

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

August 14, 2020

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

PSF No.:20OD-033

Oahu

Grant of a Perpetual Non-Exclusive Utility Easement to Hawaiian Electric Company, Inc. and Issuance of Immediate Right-of-Entry; Honolulu, Oahu, Tax Map Key: (1) 1-1-003:Portion of 004.

APPLICANT:

Hawaiian Electric Company, Inc. ("HECO"), a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portions of government land situated at Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003:Portion of 004 as shown on the map attached as **Exhibit A-1 and A-2**.

AREAS:

Easement E-1: 610 square feet, more or less
Easement E-2: 198 square feet, more or less

ZONING:

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

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3967 to the Division of State Parks, for the Pacific War Memorial Site purposes.

CHARACTER OF USE:

Right, privilege and authority to access, construct, reconstruct, rebuild, repair, maintain, remove and operate underground and/or overhead wire lines, handholes and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication and control circuits, including the obligation 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 independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor project was published in the OEQC's Environmental Notice on January 8, 2011.

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

BACKGROUND:

The Honolulu Authority for Rapid Transit (“HART”) is progressing on the Honolulu International Airport section of the alignment crossing Nimitz Highway over to Dillingham Boulevard. In a letter dated April 3, 2020, HECO requested a perpetual, non-exclusive utility easement within the Pacific War Memorial Site due to the need to relocate its current easement situated within the road right-of-way for the HART Project. In addition, HECO requested a right-of-entry to commence on the date of board meeting and terminate upon execution of the Grant of Easement document.

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.

Although requests for agency or community comments have been conducted during the environmental assessment stages, staff did solicit additional comments from the Division of State Parks because of the location of the easement near the entrance to the Pacific War Memorial Site. The Division of State Parks Division responded that it has no objections the subject disposition.

There are no other pertinent issues or concerns.

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 utility easement to the Hawaiian Electric Company, Inc. covering the subject areas for transmission and distribution of electricity and/or communication and control circuits 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.
2. Authorize the issuance of a right-of-entry permit to the Hawaiian Electric Company, Inc. covering the requested easement area, under the terms and conditions cite 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;

- B. Contact the Division of State Parks prior to starting the construction of the easement site; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Patti E. Miyashiro

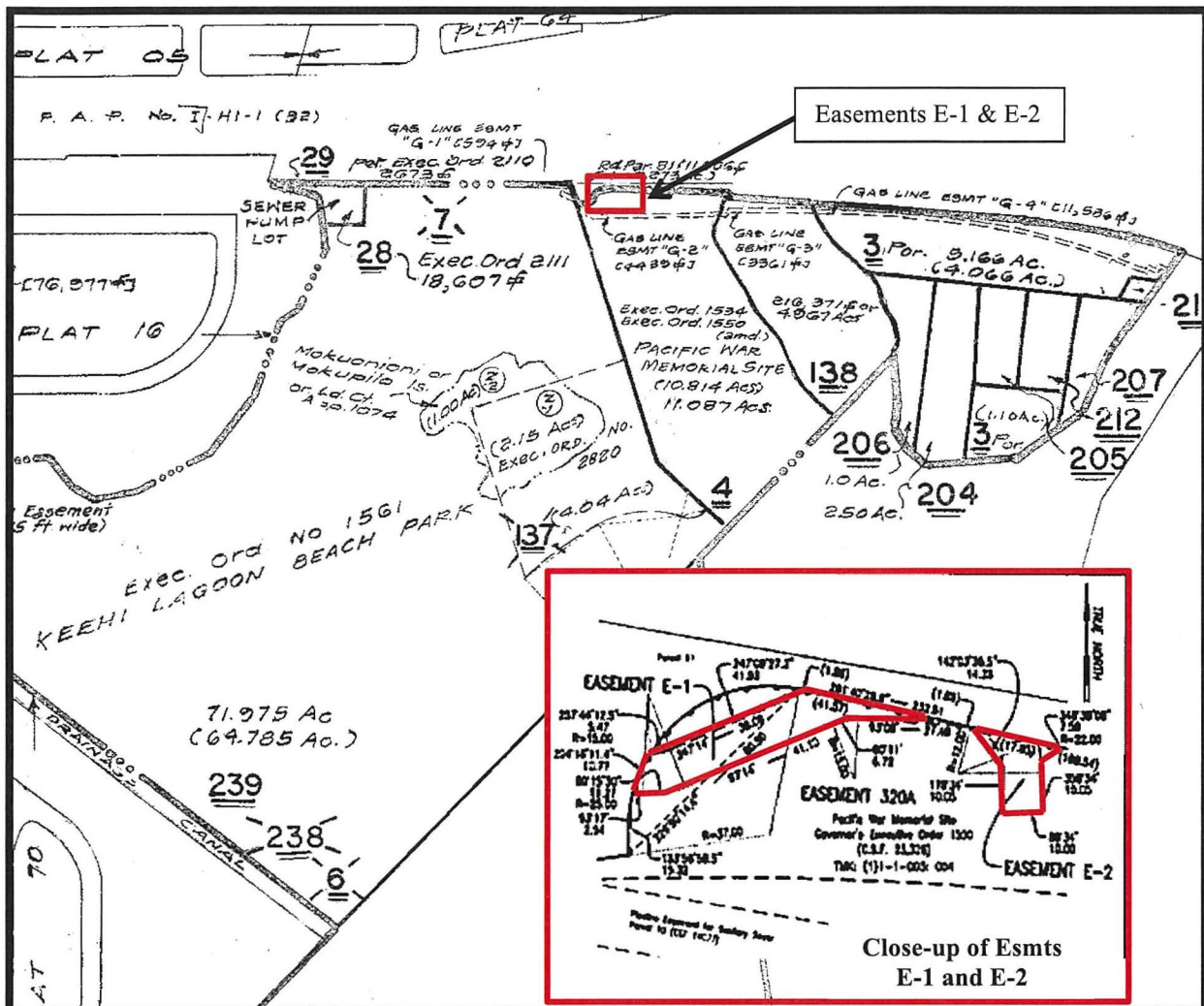
Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

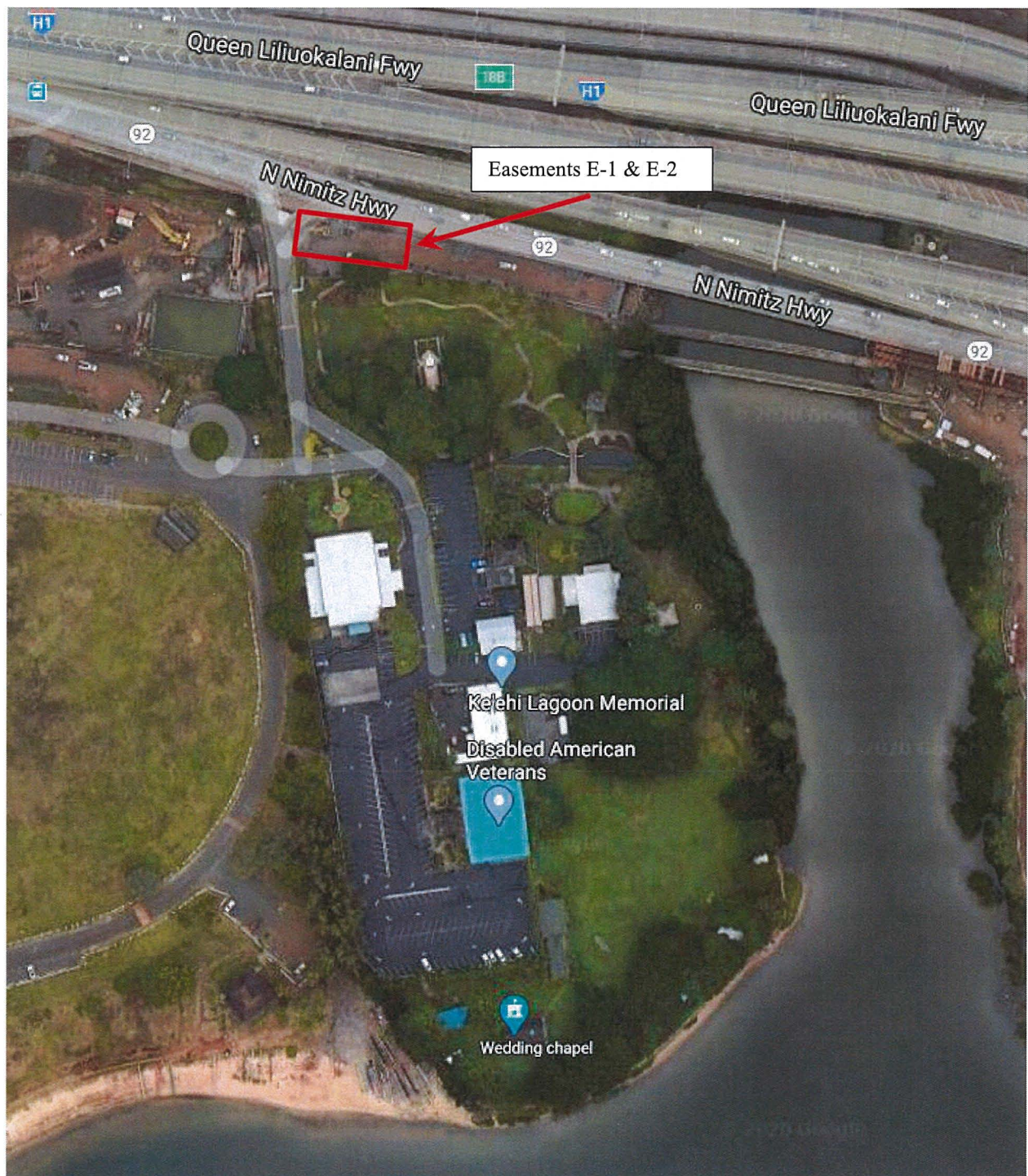
Suzanne D. Case, Chairperson

ET



TMK (1) 1-1-003:Portion of 004

EXHIBIT A-1



TMK (1) 1-1-003:Portion of 004 (Aerial View)

EXHIBIT A-2