

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

November 13, 2015

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

Ref: 15OD-157

OAHU

Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes, Waimanalo, Koolauapoko, Oahu, Tax Map Key: (1) 4-1-027:portion of 004.

APPLICANT:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waimanalo, Koolauapoko, Oahu, identified by Tax Map Key: (1) 4-1-027:portion of 004, as shown on the attached map labeled **Exhibit A**.

AREA:

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

ZONING:

State Land Use District: Agricultural
City & County of Honolulu LUO: AG-2

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:

Encumbered by Governor's Executive Order No. 4305 setting aside to the Department of Agriculture for agriculture purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines including the right to trim and keep trimmed any trees in the way of its improvements. over, under and across State-owned land.

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 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item No. 15 that states "Utility service connection and installation". 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: Applicant shall be required to:

1. Concurrence from State Historic Preservation Division as described below;
2. Pay for an appraisal to determine one-time payment;
3. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
4. Process and obtain designation of easement approval at Applicant's own cost.

REMARKS:

Pursuant to Governor's Executive Order No. 4305, the subject (Parcel 4) and the adjacent State property (Parcel 2) have been set aside to the Department of Agriculture ("DOA") for agriculture purposes, and both of them were leased to respective lessees. To provide service to the DOA's tenant on Parcel 2, HECO requests a perpetual easement for electrical transmission lines purposes over a portion of Parcel 4. A map showing the alignment of the easement is attached as **Exhibit C**.

In addition, HECO requests an immediate right-of-entry until the issuance of the requested easement.

Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Department of Design and Construction, and Board of Water Supply have no objections/comments to the subject request. Department of Health did not respond to the solicitation for comment before the suspense date.

Department of Agriculture and their lessees over Parcels 2 and 4 have also indicated their concurrence to the subject request (**Exhibit D**).

State Historic Preservation Division ("SHPD") asked, by its letter dated September 25, 2015 and attached as **Exhibit E**, for additional information regarding Parcel 2 [which is not the requested easement area]. Staff understands HECO and lessee of Parcel 2 are working with SHPD for the requested material, and there is no further information at the time of finalizing this submittal. Staff has included the concurrence from SHPD as part of the Applicant's Requirement.

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.

RECOMMENDATION: That the Board:

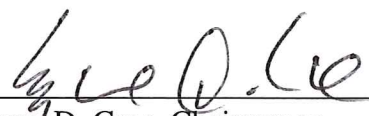

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
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. Issuance of a right-of-entry permit 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. Concurrence from State Historic Preservation Division;
 - B. The standard terms and conditions of the most current right-of-entry document form, as may be amended from time to time; and
 - C. 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:


Suzanne D. Case, Chairperson




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 Right-of-Entry Permit for Electrical Transmission Line Purposes.

Project / Reference No.: PSF 15OD-157

Project Location: Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-027:portion of 004.

Project Description: Electrical Transmission Lines


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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item No. 15 that states "Utility service connection and installation".

Since the request is pertaining to utility connection, the subject request 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.




Suzanne D. Case, Chairperson
Date: 11/2/15 

EXHIBIT B

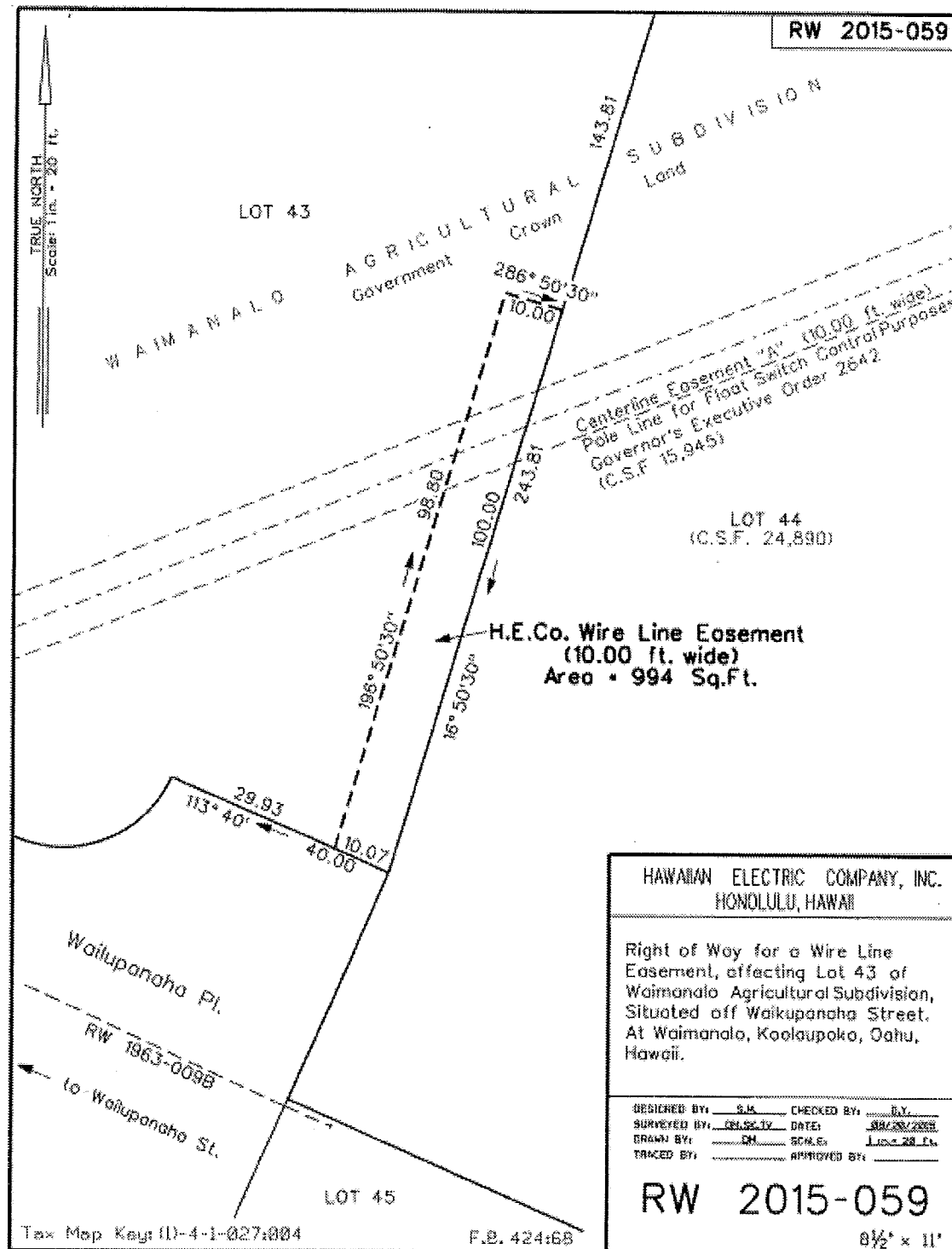
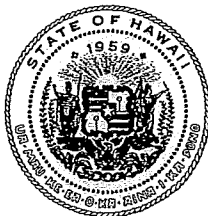
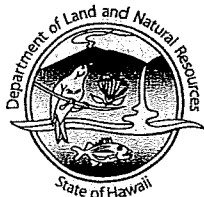


EXHIBIT C



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 9, 2015

Ref: PSF 15OD-157

MEMORANDUM

TO:

State Agencies:

- ☒ DOH
- ☒ DHHL
- ☐ DLNR-Aquatic Resources
- ☐ DLNR-Forestry & Wildlife
- ☒ DLNR-Historic Preservation
- ☐ DLNR-State Parks
- ☐ DLNR-Conservation and Coastal Lands
- ☐ DLNR-Water Resource Management
- ☒ DOA-ARM (Attn.: Randy Teruya)

Federal Agencies:

- ☐ Corps of Engineers
- ☐ NRCS

County Agencies:

- ☒ Planning & Permitting
- ☐ Parks & Recreation
- ☒ Public Works
- ☒ Board of Water Supply

Other Agencies:

- ☒ Office of Hawaiian Affairs

RECEIVED
LAND DIVISION
2015 SEP 29 AM 10:53
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

FROM:

Barry Cheung, District Land Agent *Barry Cheung*

SUBJECT: Request for Perpetual Easement for Electrical Transmission Lines Purposes

LOCATION: Waimanalo, Koolaupoko, Oahu, TMK (1) 4-1-027:portion of 004

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 **October 10, 2015**. 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.

Enclosure

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

EXHIBIT "D"

Signed: *Randolph J. Krueger*
Date: *9/25/15*

RECEIVED SEP 11 2015

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture
PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

September 15, 2015

Mr. Michael Buck

Waimanalo, HI 96795

SUBJECT: GENERAL LEASE NO. S-3107

Address:
TMK: (1)4-1-027:002
HECO SERVICE

WAIMANALO, HAWAII

Dr. Mr. Buck:

This letter is to request your acknowledgement of HECO's plan to obtain a State of Hawaii easement over the neighboring adjacent lot TMK: (1)4-1-027:004 to accommodate your request for electric service to your dwelling referenced above. Enclosed is a copy of HECO's letter dated September 1, 2015 with enclosures regarding this matter.

The Department of Land and Natural Resource (DLNR) will be obtaining the necessary approvals and drafting the legal document granting the easement rights to HECO.

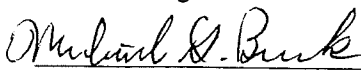
Please sign in the space provided below, acknowledging your understanding of this matter. Return this executed letter to our office using the enclosed self-addressed envelope. Should you have any questions, please don't hesitate to contact me via email at Linda.H.Murai@hawaii.gov or call 808-973-9471.

Sincerely,


Linda Murai
Property Manager
Agricultural Resource Management Division

Enclosures

Acknowledged



By
Date 9/16/2015



DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

September 15, 2015

Matsuko Matsumoto, Trustee
Attention: Mr. Carl Morita

Waimanalo, HI 96795

**SUBJECT: GENERAL LEASE NO. S-4011
TMK: (1) 4-1-027:004; LOT 43
PROPERTY ADDRESS:
LESSEE: MATSUKO MATSUMOTO, TRUSTEE
PERPETUAL EASEMENT FOR ELECTRICAL
TRANSMISSION LINES BY HECO**

WAIMANALO, HAWAII

Dear Mr. Morita:

The neighbor who occupies and leases from the State of Hawaii the lot adjacent to the property leased by Matsuko Matsumoto, Trustee, has requested that Hawaii Electric Company provide service to his property, which requires HECO to obtain a perpetual, non-exclusive easement on the Matsumoto property referenced above. HECO has formally requested easement rights from the State of Hawaii, and this letter is to request your acknowledgement and agreement to this plan by signing in the space provided below prior to proceeding with the legal process.

To assist in describing HECO's plan, enclosed for your reference are the following:

1. A copy of the City tax map for (1)4-1-027;
2. A copy of the Hawaiian Electric Engineering Drawing No. 6046933 dated June 30, 2015 for the Buck service project
3. A copy of Hawaiian Electric Right-of-Way (R/W) Map 2015-059 showing the dimensions of the proposed easement.

As shown on the above item #2 HECO's drawing, HECO's plan is to "tap off" of Pole P1/3 which is currently servicing only the Matsumoto property and connect a service line directly to the neighbor's dwelling which they have determined is the most efficient route. Additionally, HECO will be installing a new pole to replace the current pole that is in poor condition which is located on the Matsumoto property. Due to the configuration of the service line route on the Matsumoto lot, HECO must obtain an easement from the State of Hawaii.



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The Department of Land and Natural Resources (DLNR) will be obtaining the necessary approvals and drafting the legal document granting the easement to HECO. In the near future, you will be receiving correspondence and documents from DLNR requiring your notarized signature.

Please sign in the space provided below, acknowledging your agreement to this matter, and return this signed letter to our office using the enclosed self-addressed envelope.

Should you have any questions regarding this matter, please don't hesitate to contact me via email at Linda.H.Murai@hawaii.gov or call 808-973-9741.

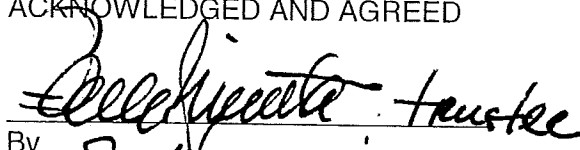
Sincerely,



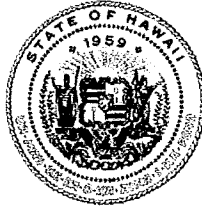
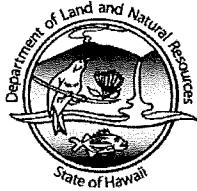
Linda H. Murai
Property Manager
Agricultural Resource Management Division

Enclosures

ACKNOWLEDGED AND AGREED


By _____
Date Sept 22, 2015

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 25, 2015

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

Log No. 2015.03407
Doc. No. 1509GC15
Archaeology

Dear Mr. Cheung:

**SUBJECT: Chapter 6E-8 Historic Preservation Review –
Request for Perpetual Easement for Electrical Transmission Lines Purposes
Ref No: 15OD-157 – Hawaiian Electric Company (HECO)
Waimanalo Ahupua'a, Ko'olaupoko District, Island of O'ahu
TMK: (1) 4-1-027:002 por., 004 por.**

Thank you for the opportunity to review and comment on this request for a *Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. (HECO) for Electrical Transmission Lines Purposes* for a portion of TMK: (1) 4-1-027:004. SHPD received this request on September 10, 2015. The subject property (parcel 004) and the adjacent property (parcel 002) were encumbered by Governor's Executive Order No. 4305 which set them aside to the Department of Agriculture (DOA) for agricultural purposes. Both parcels are currently leased to respective lessees. HECO proposes to provide electrical transmission services to DOA's tenant on parcel 002, and is requesting a perpetual easement for electrical transmission lines over a portion of parcel 002.

The submittal provides no information regarding parcel 002, including whether there will be any ground disturbance involved in the installation of the electrical transmission lines. Therefore, we have insufficient information to make a determination as to whether the proposed project will have an adverse impact on historic properties. SHPD requests the following information:

- (1) Narrative description of the proposed project, including total area in acres and the nature of any land ground disturbance;
- (2) A TMK map showing the proposed easement(s);
- (3) Description of current vegetation cover and condition of the project area, including photographs;
- (4) A summary of prior land use history, such as previous intensive cultivation, grubbing or grading; and
- (5) Copies or dates of previously approved permits, survey reports, and/or prior SHPD review letters that pertain to the property.

Please contact me at Susan.A.Lebo@hawaii.gov or (808) 692-8019 or at if you have any questions regarding this letter.

Aloha,

Susan A. Lebo, PhD
Archaeology Branch Chief

EXHIBIT "E"