

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

November 9, 2017

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

PSF No.: 11OD-078

OAHU

Issuance of Right-of-Entry Permit to Hawaiian Electric Company, Inc. on Lands Encumbered by Governor's Proclamation dated December 31, 1918 for Mokuleia Forest Reserve and Unencumbered Lands, Mokuleia, Waialua, Waianae-Kai, Oahu, Tax Map Key: (1) 6-7-003:018, 024; 6-8-001:001, 8-5-006:001.

APPLICANT:

Hawaiian Electric Company, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waialua, Waianae, Oahu, identified by Tax Map Key: (1) 6-7-003:018, 024; 6-8-001:001, 8-5-006:001, as shown on the attached map labeled **Exhibit A**.

ZONING:

State Land Use District: Conservation

City and County of Honolulu LUO: P-1

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:

(1) 6-7-003:018	Mokuleia Forest Reserve	DOFAW	Governor's Proclamation dated December 31, 1918
(1) 6-7-003:024			
(1) 6-8-001:001			
(1) 8-5-006:001	Unencumbered		

CHARACTER OF USE:

Due diligence purposes,.

TERM OF RIGHT-OF-ENTRY:

Three (3) years.¹

CONSIDERATION:

Gratis.

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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, "Basic data collection, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," item 1 that states, "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water equality etc.) 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:

None. Agencies were consulted and they have no objection to the subject request.

¹ HECO originally applied for five (5) years. OCCL indicates that the Site Plan Approval is only valid for three (3) years. HECO has no objection of reducing the requested period from five (5) to three (3) years.

REMARKS:

At its meeting of February 25, 1966, agenda item F-13, the Board authorized the issuance of a perpetual easement for utility purposes in Mokuleia and Waianae-Kai. While a portion of easement over Waianae-Kai was consummated [LOD 28863], the portion of the easement at Mokuleia was never completed due to mapping and alignment issues. Staff understands that poles and lines have been constructed.

When the Board considered the request to clarify the character of use of the easement at its meeting of March 13, 2009, item D-7, the Board required the applicant to consult with the Natural Area Reserve Commission and Hawaii Invasive Species Council on efforts to minimize the introduction of unwanted alien species and damage to native vegetation and wildlife.

Applicant is developing a plan to relocate a portion of the existing lines and poles to minimize future impacts to the environment. Per applicant's letter at **Exhibit C**, investigations are needed to evaluate the new alignment and best method of removal of the existing improvements. Therefore, applicant requests a right-of-entry for the following research activities, including:

- vegetation clearing for landing zone and trail
- install fall protection apparatus on trails
- soil boring
- wetland delineation survey
- biological and archeological survey
- topographic survey
- archeological survey

The requested duration is three (3) years or the completion of the due diligence. For Board's information, staff will return to the Board, at a later date, when a proposed new alignment is accepted by the appropriate regulatory agencies.

Division of Forestry and Wildlife and Natural Area Reserve System have no objection to the request. Office of Hawaiian Affairs has not responded to the request for comment at the time of writing this submittal.

Meanwhile, the Office of Conservation and Coastal Lands has authorized the proposed work pursuant to the Site Plan Approval (OA-17-62) dated July 26, 2017. The approval is valid for three (3) years. Applicant is also required to comply with the terms and conditions of the Site Plan Approval during the effective period of the requested right-of-entry.

There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION: That the Board

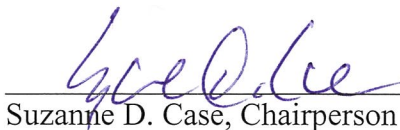
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaiian Electric Company, Inc. covering the subject area 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 permit form, as may be amended from time to time;
 - B. Terms and conditions of the Site Plan Approval (OA-17-62) dated July 26, 2017;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 - D. Authorize the Chairperson to issue extension of right-of-entry to the Applicant in relation to its due diligence purposes for good cause.

Respectfully Submitted,

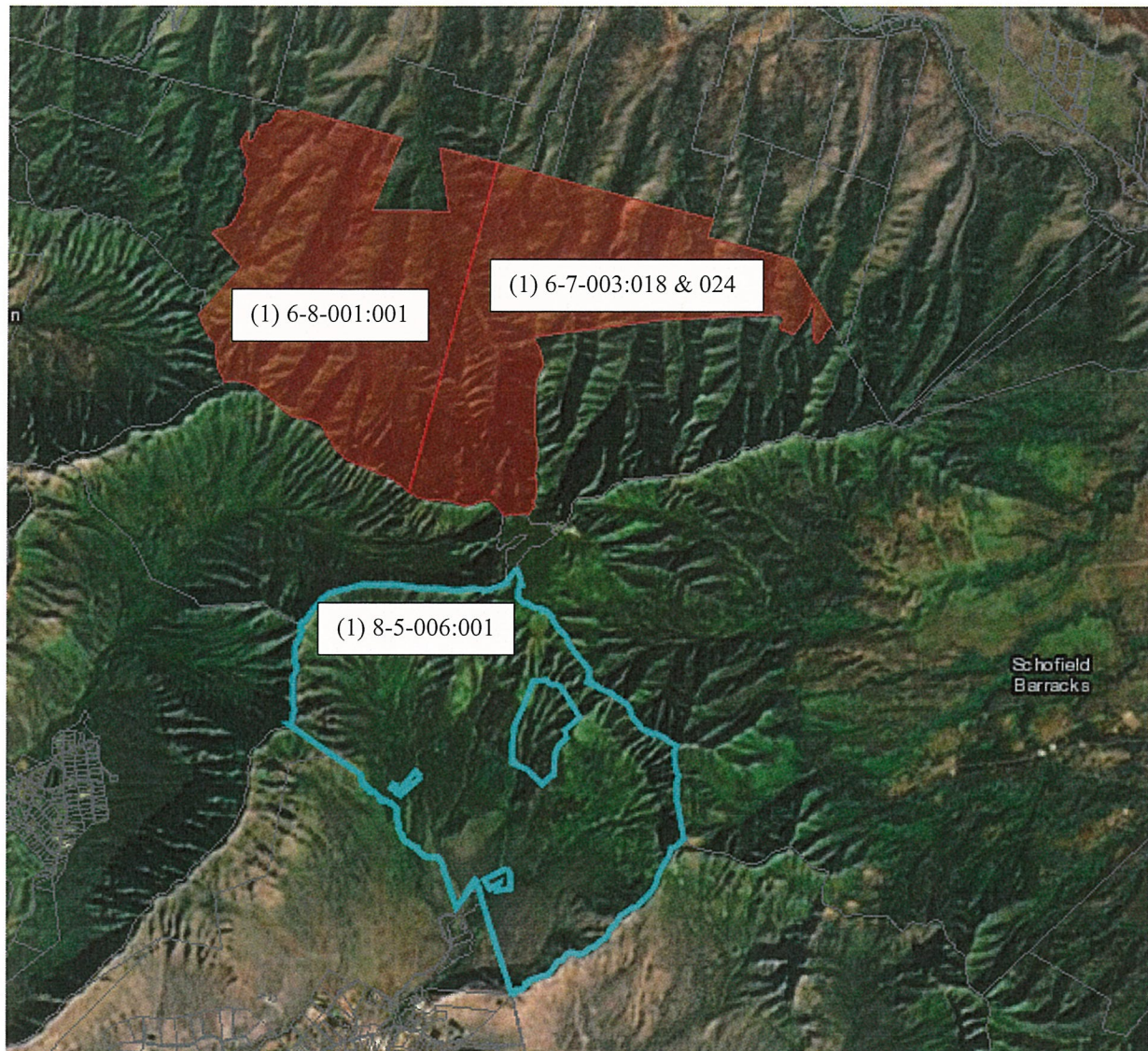


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK (1) 6-7-003:018, 024; (1) 6-8-001:001, (1) 8-5-006:001

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right-of-Entry Permit for Due Diligence Purposes

Project / Reference No.: 11OD-078

Project Location: Mokuleia, Waialua, Waianae-Kai, Oahu, Tax Map Key: (1) 6-7-003:018, 024; 6-8-001:001, 8-5-006:001.

Project Description: Issuance of a right-of-entry permit for due diligence.

Chapter 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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, "Basic data collection, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," item 1 that states, "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water equality etc.)"

The subject request only pertains to collection of data and no improvements will be constructed pursuant to the requested right-of-entry. As such staff believes that the project would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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.

EXHIBIT B



2017 AUG 31 AM 11:14

August 28, 2017

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. Russell Tsuji
Land Administrator
Land Division, Board of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

Request for an Engineering Right of Entry to Maintain and
Evaluate the Relocation of Hawaiian Electric Company, Inc.'s
(HECO) Existing Mikilua 4 Circuit at Mt. Ka'ala, Waianae,
Oahu, TMK's 6-7-003: 18 & 24, 6-8-001: 001, 8-5-006: 001

Dear Mr. Tsuji:

Hawaiian Electric Company, Inc. (HECO) on February 25, 1966, received Board approval for a perpetual, non-exclusive easement for an electrical distribution line over the Waianae-Kai and Mokuleia Forest Reserves to provide electric service to facilities that are constructed on Mt. Kaala. Since the installation of the line, the area has become environmentally more sensitive and as such, HECO is trying to develop a relocation plan to minimize future impacts to the environment. The relocation of a portion of the existing line will require HECO to conduct investigations to confirm a new route and determine a method of removal of the existing facilities. To gain access for this investigation, HECO would like to request an Engineering Right of Entry for the following locations and activities:

1. Existing Poles and Line, Trails to Poles, and P.25 Landing Zone (TMK: 6-7-003: 18)
 - a. Complete vegetation clearing of the landing zone for, trail to, and at pole P.25.
 - b. Install fall protection apparatus on trails to and at existing pole locations.
 - c. Complete biological surveying of trails to existing poles (Up to 5 ft. out from center of trail).
 - d. Complete biological surveying of area within existing (overhead or underground) electrical lines and around existing poles (Up to 10 ft. out from center of line and 20 ft. radius around pole).
 - e. Complete biological surveying of P.25 Landing Zone
 - f. Complete archeological surveying of trails to existing poles (Up to 5 ft. out from center of trail).
 - g. Complete archeological surveying of area within existing (overhead or underground) electrical line and around existing poles (Up to 10 ft. out from center of line and 20 ft. radius around pole).
 - h. Complete archaeological surveying of P.25 Landing Zone

EXHIBIT "C"



Mr. Russell Tsuji

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2. Proposed new poles and line, and Upper Staging Areas (TMK: 6-7-003:018 & 24)
 - a. Complete topographic survey of area around proposed new poles (up to 30 ft. radius around pole).
 - b. Complete topographic survey of area within proposed (overhead and underground) electrical line (up to 20 ft. from center of line).
 - c. Conduct soil borings near proposed new poles P.26 and P.29.
 - d. Complete a wetland delineation survey of the area where the proposed underground route is located (approx. 100 ft. out from center of access road).
 - e. Complete biological survey of area within proposed (overhead and underground) electrical line and around proposed new poles (Up to 10 ft. out from center of line and 20 ft. radius around pole).
 - f. Complete archeological survey of area within proposed (overhead and underground) electrical line and around proposed new poles (Up to 10 ft. out from center of line and 20 ft. radius around pole).
 - g. Complete vegetation clearing for the trail to the new pole locations and for topographic survey.
3. Decontamination Area (requested based on comments from NARS and Department of Forestry and Wildlife (DOFAW)) (TMK: 6-8001: 001)
 - a. Complete biological survey of decontamination area
 - b. Complete archeological survey of decontamination area
4. Lower Landing Zone and Staging area (TMK: 8-5-006: 001)
 - a. Complete biological survey of lower landing zone and staging area
 - b. Complete archaeological surveying of lower landing zone and staging area

To assist in your review we have enclosed the Attachment "A" – Existing trails, poles, and line and P.25 Landing Zone, Attachment "B" – Proposed Relocation and Upper Staging Areas, Attachment "C" – Decontamination Area, Attachment "D" – Lower Landing Zone and Staging Area and Attachment "E" – Combined drawing showing the existing and proposed alignments.

Given the sensitivity of the area, HECO has been working with OCCL, DOFAW and NARS regarding our request. We have requested and received OCCL Site Plan approval for pre-construction work associated with our relocation effort. (See attached). Additionally, we have submitted and received DOFAW approval for access and special use within the Mokuleia Forrest Reserve. (See DOFAW approval) HECO has also submitted and is currently waiting for NARS response to our NARS Special Use Permit for proposed overhead line relocation activities. (See attached application)



Mr. Russell Tsuji
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If have any questions, or require additional information in reviewing our request, please feel free to contact me at 543-4735, or at wendy.oda@hawaiianelectic.com. We appreciate your attention to this matter.

Sincerely yours,

Wendy E. Oda
Director, Land & Rights of Way

Attachments

Mt. Ka'ala Trail Map



Legend

- 2016_Mt_Kaala_Existing_Poles
- Trails
- - - Pole25_Trail
- Mt.Ka'ala Access Road
- Snail_Buffer_50FT
- P.25 Landing Zone
- FAA Facility
- Existing Overhead Electrical Line
- Existing Underground Electrical Line



Attachment A

0 0.1 0.2 0.4 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Copyright© 2013 National Geographic Society, i-cubed

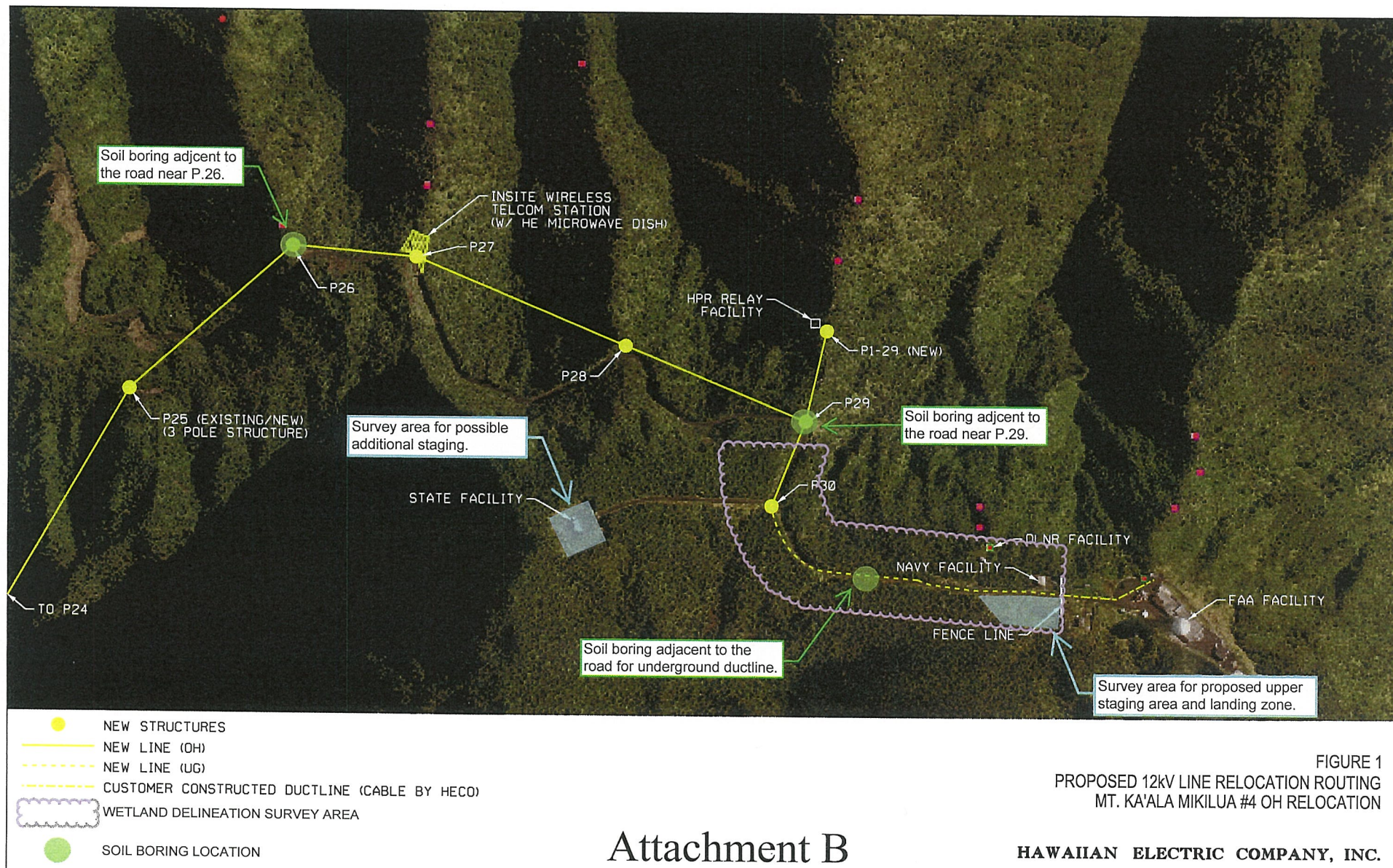


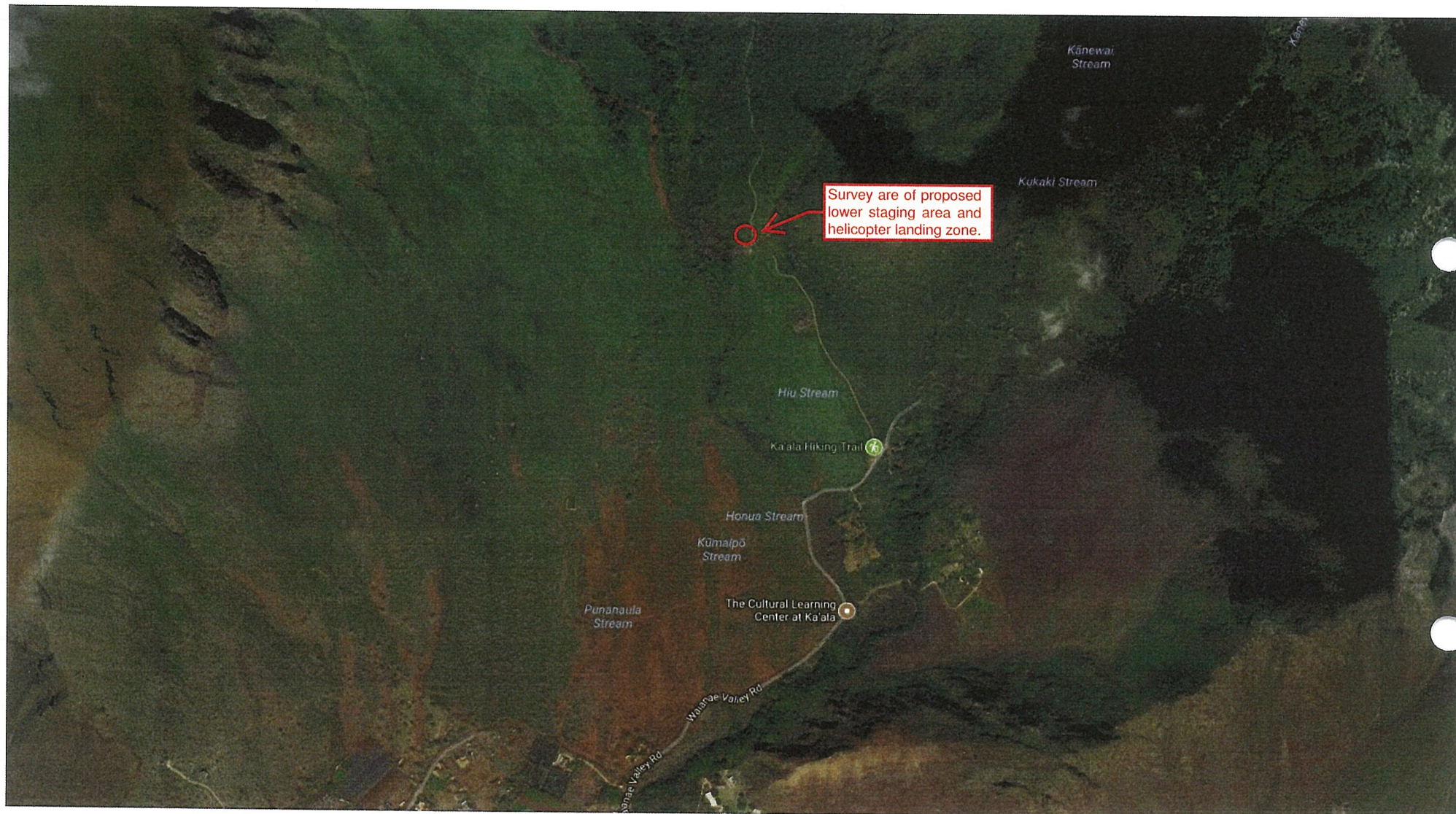
FIGURE 1
PROPOSED 12kV LINE RELOCATION ROUTING
MT. KA'ALA MIKILUA #4 OH RELOCATION

Attachment B

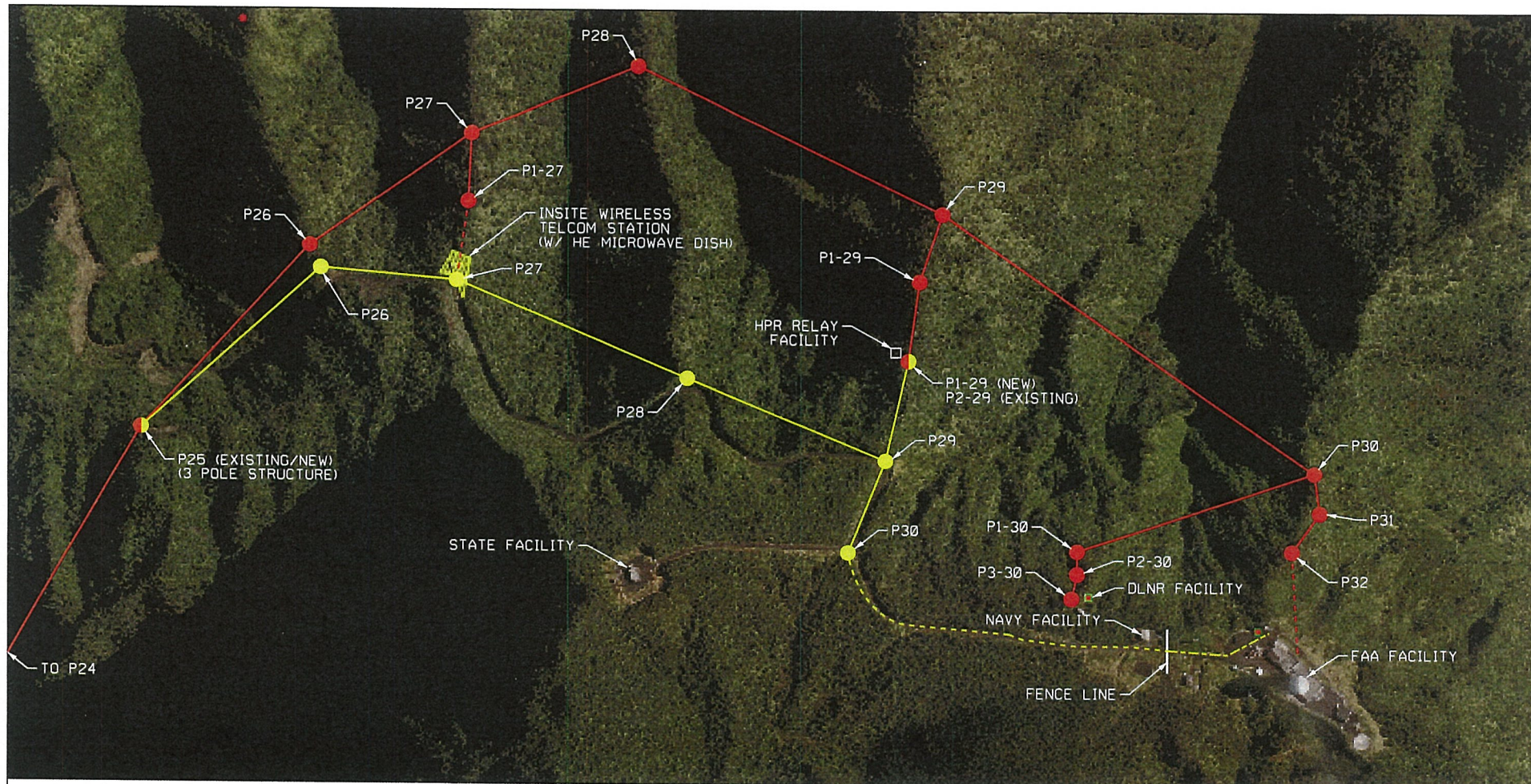
HAWAIIAN ELECTRIC COMPANY, INC.



Decontamination Site
Attachment C



Lower Staging Area and Landing Zone
Attachment D



- EXISTING STRUCTURES
- NEW STRUCTURES
- EXISTING LINE (OH)
- - - EXISTING LINE (UG)
- NEW LINE (OH)
- - - NEW LINE (UG)
- - - CUSTOMER CONSTRUCTED DUCTLINE (CABLE BY HECO)

ATTACHMENT E

FIGURE 1
PROPOSED 12kV LINE RELOCATION ROUTING
MT. KA'ALA MIKILUA #4 OH RELOCATION

HAWAIIAN ELECTRIC COMPANY, INC.