

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

June 09, 2023

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

PSF No.:17OD-055

Oahu

Amend Prior Board Action of March 23, 2018, (Item D-5), Grant of Perpetual, Non-Exclusive Easement and Issuance of Construction Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Utility Purposes; Mutual Cancellation of Perpetual Easement recorded as Liber 4170, page 220; Consent to the Disposition between the City and County of Honolulu and Hawaiian Electric Company, Inc. over the Lands under Governor's Executive Order No. 569 for Staging Areas; Waikiki, Honolulu, Oahu, Tax Map Keys: (1) 2-7-036:001, 007, and portions of Ala Wai Canal.

This amendment is to note Governor's Executive Order No. 2036 to the City and County of Honolulu as an additional encumbrance on the land over which the easement is requested.

BACKGROUND:

At its meeting on March 23, 2018 (Item D-5), the Board of Land and Natural Resources ("Board"), approved the grant of perpetual, non-exclusive easement to Hawaiian Electric Company, Inc. ("HECO") for utility purposes. (**Exhibit 1**).

Governor's Executive Order No. 2036 setting aside land to the City and County of Honolulu for addition to Ala Wai Park was inadvertently omitted from the prior Board action and should be included under the "Current Use Status" for Tax Map Key ("TMK"): (1) 2-7-036:001. See Exhibit 1 at page 2; see also **Exhibit 2** for the map of the easement alignment from HECO showing currently active executive orders.

RECOMMENDATION: That the Board amend its prior action of March 23, 2018, Item D-5, as follows:

A. Amend the "Current Use Status" on page 2 of the 2018 submittal as

follows (new language indicated by underscoring):

“TMK: (1) 2-7-036:001 is encumbered by Governor’s executive order No. 569 setting aside to City and County of Honolulu for park purposes and Governor’s executive order No. 2036 setting aside to City and County of Honolulu for addition to Ala Wai Park.”

- B. Except as amended hereby, affirm that all terms and conditions listed in its March 23, 2018 approval shall remain the same.

Respectfully Submitted,



Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang
Chairperson

RT

KOM

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

March 23, 2018

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

PSF No.:17OD-055

Oahu

Grant of Perpetual, Non-Exclusive Easement and Issuance of Construction Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Utility Purposes; Mutual Cancellation of Perpetual Easement recorded as Liber 4170, page 220; Consent to the Disposition between the City and County of Honolulu and Hawaiian Electric Company, Inc. over the Lands under Governor's Executive Order No. 569 for Staging Areas; Waikiki, Honolulu, Oahu, Tax Map Keys: (1) 2-7-036:001, 007, and portions of Ala Wai Canal.

APPLICANT:

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

LEGAL REFERENCE:

Sections 171-11, 13, 17, 55, and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Keys: (1) 2-7-036:001, 007 and portions of Ala Wai Canal as shown on the map attached as **Exhibit A**.

AREA:

TMK (1) 2-7-036: portion of 001 4,980 square feet (approx. 415' x 12')
Portions of Ala Wai Canal 7,300 square feet (approx. 365' x 20')

ZONING:

State Land Use District: Urban

City & County of Honolulu LUO: P-2

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
March 23, 2018 uo

D-5

EXHIBIT 1

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to HECO-Ala Wai

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March 23, 2018

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) 2-7-036:001 is encumbered by Governor's executive order No. 569 setting aside to City and County of Honolulu for park purposes.

(1) 2-7-036:007 is encumbered by Governor's executive order No. 2539 setting aside to Department of Education for school purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, reconstruct, operate maintain, repair and remove manholes, underground wire lines and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communications, 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, if any, for the aforesaid purposes, over, under, upon across and through the subject area.

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:

Final Environmental Assessment for the Ala Wai 46KV Underground Cable Relocation was published on the OEQC's Environmental Notice on June 8, 2017.

The Final Environmental Impact Statement acceptance notice for the Ala Wai Canal Dredging and Improvements was published in the OEQC's Environmental Notice on February 8, 2018.

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DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>x</u>	NO
Registered business name confirmed:	YES	<u>x</u>	NO
Applicant in good standing confirmed:	YES	<u>x</u>	NO

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Pay for an appraisal to determine one-time payment;
2. Process and obtain designation of easement from the City and County of Honolulu at Applicant's own cost; and
3. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

At a public auction held on August 8, 1961, HECO became the grantee of a perpetual, non-exclusive easement for utility purposes, recorded at the Bureau of Conveyances as Liber 4170, page 220. The easement runs underneath the Ala Wai Elementary School, Ala Wai Neighborhood Park, and Ala Wai Canal before connecting to HECO's substation on the makai side of the canal. Exhibit A shows the alignment of the existing utility line (in red).

The relocation project is to support the Department's efforts to provide continuous maintenance dredging of the Ala Wai Canal. The replacement cables will also maintain the reliability of the electrical distribution system¹.

Removal of the existing cable

As part of the realignment process, HECO proposes to grout-fill and abandon the portion of concrete-encased ducts in places beneath the school and the park once the power lines inside the ducts are removed. HECO will also backfill one manhole inside the park after the removal of the utility line. The proposal will eliminate any need for excavation for the removal of the ducts.

For the portion of cable in the canal, HECO plans to leave the portions closest to the canal wall in place, while the remaining portions will be taken out from the bed of the canal. HECO will also remove the protective concrete panels that were previously placed on top of the existing utility line across the canal bottom. HECO's description of the cable removal is attached as **Exhibit B**. Staff has discussed the proposed methods of the removal with the Department of Health, Environmental Health Services Division and the Engineering Division of this Department. Both offices have no objection.

In the forthcoming dredging project for the canal, Engineering Division will incorporate the removal in the contract, and HECO will be responsible for the cost of such removal

¹ Source: Final Environmental Assessment of the Ala Wai 46KV Underground Cable Relocation.

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and the cost to dredge to required limits with the existing easement

Realigned Cable

The realignment is shown on Exhibit A, and portions of new cable cover TMK (1) 2-7-036:001 [Ala Wai Neighborhood Park] and the canal. HECO requests a perpetual easement covering the new alignment. Upon consummation of the requested easement, the previous easement of the existing utility line will be mutually terminated.

Staging Area

HECO is currently discussing with the City and County of Honolulu ("City") the use of a portion of the park as a staging area during the construction period. See proposed location at **Exhibit C**. Section 171-11, Hawaii Revised Statutes, requires the Board's consent to any disposition longer than 14 days over land set aside to a public agency. Staff recommends the Board consent to the temporary disposition today and allow the City and HECO to work out the details of the disposition between themselves.

Right of Entry

HECO requests an immediate construction right-of-entry prior to the consummation of the easement. HECO is aware that the existing easement will be terminated upon issuance of the requested easement for the new alignment.

HECO will coordinate with the Engineering Division of the Department regarding any arrangement for the forthcoming dredging project and the extinguishment and installation of the cables. Engineering Division has no further comments on the subject request.

As comments from other government agencies were addressed during the Environmental Assessment stages for the relocation and the dredging project mentioned above, staff did not repeat the solicitation for comment for the requested easement.

There are no pertinent issues or concerns, and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

1. 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 utilities 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

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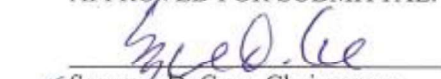
to best serve the interests of the State.

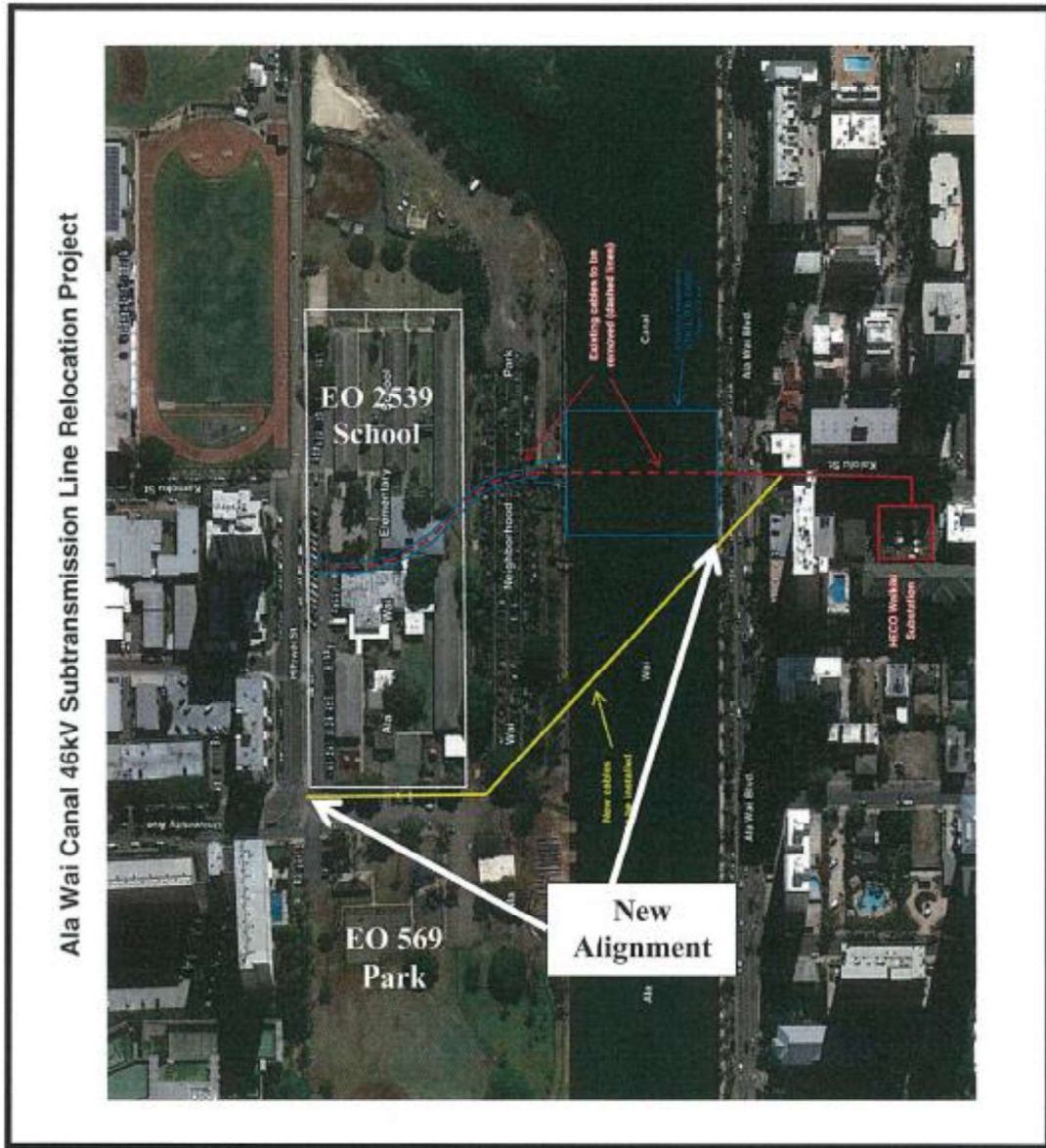
2. Issuance of a construction right-of-entry permit to the Hawaiian Electric Company, Inc. covering the subject area for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry document 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.
3. Mutual termination of perpetual easement recorded as Liber 4170, page 220 upon issuance of the requested easement.
4. Consent to the land disposition, including right-of-entry, between the City and County of Honolulu and Hawaiian Electric Company, Inc. regarding the utilization of portions of Ala Wai Neighborhood Park by Hawaiian Electric Company, Inc. as staging area during the construction and removal of the utility lines described above.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 2-7-036:001, 007, and portions of Ala Wai Canal

EXHIBIT A

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to HECO-Ala Wai

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March 23, 2018



Land & Rights of Way Division
PO Box 2750 • Honolulu, HI 96840

February 7, 2018

Mr. Russell Tsuji
Administrator, Land Division
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

Request for Perpetual Easement and Construction Right of Entry for the
Ala Wai Canal 46kV Subtransmission Line Relocation Project, Waikiki,
Oahu TMK (1) 2-7-036:001 por.

Dear Mr. Tsuji:

In connection with the State of Hawaii Department of Land and Natural Resources' planned dredging of sediment in the Ala Wai Canal beginning in late 2018, Hawaiian Electric Company, Inc. ("Hawaiian Electric") is respectfully requesting the issuance of a construction right of entry and a perpetual easement for the relocation of our existing Pukele 5 and Kamoku 43 46 kilovolt ("kV") subtransmission lines that currently run beneath the Ala Wai Neighborhood Park ("Park"), Ala Wai Elementary School ("School") and across the bottom of the Ala Wai Canal ("Canal"), as shown on the enclosed project view. The requested right of entry and easement affects a portion of the Park, TMK: (1) 2-7-036:001, and a portion of the Canal.

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

"construct, reconstruct, operate, maintain, repair and remove, underground wire lines and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication, 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, if any, for the aforesaid purposes"

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

Hawaiian Electric

PO BOX 2750 • HONOLULU, HI 96840-0001

EXHIBIT B

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Mr. Russell Tsuji
February 7, 2018
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To assist with construction, we respectfully request to use a portion of the park for a staging area. The proposed area is shown on the enclosed staging area view. However, we have not yet finalized the construction plans and we may request an additional staging area. To ensure minimal impacts to the park, we will work with the City and County Department of Parks and Recreations to identify any additional staging areas.

Additionally, once the installation has been completed, we will need to remove our existing facilities. Therefore, we request your approval of our proposed removal and abandonment plans, which are described below:


Park - Hawaiian Electric will remove its existing cables from the concrete encased conduits running beneath the Park, and will grout the conduits and abandon them in place. A Hawaiian Electric manhole in the Park located on the mauka bank of Canal will be backfilled and abandoned in place.

School - Hawaiian Electric will remove its existing cables from concrete encased conduits running beneath School, and will grout the conduits and abandon them in place.

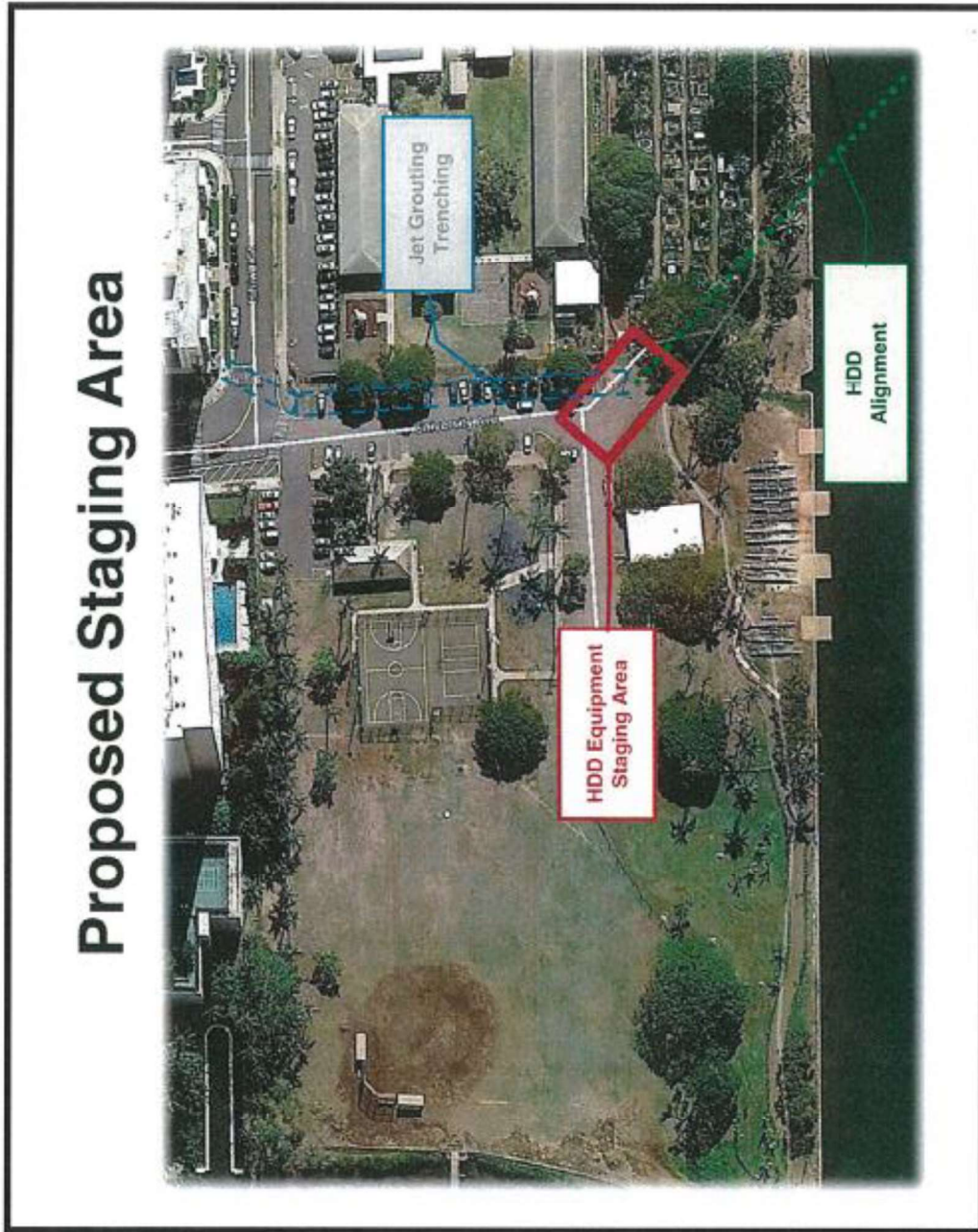
Canal - Given that the canal walls are designated as historic structures, the conduits and cables running under the walls will be abandoned in place to maintain the integrity of the wall. Cables in the Canal will be cut and capped at an agreed upon distance away from the wall and removed. Additionally, Hawaiian Electric will also remove the protective concrete panels that were previously placed on top of the existing transmission cables across the canal bottom.

If have any questions, or require additional information, you can reach me at 543-4736, or at david.nagata@hawaiianelectric.com. We appreciate your attention to this matter.

Sincerely,

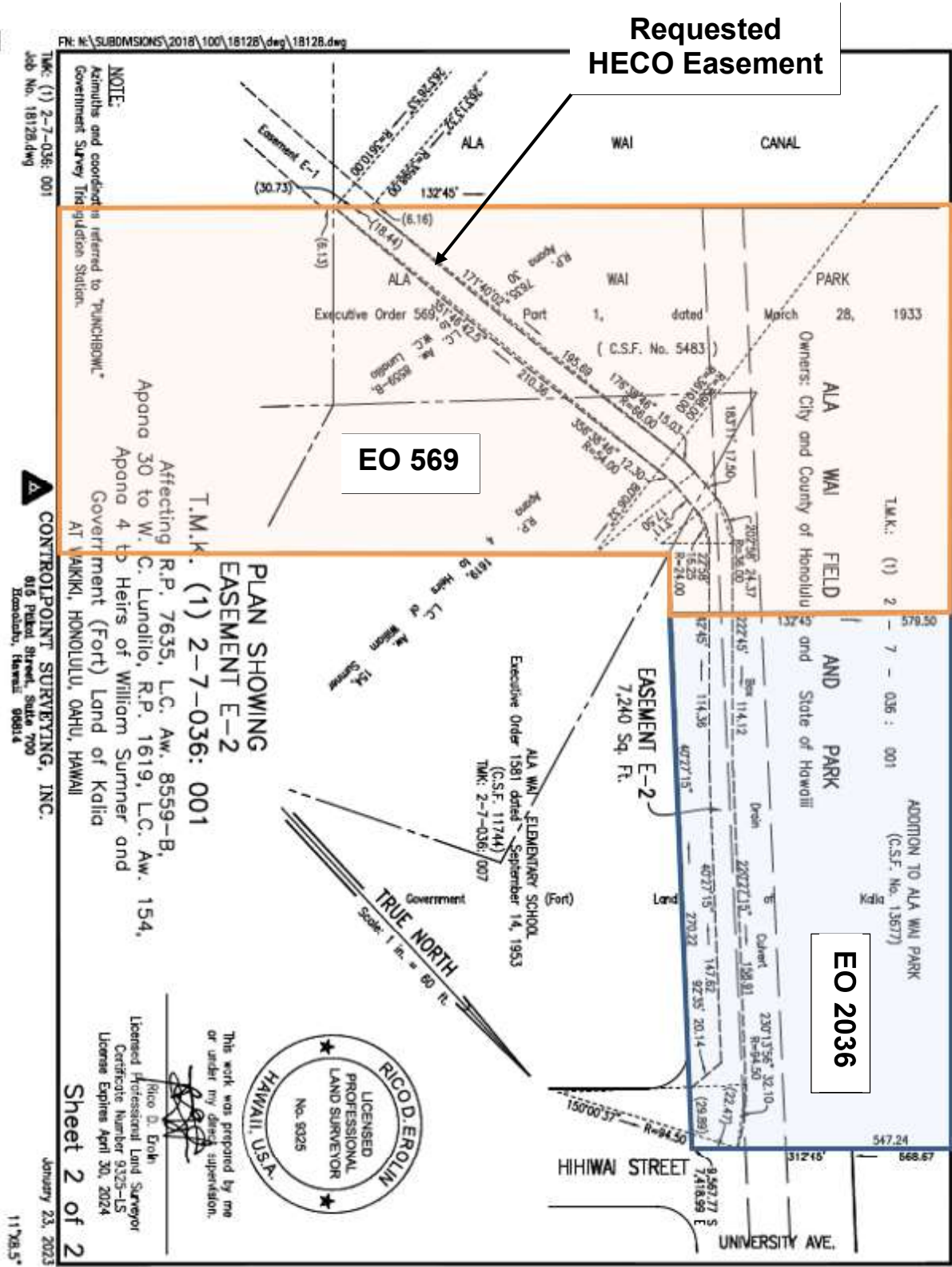

Dave Nagata
Land Agent

Enclosures



TMK (1) 2-7-036:001, 007, and portions of Ala Wai Canal

EXHIBIT C



TMK: (1) 2-7-036:001

EXHIBIT 2