

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

May 8, 2015

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

PSF No.: 14OD-209

OAHU

Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Construction and Management Right-of-Entry Permit to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Telecommunication and Electrical Transmission Lines Purposes, Aiea, Ewa, Oahu, Tax Map Key: (1) 9-9-012:portions of 005 and 046

APPLICANT:

Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc., both domestic profit corporations.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Aiea, Ewa, Oahu, identified by Tax Map Key: (1) 9-9-012:portions of 005 and 046, as shown on the attached maps labeled **Exhibits A1** and **A2**.

AREA:

6,000 square feet, more or less, subject to review and approval by the Department of Accounting and General Services.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: F-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication and electrical transmission lines, poles, guy wires and anchors, including the right to trim and keep trimmed any trees in the way of its appliances and equipment.

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 Section 11-200-8(a)(1)(4), 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.". See **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: Applicants 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

3. Applicant's own cost; and
Process and obtain subdivision at Applicant's own cost.

REMARKS:

The Honolulu Authority for Rapid Transportation approached the applicants regarding the relocation of certain utility lines in the Kamehameha Highway in view of the forthcoming rail project. Subsequent to the inquiry, the applicants noted that there was no easement issued by the State for the current lines.

According to the applicants, the lands makai of the highway used to be the Navy's land before portions were returned to the State after statehood for development as the Rainbow Bay State Park. However, such transfer of lands did not automatically generate an easement by the State. The latest inquiry resulted in the need for an easement document for the current lines, and any revised alignment, if approved.

Applicants provide a colored map (Exhibit A2) showing the current and proposed alignments of the lines. Portions of easement starting from point A, through B, to C are within the subject State lands. The relocated portion is from A to B, which will then connect to the existing line from B to C. Applicants also request an immediate construction and management right-of-entry which shall expire upon the execution of the requested easement.

Department of Planning and Permitting, Division of State Parks, Department of Parks and Recreation, Honolulu Authority for Rapid Transportation have no comments/objections to the subject request.

Department of Health, Division of Aquatic Resources, State Historic Preservation Division, Commission on Water Resource Management, Department of Transportation, Highways Division, Department of Facility Maintenance, Board of Water Supply, and Office of Hawaiian Affairs have not responded to the solicitation for comment before the suspense date.

Applicants have 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.

There are no other pertinent issues or concerns and staff does not have any 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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. covering the subject area for telecommunication and electrical transmission lines 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 a construction and management right-of-entry to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. and covering the subject area for telecommunication and electrical transmission lines 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.
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



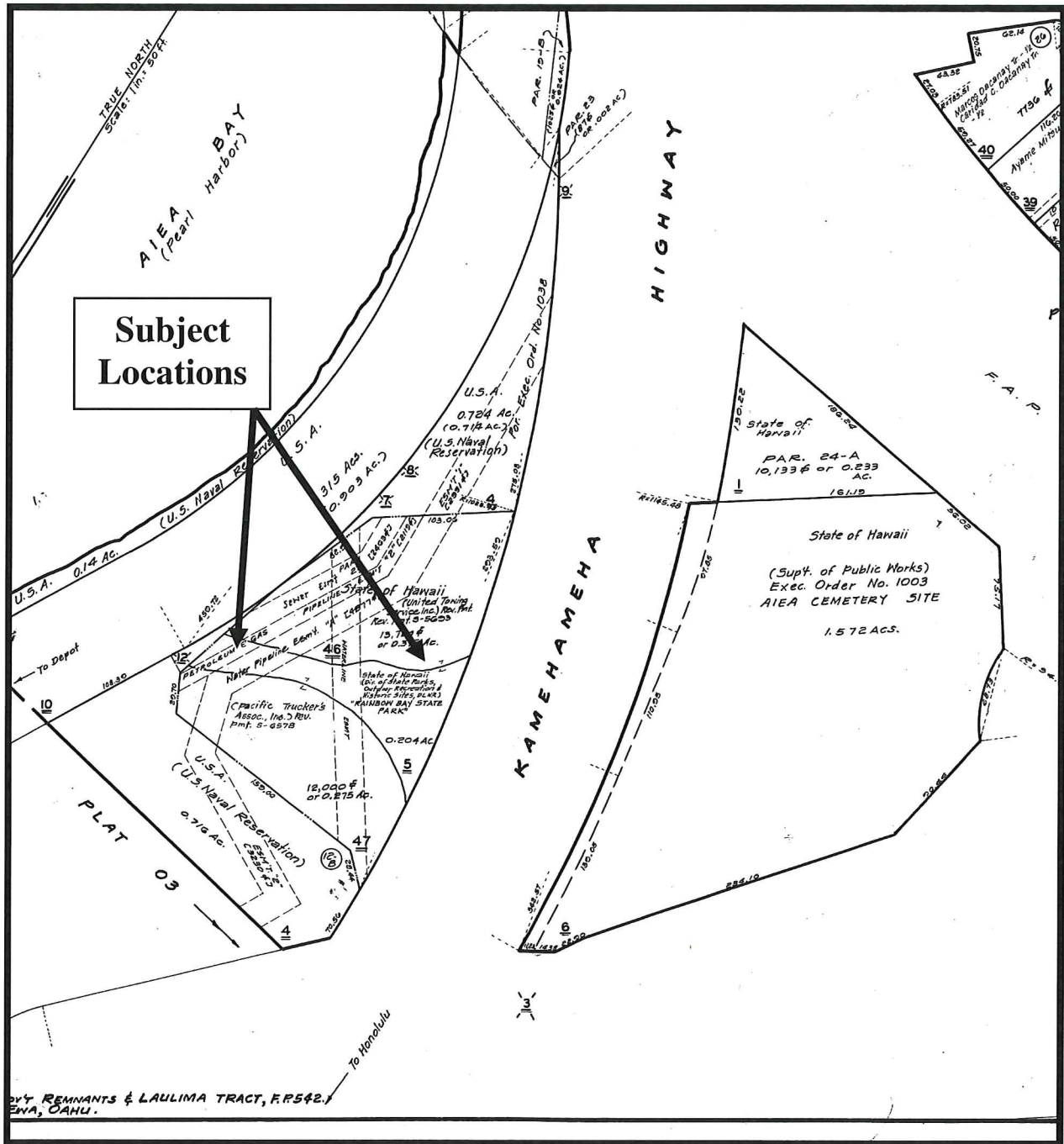
Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson





TMK (1) 9-9-012:portions of 005 and 046

EXHIBIT A1

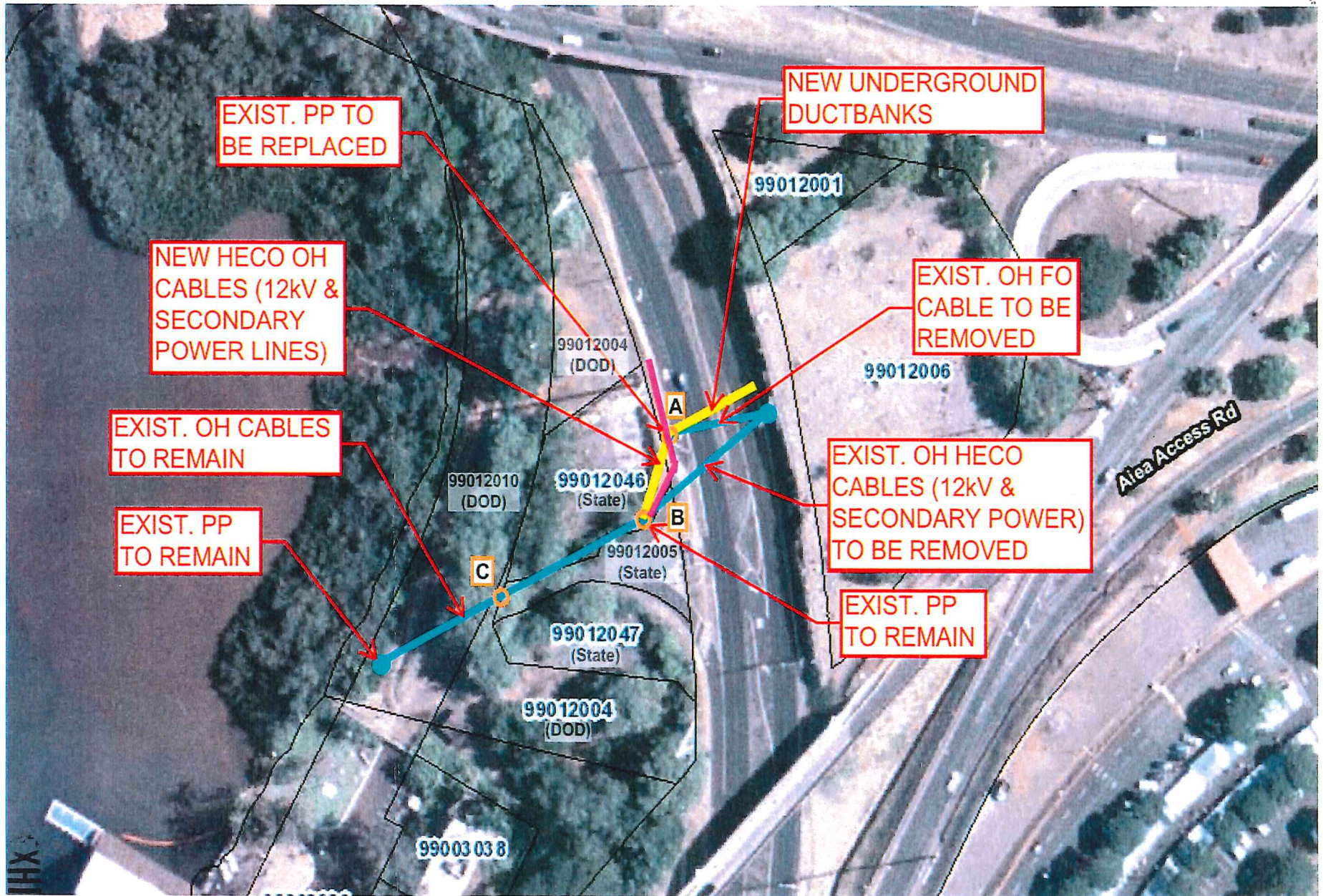


EXHIBIT "A2"

EXEMPTION NOTIFICATION

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

Project Title: Perpetual Non-Exclusive Easements and the Issuance of Construction and Management Right-of-Entry for Telecommunication and Electrical Transmission Lines Purposes.

Project / Reference No.: PSF 14OD-209

Project Location: Aiea, Ewa, Oahu; Tax Map Key: (1) 9-9-012:portions of 005 and 046.

Project Description: Telecommunication and electrical transmission purposes

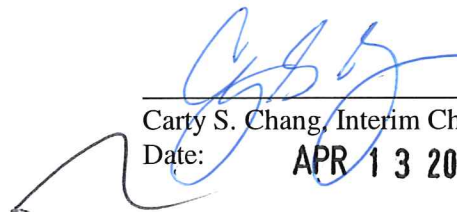
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Since the request involves existing transmission and electrical transmission lines and equipment with realignment of portions thereof, the subject request is expected to have negligible or no expansion or change of use beyond that previously existing, and is therefore exempt from the preparation of an environmental assessment.

Consulted Parties Agencies 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.



Carty S. Chang, Interim Chairperson
Date: APR 13 2015

EXHIBIT B