

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

February 28, 2020

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

PSF 200D-014

Oahu

Grant of Perpetual, Non-Exclusive Easement for Underground Wireline and Related Facilities Purposes and Issuance of Construction and Management Right-of-Entry; Kaneohe, Koolaupoko, Oahu; Tax Map Key: (1) 4-5-047:seaward of 127.

APPLICANT:

Hawaiian Electric Company, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kaneohe, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-5-047:127seaward, as shown on the attached map labeled **Exhibit A1** and **A2**.

AREA:

Approximately 191 square feet, more or less.

ZONING:

State Land Use District: Conservation

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:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Construct, reconstruct, operate, maintain, repair, and remove underground wirelines and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication, including all service lines emanating from the main trunk line, to be used for light and power and/or communications and control circuits, including, without limiting the generality of the foregoing, the right (but not the obligation) to trim, keep trimmed, remove, and control any trees and vegetation in the way of its lines, appliances, and equipment and a right of entry upon the Grantor’s land and appurtenant interests leading to the easement area.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Pursuant to Section 171-95(b)(1), HRS, “The sale price or lease rental shall be no less than the value determined in accordance with section 171-17(b); provided that such sale price or lease rental may (emphasis added) be on a nominal basis, if the board finds that such easement is required in connection with a government project.”

HECO, through email, confirms that the proposed easement will only serve the City and County of Honolulu’s Kahanahou Wastewater Pump Station facilities at TMK: (1) 4-5-047:095. As such, Staff recommends a one-time payment of \$500.00 for the subject easement, pursuant to the policy adopted by the Board at its meeting of May 13, 2005, under agenda item D-19, which states all new dispositions by Land Division shall be subject to a minimum rent of \$500.00 (one-time payment).

In addition, staff recommends the Board reserves the right to revisit the consideration payable, pursuant to Section 171-17(b), HRS, for the requested easement if such easement serves customers other than the project as mentioned in the submittal.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project, Kahanahou Wastewater Pump Station Upgrade and Sewer Improvements, was published in the Office of Environmental Quality Control’s Environmental Notice on February 8, 2017 with a Finding of No Significant Impact.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u> x </u>	NO
Registered business name confirmed:	YES	<u> x </u>	NO
Applicant in good standing confirmed:	YES	<u> x </u>	NO

APPLICANT REQUIREMENTS: Applicant shall be required to:

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

REMARKS:

The City has finalized its plans for updating the Kahanahou Wastewater Pump Station ("KWWP") facilities at Tax Map Key: (1) 4-5-047:095. The upgrades are a response to an agreement between the City, the U.S. Environmental Protection Agency, and the State Department of Health. The upgrades will be powered by a new 3-phase electrical system installed by Hawaiian Electric Company, Inc. ("HECO").

In regard to the KWWP project we received a letter from HECO dated January 24, 2020, requesting a perpetual, non-exclusive easement and a construction and management right-of-entry permit at the subject State land. HECO intends to manage the underground electrical distribution line and related facilities on behalf of the City. HECO states the system will service only the City's KWWP site after installation and requests that the consideration for the easement be reviewed with this factor in mind.

During the pre-consultation and the draft environmental assessment stages, government agencies and communities were solicited for comments. Comments received have been incorporated in the Final Environmental Assessment. Therefore, staff did not solicit comments on the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

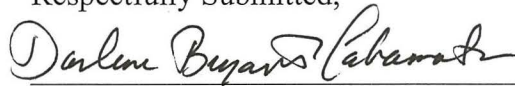
RECOMMENDATION: That the Board

1. 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 underground wireline and related facilities 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. One-time payment of \$500.00;
 - C. The Board reserves the right to revisit the consideration payable, pursuant to Section 171-17(b), Hawaii Revised Statutes, for the requested easement if such easement serves customers other than the Kahanahou Wastewater

Pump Station as mentioned in the submittal;

- D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Issuance of a construction and management right-of-entry 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 document 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,

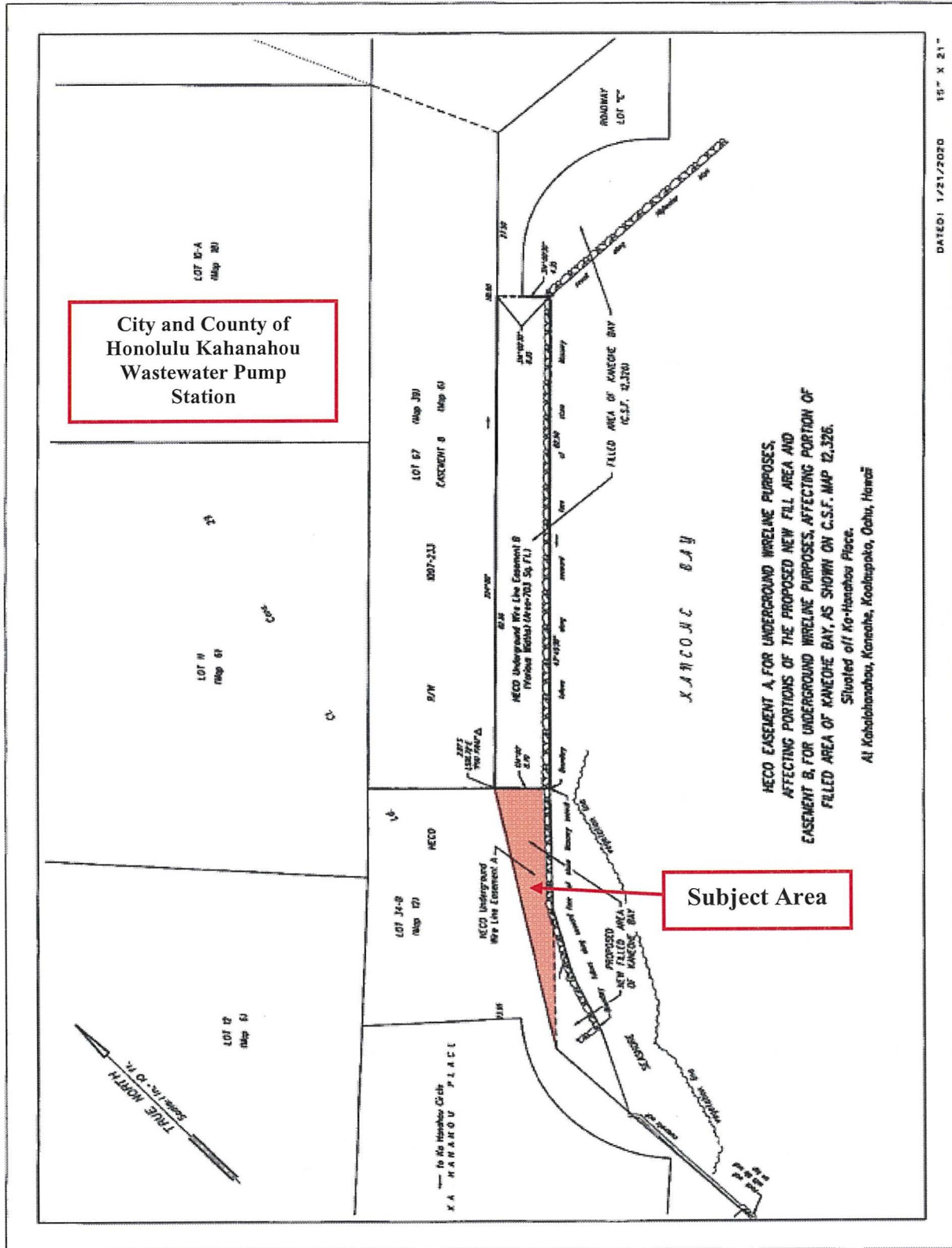


Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



TMK: (1) 4-5-047:127seaward

EXHIBIT A1



TMK: (1) 4-5-047:127seaward

EXHIBIT A2