

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

December 13, 2019

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

PSF No.:19OD-127

Oahu

Amend General Lease No. S-5995 for Air Quality Monitoring Station Purposes; Hawaiian Electric Company, Inc., Lessee; Nanakuli, Waianae, Oahu; Tax Map Key: (1) 8-7-006:029 and portions of 002 and 008.

The purpose of the amendment is to extend the term of General Lease No, S-5995 for an additional ten (10) years.

APPLICANT:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

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

LOCATION:

Nanakuli, Waianae, Oahu; Tax Map Key: (1) 8-7-006:029 and portions of 002 and 008 as shown on the maps labeled **Exhibit A1** to **A3**.

AREA:

(1) 8-7-006:029 Air Quality Monitoring Station	3,500 square feet
(1) 8-7-006:002 Access Easement	14,987 square feet
<u>(1) 8-7-006:008 Utility Easement</u>	<u>7,226 square feet</u>
Total	25,713 square feet

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-1, Restricted Preservation

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:

Encumbered by General Lease No. S-5995 for air quality monitoring station, together with access and utility easement purposes.

TERM:

Original term of 10 years, commenced on December 3, 2010 and expiring on December 2, 2020.

Requesting amended additional term of ten (10) years to commence on December 3, 2020 and expiring on December 2, 2030, making the total term of twenty (20) years under the subject lease.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent for the amended term of 10 years, commencing on December 3, 2020 and expiring on December 2, 2030, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

CDUA OA-3467 was published in the Office of Environmental Quality Control's Environmental Notice on June 23 and July 8, 2008, and CDUA was approved on September 22, 2008.

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 pay for an appraisal to determine a one-time payment for the additional 10-year term.

BACKGROUND:

The subject lease was issued to HECO on December 3, 2010 for an air quality monitoring station ("AQMS") and non-exclusive utility easement. The "Lualualei" AQMS is one of three AQMS sites on west Oahu that monitors criteria for air quality in conjunction with the operation of HECO's electric generating station at Campbell Industrial Park.

The AQMS was installed as part of a commitment made by HECO to the West Oahu communities as a community benefit package. The community has asked HECO to

continue utilizing the Lualualei AQMS facility to monitor for pollutants and meteorological criteria in the area, therefore, HECO is seeking another ten (10) year term for the subject lease.

HECO currently has no plans to decommission the electric generating station at the Campbell Industrial Park and plans to continue the monitoring of the air quality in the community. Therefore, HECO requests an extension of ten (10) additional years of the lease.

In response to a request for comments the Office of Conservation and Coastal Lands replied that they had no objections to the request. The Hawaii State Energy Office supports the extension to continue HECO's commitments to the West Oahu communities and to informed decisions concerning air emissions.

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. There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board, subject to the Applicant fulfilling the Applicant Requirements listed above, authorize the amendment of General Lease No. S-5995 by extending the term for an additional ten (10) years commencing on December 3, 2020 and expiring on December 2, 2030, under the terms and conditions cited above, and further subject to the following:


1. The standard terms and conditions of the most current amendment document form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. 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

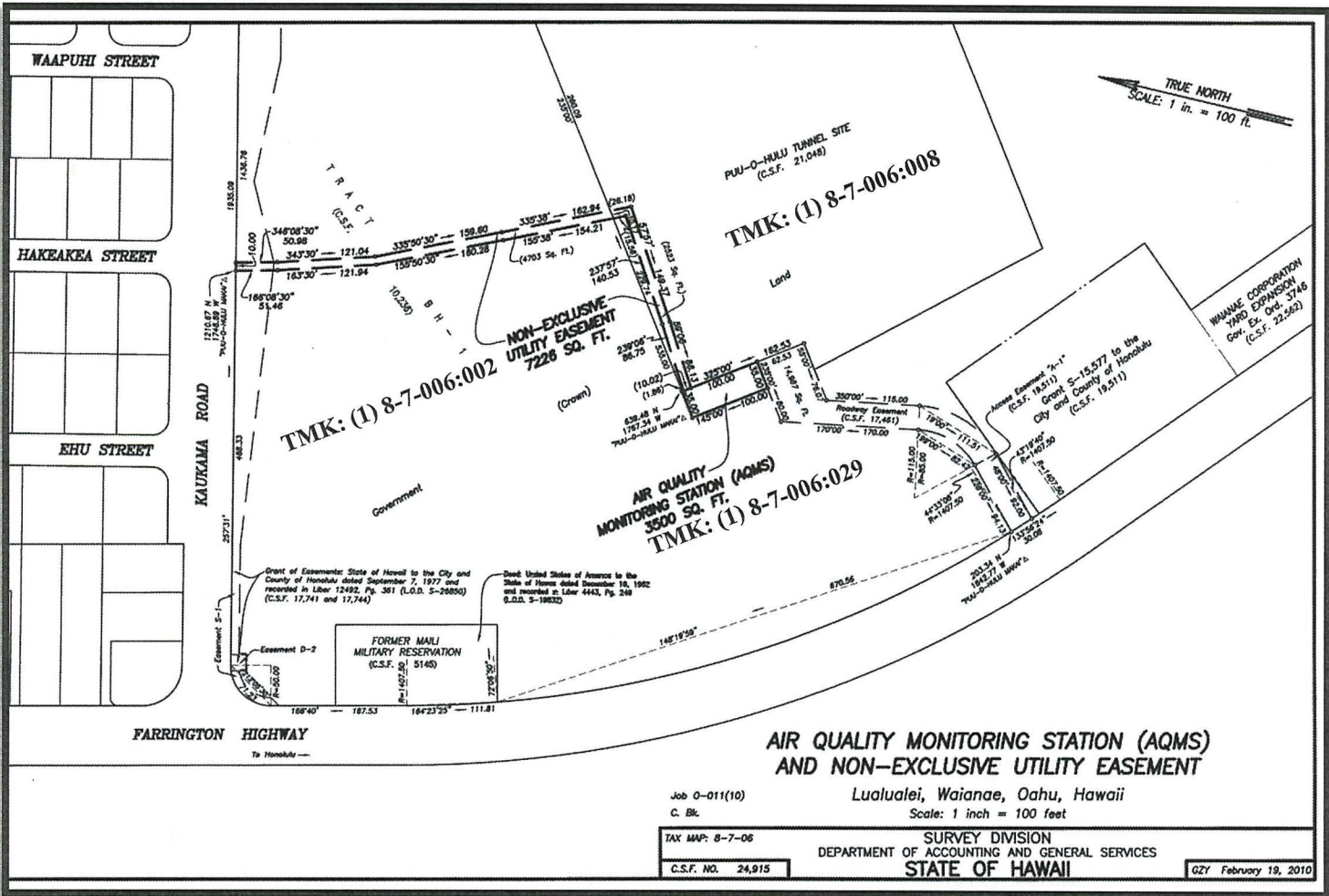
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



(1) 8-7-006:029 and portions of 002 and 008

Exhibit A1



(1) 8-7-006:029 and portions of 002 and 008

Exhibit A2



(1) 8-7-006:029 and portions of 002 and 008

Exhibit A3

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEVIN C. KAWASAKI
DEPUTY DIRECTOR - WATER

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WATER AND OCEAN REGULATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS

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CHRISTOPHER ANTONIARIS
DEPUTY DIRECTOR
LAND AND NATURAL RESOURCES COMMISSION
LAND DIVISION

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

REF:OCCL:DH

CDUA: OA-3467

Acceptance Date: May 22, 2008
180 Exp. Date: November 18, 2008

OCT - 1 2008

Perry White
Planning Solutions
210 Ward Avenue, Suite 330
Honolulu, Hawaii 96814

Dear Mr. White,

This letter is to inform you that on September 22, 2008, the Chairperson of the Board of Land and Natural Resources, pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR) approved Conservation District Use Application (CDUA) OA-3467, for Hawaiian Electric Company Inc. (HECO) Air Quality Monitoring Station (AQMS), subject to the following terms and conditions:

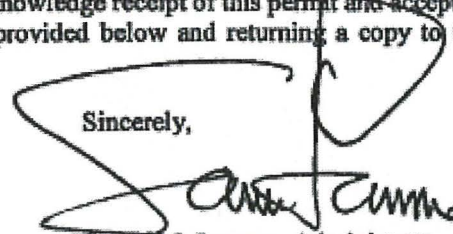
1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this of HAR 13-5;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
4. That a qualified archeological monitor should be present during all ground altering activities constructed in the area to document any historic properties, and to provide mitigation measures if required. HECO will also submit an acceptable Archeological Monitoring Plan to the Historic Preservation Division prior to construction;
5. That HECO will obtain prior Land Division approval prior to using Subject Parcels TMK's: (1) 8-7-006:008, (1) 8-7-006:029, and (1) 8-7-006:002;

EXHIBIT B

6. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
7. In issuing this permit, the Department and Chairperson have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
8. Other terms and conditions as prescribed by the Chairperson; and
9. Failure to comply with any of these conditions shall render a permit void under the chapter.

Should you have any questions, please contact Dawn Hegger of the Office of Conservation and Coastal Lands at 587-0380. Please acknowledge receipt of this permit and acceptance of the above conditions by signing in the space provided below and returning a copy to the OCCL within thirty (30) days.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

acknowledged:

 10/3/08

Date:

STANTON OSHIRO HECO - Environmental Department

Attachments

cc: Oahu District Land Office
City & County of Honolulu
Department of Planning and Permitting