

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

July 8, 2022

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

PSF No.: 17HD-114

Hawaii

Grant of a Term, Non-Exclusive Easement to Hawaii Electric Light Company, Inc. for Overhead Transmission Line Purposes, Kapapala, Kau, Hawaii, Tax Map Key: (3) 9-8-001:010 portion.

APPLICANT:

Hawaii Electric Light Company, Inc., a Hawaii corporation.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located at Kapapala, Kau, Hawaii, identified by Tax Map Key: (3) 9-8-001:010, as shown on the attached map labeled Exhibit A.

AREA:

993 square feet, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: AG-20a (Agriculture 20 acre minimum)

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:

Encumbered by General Lease No. S-5374, Kapapala Ranch, Lessee, for pasture, residence (lessee and employees only) and eco-tourism purposes. Lease scheduled to expire on November 30, 2029.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines over 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:

A Final Environmental Assessment (FEA) prepared pursuant to the National Environmental Policy Act for the subject project was published in the OEQC's Environmental Notice on June 23, 2019 with a finding of no significant impact (FONSI).

To the extent the FEA/FONSI did not fully satisfy the requirements of Chapter 343, Hawaii Revised Statutes, titled Environmental Impact Statements, then in accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 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 Type No. 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 Part 1, Item 39, which states, "Creation or termination of easement, covenants, or other rights in structures or land". The proposed easement is for an overhead utility that will not require ground disturbance. It is therefore a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR.

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

REMARKS:

Hawaii Electric Light Company, Inc. (HELCO) is relocating an existing 60-year old transmission line located along the old route of Highway 11 between the HELCO Kilauea switching station and the Volcano substation to a right-of-way adjacent and mauka of the new route of Highway 11. The existing line is in deteriorating condition and not currently easily accessible for repairs and maintenance. Relocating the lines adjacent to the new highway will improve the alignment and allow for easier access.

The requested easement is for an area between the old route and the new route of Highway 11. The easement area is approximately 20 feet wide and 50 feet long across a small corner of a 22,150 acre parcel of State land leased to Kapapala Ranch for pasture purposes.

The easement is for aerial lines only and will not require poles or ground equipment be placed within the easement area. Since there will be little to no ground disturbance, this action qualifies as a de minimis activity.

The Lessee was consulted and agreed that there would be no reduction in use of the leased land and has given its concurrence to the easement over the land.

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 Section 11-200.1-16, 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 as a de minimis activity.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a term non-exclusive easement to Hawaii Electric Light Company, Inc. covering the subject area for overhead transmission line 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,

Candace Martin

KM

Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:

JCH

Suzanne D. Case

RT

Suzanne D. Case, Chairperson

EXHIBIT A

