

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

August 9, 2013

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

PSF No.:13OD-105

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc. for Utility Easement Purposes; Issuance of Management and Construction Right-of-Entry; Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-040:011.

APPLICANT:

Hawaiian Telcom, Inc., a domestic profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-040:011 as shown on the attached map labeled **Exhibit A**.

AREA:

64 square feet, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: R-5

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 2772 setting aside to Hawaii State Library System for library purposes.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8 and the Exemption List for the Land Division 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, small, equipment and facilities and the alteration and modification of same including ... telephone, and other essential public utility services extensions..." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." (**Exhibit B**)

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

APPLICANT REQUIREMENTS: Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain designation of easement approval from the Department and Planning and Permitting at Applicant's own cost.

REMARKS:

Hawaiian Telcom, Inc. (HTI) plans to install a fiber distribution hub, which will allow HTI to offer television and enhanced broadband services to over 300 homes in Hawaii Kai district. HTI has been working with the staff of the library system regarding the location of the equipment, which is now shown on Exhibit A. HTI also requests an construction right-of-entry prior to the issuance of the requested easement to facilitate the installation process.

Applicant 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.

Department of Parks and Recreation, Board of Water Supply, Department of Facility Maintenance, Division of Aquatic Resources, and Department of Health have no objection or comment on the request. In addition, concurrence from the State Public Library System is attached as **Exhibit C**.

State Historic Preservation Division and Department of Planning and Permitting have not responded to the request for comment as of the time this submittal is prepared.

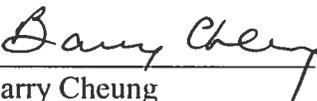
There are no other pertinent issues or concerns and staff does not have any objections to the request.

RECOMMENDATION: That the Board:

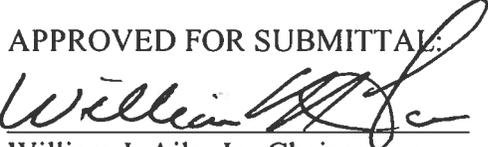
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Telcom, Inc. covering the subject area for telecommunication equipment 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.

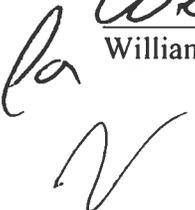
3. Issuance of an immediate construction and management right of entry to Hawaiian Telcom, Inc. covering the subject area for telecommunication equipment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The 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.

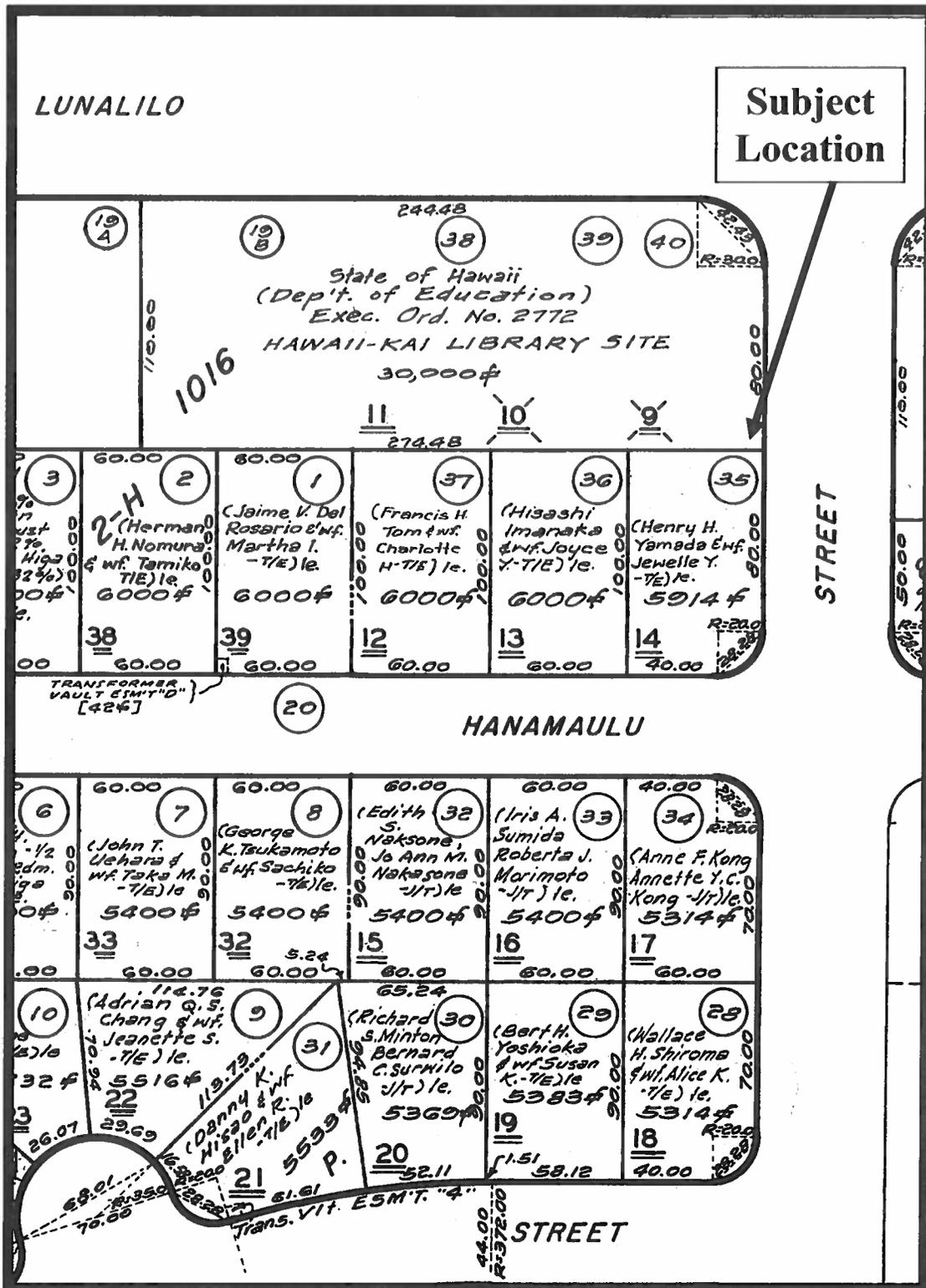
Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson





TMK (1) 3-9-040:011

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Utility Easement

Project / Reference No.: PSF No. 13OD-105

Project Location: Portion of Hawaii Kai Public Library, Maunaloa, Honolulu, Oahu
Tax Map Key: (1) 3-9-040:011

Project Description: Installation of fiber distribution hub

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8 and the Exemption List for the Land Division 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, small, equipment and facilities and the alteration and modification of same including ... telephone, and other essential public utility services extensions..." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The request pertains to installation of a fiber distribution hub which will serve the neighborhood with television and enhanced broadband services. The requested area is about 64 square feet, more or less. Staff does not expect there will be major alteration in the conditions of the land, water or vegetation at the location.

Consulted Parties: As noted in the submittal.

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.

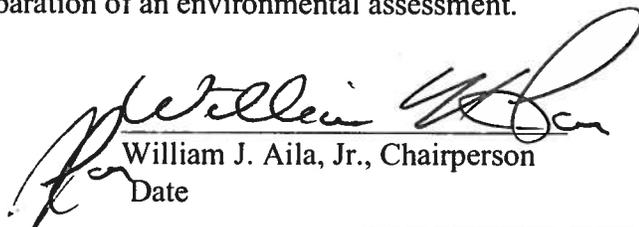

William J. Aila, Jr., Chairperson
Date

EXHIBIT B



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 6, 2013

Ref. No.: 13OD-105

MEMORANDUM

TO:

State Agencies:

- DOH (Environmental Planning)
- DHHL
- DLNR-Aquatic Resources
- DLNR-Forestry & Wildlife
- DLNR-Historic Preservation
- DLNR-State Parks
- DLNR-Conservation and Coastal Lands
- DLNR-Water Resource Management
- Hawaii Public Library System (Attn.: Keith Fujio)

County Agencies:

- Planning & Permitting
- Parks & Recreation
- Facility Maintenance
- Board of Water Supply

Federal Agencies:

- Corps of Engineers
- NRCS

Other Agencies:

- Office of Hawaiian Affairs

FROM:

Barry Cheung, District Land Agent *Barry Cheung*

SUBJECT: Perpetual, Non-Exclusive Easement for Telecommunication Equipment Purposes
LOCATION: Maunaloa, Honolulu, Oahu, TMK (1) 3-9-040:011
APPLICANT: Hawaiian Telcom, Inc.

Transmitted for your review and comment is a copy of the draft Board submittal for the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by **July 8, 2013**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0430. Thank you.

Enclosure

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
Date: JUN 12 2013

RECEIVED
LAND DIVISION
2013 JUN 19 AM 10:10
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

EXHIBIT "C"