

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

February 23, 2018

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

PSF No.: 17OD-120

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Utility Purposes; Cancellation of Revocable Permit No. S-7601 at Waialeale, Koolauloa, Oahu; Tax Map Key: (1) 5-8-001:054 portion.

APPLICANTS:

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 Waialeale, Koolauloa, Oahu; Tax Map Key: (1) 5-8-001:054 portion, as shown on the attached maps labeled as **Exhibit A1** and **A2**.

AREA:

5,000 sq. feet, more or less

ZONING:

State Land Use District:
City & County of Honolulu LUO:

Agriculture District
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 Revocable Permit No. S-7601 to HECO and to HTI for utility purposes at a monthly rental of \$16.51.

Other portion of the same parcel is encumbered by Land Office Deed No. 24,353 to HECO and HTI for the construction, use, maintenance, repair, and replacement of electric and telephone transmission lines and guy anchor sites.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical and telephone transmission lines, poles, guy wires and anchors over, under and across State-owned land, including the right to trim and keep trimmed any trees in the way of its 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 and reviewed 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. 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" and item 46, which states, "Creation or termination of easement, covenants, or other rights in structures or land." 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) Pay for an appraisal to determine a one-time easement payment; and

- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Process and obtain designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

Applicants requested an easement over State land situated in Waialeale to enable electric and telephone service to a private property. A revocable permit was issued to HECO and HTI at that time as Revocable Permit S-2957. The utility installation was completed in 1961.

The Revocable Permit S-2957 was then re-issued with updated wording and requirements on October 23, 2009 under agenda item D-12 as Revocable Permit S-7601.

As part of the conversion process from revocable permit to long term disposition, HECO and HTI request the cancellation of Revocable Permit No. S-7601 and further request that a perpetual non-exclusive easement be issued in its place to replace the current revocable permit.

Department of Transportation- Highways Division, State Historic Preservation Division, Department of Planning and Permitting, and Department of Facility Maintenance have no objections/comments. The Commission on Water Resource Management, Department of Health- Environmental Planning, and Board of Water Supply have not responded to solicitation for comments before the response deadline.

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.

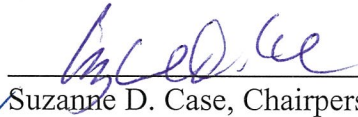
3. Cancellation of Revocable Permit No. S-7601 upon issuance of requested easement.

Respectfully Submitted,

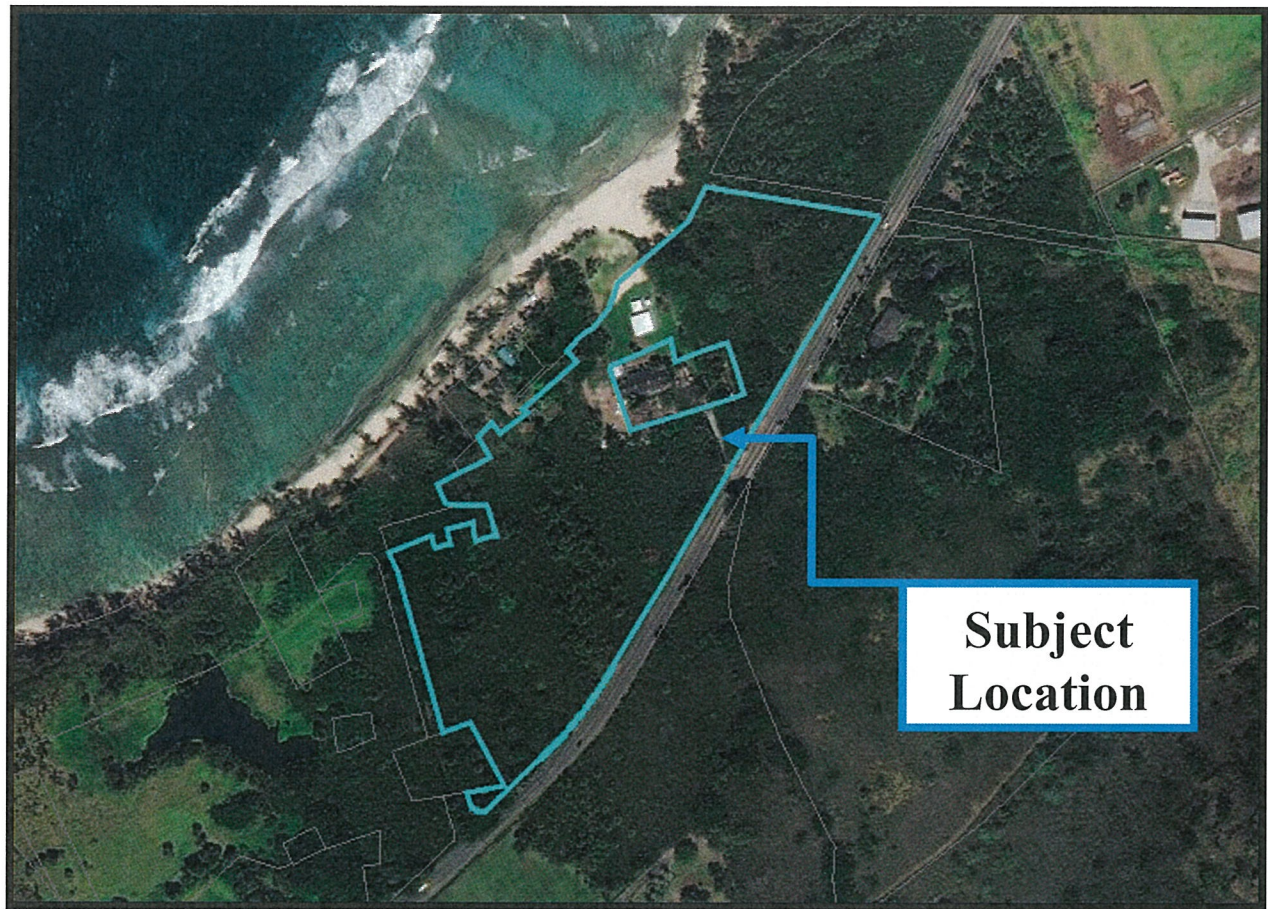


Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

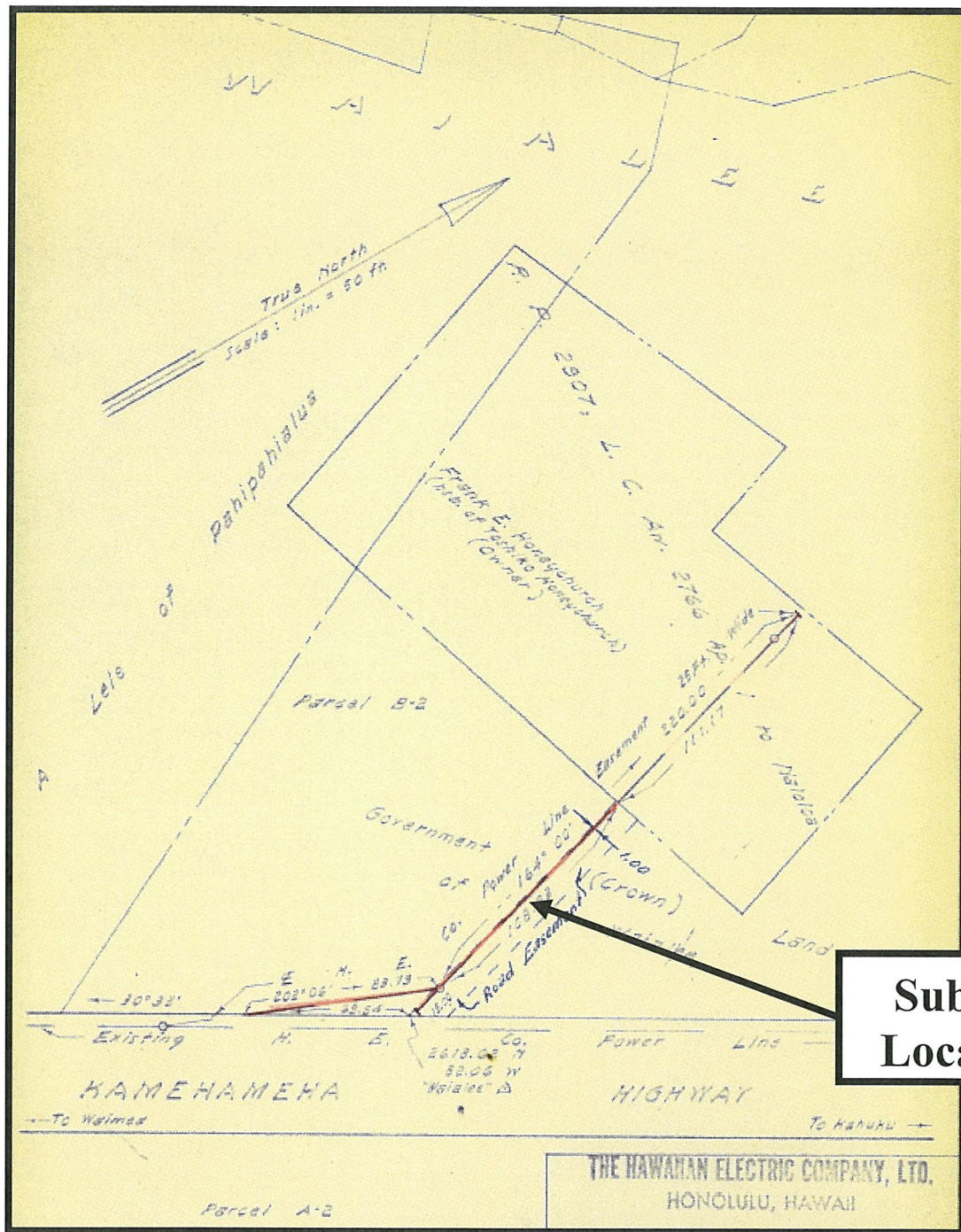


Suzanne D. Case, Chairperson



TMK (1) 5-8-001:054 portion

EXHIBIT A1



TMK (1) 5-8-001:054 portion

EXHIBIT A2

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 Hawaiian Telcom, Inc., for Utility Purposes
Project / Reference No.:	PSF 17OD-120
Project Location:	Waialeale, Koolauloa, Oahu; Tax Map Key: (1) 5-8-001:054 portion
Project Description:	Cancellation of a Revocable Permit and the Issuance of a Perpetual Non-Exclusive Easement for Utility Purposes
Chapter 343 Trigger(s):	Use of State Land
Exemption Class No.:	<p>In accordance with the Exemption List for the Department of Land and Natural Resources, concurred and reviewed 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. 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" and item 46, which states, "Creation or termination of easement, covenants, or other rights in structures or land."</p> <p>The improvements were constructed in 1960s and is presently under a revocable permit. The subject request consists of the issuance of a perpetual non-exclusive easement for utility purposes. Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Consulted Parties:	Agencies noted in the submittal.
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.

EXHIBIT B