

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

April 26, 2013

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

PSF No.: 13OD-037  
  
OAHU

Issuance of a Perpetual, Non-Exclusive Easement and Management Right-of-Entry to  
Hawaiian Electric Company, Inc. for Utility Purposes, Waianae-Uka, Wahiawa,  
Oahu; Tax Map Key: (1) 7-6-001:006 portion

APPLICANT:

Hawaiian Electric Company, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waianae-Uka, Wahiawa, Oahu; Tax Map  
Key: (1) 7-6-001:006 portion, as shown on the attached map labeled Exhibit 1.

AREA:

Easement A: 76,513 square feet, or 1.756 acres  
Easement B: 111,375 square feet, or 2.557 acres  
Easement C: 234 square feet, or 0.005 acres  
Total Areas: 188,122 square feet, or 4.319 acres, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5 (e) lands of the Hawaiian Admission Act

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

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3684, to the Department of Land and Natural Resources, Division of State Parks, for Wahiawa Freshwater State Park purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove 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:

A one-time payment to be determined by an independent appraisal, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) 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. 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", as indicated in Exhibit 2.

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 a one-time payment;

- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Process and obtain designation of easement approval from the City and County of Honolulu, at Applicant's own cost.

REMARKS:

In 1960, Hawaiian Electric Company, Inc. (HECO) had previously entered into a power easement agreement with the United States Army for the placement of overhead electrical lines over the subject parcel. The parcel became State land since 1965, and has been subsequently set aside to establish the Wahiawa Freshwater State Park. Effective as of April 26, 2010, the power easement agreement between HECO and the United States Army had expired. HECO requests the issuance of a non-exclusive, perpetual easement from the State that would in effect, renew their rights to the expired power easement agreement and include three (3) electrical transmission line Easements: A, B and C. See Exhibit 1.

The power easement areas requested by HECO include the existing Kahe-Wahiawa #2 138kV transmission lines that cross over the East Range of Schofield Barracks and terminate at HECO's Wahiawa Substation, situated on the mauka side of the park. The electrical lines are essential for the continuation of power delivery service to many established communities located within the areas of Central Oahu, including Schofield Barracks, Wheeler Army Airfield and Wahiawa.

The Department of Health, Department of Parks and Recreation, Board of Water Supply, Division of Aquatic Resources and the Department of Facility Maintenance have responded to the subject request without comments.

The Division of State Parks has no objections to the subject request, as evidenced by Exhibit 3.

The Division of Forestry and Wildlife, Division of Historic Preservation, Office of Conservation and Coastal Lands, Division of Water Resource Management, Department of Planning and Permitting and the Office of Hawaiian Affairs have not responded to the subject request, as of the suspense date of the request.

The 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.

Staff is unaware of any further pertinent issues or concerns regarding the subject request and have no objections to it.

Staff now brings the subject request to the Board for its review and approval.

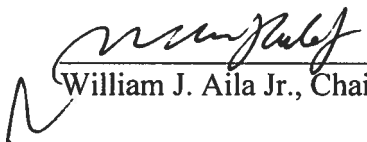
RECOMMENDATION: That the Board:

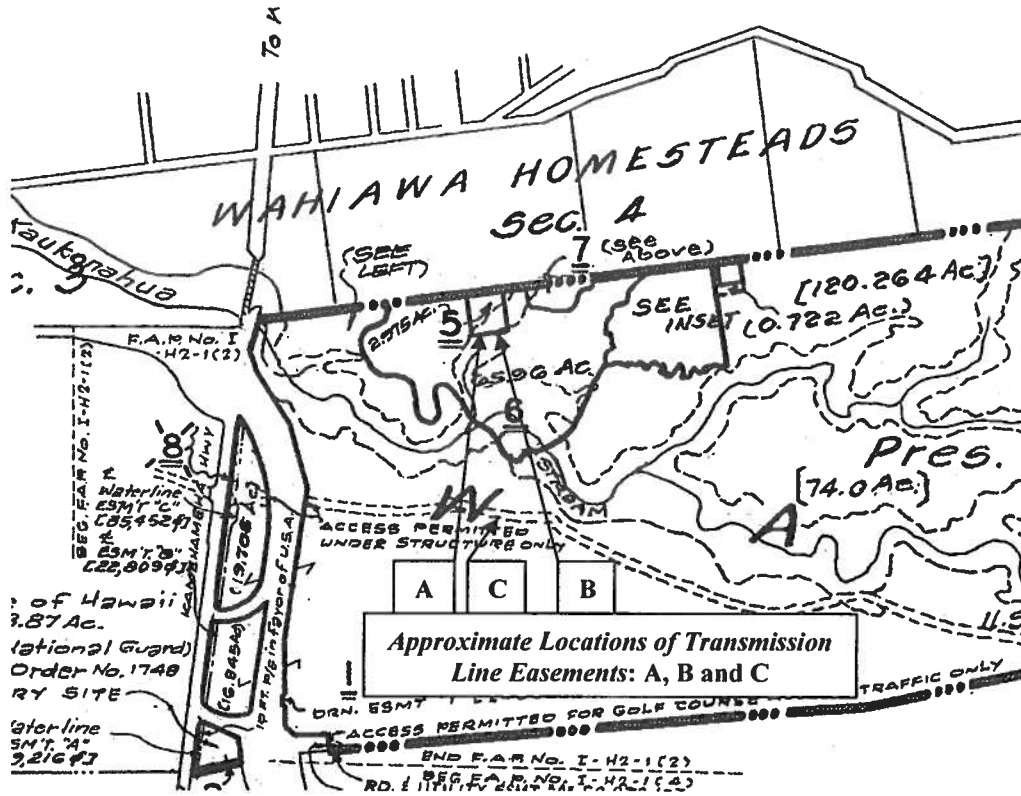
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore, exempt from the preparation of an environmental assessment.
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. for utility 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 management right-of-entry permit to the Hawaiian Electric Company, Inc. covering the subject area for utility 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,

  
\_\_\_\_\_  
Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila Jr., Chairperson



TAX MAP KEY: (1) 7-6-001:006 PORTION

**EXEMPTION NOTIFICATION**

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

Project Title: Issuance of a Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes

Project / Reference No.: PSF 13OD-037

Project Location: Waianae-Uka, Wahiawa, Oahu; Tax Map Key: (1) 7-6-001:006 portion

Project Description: A Perpetual, Non-Exclusive Easement for Utility Purposes

Chapter 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) 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. 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."

The subject easement request consists of an extension of easement rights for the placement of existing overhead electrical lines that have since expired. The requested easements would further serve as a renewal of those rights that had previously existed for utility service purposes, currently located over State-owned land. According to HECO, the existing power lines were originally installed in 1960, and were last modified in 1963, prior to the enactment of the law requiring the preparation of an environmental assessment.

As such, staff believes that the continued use of the existing electrical transmission lines would involve negligible or no expansion or change in the use of the subject areas beyond that previously existing. Based upon Exemption Class Nos. 1 and 4, the subject request is exempt from the preparation of an environmental assessment.

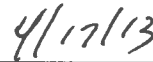
**EXHIBIT 2**

Consulted Parties                      Not applicable

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



RECEIVED  
STATE PARKS DIV

2013 MAR 27 PM 2:46

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

13 MAR -4 110 : 12  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

February 28, 2013

Ref. No.: PSF 13OD-037

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
- DOT-Highways Division

**County Agencies:**

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

**Federal Agencies:**

- Corps of Engineers
- NRCS

**Other Agencies:**

- Office of Hawaiian Affairs

FROM:

Timmy Chee, Land Agent  
*TC*

SUBJECT:

Issuance of Perpetual, Non-Exclusive Utility Easements  
*bc*

LOCATION:

Waianae-Uka, Wahiawa, Oahu; Tax Map Key (1) 7-6-001:006 portion

APPLICANT:

Hawaiian Electric Company, Inc.

Transmitted for your review and comment is a draft Board submittal of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by March 28, 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 587-0408. Thank you.

Attachments

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

Signed:

Date: 3/28/13

EXHIBIT "3"

RECEIVED  
LAND DIVISION  
2013 MAR 27 PM 2:43  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII