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

November 14, 2014

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

PSF No.: 14OD-182
Oahu

Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway; Issuance of Immediate Construction Right-of-Entry; Honolulu, Oahu, TMK (1) 1-1-003:portions of 003, 004, 138, and 239.

APPLICANT:

The City and County of Honolulu ("City") on behalf of the Honolulu Authority for Rapid Transportation ("HART")

LEGAL REFERENCE:

Sections 171-55 and 171-95, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portions of government land situated at Honolulu, Oahu, identified by tax map keys (1) 1-1-003:portions of 003, 004, 138, and 239 as shown on the map attached as Exhibit A.

AREAS:

To be determined, subject to review and approval by the DAGS, Survey Division

<table>
<thead>
<tr>
<th>Parcel</th>
<th>003</th>
<th>004</th>
<th>138</th>
<th>239</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLU</td>
<td>Urban</td>
<td>Urban</td>
<td>Conservation</td>
<td>Urban</td>
</tr>
<tr>
<td>LUO</td>
<td>P-2</td>
<td>P-2</td>
<td>P-1</td>
<td>P-2</td>
</tr>
<tr>
<td>Trust Land Status</td>
<td>5(b)</td>
<td>5(a)</td>
<td>5(b)</td>
<td>5(a)</td>
</tr>
<tr>
<td>DHHL Entitlements</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Current Use Status</td>
<td>Set aside to the City and County of Honolulu under EO 1561 for park purposes.</td>
<td>Set aside to the Division of State Parks under EO 3967 for Pacific War Memorial Site purposes.</td>
<td>Unencumbered. Portion of stream Leased to Tactical Airgun Games Hawaii LLP under RP 7843 for commercial recreational use.</td>
<td></td>
</tr>
</tbody>
</table>
CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for elevated guideway purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor subject project was published in the OEQC’s Environmental Notice on January 8, 2011.

On August 24, 2012, the Hawaii Supreme Court ruled that the City should have completed archaeological survey work along the entire proposed rail transit route prior to starting construction.

In February 2013 the field work for the Archaeological Inventory Survey (“AIS”) for the entire proposed transit route was completed and the AIS reports were then submitted to DLNR’s State Historic Preservation Division (“SHPD”) for review, which was accepted by SHPD pursuant to its letter dated August 27, 2013.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
2. Process and obtain subdivision at Applicant's own cost;
3. Obtain written concurrences from the parties mentioned in the table above; and
4. HART to coordinate execution by the City and County of Honolulu on the easement

BACKGROUND:

As part for the 20-mile grade separated fixed guideway rail system from East Kapolei to Ala Moana Center, HART requests portions of the State land currently encumbered by various dispositions as mentioned above to be utilized for the elevated guideway
purposes.

In the past, the Board has authorized the issuance of perpetual non-exclusive easement to HART at various locations, including East Kapolei, Waipahu High School, and aloha Stadium. Subject request is similar to other previous locations in nature. HART is aware that written concurrence from the parties responsible for the requested parcels are required before the issuance of right-of-entry and easement.

The areas requested are depicted as hatched on the maps attached as Exhibit B1 to B4. The actual square footage will be known when the drawings are finalized. HART also requests the utilization of two areas [shown crossed hatched] over State lands for construction staging area purposes. The exact duration of the construction staging area will be known at a later date.

Further, the requested easements are subject to the City’s guideway easement requirements attached as Exhibit C, which has been adopted by the Board at its meeting on September 13, 2013, item D-8 regarding the East Kapolei site.

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.

As requests for agency or community comments have been conducted during the environmental assessment stages, staff did not solicit comments from other agencies on the subject disposition.

There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the subject areas for elevated guideway purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

A. The City’s guideway easement requirements at Exhibit C;

B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;

C. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time:
D. Review and approval by the Department of the Attorney General; and

E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

2. Authorize the issuance of a right-of-entry permit to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation covering the requested easement areas and the construction staging areas under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

A. The City’s guideway easement requirements at Exhibit C;

B. If the rail transit project is terminated, or rail services stop for a continuous period of one (1) year, the City, shall remove all improvements and restore the land to its original condition within six months;

C. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;

D. Written concurrence of the parties mentioned in the table above; and

E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

[Signature]

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson
TMK (1) 1-1-003:003, 004, 138, and 239

EXHIBIT A
ELEVATED GUIDEWAY
EXHIBIT "A"
GUIDEWAY EASEMENT REQUIREMENTS

1. Access along the guideway for maintenance. A multi-use of bike path could provide this access parallel to the guideway.

2. Fire code: 2,500 feet to any point on the guideway. Roads under the guideway can provide this access. A road parallel to the guideway is not required.

3. Access along the guideway that will allow HART access to inspect hatches located approximately every 240 feet and a 20 feet by 30 feet all weather pad that will allow for deployment of a pantagraph lift or bucket truck.

4. Access to maintain electrical duct lines and drain lines on the columns.

5. A clear area with a radius of 13 to 14 feet around each column.

6. No vertical construction allowed under the guideway or within 10-feet of the edge of the guideway, an area approximately 50 feet wide along the centerline of the guideway.

7. Right to clear an area for guideway maintenance purpose and restoration by HART after work is completed.