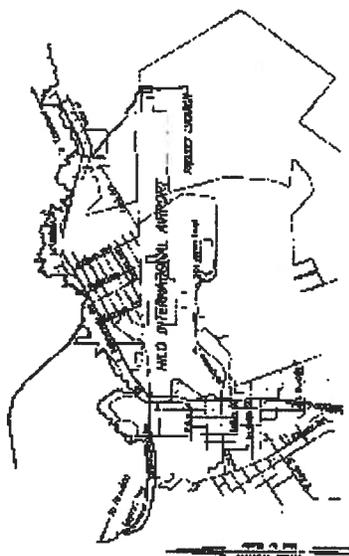
UTILITY EASEMENT "EC-3"
 BEING PORTION OF PARCEL A,
 HILO AIRPORT, PORTION EXECUTIVE ORDER 1519,
 BEING ALSO A PORTION OF
 THE GOVERNMENT (CROWN) LAND OF WAIAKEA
 WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII
 TMK: (3RD DIV.) 2-1-13: PORTION 002



100 Peacock Street, Suite 206
 Aiea, Hawaii 96720
 November 7, 2011

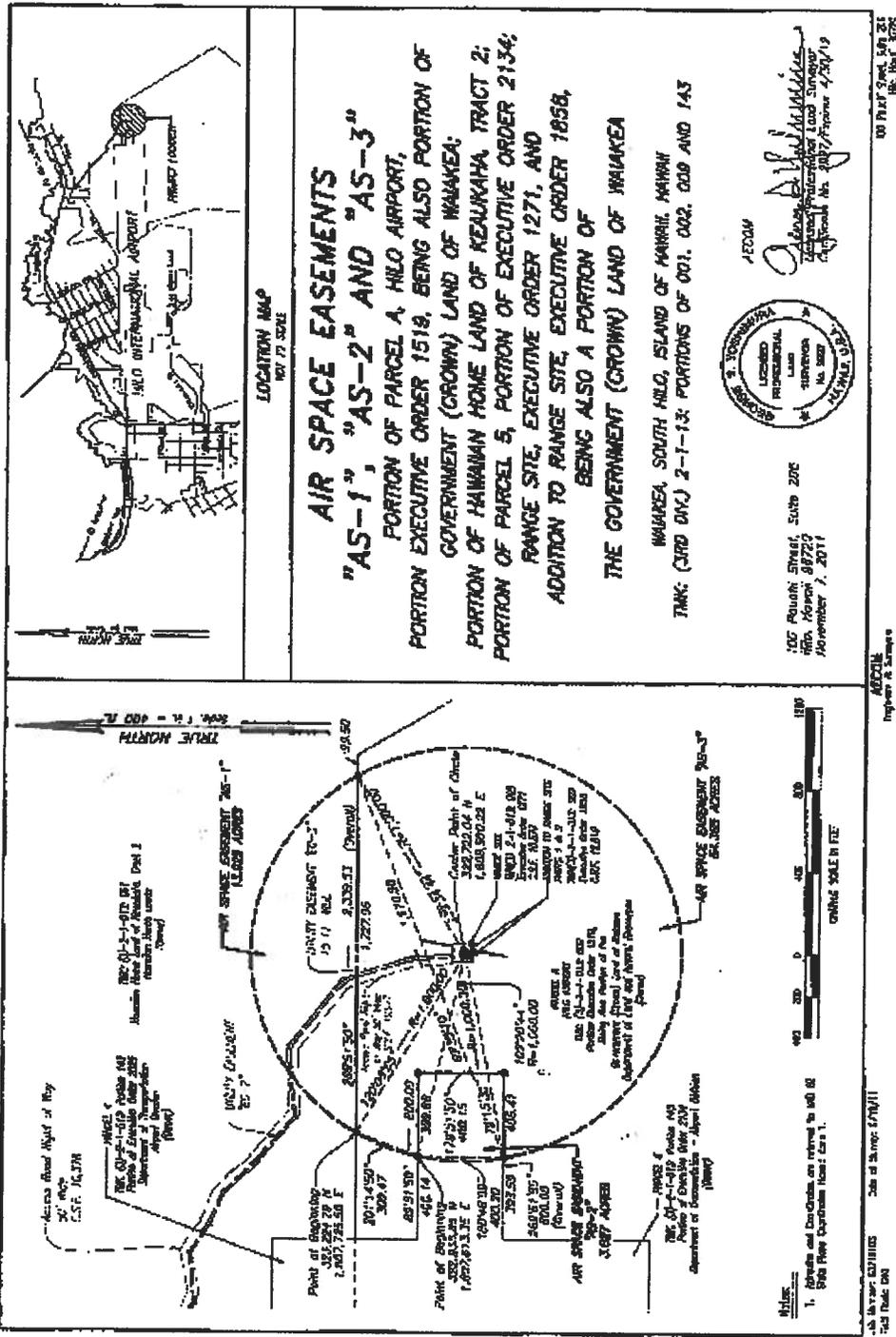
100 Peacock Street, Suite 206
 Aiea, Hawaii 96720

By: [Signature]
 Engineer & Surveyor



LOCATION MAP
 1:50,000 SCALE
 1:50,000 SCALE
 1:50,000 SCALE

EXHIBIT B



AIR SPACE EASEMENTS
"AS-1", "AS-2" AND "AS-3"
 PORTION OF PARCEL A, HILO AIRPORT,
 EXECUTIVE ORDER 1518, BEING ALSO PORTION OF
 GOVERNMENT (CROWN) LAND OF WAIKAEA;
 PORTION OF HAWAIIAN HOME LAND OF KEAUKAHA, TRACT 2;
 PORTION OF PARCEL 5, PORTION OF EXECUTIVE ORDER 2134;
 RANGE SITE, EXECUTIVE ORDER 1271, AND
 ADDITION TO RANGE SITE, EXECUTIVE ORDER 1858,
 BEING ALSO A PORTION OF
 THE GOVERNMENT (CROWN) LAND OF WAIKAEA

WAIKAEA, SOUTH HILO, ISLAND OF HAWAII, MAHUI
 TRACT (3RD DIV.) 2-1-1-13: PORTIONS OF 001, 002, 008 AND 143



105 Pouni Street, Suite 202
 Hilo, Hawaii 96720
 November 7, 2011

105 Pouni Street, Suite 202
 Hilo, Hawaii 96720

EXHIBIT C

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AHLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

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

Project Title: Grant of Term, Non-Exclusive Easements For Utility and Airspace Clear Zone To FAA for Its VORTAC Site.

Project / Reference No.: PSF No.: 12HD-070

Project Location: Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-013: portion of 002.

Project Description: Grant of Term, Non-Exclusive Easements for Utility and Airspace Clear Zone.

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

Exemption Class No. and Description: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:

Exemption Class No. 1, which 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 **Exemption Class No. 4**, which states, "Minor alterations in the conditions of land, water or vegetation."

Exemption Item Description from Agency Exemption List: 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.

Recommendation: Minor alterations in the conditions of land, water or vegetation. The FAA VORTAC Site requires the use of a utility corridor over an existing roadway and an Airspace Clear Zone over and

across State land. The FAA's construction, use, installation, maintenance, repair, and/or replacement of existing utility lines is a negligible expansion of the existing use. Should any aspect of the FAA's project result in a material change, FAA will be required to comply with HRS, Chapter 343, as amended.

It is recommended that the Land Board find that this project is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. Subject site, which includes the access roadways and utility lines have been in place and in use since 1948.



FW William J. Aila, Jr., Chairperson

6.12.12
Date

EXHIBIT D