

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

July 13, 2018

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

PSF No.: 18OD-065

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes and Issuance of Construction Right-of-Entry Permit at Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-7-020:011 portion and (1) 2-7-021:038 portion.

APPLICANTS:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

Sections 171-13, -17, -55, and -95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of State lands situated at Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-7-020:011 portion and (1) 2-7-021:038 portion, as shown on the attached maps labeled as **Exhibit A.**

AREA:

12,000 square feet, more or less

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	P-2, General Preservation District

TRUST LAND STATUS:

Section 5 (a) lands of the Hawaiian Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 1522 to the City and County of Honolulu for Addition to Ala Wai Park Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove overhead and underground electrical transmission lines and other equipment, 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 Section 11-200-8, Hawaii Administrative Rules (HAR) and 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;
2. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
3. Process and obtain designation of easement approval from the Department of Planning and Permitting at Applicant's own cost.

REMARKS:

In the early 1950s the subject area was slated as a master planned road by the City to access the public park along the Ala Wai and electrical poles with street lights were installed during the development of the area. Subsequently, the City decided that a street was not necessary for access to the park, but instead would develop a pedestrian walkway. The sixty-foot strip from Date Street to the Ala Wai Park was included in Executive Order 1522, dated August 26, 1952 issued to the City and County of Honolulu ("City") for addition to Ala Wai Park.

Iolani School ("Iolani") has maintained the roadway, parking areas, pedestrian walkways, bikeways, and landscaping of the area at its own cost since the 1950s at first through an informal agreement with the City. On September 27, 2002, under agenda item D-5, the Board gave its consent to a 55-year non-exclusive agreement between Iolani and City for access purposes. HECO discovered that the subject area is under State of Hawaii jurisdiction when plans were developed to upgrade and expand their utility lines in the area.

The requested easement will run approximately 300 feet along the access road from Date Street through the entry gate of Iolani and down for another 300 feet with the requested width as 20 feet. HECO plans to have overhead and below ground utility lines and facilities within the easement area. Iolani has consented to HECO's request for the subject easement (**Exhibit C**).

HECO requests a construction right-of-entry prior to the issuance of the easement document.

City's Department of Parks and Recreation indicates its concurrence to the request and the proposed environmental assessment exemption declaration.

At the time of finalizing this submittal, Department of Health, State Historic Preservation Division, Department of Planning and Permitting, Department of Facility Maintenance, Board of Water Supply, and Office of Hawaiian Affairs have not responded to the request for comment.

There are no other pertinent issues concerns and staff does not have any objection to the request described above.

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 utility purposes, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

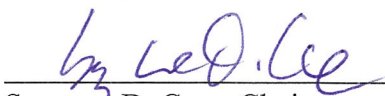
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

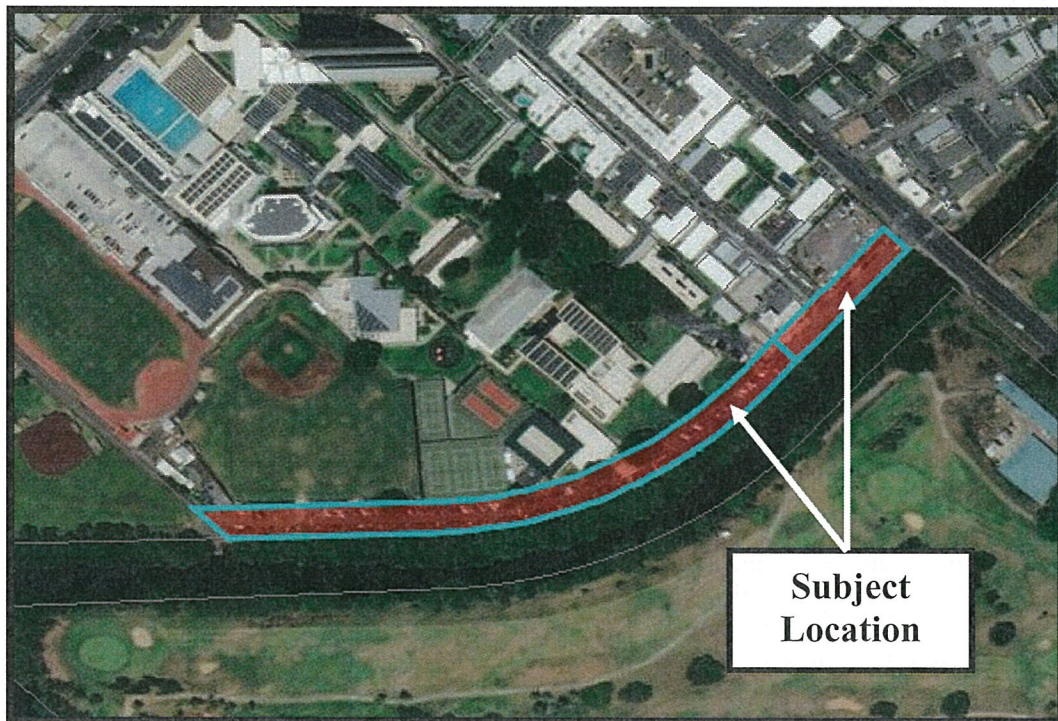
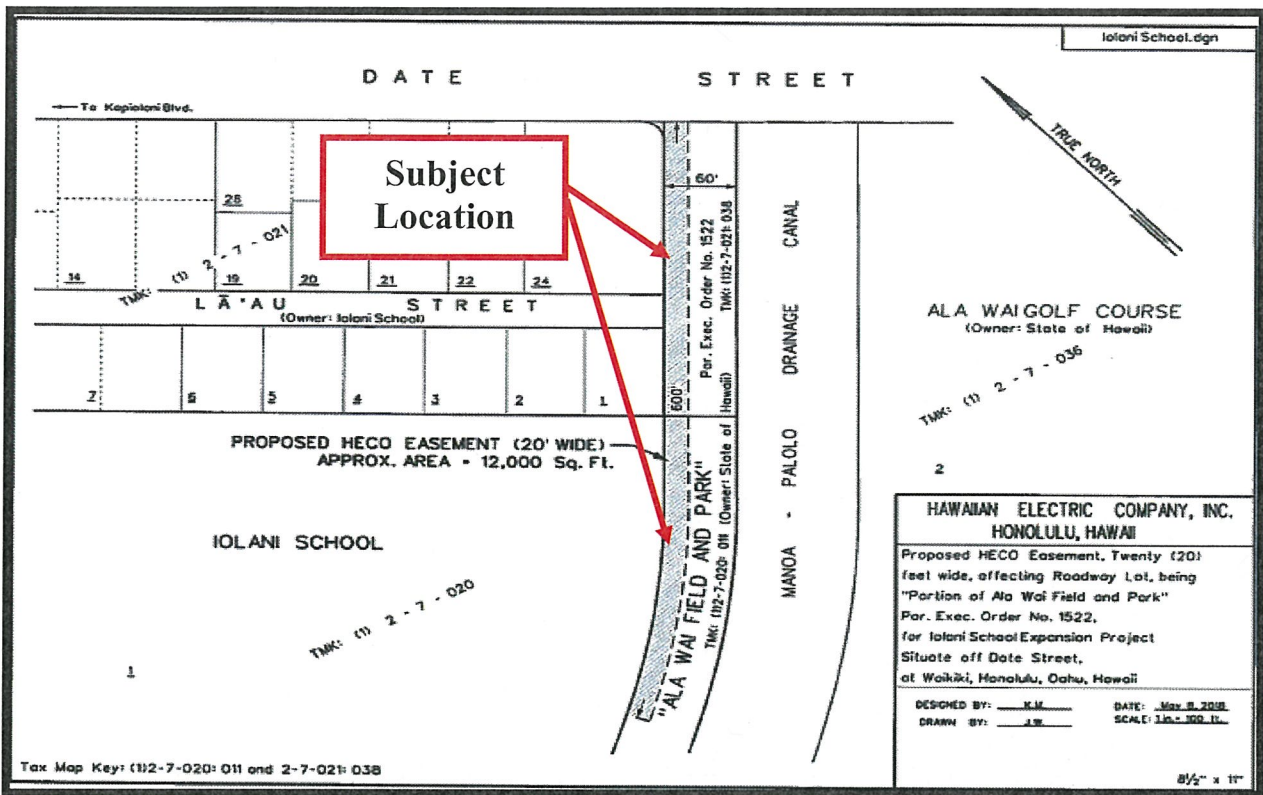
Respectfully Submitted,



Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

N 
Suzanne D. Case, Chairperson



TMK (1) 2-7-020:011 portion
TMK (1) 2-7-021:038 portion

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title:	Grant of Perpetual Non-Exclusive Easement to Hawaiian Electric Company Inc. for Utility Purposes
Project / Reference No.:	PSF 18OD-065
Project Location:	Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-7-020:011 and (1) 2-7-021:038portions
Project Description:	Grant of Perpetual Non-Exclusive Easement for Utility Purposes
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 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."
Cumulative Impact of Planned Successive Actions in Same Place Significant:	Being that the area of request contains existing utility poles and lines, staff believes that the request would involve negligible expansion or change in use of the subject area beyond previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	The requested area is in a heavily used access area. Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.
Consulted Parties:	Department of Parks and Recreation concurs to the proposed exemption.
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

Analysis: The analysis factors are the area of request contains existing utility poles and lines and negligible expansion or change in use of the subject area beyond previously existing.

Taking these two factors into consideration staff believes there would be no significant impact to sensitive environmental or ecological receptors.

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.



IOLANI SCHOOL

May 9, 2018

Ms. Suzanne D. Case
Chairperson, Board of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

Re: Hawaiian Electric Company, Inc.'s (HECO) Request for Perpetual Easement and Construction Right of Entry for an Underground Wireline and Related Facilities, Ala Wai, Oahu, Hawaii, TMK: (1) 2-7-20: 011 por. & (1) 2-7-021: 038 por. Dated May 8, 2018

Dear Ms. Case:

Iolani School has reviewed HECO's request noted above and agrees with/consents to the granting of the easement and the proposed easement alignment.

Should BLNR have any questions regarding Iolani School's consent, please feel free to call me at 943-2209.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid Gushiken".

Reid Gushiken
Chief Financial Officer

EXHIBIT "C"