

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

July 9, 2021

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

PSF No.: 21OD-031

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Overhead Electrical Transmission Lines Purposes; Issuance of Construction Right-of-Entry Permit, Honolulu, Oahu, Tax Map Key: (1) 1-8-020: portions of 030.

APPLICANT:

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

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land located Honolulu, Oahu, identified by Tax Map Key: (1) 1-8-020: portions of 030, as shown on the map attached as **Exhibit A**.

AREA:

Easement A: 202 square feet, more or less.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: R-5

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:

Unencumbered.

CHARACTER OF USE:

Right, privilege and authority to access, construct, reconstruct, rebuild, repair, maintain, remove and operate electrical transmission lines, poles, guy wires and anchors over and across State-owned land, 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:

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 and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, "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 Item 39 that states, "creation, or termination of easement, covenants, or other rights in structure or land." (**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) Pay for an appraisal to determine a one-time easement payment;
- 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 City and County of Honolulu, Department of Planning and Permitting at Applicant's own cost.

REMARKS:

In working with the owner of the private property identified as TMK (1) 1-8-020:068 regarding the improvement on his property, HECO requests, via its letter attached as **Exhibit C**, a perpetual easement to connect the proposed improvement via overhead electrical transmission line (shown in red on Exhibit C) that will cross over State lands at TMK: (1) 1-8-020:030 to the existing power system on Judd Street.

In addition, HECO discovered an existing overhead electrical line (shown in blue on Exhibit C) does not have a land disposition (easement) approved by the State. HECO wants to submit similar easement request for the existing line.

The Government lands at TMK: (1) 1-8-020:030 contains a historical burial cave site. In solicitation for comments, the Office of Hawaiian Affairs ("OHA") requested the State Historic Preservation Division ("SHPD") be consulted and that OHA be copied on correspondence with SHPD, which request has been met. SHPD commented they have no concerns regarding the current project, or the proposed easement as the cave entrance will be recorded for all parties (by Cultural Surveys Hawaii, Inc.) and all work will occur well away from the cave. The Department of Planning and Permitting and the Board of Water Supply have no objections/comments and concur with the proposed environmental assessment exemption.

To facilitate the progress of the improvement, HECO also requested an immediate construction right-of-entry that will expire upon issuance of the requested easement.

Applicant 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 Hawaiian Electric Company, Inc. covering the subject area for electrical transmission lines 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.
- 3. Authorize the issuance of an immediate construction right-of-entry permit to Hawaiian Electric Company, Inc. for electrical transmission lines purpose 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,

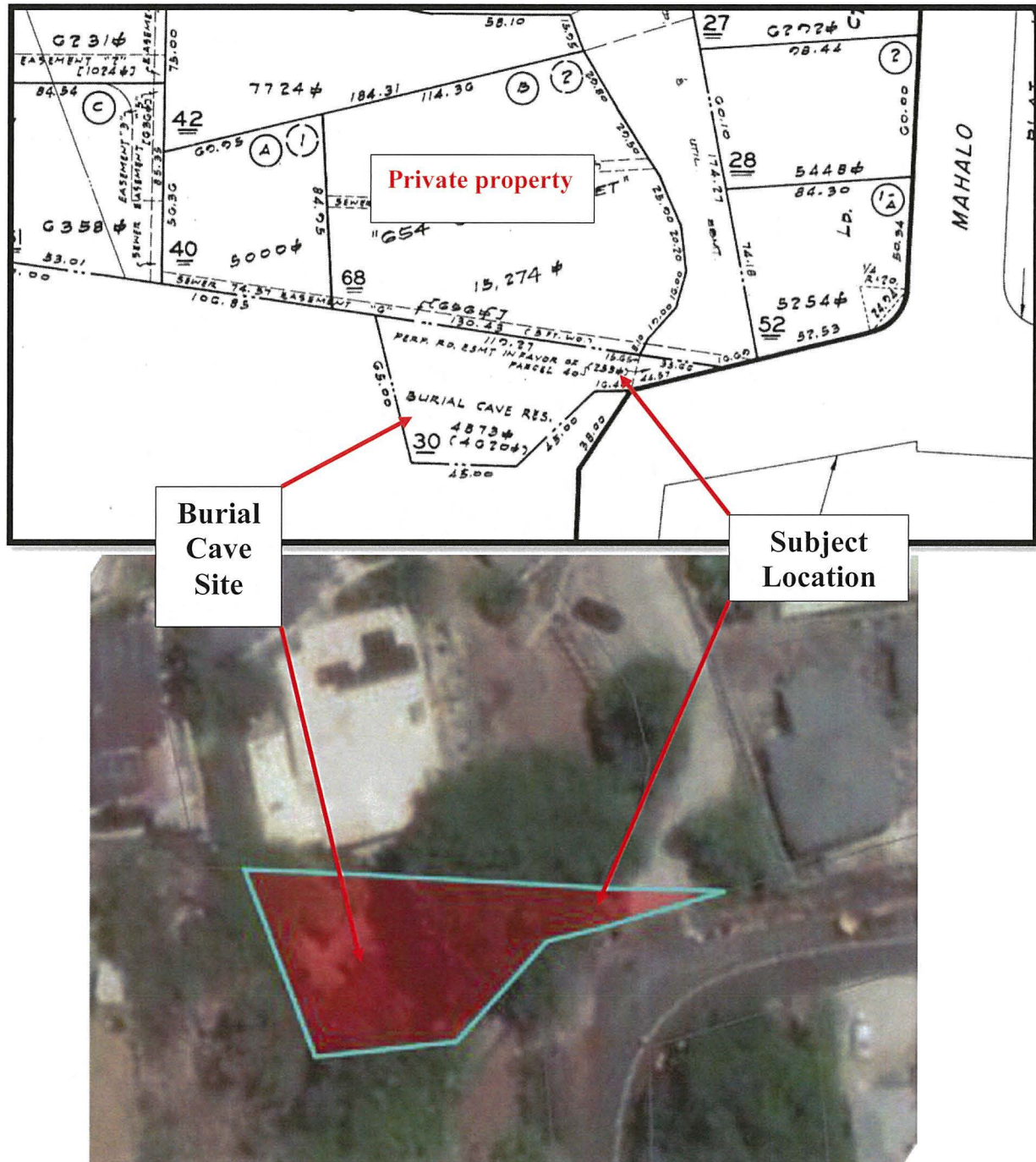
Darlene Bryant-Takamatsu

Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson *RT*



TMK (1) 1-8-020: portions of 030

EXHIBIT A

EXEMPTION NOTIFICATION

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

Project Title: Issuance of perpetual easement and construction right-of-entry for electrical transmission lines purposes.

Reference No.: PSF 21OD-031

Project Location: Honolulu, Oahu, TMK (1) 1-8-020;portion of 030.

Project Description: Issuance of perpetual easement and construction right-of-entry for electrical transmission lines purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: 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 and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1 that states, "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 Item 39 that states, "creation, or termination of easement, covenants, or other rights in structure or land."

Cumulative Impact of Planned Successive Actions in Same Place Significant? No, the proposed use does not involve any expansion or change of use from the previous situation and the general land uses in the area.

Action May Have Significant Impact on Particularly Sensitive Environment? Request has been circulated to other government agencies for review and comment. Based on the analysis below, staff believes there would be no significant impact to any sensitive environment.

Consulted Parties: Agencies as noted in the submittal.

EXHIBIT B

Analysis:

The proposed use does not involve any major improvement or changes to the topographical features. Therefore, staff believes the subject request will have no significant effect on the environment.

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

July 9, 2021



April 13, 2021

RECEIVED
LAND DIVISION
2021 APR 16 AM 11:03
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Mr. Barry Cheung
Oahu District Agent
Land Division
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

State of Hawaii Burial Cave Property
TMK: (1) 1-8-020:030
North Judd Street

Dear Mr. Cheung:

Hawaiian Electric Company is requesting a construction right of entry and perpetual easement that will allow Hawaiian Electric Company, Inc. (HECO) to complete a request received from the property owner of 654 N. Judd St., TMK: (1) 1-8-020:068. The owner is requesting new service to his property as shown in red on the enclosed location sketch. This is the only available route to provide the customer with new service.

Also, we currently have an overhead line that crosses over TMK: (1) 1-8-020:030, as shown in blue on the location sketch. The existing line is not covered by an easement from the State and we would like to remedy this with a perpetual easement that will cover both lines.

The construction right of entry and easement will be for the following purposes:

"to construct, reconstruct, operate, maintain, repair and remove poles, anchors, guy wires, overhead and/or underground wire lines and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and 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 of the easement area."

EXHIBIT C



Mr. Barry Cheung
Department of Land and Natural Resources
Page 2

We are requesting the construction right of entry to commence upon Board approval and continue until the Grant of Easement has been recorded.

If you have any questions, please do not hesitate to contact me at 543-4737 or at robyn.tanaka@hawaiianelectric.com. Thank you for your attention to this matter.

Sincerely Yours,

A handwritten signature in cursive script that reads "Robyn Tanaka".

Robyn Tanaka
Land Agent

Enclosure

