

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

August 12, 2016

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

PSF No.: 16OD-080

OAHU

Issuance of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Utility Purposes; Cancellation of Revocable Permit No. S-7610; Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-010:088 portion

APPLICANT:

Hawaiian Electric Company, Inc. (HECO); and
Hawaiian Telcom, Inc. (HTI)

LEGAL REFERENCE:

Section 171-13, 17, and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-010:088 portion, as shown on the attached map labeled as **Exhibit 1**.

AREA:

1,616 square feet, more or less

ZONING:

State Land Use District: Agriculture District
City & County of Honolulu LUO: AG-2, General Agriculture

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 Executive Order No. 4239 to the Department of Agriculture for agriculture purposes.

Encumbered by Revocable Permit No. S-7610 to HECO and to HTI for utility purposes.

Encumbered by Land Office Deed No. 28,865 for a right-of-way for access purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, reconstruct, use, maintain and repair electric and communication transmission and distribution lines, poles, guy wires and anchors over, under and across State-owned land for utility and communication purposes, including the right to trim and keep trimmed any trees in the way of any appliances and equipment.

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 the Exemption List for the Department of Land and Natural Resources, concurred with by the Environmental Council on June 5, 2015, the subject request includes the issuance of an easement which is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 46, which states, "Creation or termination of easement, covenants, or other rights in structures or land." 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; and
- 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:

The existing overhead power lines are located over State land situated in Waimanalo, per Executive Order No. 4239, setting aside the land to the Department of Agriculture. The subject area is also currently encumbered by Revocable Permit No. S-7610 issued to HECO and to HTI for utility purposes.

Revocable permits have typically been renewed annually by the Board of Land and Natural Resources and are valid for only a month-to-month basis. As such, HECO and HTI request the cancellation of Revocable Permit No. S-7610 and further request that a perpetual non-exclusive easement be issued in its place to replace the current revocable permit.

Effective as of the date of the writing of this report, the following governmental agencies have no objections and/or comments to the subject request: the Department of Agriculture, Department of Planning and Permitting, Department of Parks and Recreation, Office of Hawaiian Affairs and the Department of Facility Maintenance.

Effective as of the date of the writing of this report, the following governmental agencies had not responded to staff's request to comment on the subject: the Department of Environmental Health Planning and the Board of Water Supply.

HECO and HTI have 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.

There are no other pertinent issues or concerns that staff is currently aware of regarding the subject request.

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. and to Hawaiian Telcom, 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:

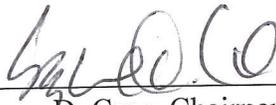
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Cancellation of Revocable Permit No. S-7610 upon issuance of requested easement.

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: Issuance of Perpetual Non-Exclusive Easement to Hawaiian Electric Company Inc. and to Hawaiian Telcom, Inc., for Utility Purposes

Project / Reference No.: PSF 16OD-080

Project Location: Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-010:088 portion

Project Description: Cancellation of a Revocable Permit and the Issuance of a Perpetual Non-Exclusive Easement

Chapter 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, concurred with by the Environmental Council on June 5, 2015, the subject request includes the issuance of an easement which is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, item 46, which states, "Creation or termination of easement, covenants, or other rights in structures or land."

The subject request consists of the issuance of a perpetual non-exclusive easement to replace the current revocable permit serving utility purposes. Further, the subject request requires the creation of an easement to serve utility purposes covering the same area of land that the current revocable permit includes. As such, the subject request involves negligible or no expansion or change of use beyond that previously existing.

Consulted Parties: 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
Date: 7/27/16

EXHIBIT 2