

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

July 25, 2014

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

PSF No.: 10HD-011

HAWAII

Amend Prior Board Action of August 12, 2010, Item D-10, Grant of Perpetual, Non-Exclusive Utility Easement to Hawaii Electric Light Co., Inc.; Issuance of Construction Right-of-Entry for Installation of Concrete Pad-Mounted Electrical Transformer at Hienaloli, North Kona, Hawaii, Tax Map Key: (3) 7-5-008: portion of 010.

Purpose of the amendment is to increase the proposed easement area from 352 square feet to 475 square feet.

BACKGROUND:

At its meeting of August 12, 2010, Agenda Item D-10, the Board of Land and Natural Resources approved Grant of Perpetual, Non-Exclusive Utility Easement to the Hawaii Electric Light Co., Inc.; Issuance of Construction Right-of-Entry for Installation of Concrete Pad-Mounted Electrical Transformer at Hienaloli, North Kona, Hawaii, Tax Map Key: (3) 7-5-008: portion of 010. (Exhibit A)

The project will involve the installation of a larger, upgraded concrete pad-mounted electrical transformer, which will service both the State and the adjoining Kona Inn Shopping Village property.

DISCUSSION:

In the process of acquiring the required Special Management Permit from the County of Hawaii Planning Department for the installation of the electrical transformer, the Hawaii Electric Light Company was notified by the County that the proposed easement area overlaid an existing, underground sewer line facility. As a result, HELCO was required to change the dimensions/configuration of the proposed easement area, to avoid potential conflicts in use of the two facilities. The proposed HELCO easement area was reconfigured, which increased the total easement area from 352 square feet to 475 square feet, more or less. (EXHIBIT B). HELCO will pay fair market value for the additional easement area to be determined by independent appraisal.

Prior to preparing the submittal, the County was solicited for comments, indicating that it had no objections to the project, but only that a Special Management Permit would be required prior to commencement of the project. At that time, there was no mention of an existing underground sewer line within the proposed easement area. (EXHIBIT C)

Upon receiving Board approval to amend its prior Board actions of August 12, 2010, Item D-10, the Hawaii Electric Light Company will provide an updated survey map with metes and bound descriptions of the revised easement area.

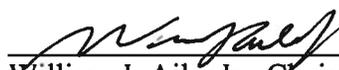
RECOMMENDATION:

1. That the Board amend Its Prior Board Action of August 12, 2010, Agenda Item D-10, by:
 - A. Increasing the proposed easement area from 352 square feet to 475 square feet;
 - B. 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 

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

August 12, 2010

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

PSF No.: 10HD-011

HAWAII

Grant of Perpetual, Non-Exclusive Utility Easement to Hawaii Electric Light Company, Inc.; Issuance of Construction Right-of-Entry for Installation of Concrete Pad-Mounted Electrical Transformer, Hienaloli, North Kona, Hawaii, Tax Map Key: 3rd/ 7-5-008: portion of 010.

APPLICANT:

Hawaii Electric Light Company, Inc. (HELCO), a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Hienaloli, North Kona, Hawaii, identified by Tax Map Key: 3rd/ 7-5-008: portion of 010, as shown on the attached map labeled Exhibit A.

AREA:

.0081 acres (352 square feet), more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Open

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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

August 12, 2010

D-10

EXHIBIT A

CURRENT USE STATUS:

Encumbered under Governor's Executive Order No. 1949 to the County of Hawaii for Hienaloli "Hale Halawai" Civic Center purposes.

Land Office Deed No. S-25,794 to County of Hawaii for Hienaloli Drainage Easement.

Land Office Deed No. S-27,287 to Hawaiian Telephone Company and Hawaii Electric Light Company, Inc., for Utility (pole, guy-wire & anchor) Easement.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transformer, concrete pad, and related improvements over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

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

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Section 11-200-8, the subject project is considered to be exempt from the preparation of an environmental assessment.

Exhibit B

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 2) Pay for an appraisal to determine initial one-time payment;
- 3) Pay appraised value of the easement and related fees prior to commencement with proposed work activities; and
- 4) Applicant shall comply with all requirements for Special Management Areas as may be deemed necessary by the County of Hawaii, Planning Department.

REMARKS:

By letter dated January 20, 2010, the Hawaii Electric Light Company Inc, requested a perpetual, non-exclusive easement on State lands identified as Hienaloli, North Kona, Hawaii, Tax Map Key: 3rd/ 7-5-008:010. Subject parcel is currently encumbered under Governor's Executive Order No. 1949 to the County of Hawaii for its Hienaloli "Hale Halawai" Civic Center. A transformer on the property currently services only Hale Halawai, therefore, HELCO was not required to obtain an easement prior to its construction. The proposed project would involve installing a larger, upgraded pad-mounted electrical transformer to service both the state property and the adjoining Kona Inn Shopping Village property identified as TMK: 3rd/ 7-5-007:021. The Kona Inn Shopping Village parcel does not have sufficient room to construct its own new facility that would enable truck access to upgrade the substandard facilities on its property. The easement requested will consist of an area measuring 16 feet by 22 feet, or approximately 352 square feet. The County of Hawaii has been contacted and concurs to the proposal.

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

Various governmental agencies and interest groups were solicited for comments. To date, all respondents had no comments and/or objections to the request.

AGENCIES	COMMENTS
County of Hawaii	
Fire Department	No comments
Parks and Recreation	No response
Planning Department	** See comments

Police Department	No comments, no objections
Public Works	No comments
Water Supply	No objections
State of Hawaii	
DLNR-Historic Preservation	No response
DLNR-Na Ala Hele	No response
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response

The County of Hawaii, Planning Department had no objections to the project, but notes that according to Hawaii Revised Statutes, Chapter 205A-22 and Planning Commission Rule 9-4(10)A(i), "development" includes, *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste.* Therefore, the proposed installation of a concrete pad-mounted electrical transformer is considered "development" and will require either a Special Management Area Minor Permit of a Special Management Area (Major) Use Permit.

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 the Hawaii Electric Light Company, Inc., covering the subject area for utility and related 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above; authorize the issuance of a construction right-of-entry to the Hawaii Electric Light Company, Inc., its consultants, contractors and/or persons acting for or on its behalf, covering the subject area for utility and related purposes under the terms

and conditions cited above, which are by this reference incorporated herein and further subject to the following:

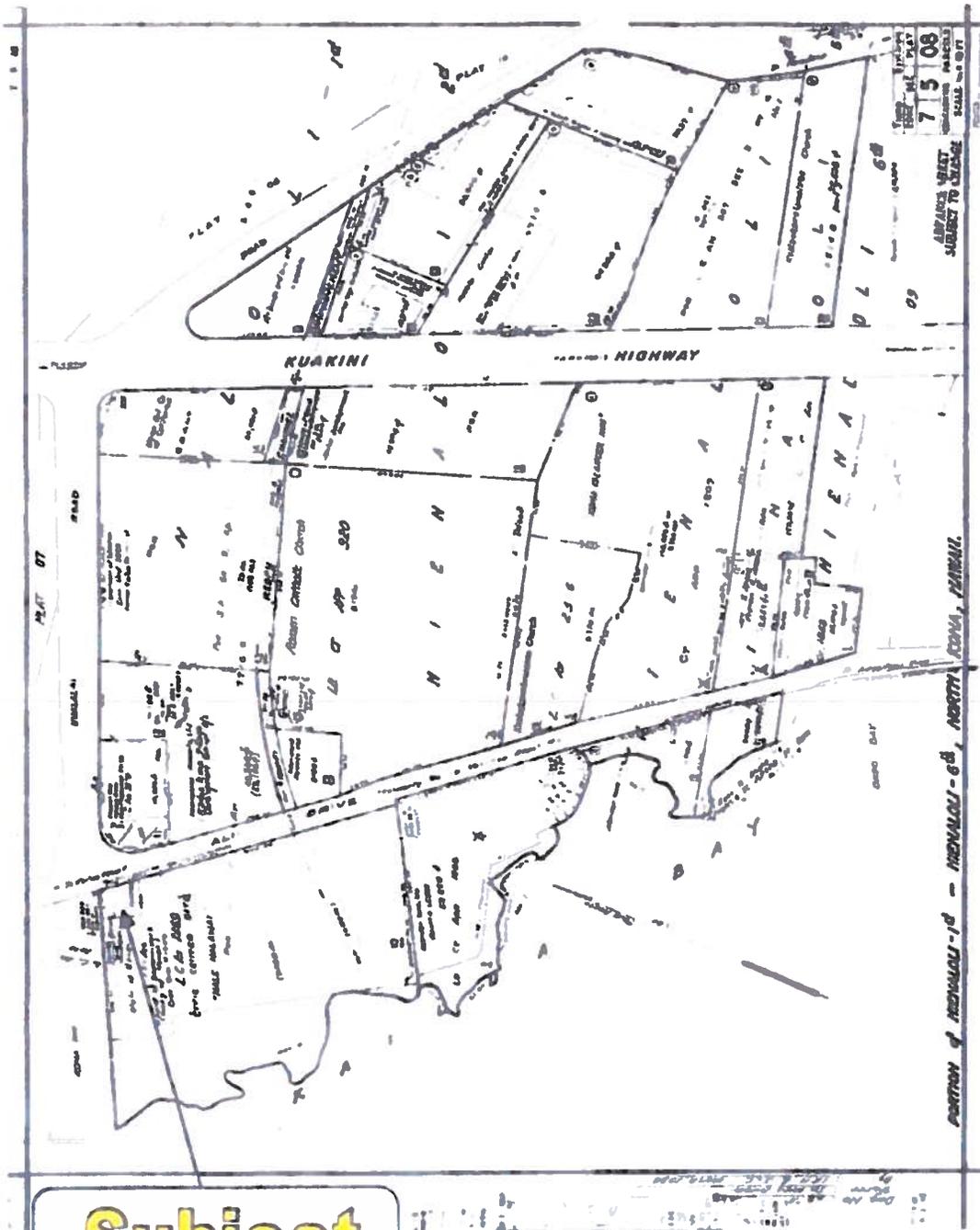
- A. The standard terms and conditions of the most current construction right-of-entry document form, as may be amended from time to time;
- B. This right-of-entry shall be effective upon date of acceptance with the Applicant fulfilling the standard Applicant requirements for Right-of-Entry Permits and shall terminate upon issuance of the grant of easement document;
- C. HELCO, its consultants, contractors and/or persons acting for or on its behalf shall coordinate all new construction, repair and maintenance activities with the County of Hawaii, Department of Parks and Recreation in order to minimize disruption of its services and/or programs at the Hialaloli "Hale Halawai" Civic Center;
- D. HELCO, its consultants, contractors and/or persons acting for or on its behalf shall repair and/or restore all improvements, including landscaping damaged as a result of all new construction, repair and maintenance activities; and
- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen Chairperson 



Subject

EXHIBIT A

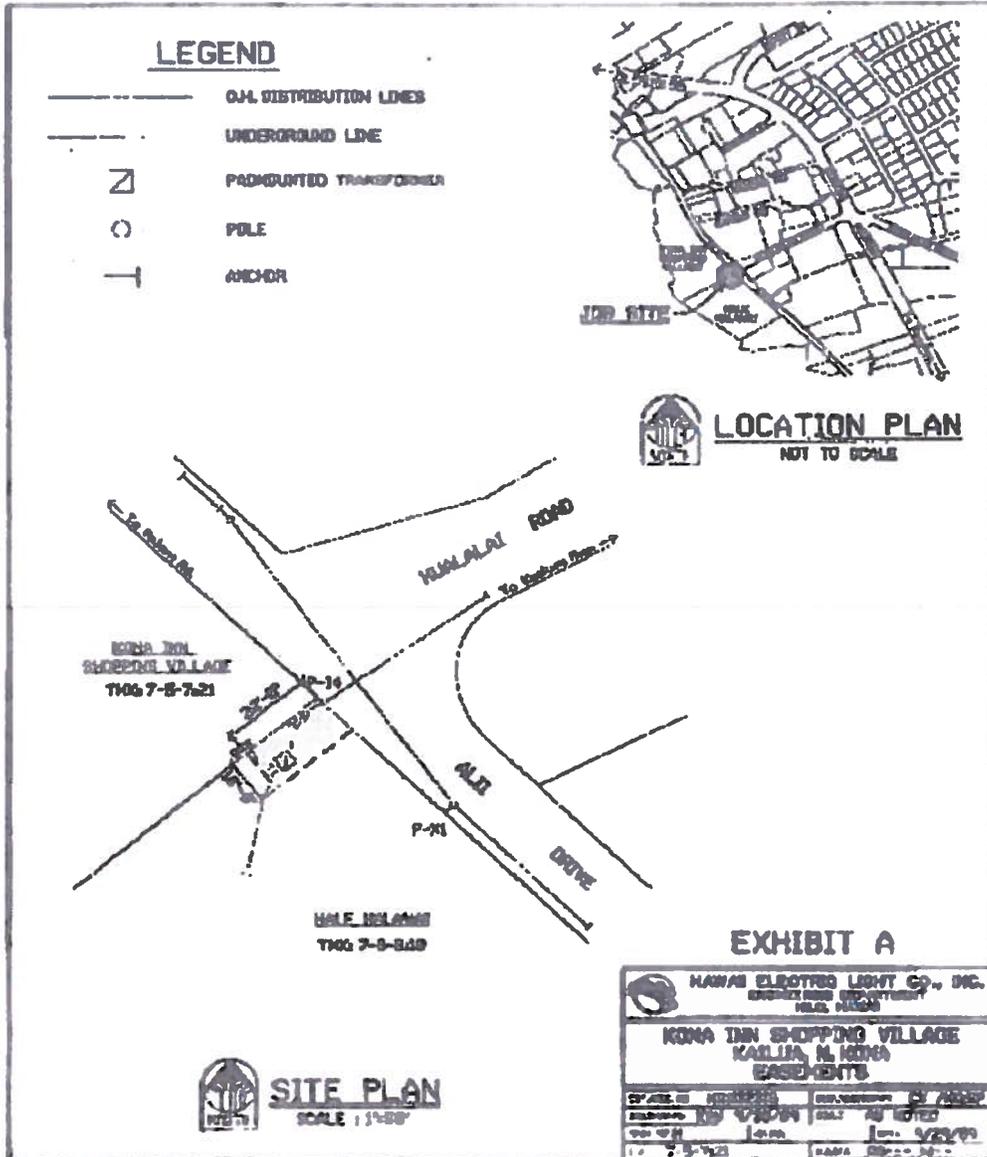


EXHIBIT A

LINDA LINGLE
GOVERNOR OF HAWAII



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

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PSF No.: 10HD-011

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment under the authority of Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules.

Project Title: Grant of Perpetual, Non-Exclusive Utility Easement; Issuance of Construction Right-of-Entry to Hawaii Electric Light Company, Inc.

Project Number: PSF No. 10HD-011

Project Location: Hale Halawai, Hienaloli, North Kona, Hawaii, Tax Map Key: 3rd/7-5-008: portion of 010

Project Description: Proposed construction of concrete pad and installation of larger, upgraded pad-mounted electrical transformer on a State parcel encumbered under Governor's Executive Order No. 1949 to the County of Hawaii for its Hienaloli "Hale Halawai" Civic Center. The transformer will service both Hale Halawai and the abutting Kona Inn Shopping Village.

Consulted Parties: County of Hawaii, Planning Department, SMA Section

Chapter 343 Trigger: Use of State lands.

Exemption Class No.: In accordance with Hawaii Administrative Rules Section 11-200-8, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to the following:

Exemption Class No. 6, which states, "Construction or placement of minor structures accessory to existing facilities."

This exemption is appropriate as the proposed transformer is minor structure that will utilize a small area of land. Furthermore, the transformer will only serve the civic center and the shopping center, both of which are existing facilities. As this is a one-time use and not part of a multi-phase project, the proposed use of State lands should not result in any long-term cumulative impact.

Recommendation:

We recommend 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.

Laura H. Thielen, Chairperson

Date

EXHIBIT B

LEGEND

-  O.H. DISTRIBUTION LINES
-  UNDERGROUND LINE
-  PADMOUNTED TRANSFORMER
-  HANDHOLE & NO. (H.H. #)
-  POLE
-  ANCHOR



LOCATION PLAN

NOT TO SCALE

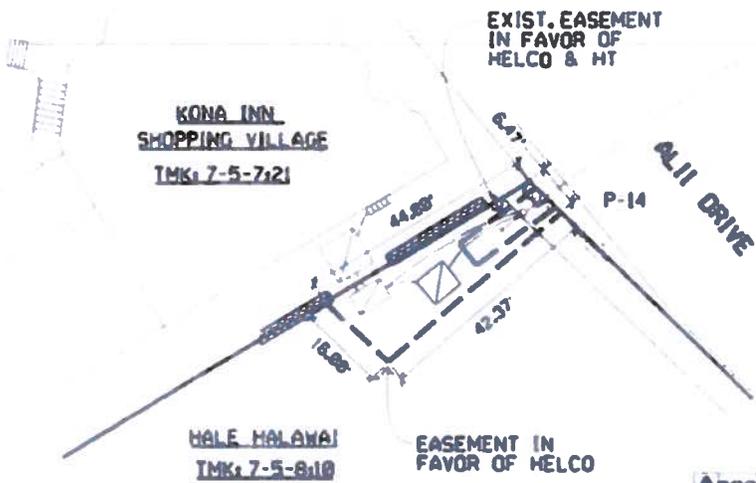


EXHIBIT A

REVISION	REVISION	BY	DATE
1	REVISED EASEMENT AREA PER GDM-0402	CV	10/1/06
2	REVISED EASEMENT AREA DUE TO ENCROACH OF	CV	10/1/06
3		CV	10/1/06

HAWAII ELECTRIC LIGHT CO., INC.
ENGINEERING DEPARTMENT
H.O. MAWAS

KONA INN SHOPPING VILLAGE KAILUA, N. KONA EASEMENTS

EST. REQ. NO.	DESIGNED DRAWN
H0032316	CV / K0:SP
CHK'D / APP'D	
PROJ. NO. H	
T.M. #	
7-5-7:21	

EXHIBIT B



SITE PLAN

SCALE : 1"=30'

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

2010 JUN -3 A 11:09

LAND DIVISION
HAWAII

May 27, 2010

Mr. Wesley Matsunaga
Land Agent
Land Division
Department of Land and Natural Resources
State of Hawaii
75 Aupuni Street, Room 204
Hilo, Hi 96720

Dear Mr. Matsunaga:

SUBJECT: Grant of Perpetual, Non-Exclusive Utility Easement and Issuance of Construction Right-of-Entry for Installation of Concrete Pad- Mounted Electrical Transformer
Applicant: Hawaiian Electric Light Company, Inc.
TMK: (3) 7-5-008:010; Portion of Hienaloli 1st, North Kona, Hawai'i

We are in receipt of a request for comments regarding the grant of a perpetual, non-exclusive utility easement and issuance of a construction right-of-way.

The subject parcel consists of 3.035 acres. The parcel is zoned Open and is located in the State Land Use Urban district. The entire subject parcel is also located within the Special Management Area.

According to Chapter 205A-22, Hawaii Revised Statutes and Planning Commission Rule 9-4(10)B(x) relating to Special Management Area, "development" does not include "Creation or termination of easements, covenants, or other rights in structures or land". Therefore, we have determined that the proposed grant of a perpetual non-exclusive utility easement is exempt from the definition of "development".

EXHIBIT C

Mr. Wesley Matsunaga
Land Agent
Land Division
Department of Land and Natural Resources
State of Hawaii
Page 2
May 27, 2010

However, please note that according to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(10)A(i), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed installation of a concrete pad-mounted electrical transformer is considered "development" and will require either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

We have no further comments to offer at this time.

If you have any questions, please feel free to contact Bethany Morrison of this office at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs

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