

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

February 28, 2020

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

PSF No.: 17HD-115

Hawaii

Grant of Perpetual, Non-Exclusive Easement to Hawaii Electric Light Company, Inc. for Pad Mounted Electrical Equipment Purposes, Ooma 1st, North Kona, Hawaii, portions of Tax Map Keys: (3) 7-3-043:113 portion.

APPLICANT:

Hawaii Electric Light Company, Inc., a Hawaii corporation.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of the Natural Energy Laboratory of Hawaii Authority situated at Ooma 1st, North Kona, Hawaii, identified by Tax Map Key: (3) 7-3-043:113, as shown on the attached map labeled Exhibit A.

AREA:

Approximately 361 square feet, more or less. Exact area to be determined by survey.

ZONING:

State Land Use District:	Urban
County of Hawaii CZO:	MG-3a (General Industrial – minimum 3 acre)

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-5619, Natural Energy Laboratory of Hawaii Authority (NELHA), Lessee, to develop, maintain and operate an ocean-related high technology industrial park in accordance with Chapter 206M, Hawaii Revised Statutes, and to allow for ancillary and accessory uses that will assist the development to become self-sufficient, and for telecommunication purposes. Lease to expire on July 2, 2066.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical 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.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time nominal payment of \$500.00 pursuant to HRS 171-95(b)(1) and the Minimum Rent Policy for New Dispositions as established by the Board at its meeting of May 13, 2005, agenda item D-19.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon 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, Item No. 46, which states "Creation or termination of easement, covenants, or other rights in structures or land." Refer to attached Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay the nominal \$500.00 one-time payment; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost

REMARKS:

The subject property is encumbered by General Lease No. S-5619 to Natural Energy Laboratory of Hawaii Authority (NELHA), for the purpose to develop, maintain, and operate an ocean-related high technology industrial park in accordance with chapter 206M, Hawaii Revised Statutes, and to allow for ancillary and accessory uses that will assist the development to become self-sufficient.

NELHA has requested Hawaii Electric Light Company, Inc. (HELCO), to provide upgraded electrical service to the high technology industrial park area. HELCO is seeking a 19' x 19' easement for installation of a transformer and other pad mounted electrical equipment to service existing and future tenants of the NELHA industrial park.

HRS 171-95(b)(1) asserts that in any disposition to public utilities under this section the sale price may be on a nominal basis, if the board finds that such easement is required in connection with a government project. Therefore, staff is recommending nominal consideration for this easement because it services only the NELHA facility, which is a government project.

The submittal was sent out to various agencies and entities for comments, the results are summarized as follows:

No response – Federal Aviation Administration, Department of Hawaiian Homelands, State Historic Preservation, County Planning, Public Works, Fire Department, Environmental Management and Office of Hawaiian Affairs.

No objections/comments – State Department of Transportation-Airports Division and Department of Water Supply.

Comments received:

The Office of Conservation and Coastal Lands confirmed that the subject area of the easement is not in the conservation zone and as such does not require a Conservation District Use Permit; and

The Natural Energy Laboratory of Hawaii Authority provided revisions to the original request by reducing the size of the easement area requested

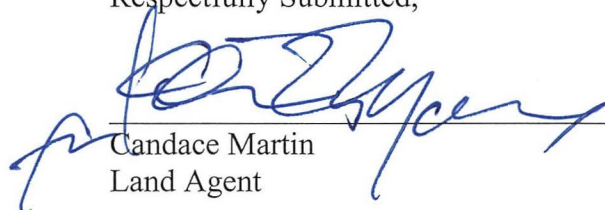
and providing updated tax map key information for the subject area.

HELCO 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.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 Hawaii Electric Light Company, Inc. covering the subject area for pad mounted equipment 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 term/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.

Respectfully Submitted,


Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:

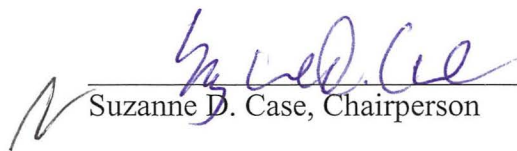
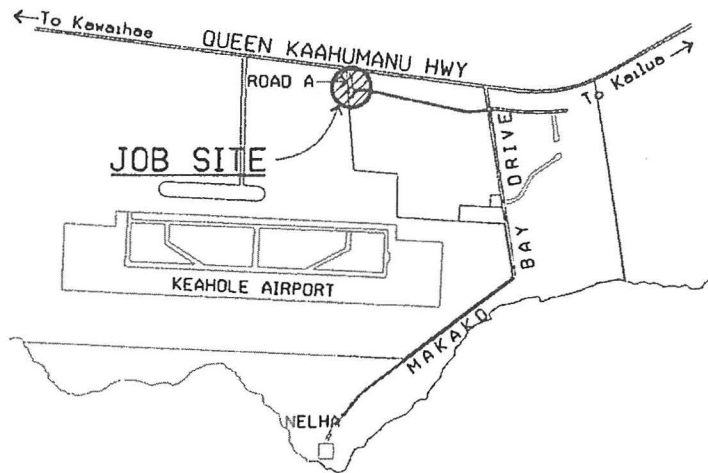

Suzanne D. Case, Chairperson

EXHIBIT A

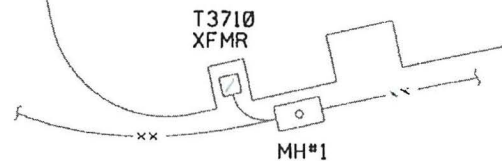
LEGEND

- xx UNDERGROUND LINE
- PADMOUNTED TRANSFORMER
- ⊠ SWITCHGEAR
- MANHOLE
- STUBOUTS



LOCATION PLAN

NOT TO SCALE



ENLARGEMENT DETAIL

NOT TO SCALE

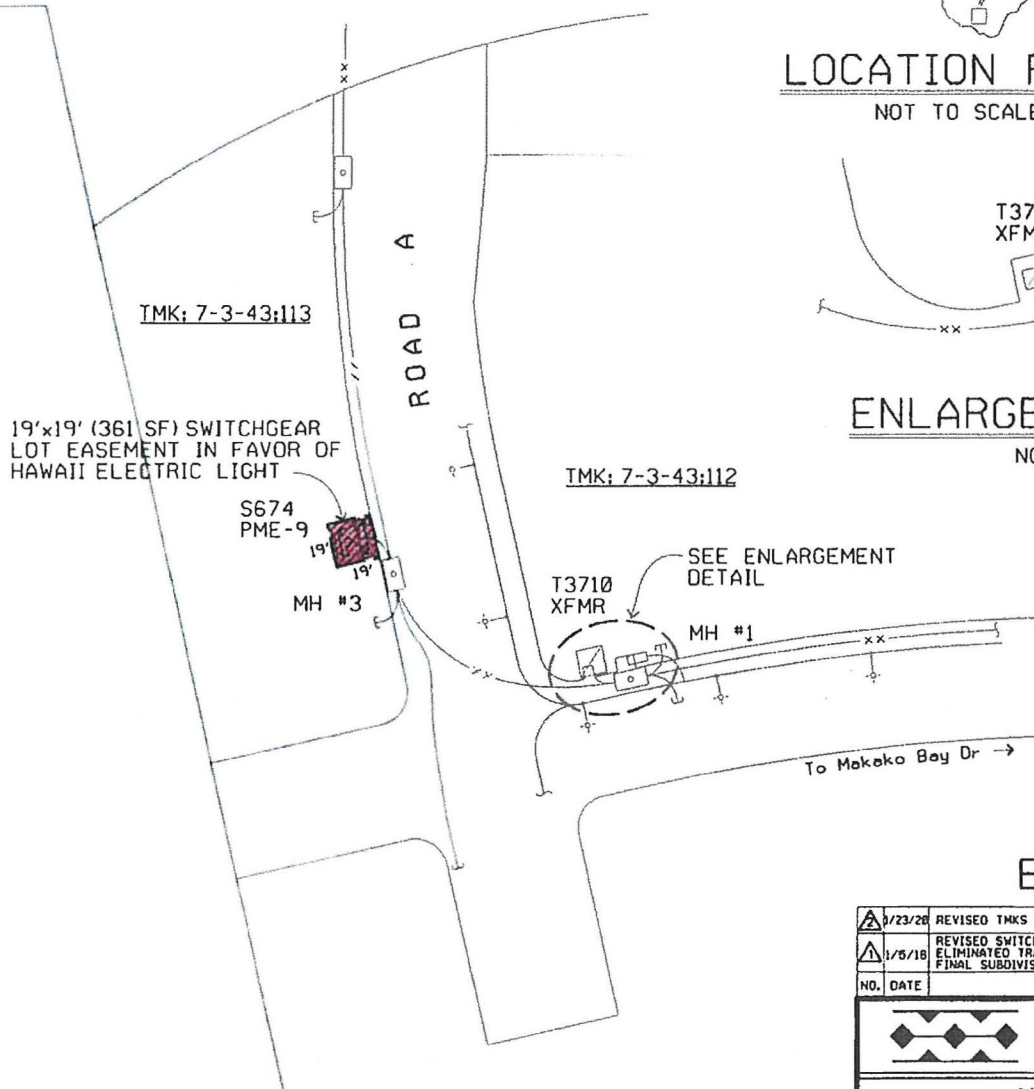


EXHIBIT A

9/23/20	REVISED TMKS AND ADDED ENLARGEMENT DETAIL.	RY	MH
1/5/18	REVISED SWITCHGEAR LOT EASEMENT AND ELIMINATED TRANSFORMER LOT EASEMENT PER FINAL SUBDIVISION MAP.	RY	MH
NO.	DATE	REVISION	BY

HAWAII ELECTRIC LIGHT ENGINEERING DEPARTMENT HILO, HAWAII

NELHA ROAD A OOMA 1ST, N. KONA EASEMENTS

EST / REQ NO	H6043667	DESIGNED / DRAWN	RY/KO
CHK'D / APP'D	DA	7/25/17	SCALE AS NOTED
PROJ NO	H	JP NO	35425
DATE	7/25/17	TMK	7-3-43
NUMBER	16-A-100E		



SITE PLAN

SCALE : 1"=120'

DAVID Y. IGE
GOVERNOR OF HAWAII



EXHIBIT B

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 28, 2020

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

Project Title:	Grant of Perpetual, Non-Exclusive Easement to Hawaii Electric Light Company, Inc. for Pad Mounted Electrical Equipment Purposes.
Project / Reference No.:	PSF No.: 17HD-115.
Project Location:	Ooma 1st, North Kona, Hawaii, portions of Tax Map Key: (3) 7-3-043:113 portion.
Project Description:	Natural Energy Laboratory of Hawaii Authority (NELHA) has requested Hawaii Electric Light Company, Inc. (HELCO), to provide upgraded electrical service to the high technology industrial park area. HELCO is seeking a 19' x 19' easement for installation of a transformer and other pad mounted electrical equipment to service existing and future tenants of the NELHA industrial park.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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, Item No. 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?:	No. The easement is for installation of pad mounted electrical equipment necessary to provide electrical services to the industrial area of the NELHA facility. There are no planned successive actions.

**Action May Have
Significant Impact on
Particularly Sensitive
Environment?:
Analysis:**

No. There are no particularly sensitive environmental issues involved with the proposed use of the property. The proposed use will involve negligible or no expansion or change of use beyond that previously existing.

Consulted Parties:

Federal agencies: Dept of Transportation Federal Aviation Administration.

State agencies: Dept. of Hawaiian Homelands, State Historic Preservation, Office of Conservation and Coastal Lands, Dept. of Transportation Airports Division.

County agencies: Dept of Planning, Dept of Public Works, Dept of Water Supply, Fire Dept and Environmental Management.

Other Agencies: Office of Hawaiian Affairs and Natural Energy Laboratory of Hawaii Authority.

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.