

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

April 13, 2012

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

PSF No.: 12od-001

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes; Issuance of Construction and Management Right-of-Entry; Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:025 portion.

APPLICANT:

Hawaiian Electric Company, Inc. a domestic profit corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-064:025 portion, as shown on the attached map labeled Exhibit A.

AREA:

To be determined, subject to review and approval by Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: I-2

TRUST LAND STATUS:

Section 5(e) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 2443, setting aside to the Department of Accounting and General Services for State surplus property storage facilities, Central Services shop facilities and record storage center.

Encumbered by a Grant of Easement bearing Land Office Deed No. 26900; to Robert's Tours and Trans, as the Grantee, for access and utility purposes.

Encumbered by a Grant of Easement bearing Land Office Deed No. 26088; to the City and County of Honolulu, as the Grantee, for purposes of constructing and maintaining sanitary sewers.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

A one-time payment to be determined by an independent appraisal establishing the fair market rent, and subject to the Chairperson's review and approval.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3)(d) and (4), 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; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements." 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 x NO
Registered business name confirmed: YES x NO
Applicant in good standing confirmed: YES x NO

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 a designation of the easement from the county.

REMARKS:

Robert's Tours and Trans ("Robert's"), the owner of the private property adjoining the subject parcel, intends to install photovoltaic panels on their property. Hawaiian Electric Company, Inc. (HECO) has to upgrade the existing power line servicing Robert's. The proposed upgraded includes a new primary distribution line over the subject State lands.

Staff understands that HECO requires that the utility easement be issued in its favor. Therefore, HECO requests that the Board issue it an easement covering the subject distribution line, notwithstanding, the existing easement (Land Office Deed No. 26900) that had been previously issued to Robert's.

To meet the installation schedule, HECO also requests an immediate construction and management right-of-entry pending the issuance of the perpetual easement.

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.

The Department of Facility Maintenance, the Department of Accounting and General Services and Robert's have no objections to the subject request. (See Exhibits C1 to C3.) Further, the Office of Hawaiian Affairs and the Department of Health have no objections to the subject request.

The Department of Hawaiian Home Lands, Department of Planning and Permitting and the Board of Water Supply had not responded to the subject request for comments.

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. covering the subject area for 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.

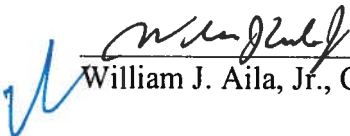
3. Authorize the issuance of an immediate construction and management right-of-entry to Hawaiian Electric Company, Inc covering the subject area further subject to the following:
 - A. The standard terms and conditions of the most current tight-of-entry form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

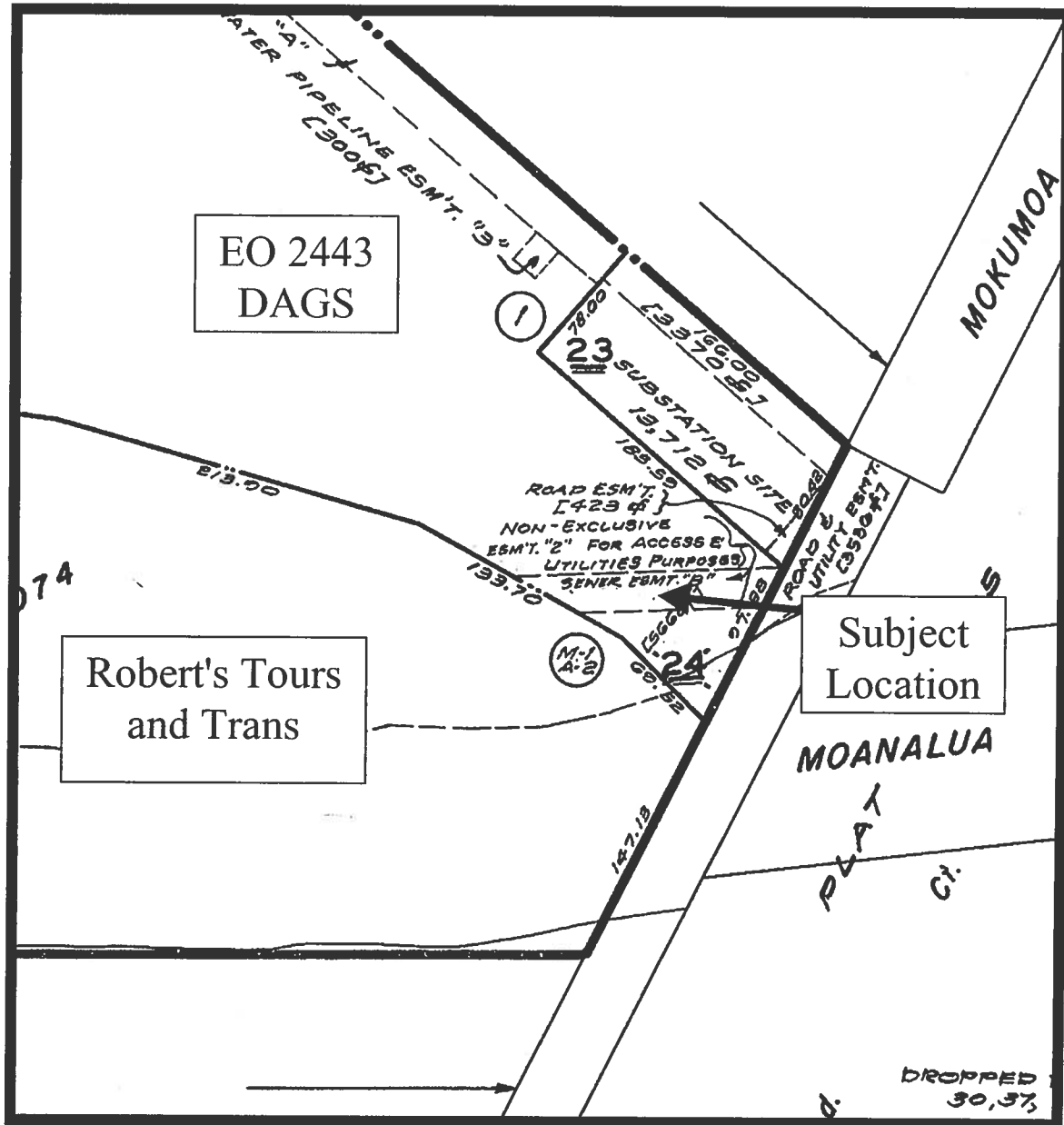


Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



TMK (1) 1-1-064:025 portion

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Perpetual Electrical Transmission Lines Easement

Project / Reference No.: PSF 12od-001

Project Location: Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:025 portion

Project Description: Perpetual Electrical Transmission Lines Easement

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3)(d) and (4), 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; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The request pertains to installation of an electrical transmission line over an existing access and utility easement area. Hawaiian Electric Company, Inc. requires the easement in favor of them. Staff does not anticipate major change of use or alteration of land, water or vegetation condition.

Consulted Parties Not applicable

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.

EXHIBIT B



William J. Aila, Jr.
Chairperson

3/28/12

Date



RECEIVED
LAND DIVISION

2012 MAR -5 DEPARTMENT

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2012 FEB 15 PM 1:01

452885
K19: Wes Chan
SPRM

February 7, 2012

Ref. No.: 12od-001

MEMORANDUM

TO:

State Agencies:

- DOH – Environmental Health
- DHHL
- DLNR-Aquatic Resources
- DLNR-Forestry & Wildlife
- DLNR-Historic Preservation
- DLNR-State Parks
- DLNR-Conservation and Coastal Lands
- DLNR-Water Resource Management
- DAGS-PWB (Attn. Ms. Chris Kinimaka)

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:

Request for Perpetual, Non-Exclusive Easement for Electrical Transmission Lines Purposes

LOCATION:

Moanalua, Honolulu, Oahu, TMK (1) 1-1-064:025 portion

APPLICANT:

Hawaiian Electric Company, Inc.

Transmitted for your review and comment is a copy of the draft land Board submittal of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by March 7, 2012. 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.

Enclosures

DRM 12-181

- (X) We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: *Wesley K. U.*
Date: *3/1/12*

EXHIBIT "C1"

RECEIVED
DEPARTMENT OF LAND AND NATURAL RESOURCES
FACILITY MAINTENANCE
2012 FEB -8 P 19



William J. Mea, Jr.

WILLIAM J. MEA, JR.
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER, WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

RECEIVED - DAGS
DIV. OF PUBLIC WORKS
2012 FEB -7 P 1:32

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

FEB 7 2012

February 7, 2012

Ref. No.: 12od-001

MEMORANDUM

TO:

State Agencies:

- DOH - Environmental Health
- DHHL
- DLNR-Aquatic Resources
- DLNR-Forestry & Wildlife
- DLNR-Historic Preservation
- DLNR-State Parks
- DLNR-Conservation and Coastal Lands
- DLNR-Water Resource Management
- DAGS-PWB (Attn. Ms. Chris Kinimaka)

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:

Request for Perpetual, Non-Exclusive Easement for Electrical Transmission Lines Purposes

LOCATION:

Moanalua, Honolulu, Oahu, TMK (1) 1-1-064:025 portion

APPLICANT:

Hawaiian Electric Company, Inc.

Transmitted for your review and comment is a copy of the draft land Board submittal of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by **March 7, 2012**. 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.

Enclosures

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

Signed:

Ralph Monte

Date:

2/14/12

EXHIBIT "C2"

Roberts Hawaii 

RECEIVED
LAND DIVISION

2012 FEB -9 P 3 201

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

phone 808 523 7750
fax 808 522 7866

February 9, 2012

Roberts Hawaii, Inc.
680 Iwilei Road
Suite 700
Honolulu, Hawaii 96817

robertshawaii.com

Mr. Barry Cheung
District Land Agent, Land Division
Department of Land & Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

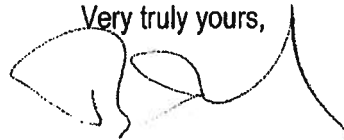
Re: 2665 Mokumoa Street, Honolulu, HI 96819 (Robert's Hawaii)

Dear Mr. Cheung:

Robert's Hawaii is aware of HECO's request for an electrical transmission line easement to run new service lines to Robert's Hawaii property identified as tax map key (1) 1-1-064:001. We have no objection to this proposed easement.

If there are any questions, please contact Dennis Ortiz at Solar Wave.

Very truly yours,



ROY PFUND
Vice President

EXHIBIT "C3"