

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

March 24, 2022

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

PSF No.: 21KD077
Kauai

Amend Prior Board Action of November 12, 2021, Item D-1, Grant of Term, Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility Purposes, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-001: por. of 006.

The purpose of the amendment is to correct the Tax Map Key in the prior Board action from Tax Map Key: (4) 1-2-001: por. of 006 to Tax Map Key: (4) 1-2-002: por. of 006.

BACKGROUND:

On May 6, 2020, the Department of Agriculture (DOA) along with KIUC requested that the Department of Land and Natural Resources (DLNR) grant a term non-exclusive easement (the subject easement) for the purpose of installing and maintaining a powerline for DOA General Lease No. 4913a to Pioneer Hi-Bred International, Inc. At its meeting of November 12, 2021, under agenda Item D-1, the Board of Land and Natural Resources (Board) approved the requested easement. A copy of the prior Board action as attached as Exhibit 1.

REMARKS:

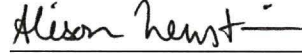
DLNR Land Division staff noticed a discrepancy with the Tax Map Key (TMK) number while processing the file. The TMK should have referenced plat 2 instead of plat 1. This amendment is to correct the erroneous tax map key number that was used in the November 12, 2021 Board action.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of November 12, 2021, under agenda item D-1 by changing Tax Map Key: (4) 1-2-001: por. of 006 to Tax Map Key: (4) 1-2-002: por. of 006 wherever the Tax Map Key is referenced in the submittal.
2. Except as amended hereby, affirm that all terms and conditions listed in its

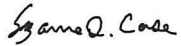
November 12, 2021 approval shall remain the same.

Respectfully Submitted,

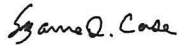


Alison Neustein
District Land Agent

APPROVED FOR SUBMITTAL:



RT


Suzanne D. Case, Chairperson

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

November 12, 2021

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

PSF No.: 21KD-077
Kauai

Grant of Term, Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility Purposes, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-001: por. of 006.

APPLICANT:

Kauai Island Utility Cooperative (KIUC) whose business and mailing address is 4463 Pahee Street, Suite 1, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Section 171-13 and 95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government land of Kekaha, Waimea, Kauai, identified by Tax Map Key: (4) 1-2-001: por. of 006, as shown on the attached map labeled Exhibit A.

AREA:

Gross Parcel area: 32.929 acres, more or less
Easement area: 2,025 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
November 12, 2021 *Go*

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

CURRENT USE STATUS:

Encumbered by Governor's Executive Order (EO) 4259 and Department of Agriculture (DOA) General Lease No. S-4913-A.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines, poles, guy wires and anchors 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:

Sixty-five (65) years.

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:

See 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 for an appraisal to determine a one-time payment; and

- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Board approved the set-aside of 121.409 acres of State lands to DOA under EO No. 4259 dated January 6, 2009, for agricultural purposes.

By letter dated December 17, 2018, DOA and the Agribusiness Development Corporation (ADC) jointly requested that all of the Kekaha lands under EO 3633 and 103.04 acres of the Kekaha Agricultural Park lands under EO 4259 be withdrawn, and that those lands be re-set aside for agricultural and related purposes to ADC. Both the Board of Agriculture at its meeting of October 23, 2018 and ADC Board at its meeting of November 28, 2018 have approved this request.

On March 27, 2020, the Board approved the Cancellation of EO No. 3633; Partial Withdrawal of 103.04 Acres from EO No. 4259; Reset Aside of the 164.353 Acres Formerly Under EO No. 3633 and the 103.04 Acres Withdrawn from EO No. 4259 to ADC for Agricultural and Related Purposes.

On May 6, 2020, the DOA along with KIUC requested that the DLNR grant a term non-exclusive easement (the subject easement) for the purpose of installing and maintaining a powerline for DOA General Lease No. 4913a to Pioneer Hi-Bred International, Inc. Site plans are attached as Exhibit C. Powerlines to the premises are already in place and have been since 1970. The purpose of this easement is to extend the existing powerline in order to provide power to irrigation pumps and controls, and equipment needed to support Pioneer Hi-Bred International, Inc.'s shade houses on the premises. The subject powerline extension is already in place and was completed May 2020.

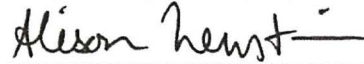
Various government agencies and interest groups were solicited for comments. No response was received by the suspense date.

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 term non-exclusive easement to KIUC 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:

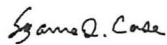
- A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Alison Neustein
District Land Agent

APPROVED FOR SUBMITTAL:



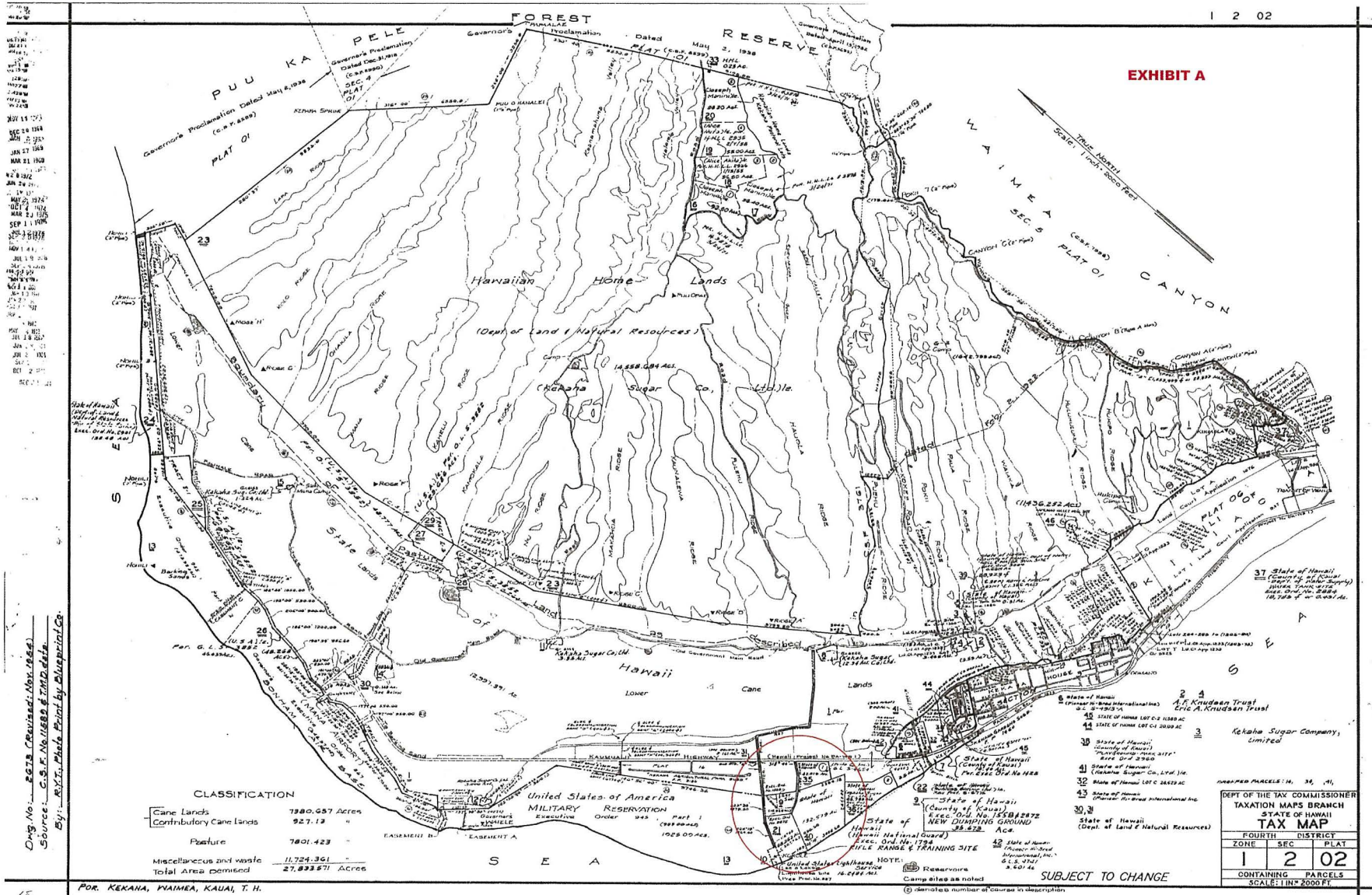
Suzanne D. Case, Chairperson

RT



EXHIBIT A

EXHIBIT A



Orig. No. 1-2073 (Revised Nov. 1964)
Source: G.S.F. No. 1680 & 1700
By: A. H. Chalk Point by Blueprint Co.

FOR KAKAIA, KAUAI, T. H.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

3060 Eiwa Street, Room 208
Lihue, Hawaii 96766
PHONE: (808) 274-3491
FAX: (808) 241-3535

November 12, 2021

Ref. No.: 21KD-077

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1-15, Hawaii Administrative Rules (HAR):

Project Title:	Grant of Term, Non-Exclusive Easement to Kauai Island Utility Cooperative (KIUC) for Utility Purposes, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-001: por. of 006.
Project / Reference No.:	21KD-077
Project Location:	Kekaha Agricultural Park, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-001: por. of 006.
Project Description:	Grant of Term Non-Exclusive Easement to Kauai Island Utility Cooperative (KIUC) for Utility Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	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 General Exemption Type 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, and 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?:	No. There will be no successive actions in same place or no significant cumulative impact.

EXHIBIT B

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

No. There are no particularly sensitive environmental issues involved with the proposed use of the property.

Analysis:

The proposed use will involve negligible or no expansion or change of use beyond that previously existing.

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment. The previous use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. 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.

PANEL P		480Y/277 VOLTS			3ø, 4WSN	
225A LUGS ONLY		BRANCH BKR I.C.			22,000 AMPS	
SURFACE, 20" WIDE CABINET, INDUSTRIAL-BOLTED					NEMA 3R	
CKT NO.	BKR	LOAD	KVA			WIRE
			A	B	C	
1	3P150A	IRRIGATION PUMP CONTROL, PANEL	22.7	22.7	22.7	#1/0
2	3P30A	FERTILIZER PUMP 101P	3.9	3.9	3.9	10
3	3P30A	TRANSF AND PANEL P	5.0	5.0	5.0	8
4	3P50A	P F B				
5						
6						
7						
8						
TOTAL			31.6	31.6	31.6	

4W20A,250A
FOR GREENHOUSE 1 AND 3 ONLY

4W20A,250A
ON ALL GREENHOUSES 1-4

EAST

WEST

PANEL A

NORTH

SOUTH

FANS

BOOM

A-19,21,23

A-14,16,18

A-1,3,5

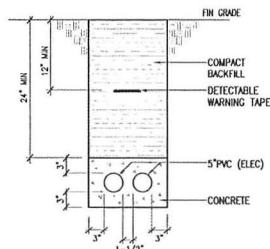
A-7,9,11,13,15

A-8,10,12

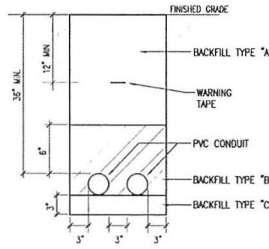
A-2,4,6

A-15

<p>KEKAHA SHADE HOUSE FARM KEKAHA, WAIMANA, KAUAI, HAWAII TMS: 41-1-02; 08 & 42</p> <p>TYPICAL SHADE HOUSE ELECTRICAL PLAN, PANEL SCHEDULE</p>	<p>ELECTECH HAWAII, INC Consulting Electrical Engineers 1100 Kalia Road Honolulu, Hawaii 96814 Phone (808) 922-1866</p>	<p>THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ELECTRICAL ENGINEER IN THE STATE OF HAWAII.</p> <p><i>Cheng</i> CHENG 01/14/16</p>	<p>DATE: 01-14-16 BY: CP</p>
<p>Date: NOV 2018</p> <p>Scale: AS NOTED</p> <p>Drawn: EB</p> <p>Sheet: 17029</p>	<p>E-4</p>	<p>DATE: 01-14-16 BY: CP</p>	<p>DATE: 01-14-16 BY: CP</p>



A DUCT SECTION
E-5 NOT TO SCALE



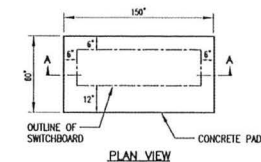
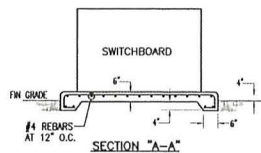
B TYPICAL DIRECT BURIED
E-5 NOT TO SCALE

BACKFILL NOTES:

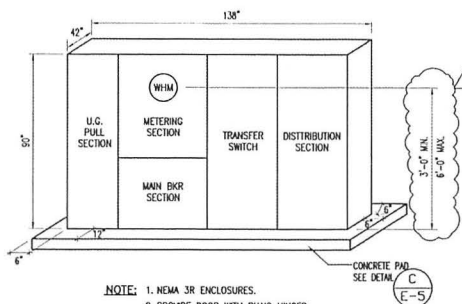
TYPE "A": BEACH SAND, EARTH, OR EARTH & GRAVEL. THE MAXIMUM ROCK SIZE SHALL BE 1" AND THE MIXTURE SHALL CONTAIN NO MORE THAN 50 PERCENT BY VOLUME OF ROCK PARTICLES.

TYPE "B": BEACH SAND, EARTH, OR EARTH & GRAVEL. IF EARTH & GRAVEL MIXTURE, MUST PASS A 1/2" MESH SCREEN AND CONTAIN NOT MORE THAN 20 PERCENT BY VOLUME OF ROCK PARTICLES.

TYPE "C": IF THE NORMAL MATERIAL IN THE BOTTOM OF THE TRENCH IS NOT TYPE "B" AN ADDITIONAL 3" SHALL BE EXCAVATED AND TYPE "B" BACKFILL SHALL BE PROVIDED.



C SWITCHBOARD PAD DETAIL
E-5 NOT TO SCALE



NOTE: 1. NEMA 3R ENCLOSURES.

2. PROVIDE DOOR WITH PIANO HINGES.

3. OBTAIN KULC APPROVAL PRIOR TO MANUFACTURE.

4. 10 FT. CLEARANCE IN FRONT OF SWITCHBOARD.

D SWITCHBOARD ARRANGEMENT
E-5 NOT TO SCALE

ELECTRICAL SPECIFICATIONS

- ENTIRE INSTALLATION TO CONFORM TO THE PROVISIONS OF THE NATIONAL ELECTRICAL CODE, LOCAL ELECTRIC BUREAU AND LOCAL UTILITY COMPANIES. OBTAIN AND PAY FOR PERMITS AND DELIVER CERTIFICATES OF COMPLETION AND INSPECTION TO ARCHITECT.
- MATERIALS AND WORKMANSHIP TO BE VERY BEST QUALITY OF ITS KIND.
- SUBSTITUTE MATERIALS TO BE EQUAL IN QUALITY TO SPECIFIED ITEM. IF SUBSTITUTE MATERIALS ARE PROPOSED, SUBMIT SIX (6) COPIES OF SHOP DRAWINGS FOR APPROVAL PRIOR TO ORDERING. PROVIDE SAMPLES OF SUBSTITUTE MATERIALS, IF REQUESTED, TO EVALUATE QUALITY OF PROPOSED SUBSTITUTION.
- GUARANTEE - THE ENTIRE INSTALLATION SHALL BE GUARANTEED FOR ONE YEAR AFTER ACCEPTANCE BY THE OWNER AGAINST DEFECTIVE MATERIALS AND WORKMANSHIP. WHEN NOTIFIED BY THE OWNER OF FAILURE OF ANY PART OF THE INSTALLATION DURING THE GUARANTEE PERIOD, CONTRACTOR SHALL REPAIR OR REPLACE THE DEFECTIVE PART AT HIS OWN EXPENSE TO THE SATISFACTION OF THE OWNER.
- TESTING: AN OPERATIONAL TEST SHALL BE PERFORMED AFTER THE COMPLETION OF THE INSTALLATION, TO ASSURE PROPER OPERATION OF ALL ITEMS OF THE WORK.
- INSTALLATION AND WORKMANSHIP:
 - ALL WORK SHALL BE NEATLY EXECUTED, WORKMANLIKE IN APPEARANCE, SYMMETRICAL, PLUMB, UNIFORM, PROPERLY ALIGNED AND SECURED IN PLACE.
 - WIRING METHODS:
 - USE EMT, MC, OR CONDUIT IN DRY INTERIOR LOCATIONS AND USE CONDUIT IN DAMP LOCATIONS.
 - USE SEALTITE FLEX FOR CONNECTIONS TO EQUIPMENT.
 - ATTACH TO CONCRETE AND MASONRY WITH EXPANSION ANCHORS AND TO WOOD WITH WOOD SCREWS.
 - SUPPORT RACEWAYS PER NEC.
 - DO NOT SUPPORT RACEWAYS AND BOXES FROM AND ON MECHANICAL SYSTEM.
 - CABLES WILL NOT BE PERMITTED.
 - CONDUCTORS:
 - CHAMP CONNECT ALL WIRES.
 - TAPE ALL SPLICES WITH SCOTCH NO. 33 VINYL TAPE OR EQUAL.
 - FORM WIRES NEATLY IN ENCLOSURES.
 - IDENTIFY CONDUCTORS BY COLOR CODE - NEUTRAL WIRE TO BE WHITE AND GROUND WIRE TO BE GREEN.
 - CUT, DRILL AND PATCH AS REQUIRED. REPAIR ANY SURFACES DAMAGED OR MARRED - CUTTING, REPAIRS AND REFINISHING SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER.
 - CLEAN ALL SURFACES TO RECEIVE PAINT. PAINT ANY SURFACE DAMAGED DURING INSTALLATION.
 - REPAIR ALL SURFACES DAMAGED DURING THE INSTALLATION OF THE WORK SUBJECT TO THE APPROVAL OF THE OWNER.
 - COORDINATE WIRING REQUIREMENTS OF EQUIPMENT FURNISHED BY OTHERS PRIOR TO BEGINNING WORK. PROVIDE PROPER SIZE WIRING AND CONNECTIONS FOR ALL EQUIPMENT AS REQUIRED. PROVIDE DISCONNECTS FOR ALL MOTORIZED EQUIPMENT. PROVIDE STARTERS WITH OVERLOAD PROTECTION ON EACH LINE FOR ALL MOTORIZED EQUIPMENT FOR WHICH STARTERS ARE NOT PROVIDED BY OTHER TRUCKS.
- MATERIALS:
 - CONDUIT - RIGID GALVANIZED STEEL, 3/4" MINIMUM.
 - EMT - GALVANIZED STEEL, 3/4" MINIMUM.
 - INTERMEDIATE METALLIC CONDUIT, 3/4" MINIMUM.
 - PLASTIC CONDUIT - POLYVINYL CHLORIDE SCHEDULE 40, 3/4" MINIMUM, BELOW GRADE ONLY.
 - DRAUGHTS SHALL BE DIRECT BURIED UNLESS OTHERWISE NOTED.
- CONDUCTORS:
 - MINIMUM SIZE - NO. 12 AWG COPPER, BOND.
 - COPPER TYPE XHHW, THW OR THHN - BRANCH CIRCUITS.
 - COPPER TYPE THN, XHHW - FEEDERS, OUTLETS.
 - TYPE XHHW-USE OR RHH-USE IN EXTERIOR UNDERGROUND LOCATIONS.
- WIRING DEVICES:
 - SWITCHES: 20A - POLES AS INDICATED 120/277V. AC - ARROW NO. 199X SERIES COLOR TO MATCH DEVICE PLATE.
 - RECEPTACLES: DUPLEX - 3W20A, 125V. - ARROW #362 COLOR TO MATCH DEVICE PLATE.
 - SPECIAL OUTLET - SIZE AND TYPE AS INDICATED, SPECIFICATION GRADE. PROVIDE MATCHING CAP FOR EACH RECEPTACLE - ARROW.
- PANELBOARDS: CIRCUIT BREAKER TYPE, BREAKER COMPLIMENT AS INDICATED. PROVIDE TYPED CIRCUIT DIRECTORY. HALF WIDTH PUG-IN BREAKERS NOT PERMITTED. GENERAL ELECTRIC, CUTLER HAMMER, SIEMENS, SQUARE D OR WESTINGHOUSE.
- DEVICE PLATES - 18-8 STAINLESS STEEL.
- OUTLETS - PROVIDE OUTLET BOXES TO SUIT CONDITIONS ENCOUNTERED. BOXES TO BE AMPLE SIZE TO ACCOMMODATE CONDUCTORS PER NEC. MINIMUM SIZE OF BOX FOR USE WITH RACEWAY SYSTEMS TO BE 4" SQUARE BY 1-1/2" DEEP. FLOOR OUTLET BOXES.
- CIRCUIT BREAKERS AND SAFETY SWITCHES - GENERAL ELECTRIC, SQUARE D, SIEMENS, WESTINGHOUSE OR CUTLER HAMMER. SAFETY SWITCH - HEAVY DUTY TYPE.
- PULLBOXES, CABINETS AND CUTTER - CODE GAGE GALVANIZED SHEET STEEL.
- TRANSFORMER SHALL BE DRY TYPE, NEMA SOUND RATING, STANDARD TAPS, UL WITH EXTERNAL VIBRATION ISOLATION MOUNTING. TECH-DUTY, SIEMENS, CUTLER HAMMER, GENERAL ELECTRIC OR WESTINGHOUSE.
- SUBMIT FOLLOWING EQUIPMENT FOR APPROVAL, AND RESUBMIT UNTIL APPROVAL IS RECEIVED.
 - CIRCUIT BREAKERS
 - PANELBOARDS AND DISCONNECT SWITCHES
 - TRANSFORMERS
 - ANY BUILT-TO-ORDER EQUIPMENT

REVISIONS	BY
1	CP

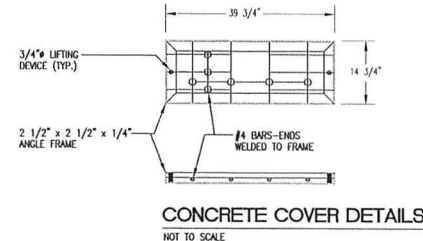
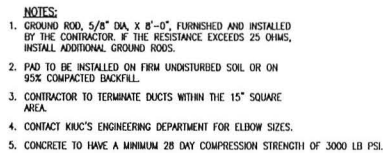
THIS DRAWING WAS PREPARED BY THE CONSULTING ENGINEER AND SHALL BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC.


DATE: 11/20/2018
BY: [Signature]
CHECKED BY: [Signature]

ELECTECH HAWAII, INC.
Consulting Electrical Engineers
1100 Ford Avenue, Suite 750
Honolulu, Hawaii 96814
Phone: (808) 582-7866

KEKAHA SHADE HOUSE FARM
KEKAHA, WAIMEA, KAUAI, HAWAII
TRK (A) 1-2-02: 06 & 42
ELECTRICAL SPECIFICATIONS AND DETAILS

Date: NOV 2018
Scale: AS NOTED
Drawn: EB
Rev: 17029
Sheet: E-5



KEKAHA SHADE HOUSE FARM KEKAHA, WAIMEA, KAUAI, HAWAII TMS: (4) 1-2-02: 06 & 42 TRANSFORMER PAD AND PULLBOX DETAIL		ELECTECH HAWAII, INC Consulting Electrical Engineers 1100 Ford Avenue, Suite 750 Honolulu, Hawaii 96814 PHN (808) 524-1886		REVISIONS BY DATE COMMENTS	
Date	NOV 2018			THIS SEAL AND PREPARED BY IS IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THE HAWAIIAN ENGINEERING ACT OF 1961, AS AMENDED.	
Scale	AS NOTED			DATE OF THIS PROJECT: 11/1/18 DATE OF THIS DRAWING: 11/1/18	
Drawn:	EB			SIGNATURE: <i>[Signature]</i> NAME: <i>[Name]</i>	
Job:	17029			PROJECT NO.: <i>[Project Number]</i>	
Sheet:	E-6			DRAWING NO.: <i>[Drawing Number]</i>	