

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

February 12, 2021

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

PSF No.:20OD-067

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes and Issuance of Construction Right-of-Entry Permit at Nuuanu, Honolulu, Oahu; Tax Map Key: (1) 1-8-005:008por., 012por.

APPLICANTS:

Hawaiian Electric Company, Inc. ("HECO")

LEGAL REFERENCE:

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

LOCATION:

Portion of State lands situated at Nuuanu, Honolulu, Oahu; Tax Map Key: (1) 1-8-005: 008por., 012por. as shown on the attached maps labeled as **Exhibit A**.

AREA:

Easement C	379 square feet
<u>Easement D</u>	<u>64 square feet</u>
TOTAL	443 square feet, more or less

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	R-10, Residential

TRUST LAND STATUS:

Section 5 (a) lands of the Hawaiian Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 381 ("EO 381") to the Department of Education for Maemae School.

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:

Pursuant to Section 171-95(b)(1) "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 Maemae School facilities at TMK: (1) 1-8-005:012. 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, 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 Maemae School as mentioned in the submittal.

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 on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Part 1, item 39 that states, "creation or termination of easement, covenants, or other rights in

structures or land." 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: 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:

Maemae Elementary School plans a project that will add future load to their electrical distribution system. HECO is requesting a perpetual easement to allow for the underground relocation of the school's electrical system and support for the added electrical load. We are in communication with the Department of Education on this request. As remarked in the consideration section, HECO has stated that the easement will only serve the Maemae Elementary School after installation and requests that the consideration for the easement be reviewed with this factor in mind.

A portion of the requested easement will overlap Land Office Deed No. 28,434 ("LOD28434") to HECO but staff believes that the requested easement should be a separate easement instead of an amendment to the existing easement because the electrical installation will be used specifically for a government project with projected assignment of a nominal consideration for the easement.

HECO requests a construction right-of-entry prior to the issuance of the easement document and staff has no objection to the request.

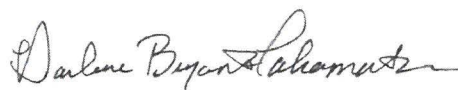
In response for comments from other Government agencies, the Hawaii Department of Transportation, Department of Planning and Permitting, Board of Water Supply, Department of Facility Maintenance, and Office of Hawaiian Affairs have not responded to solicitation for comment before the response deadline.

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.

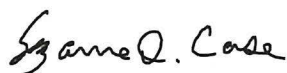
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Hawaiian Electric Company, Inc. covering the subject area for utility purposes, under the terms and conditions cited above, which are by this reference 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 Maemae School 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.
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,

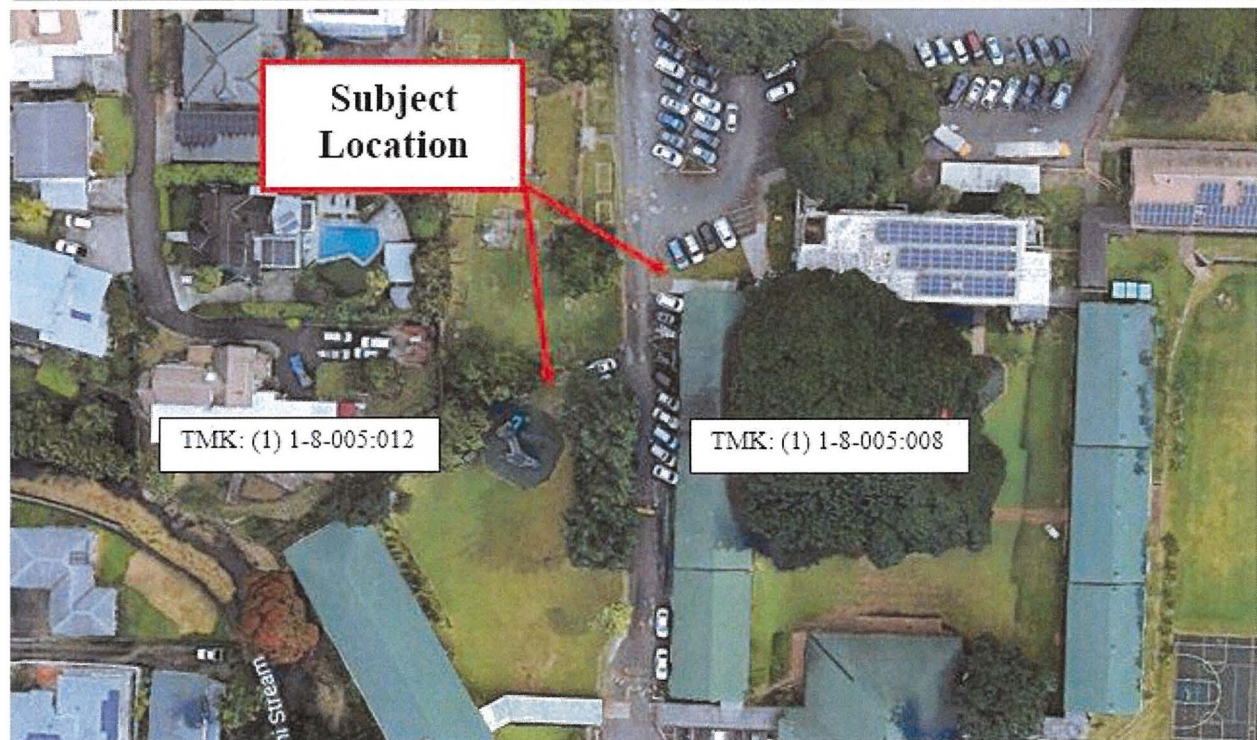
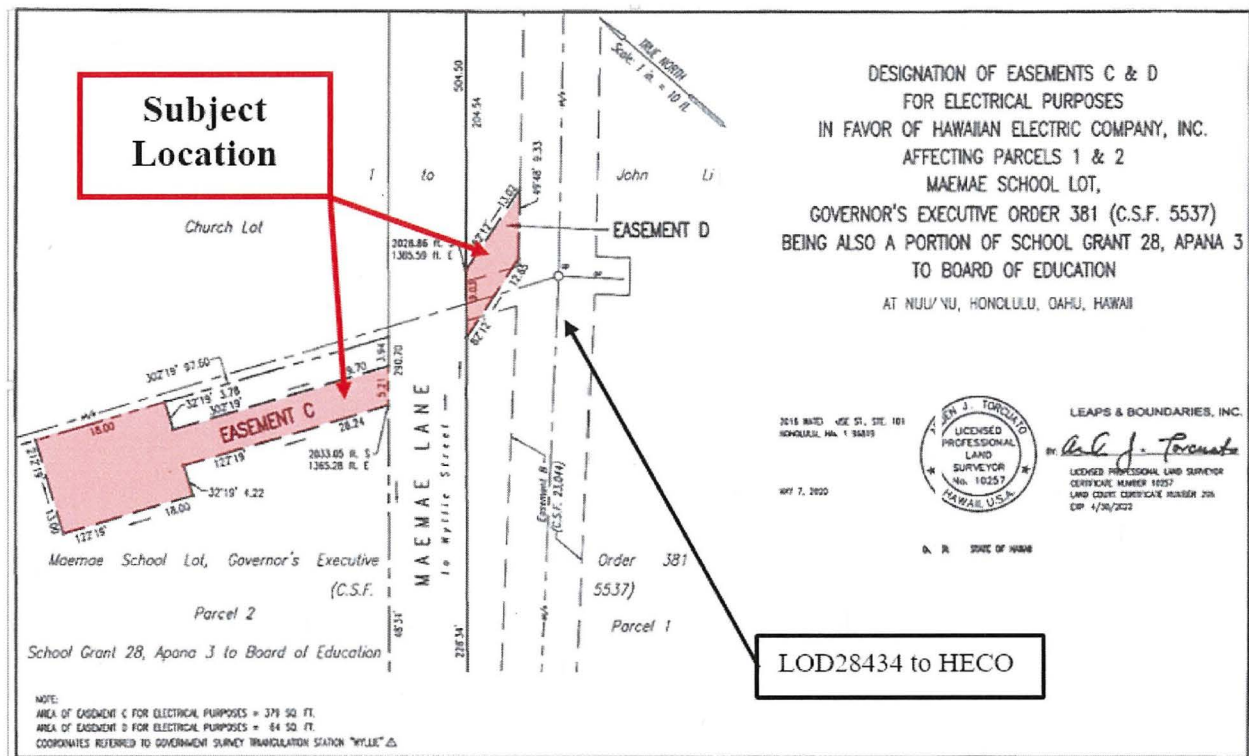


Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



 Suzanne D. Case, Chairperson



TMK (1) 1-8-005:008por. and :012por.

EXHIBIT A

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Grant of Perpetual Non-Exclusive Easement to Hawaiian Electric Company Inc. for Utility Purposes
Project / Reference No.:	PSF 200D-067
Project Location:	Nuuanu, Honolulu, Oahu; Tax Map Key: (1) 1-8-005:008por., 012por.
Project Description:	Grant of Perpetual Non-Exclusive Easement for Utility Purposes
Chapter 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 November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Part 1, item 39 that states, "creation or termination of easement, covenants, or other rights in structures or land."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	Negligent, being that the area of request contains existing utility poles and lines. Staff believes that the request would involve negligible expansion or change in use of the subject area beyond previously existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	Staff is not aware of any particularly sensitive environment for the premises and use of the area would involve negligible change from what is already existing.
Consulted Parties:	Agencies noted in the submittal.

EXHIBIT B

Analysis: Based on the above mentioned, staff believes there would be no significant impact to the environment.

Recommendation: It is anticipated that this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.