

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

September 26, 2014

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

PSF No. 14OD-158

Oahu

Grant of Perpetual, Non-Exclusive Easement for Communication Cable Purposes to Hawaiian Electric Company, Inc.; Issuance of Management Right of Entry Permit; Moanalua, Honolulu, Oahu, Tax Map Key (1) 1-1-013:portions of 001.

APPLICANT:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

Section 171-17, 55, and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, Tax Map Key (1) 1-1-013:portions of 001, as shown on the map attached as **Exhibit A1** and **A2**.

AREA:

About 850 feet in length and 15 feet in width, more or less.

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO P-1

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 Executive Orders No. 4196 to the Department of Land and Natural Resources Division of Forestry and Wildlife for Honolulu Watershed Forest Reserve purposes.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent 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(a)(3)(d), HAR 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. 3.d, that states "Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to: ... Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities". See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed: YES X NO ___
Registered business name confirmed: YES X NO ___
Applicant in good standing confirmed: YES X NO ___

APPLICANT REQUIREMENTS: The Applicant shall:

1. Pay for an appraisal to determine one-time payment;
2. Provide survey maps and descriptions for the subject easement, according to State DAGS Survey Division standards, at Applicant's own expense; and
3. Obtain designation of easement approval from the Department of Planning and

Permitting of the City and County of Honolulu.

REMARKS:

HECO plans to install a fiber optic communication line from the existing microwave communication station located on HECO's parcel identified as at TMK (1) 1-1-013:004 to the existing 138kV power line structure. The easement corridor for the cable is approximately 850 feet in length and 15 feet wide. According to HECO, the cable will provide increased reliability by providing an alternate communication path needed to back up the existing microwave loop that provides data to HECO's system. CDUA OA-3699 was approved on June 19, 2014 (**Exhibit C**)

Since the requested location is within the forest reserve, the Division of Forestry and Wildlife ("DOFAW") has issued a special use permit allowing HECO to start the construction prior to the issuance of the easement. Staff recommends the Board issue a management right-of-entry permit subsequent to the completion of the construction. This permit shall expire upon the issuance of the requested easement.

Staff did not solicit comments from other agencies on the subject request as comments were already provided by respective agencies during the CDUA process. As noted from the OCCL's staff report, DOFAW did not provide any comment to the request.

There are no other pertinent issues or concerns. 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 Hawaiian Electric Company, Inc. covering the subject area for communication cable 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. Terms and conditions of CDUA OA-3699 dated June 9, 2014;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson

to best serve the interests of the State.

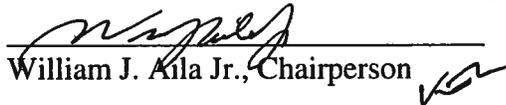
3. Issuance of a management right-of-entry permit to the Hawaiian Electric Company, Inc. covering the subject area for communication cable purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms 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,



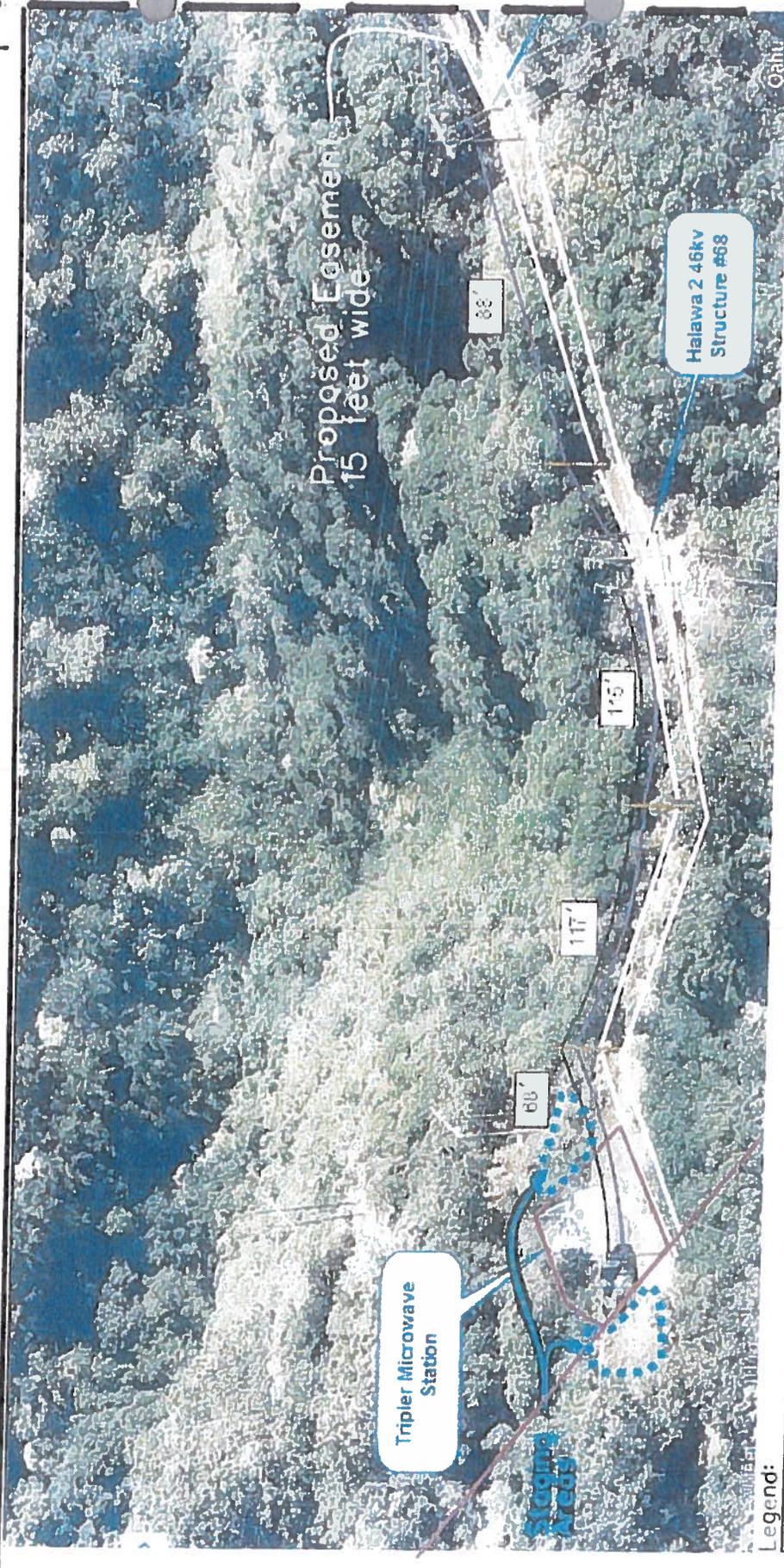
Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson

TIE LINE

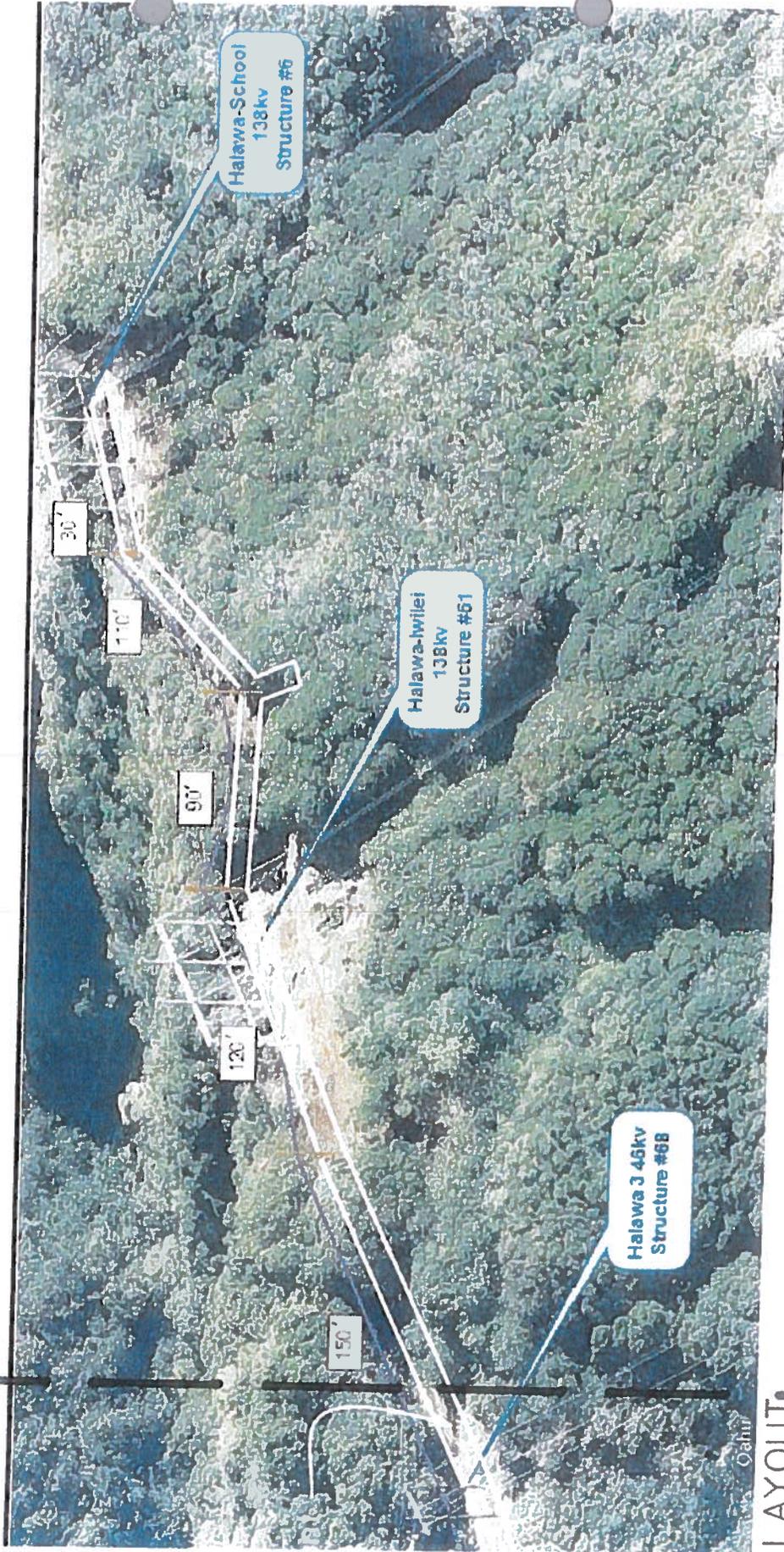


SITE LAYOUT
Bird's Eye View

EXHIBIT 3 ~~CDMA CA-3699~~

EXHIBIT "A1"

TIE LINE



LAYOUT
Eye View

~~EXHIBIT 3A~~ CDUA OA-8699

EXHIBIT "A2"

EXEMPTION NOTIFICATION

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

Project Title: Grant of Perpetual, Non-Exclusive Easement for Utility Lines Purposes

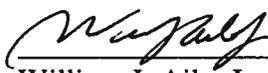
Project / Reference No.: PSF 14OD-158
Project Location: Honolulu, Oahu; Tax Map Key: (1) 1-1-013:portions of 001
Project Description: Installing utility lines
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3) 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 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",

Staff believes that the proposed line would involve negligible or no expansion or change in use of the subject areas beyond that previously existing and there would be minimal alteration in the conditions of land, water or vegetation. Therefore, staff recommends the subject request exempt from the preparation of an environmental assessment.

Consulted Parties As noted in the submittal

Recommendation: It is anticipated 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: 9/13/14 

EXHIBIT B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKULAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

CDUA: OA-3699

Rouen Liu
c/o Hawaiian Electric Company, Inc.
820 Ward Ave.
Honolulu, HI 96814

JUN 19 2014

**SUBJECT: CONSERVATION DISTRICT USE PERMIT (CDUP) No. OA-3699 FOR HECO'S
TRIPLER FIBER OPTIC LINE UPGRADE PROJECT**
Honolulu District, Island of Oahu
TMKs: (1) 1-1-013:001, 004 and (1) 1-1-012:015

Dear Mr. Liu,

This is to inform you that on **June 18, 2014** the Chair of the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) **OA-3699** for the Hawaiian Electric Company, Inc. (HECO) Tripler Fiber Optic Upgrade Project, *TMKs: (1) 1-1-013:001, 004 and (1) 1-1-012:015*, located in the Honolulu District, Island of Oahu, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable department of health administrative rules;
4. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
5. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three (3)

EXHIBIT "C"

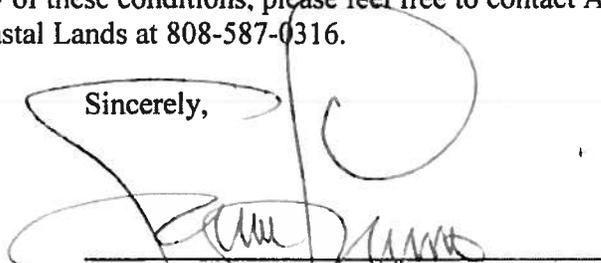
- years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
6. All representations relative to mitigation and Best management Practices (BMPs) set forth in the accepted Conservation District Use Application (CDUA) for the proposed use are incorporated as conditions of the permit;
 7. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
 8. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
 9. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
 10. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
 11. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
 12. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
 13. **Except in case of public highways, access roads shall be limited to a maximum of two lanes;**
 14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
 15. Cleared areas shall be re-vegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
 16. Use of the area shall conform with the program of appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
 17. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
 18. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;

- 19. No vegetative clearing, cutting, trimming or removal shall be conducted between January 1 and September 15 of any project year to protect against harm to the native elepaio, and Hawaiian hoary bat;
- 20. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 21. Other terms and conditions as prescribed by the chairperson; and
- 22. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. **Please sign the original and the provided copy. Please keep the original and return the signed copy within thirty (30) days to the OCCL (PO Box 621, Honolulu, 96809).**

Should you have any questions on any of these conditions, please feel free to contact Alex J. Roy of the Office of Conservation and Coastal Lands at 808-587-0316.

Sincerely,



 Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

Receipt acknowledged:



 Applicant's Signature

July 10, 2014

 Date

CC: ODLO
 DOFAW
 City and County of Honolulu - DPP

Attachments: OCCL Staff Report