

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

August 28, 2020

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

PSF No.: LOD S-28,391

Oahu

Second Amendment of Grant of Non-Exclusive Easement under Land Office Deed No. S-28,391 to Hawaiian Electric Company, Inc. (HECO) for Electric Transmission Distribution Lines and Poles Purposes to Expand the Easement Area as Necessitated by the Replacement of Improvements; Issuance of Construction Right-of-Entry Permit to HECO at Waahila Ridge, Manoa, Honolulu, Oahu; Tax Map Key: (1) 2-9-050: portion of 001 and (1) 3-4-010: portion of 009.

APPLICANT:

Hawaiian Electric Company, Inc., a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land situated at Waahila Ridge, Manoa, Honolulu, Oahu, Tax Map Key: (1) 2-9-050: portions of 001 and (1) 3-4-010: portion of 009, as shown on the maps labeled **Exhibit A1** to **A3**.

AREA:

Easement A:	100 sq. ft.
Easement B:	100 sq. ft.
Total	200 sq. ft., more or less

ZONING:

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

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

(1) 2-9-050:001 and (1) 3-4-010:009 are encumbered by Governor's Executive Order ("EO") Nos. 1592 and 4409 respectively setting aside to the Division of Forestry and Wildlife for the Honolulu Watershed Forest Reserve.

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 for the requested subject area to be determined by independent appraisal and subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred upon on by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced. " 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:

1. Pay for an appraisal to determine one-time payment for expanded easement area;
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:

Grant of Non-Exclusive Easement (“LOD 28391”) was issued to HECO around February 2000. LOD 28391 was subsequently amended in October 2000 to include some State parcels which were inadvertently missed from the original grant.

HECO is planning to replace corroded structures with a new structure to comply with current industry code requirements and wind load standards. HECO has obtained Site Plan Approval from the Office of Conservation and Coastal Lands (“OCCL”) for this project (**Exhibit C**). The proposed project as submitted will include replacing two existing towers that are significantly corroded with a single self-supporting steel structure which will have the same height as existing structures but will be less visually imposing. Once the equipment has been transferred to the new structure the previous structures will be taken down to ground level and removed. The proposed installation will require an extra 200 sq. ft. for the new structure.

During the Site Plan Approval Application screening process for this project, OCCL solicited comments from the Division of Forestry and Wildlife, State Parks, and the Department of Planning and Permitting and their comments are included in the approved application.

In addition, HECO requests a construction right-of-entry permit prior to the issuance of the requested easement amendment document.

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 second amendment of the Grant of Non-exclusive Easement to include the additional easement area under the terms and conditions cited above, and further subject to the following:
 - A. The standard terms and conditions of the most current amendment 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

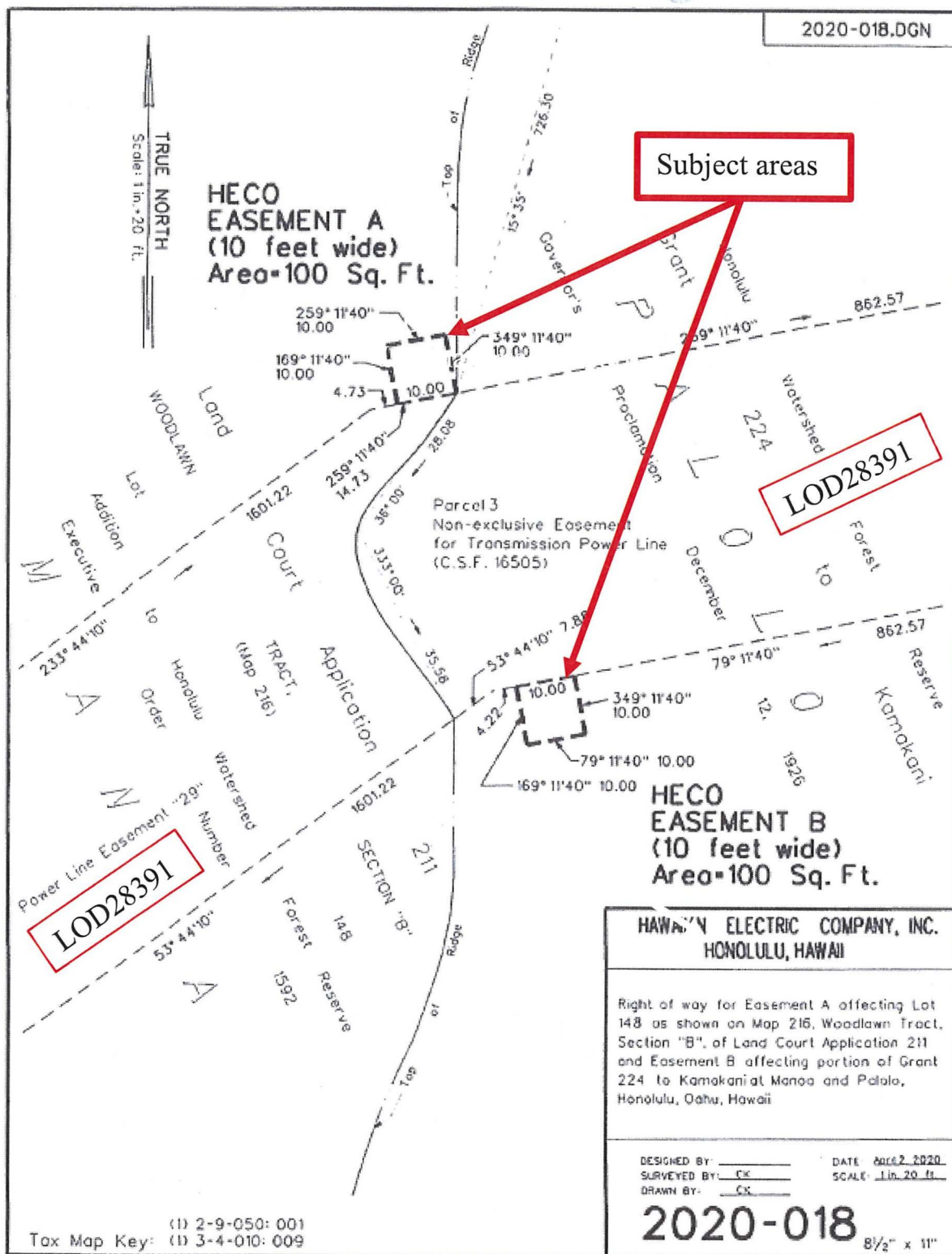
Darlene Bryant-Takamatsu,
Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

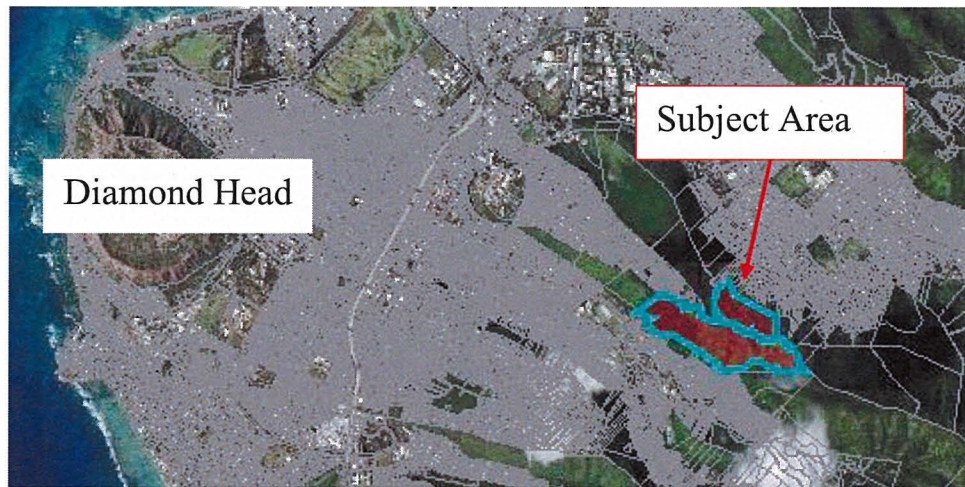
Suzanne D. Case, Chairperson

RT



(1) 2-9-050:001por. & (1) 3-4-010:009por.

Exhibit A1



(1) 2-9-050:001por. & (1) 3-4-010:009por.

Exhibit A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, Hawaii Administrative Rules.

Project Title:	Second Amendment of Grant of Non-Exclusive Easement under Land Office Deed No. S-28,391 to Hawaiian Electric Company, Inc. for Electric Transmission Distribution Lines and Poles Purposes to Expand the Easement Area as Necessitated by the Replacement of Improvements; Issuance of Construction Right-of-Entry Permit.
Reference No.:	Land Office Deed No. S-28,391
Project Location:	Waahila Ridge, Manoa, Honolulu, Oahu; Tax Map Key: (1) 2-9-050:portion of 001 and (1) 3-4-010:portion of 009.
Project Description:	Second Amendment of Grant of Non-Exclusive Easement for Electric Transmission Distribution Lines and Poles Purposes to expand the easement area.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules (“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 March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, “Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.”
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. The Site Plan Approval was obtained from OCCL for this project. Best Management Practices are recommended to avoid negative cumulative impact concerns.
Action May Have Significant Impact on Particularly Sensitive Environment:	No. Any significant impact to particularly sensitive environmental issues for the subject area were not brought to the attention of the Division.
Consulted Parties	Agencies as noted in the submittal.
Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.

Exhibit B

Recommendation:

That the Board finds 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.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE,
CHAIRPERSON
HAWAIIAN LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES 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
HUNTER/TRAFFIC
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIKOLA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: TF

SPA: OA 20-60

Rouen Q. W. Liu
Hawaiian Electric Company
Engineering Department
P.O. Box 2750
Honolulu, HI 96840

SUBJECT: Hawaiian Electric Pukele #7 and #8 Structure 4 Replacement Project.
Located in Manoa, Honolulu, Oahu
TMK: (1) 2-9-050:001

Dear Mr. Liu:

The Office of Conservation and Coastal Lands (OCCL) thanks you for your Site Plan Approval application and request regarding the subject matter. According to the information in your Site Plan Approval application, Hawaiian Electric Company (HECO) is seeking site plan approval for the replacement of two existing guyed H-frame aluminum towers, Pukele #7 and #8, 46kV sub-transmission lines as part of HECO's ongoing maintenance to their island-wide transmission and distribution system. The application states that HECO is proposing to replace the Pukele #7 and #8 structures with a similar single structure that will support both lines. Each of the guyed H-frame aluminum towers at Pukele #7 and #8 consists of 3 poles, cross-arms, and 3 conductors. One of the existing structures also has a microwave dish mounted to it. HECO identified the need to replace these two structures during routine inspections that help identify maintenance priorities to ensure the safety and reliability of the electrical system. The two existing guyed H-frame aluminum towers are aging and significantly corroded, and replacement is needed to comply with current code requirements and wind load standards.

HECO is proposing to replace the Pukele #7 and #8 structures with a single self-supporting H-frame steel structure with 3 poles, cross-arms, and 6 conductors. The existing microwave dish that is mounted on one of the existing structures will be transferred to the new replacement structure and will also include an additional spar to allow linemen to properly tie-off while working on the circuits. The new replacement self-supporting H-frame steel structure will be the same height as the existing structures with less poles in the ground and will be less visually imposing.

Exhibit C

REF: OCCL: TF
Mr. Rouen Q.W. Liu
Hawaiian Electric

SPA: OA 20-60

The application notes that the proposed replacement of the Pukele #7 and #8 structures will involve the following activities: (1) staking the new pole locations, (2) excavating for the pole foundations, (3) placement of a steel cage and bolts in each excavated hole, (4) pouring the concrete foundations, (5) installation of the replacement poles, (6) transfer of the conductors from the existing structures to the replacement structure, and (7) moving the existing microwave dish from the existing structures to the replacement structure. An additional spar will be added to the new self-supporting H-frame steel structure to allow for lineman to safely tie-off to the new structure while working on the circuits. The replacement structure would be located within the same plane as the existing structures in order to minimize construction duration and service reliability risk. HECO has submitted an easement adjustment to the DLNR Land Division Office to accommodate the width of the replacement structure. Once the replacement structure has been installed and the conductors have been transferred, the old poles of the existing structures would be cut at ground level, removed from the site and properly disposed. Ground disturbance would be minimal involving only excavation for the three (3) new poles. Excavated soil would be spread around the work area to match the existing contours. Soil erosion would be minimized through implementation of best management practices.

The project area is located immediately adjacent to the Waahila Ridge Trail approximately 0.3 miles (1,700 feet) from the trailhead and at an elevation of about 960 feet. In March 2020, HECO's biologist surveyed the proposed project area and observed that the proposed project area consists entirely of non-native vegetation. Although the project site lies outside of the Oahu elepaio critical habitat land designation, the biologist specifically surveyed the area for the Oahu elepaio. No Oahu elepaio were seen or heard during the survey. Additionally, the Biological Report for the project states that if trees over 15 feet tall will be trimmed between June 1 and September 15, a Hawaiian Electric biologist will conduct a thermal scan of the proposed trees each morning prior to trimming activities. The Biological Survey and application note that no rare, threatened, or endangered plants or wildlife were identified along the trail or proposed project area. The application also states that no known historic properties are within or near the proposed project area, and no known traditional and customary native Hawaiian rights are known to be exercised within the proposed project site. HECO is proposing to use the trail to access the proposed project site with crews and equipment transported via ATV. Oversized items including both existing and replacement poles and cross-arms will be transported via helicopter. The helicopter will utilize an existing landing zone near the University of Hawaii that is owned by the Board of Water Supply and helicopter flights will only occur during daytime hours. The application states that HECO will coordinate with the DLNR Division of Forestry and Wildlife (DOFAW) and Na Ala Hele staff regarding anticipated short-term closures of the Waahila Ridge Trail during construction activities and will provide public notifications of these trail closures as appropriate.

The OCCL notes that the proposed project area appears to be in the Resource Subzone of the State Land Use Conservation District. The transmission structures appear to be a nonconforming use. The proposed HECO Pukele #7 and #8 Structure 4 Replacement Project appears to be an identified land use in the Resource Subzone of the Conservation District pursuant to the Hawaii Administrative Rules (HAR) §13-5-22, P-8 STRUCTURES AND LAND USES, EXISTING (A-1) Minor repair, maintenance, and operation to an existing structure, facility, use, land, and equipment, whether it is nonconforming or permitted, that involves mostly cosmetic work or like-to-like

REF: OCCL: TF
Mr. Rouen Q.W. Liu
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SPA: OA 20-60

replacement of component parts, and that results in negligible change or impact to land, or a natural and cultural resource.

Departmental records indicate that a perpetual easement upon State land was obtained by HECO for electrical uses and for the Pukele #7 and #8 structures on the parcel with the TMK: (1) 2-9-050:001. The OCCL requests that HECO seek a land disposition and/or easement adjustment from the Department prior to conducting any work on the land that might be needed for the new structure. The OCCL also encourages HECO to consult with the DLNR Division of State Parks regarding any potential use or disruption to the Waahila Ridge State Recreation Area in addition to coordinating with DLNR DOFAW and Na Ala Hele for the use of the trail during construction activities and its anticipated short-term closures. Additionally, DLNR DOFAW has recommended that Best Management Practices (BMPs) are followed during the proposed activities to avoid the incidental take of the endangered and protected Oahu elepaio and Hawaiian hoary bat. The BMPs have been incorporated as part of the general conditions of this letter below as #9, #10, and #11. Given the relatively recent discovery of Rapid 'Ōhi'a Death (ROD), a fungal pathogen that quickly kills 'ōhi'a trees, here on Oahu, DLNR DOFAW has advised the ROD protocol be observed since workers, their boots, and tools will be transported from the Waahila Ridge State Recreation Area to the project site along Waahila Ridge Trail where 'ōhi'a trees may be present. ROD protocol includes the cleaning of all tools, shoes, clothing, gear, and equipment with 70% rubbing alcohol; washing the tires and undercarriage of vehicles that have traveled off road; and sealing any cuts or breaks to an 'ōhi'a tree with an appropriate sealer as well as refraining from moving all 'ōhi'a plants or plant parts. ROD protocol has also been incorporated as part of the general conditions of this letter below as #12. As the work shall be taking place in the Honolulu Watershed Forest Reserve, the OCCL also requests that HECO discuss the sensitive nature of the area with their contractors, that all government signs are obeyed; and if applicable, no exclusion fences are to be cut without authorization and all gates must be secured upon entering and exiting.

The OCCL has no objections to the replacement of the Pukele #7 and #8 guyed H-frame aluminum towers with a with a single self-supporting H-frame steel structure with 3 poles, cross-arms, and 6 conductors provided that the Hawaiian Electric Company adheres to the following general conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of Chapter 13-5, HAR;
2. That in issuing this letter, the Department has relied on the information and data that HECO has provided in connection with the letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, enforcement proceedings may be initiated as necessary;
3. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and 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;

REF: OCCL: TF
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SPA: OA 20-60

4. HECO shall obtain a land disposition or easement adjustment from the Land Division for the use of State land;
5. HECO shall consult and coordinate with DOFAW and Na Ala Hele for the use of the trail(s) during the proposed construction and replacement activities;
6. HECO shall consult and notify the Division of State Parks of any potential use or disruption to the Waahila Ridge Recreation Area;
7. HECO shall notify the relevant neighborhood boards of the Pukele #7 and #8 Structure 4 Replacement Project, construction activities, trail closures, and helicopter flight dates, times, and patterns;
8. HECO shall implement typical Best Management Practices (BMP) and the recommendations proposed in the *Botanical Resource Assessment for the Proposed HECO Tower Replacement for the Waiau/Koolau Lines (Towers 59 & 55/56) Koolau Summit, Oahu, Hawaii* while conducting any land use in the conservation district. Unauthorized land uses such as the disposal of material within the Conservation District shall initiate enforcement proceedings;
9. HECO shall avoid conducting work in the area during the Oahu elepaio nesting season from January to June;
10. If HECO cannot schedule work outside of the Oahu elepaio nesting season from January to June, HECO shall survey the project area to verify that no Oahu elepaio are present. If Oahu elepaio are present, no work shall be conducted;
11. If trees over 15 feet tall will be trimmed between June 1 and September 15, a HECO wildlife biologist will conduct a thermal scan of the proposed trees each morning prior to trimming activities;
12. Rapid 'Ōhi'a Protocol shall be observed. Tools, shoes, clothing, gear and equipment shall be cleaned using appropriate methods. Damage to any 'ōhi'a trees shall be dealt with by using recommended measures. The transportation of 'ōhi'a trees or plant materials is prohibited;
13. The proposed project may be considered an exempt action pursuant to Hawaii Revised Statutes (HRS), §343, as amended, and Hawaii Administrative Rules (HAR), §11-200.1-15 (c) (2) Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced. The OCCL has consulted with the Oahu Land Division Office and the Oahu Land Division Office has concurred with this environmental assessment exemption;

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14. If the scope of the project changes or the cumulative natural resource impacts is perceived to be moderate or major, the department may require authorizations or approvals for the proposed land use;
15. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. HECO shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary; and
16. The replacement structure shall be painted utilizing an earth tone or a compatible color with the surrounding environment.

The OCCL is returning your Site Plan Approval fee check for the amount of \$50.00. Should you have any questions, please feel free to contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at 798-6660 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

Sam Lemmo

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

CC: *Chairperson
Oahu Division Land Office
DOFAW
NA Ala Hele
Division of State Parks
City and County of Honolulu, Department of Planning and Permitting*