

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

July 8, 2016

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

PSF No.: 16OD-068

OAHU

Cancellation of Revocable Permit No. S-7596 and the Issuance of Two (2) Perpetual Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Utility Purposes, Aiea, Ewa, Oahu; Tax Map Key: (1) 9-9-044:022 and 070 portions

APPLICANT:

Hawaiian Electric Company, Inc. whose business and mailing address is P.O. Box 2750, Honolulu, Hawaii 96840-0001.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Aiea, Ewa, Oahu; Tax Map Key: (1) 9-9-044:022 and 070 portions, as shown on the attached map labeled as Exhibit 1.

AREA:

Easement A: 722 square feet, more or less

Easement B: 8 square feet, more or less

ZONING:

State Land Use District: Urban District
City & County of Honolulu LUO: R-5, Residential

TRUST LAND STATUS:

Section 5 (b) lands of the Hawaiian Admission Act

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

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7596 for utility easement purposes.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

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)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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", 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 easement payment;
- 2) Process and obtain subdivision at Applicant's own cost.

Note: The applicant has previously provided the required maps and description for the proposed easement areas.

REMARKS:

Effective as of August 15, 1959, Revocable Permit No. S-2960 was issued to Hawaiian Electric Company, Inc. (HECO) and to Hawaiian Telephone Company for the placement of electric and communication transmission lines located over State land. The overhead power lines continue to be located over State land currently encumbered by Revocable Permit No. S-7596 issued to HECO for utility purposes.

Revocable permits have typically been renewed annually by the Board of Land and Natural Resources and are valid for only on a month-to-month basis. As such, HECO requests the cancellation of Revocable Permit No. S-7596 and also requests that two (2) perpetual non-exclusive easements, Easement A and Easement B, be issued in its place to replace the permit. The issuance of Easement A would include a portion of the Aiea Stream.

The following have no comments and/or objections to the subject request: the Board of Water Supply, Office of Hawaiian Affairs, State Historic Preservation Division and the Department of Planning and Permitting.

The Department of Health, Commission on Water Resource Management and the Department of Facilities Management have not responded as of the suspense date of the subject request.

HECO 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. Cancellation of Revocable Permit No. S-7596 upon the issuance of the easements.
3. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of two (2) perpetual non-exclusive easements to 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 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.

Respectfully Submitted,



Timmy Chee
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: Cancellation of Revocable Permit No. S-7596 and the Issuance of Two (2) Perpetual Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Utility Purposes

Project / Reference No.: PSF 16OD-068

Project Location: Aiea, Ewa, Oahu; Tax Map Key: (1) 9-9-044:022 and 070 portions

Project Description: Issuance of Two (2) Non-Exclusive Easements to Hawaiian Electric Company, Inc.

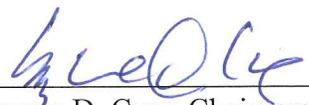
Chapter 343 Trigger(s): Use of State Land

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 June 5, 2015, 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".

The subject request consists of the issuance of two (2) non-exclusive utility easements to replace the current revocable permit that was issued for utility purposes. As such, the subject request involves negligible or no expansion or change of use beyond that previously existing.

Consulted Parties: City and County of Honolulu, Department of Planning and Permitting

Recommendation: It is anticipated that 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

N Date: 6/7/16

EXHIBIT 2