

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

February 14, 2014

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

PSF No. 13OD-185

Oahu

Grant of Perpetual, Non-Exclusive Easement for Cable Communication Purposes to Oceanic Time Warner Cable LLC: Issuance of Immediate Construction and Management Right of Entry Permit, Honolulu, Oahu, Tax Map Key (1) 1-7-042:portion of 002.

APPLICANT:

Oceanic Time Warner Cable LLC, a foreign limited liability company

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1) 1-7-042:portion of 002, as shown on the map attached as **Exhibit 1**.

AREA:

To be determined.

ZONING:

State Land Use District: Urban  
 City and County of Honolulu LUO R-5

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by Governor Executive Order No. 2939 to the City and County of Honolulu,

for public park purposes.

CHARACTER OF USE:

Cable communication use purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis requested

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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". See **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:

1. Provide survey maps and descriptions for the subject easement, according to State DAGS Survey Division standards, at Applicant's own expense.
2. Obtain designation of easement approval from the Department of Planning and Permitting of the City and County of Honolulu.

REMARKS:

The subject request is part of a project to upgrade the schools' network system with fiber cable connectivity. Oceanic Time Warner Cable LLC was selected by the Department of Education ("DOE") to complete the proposed cable work.

The subject project involves connecting a fiber optic cable line from a pole on Lanakila

Avenue to a classroom building located at the Lanakila Elementary School. The new cable line will cross above and overhead of the Lanakila Park which has been set aside to the City and County of Honolulu, by Governor's Executive Order 2939 for public park purposes.

According to the DOE, the communication cable line will be for their exclusive use only.

Pursuant to 171-95(b)(1), HRS, which provides, "[t]he sale price or lease rental shall be no less than the value determined in accordance with section 171-17(b); provided that such sale price or lease rental may be on a nominal basis, if the board finds that such easement is required in connection with a government project", applicant requests the easement be issued at gratis consideration as this is a government project. Staff has no objection to the request for gratis consideration.

The Department of Parks and Recreation has no objections concerning the subject request. See their response attached as **Exhibit 3**.

The Department of Facility Maintenance has no objections to the subject request but notes the existence of a storm drain line and grating improvements that form a connection from Lanakila Avenue to North Kuakini Street, along the proposed alignment of the subject cable easement. Staff do not foresee any potential problem(s) that will be caused by the alignment of the proposed subject cable easement since the cable line will pass above and overhead of the Lanakila Park.

The Department of Health has no comments regarding the subject request.

The Board of Water Supply had no objections nor comments regarding the subject request.

The State Historic Preservation Division, Department of Planning and Permitting and the Office of Hawaiian Affairs had not responded as of the requested date.

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 this request to the Board for its 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

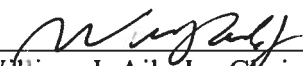
therefore exempt from the preparation of an environmental assessment.

2. Authorize the issuance of a perpetual non-exclusive easement to Oceanic Time Warner Cable LLC covering the subject area for cable communication 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 permit to Oceanic Time Warner Cable LLC covering the subject area for cable communication 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.

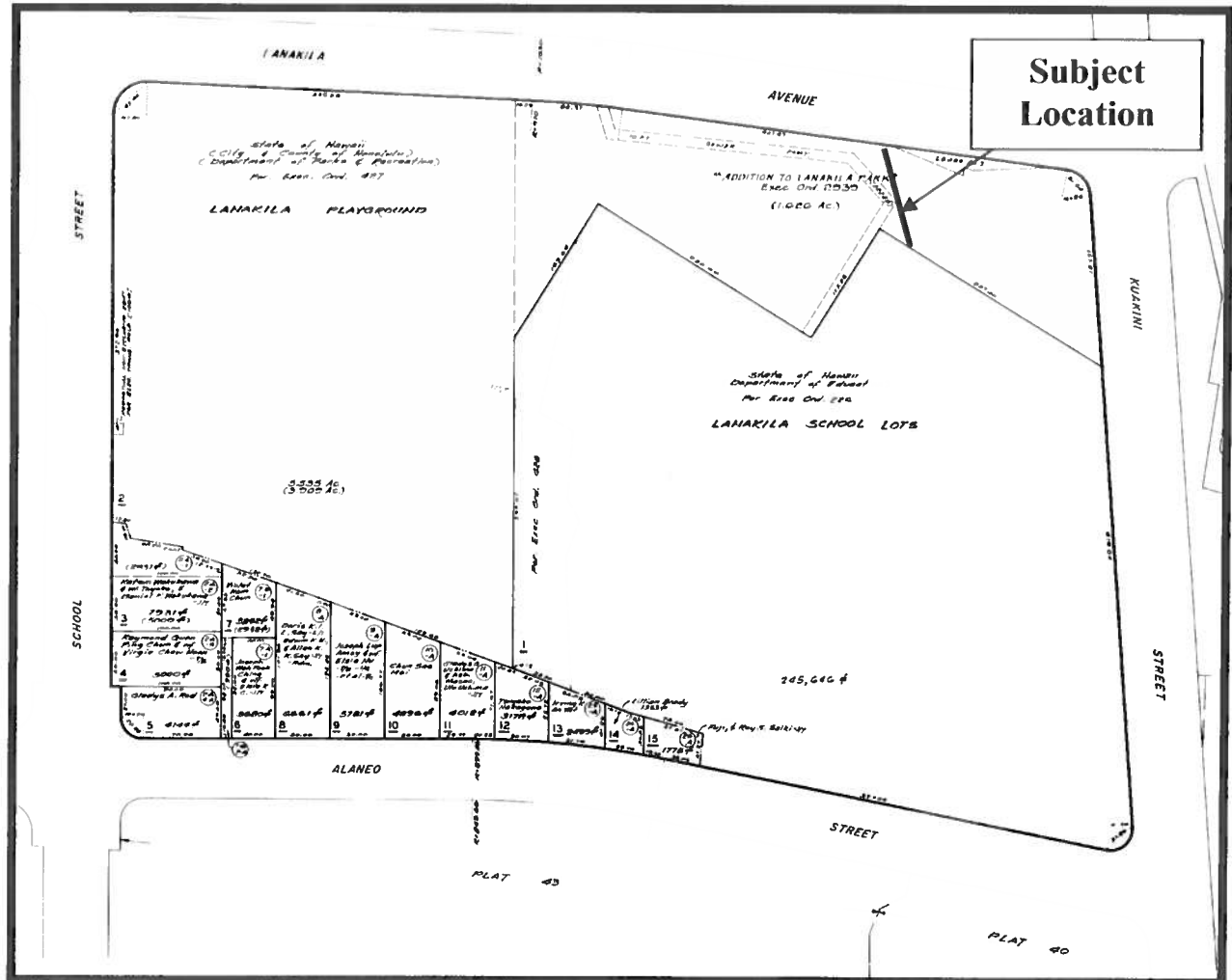
Respectfully Submitted,

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

APPROVED FOR SUBMITTAL:

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





**TAX MAP KEY: (1) 1-7-042:portion of 002**

**EXHIBIT 1**

**EXEMPTION NOTIFICATION**

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

Project Title: Grant of a Perpetual, Non-Exclusive Easement for Cable Communication Purposes for Lanakila Elementary School

Project / Reference No.: PSF 13OD-185

Project Location: Honolulu, Oahu; Tax Map Key: (1) 1-7-042:portion of 002.

Project Description: Installing cable communication line

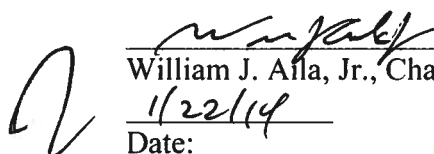
Chap. 343 Trigger(s): Use of State Land

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".

The subject request consists of an easement with an aerial route. As such, staff believes that the cable line passing overhead would involve negligible or no expansion or change in use of the subject areas beyond that previously existing. Based upon Exemption Class No.1, the subject request is 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. Alla, Jr., Chairperson  
1/22/14  
Date:

**EXHIBIT 2**



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

December 4, 2013

Ref.: PSF 13OD-185

Toni P. Robinson, Director  
Department of Parks and Recreation  
City and County of Honolulu  
1000 Uluohia Street  
Suite 309  
Kapolei, Hawaii 96707

Subject: Grant of a Perpetuai, Non-Exclusive Easement for Cable  
Communication Purposes to Oceanic Time Warner Cable, Issuance of a  
Construction and Management Right of Entry Permit, Honolulu, Oahu,  
Tax Map Key (1) 1-7-042:002.

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 include your comments within the space provided below and return your  
response to us by January 4, 2014. 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.

Sincerely,

T. Chee  
Timmy Chee  
Land Agent

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

Signed: Toni P. Robinson  
Date: 12/13/13

Enclosure

Department of Parks and Recreation  
1000 Uluohia Street, Suite 309  
Kapolei, Hawaii 96707

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

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RECEIVED  
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EXHIBIT 3