

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

August 25, 2023

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

Hawaii

Approval of County of Hawaii's Issuance of Two Term, Non-Exclusive Easements for Utility Purposes to Hawaiian Electric Company, Inc. on Lands under Governor's Executive Order Nos. 4223 and 4224 to County of Hawaii, Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-4-001:176 & 177.

CONTROLLING AGENCY:

County of Hawaii, a government agency.

APPLICANT:

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

LEGAL REFERENCE:

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

ZONING:

State Land Use District: Agricultural
County of Hawaii CZO: Parcel 176: A-1a (Agriculture, 1 acre minimum)
Parcel 177: RM-4 (Multiple Family Residential)

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:

Parcel 176 is encumbered by Governor's Executive Order No. 4223 to County of Hawaii for public safety and related purposes.

Parcel 177 is encumbered under Governor's Executive Order No. 4224 to County of Hawaii for elderly and/or affordable rental housing and related purposes.

EASEMENT TERMS & CONDITIONS:

LOCATION: Portion of Government lands situated at Waiakea, South Hilo, Hawaii identified by Tax Map Key: (3) 2-4-001:176 & 177, as shown on the attached map labeled Exhibits A and A-1.

AREA: 2,527 square feet, more or less.

CHARACTER: Electrical poles, lines and guide/anchor wires.

TERM: Duration of Governor's Executive Order No. 4223.

RENT AMOUNT: Nominal consideration to be determined by the County of Hawaii.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The controlling agency shall be responsible for ensuring compliance with Chapter 343, HRS.

REMARKS:

At its meeting of March 11, 2005, Item D-7, the Board of Land and Natural Resources (Board) approved the issuance of Governor's Executive Order No. 4223 (EO 4223) setting aside 5 acres to the County of Hawaii for Public Safety and related purposes.

At its meeting of February 22, 2008, Item D-4, the Board approved the issuance of Governor's Executive Order No. 4224 setting aside 15.94 acres to the County of Hawaii (County) for elderly and or affordable rental housing and related purposes. This property has since been developed as Mohouli Senior Housing.

The County is now developing the land under EO 4223 as the Hawaii Emergency Call Center and needs electrical service to the building. Due to the nature of the service required, the line must be a dedicated line. The distance from the street

is too long for a direct drop of a service connection and needs additional poles to extend service into the parcel. As such, the electric company requires easements for its poles, lines and guide/anchor wires.

Pursuant to Section 171-11, HRS, the County is authorized to:

exercise all of the powers vested in the [BLNR] in regard to the issuance of leases, easements, licenses, revocable permits, concessions, or rights of entry covering such lands for such use as may be consistent with the purposes for which the lands were set aside on the same terms, conditions, and restrictions applicable to the disposition of public lands, as provided by this chapter all such dispositions being subject to the prior approval of the [BLNR]

The term of the two easements will continue until cancellation of EO 4223. Upon cancellation of EO 4223, new easements may be granted to the utility or extinguished as determined by the Board at that time.

The proposed use is consistent with the purpose of the set-aside as the utility lines will be servicing the Hawaii Emergency Call Center.

Pursuant to Sections 171 -11 and -95, HRS, the County is authorized to issue easements by direct negotiation to HECO as a public utility. Further, subsection 171-95(b)(1) provides that for such easements:

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 be on a nominal basis, if the board finds that such easement is required in connection with a government project

In this case, the electrical easements are required in connection with the Hawaii Emergency Call Center, which is a government project. Accordingly, a rent charge to HECO on a nominal basis is warranted and staff is including a Board finding on that point below. There is no formal Board policy on the amount of nominal rent to charge in such cases, so staff believes the County may set its own nominal rent. In any event, any amount the County assesses to HECO for the easements will likely be charged back to the County as part of the cost of installation of the required electrical service.

RECOMMENDATION:

That the Board:

- A. Find the Two Term, Non-Exclusive Easements for Utility Purposes to

Hawaiian Electric Company, Inc. described above are required in connection with a government project.

B. Approve of the County of Hawaii's issuance of Two Term, Non-Exclusive Easements for Utility Purposes to Hawaiian Electric Company, Inc., subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following:

1. Review and approval by the Department of the Attorney General; and
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Candace Martin

KOM

Candace Martin
Land Agent

gch

APPROVED FOR SUBMITTAL:



et Dawn N. S. Chang, Chairperson

EXHIBIT A

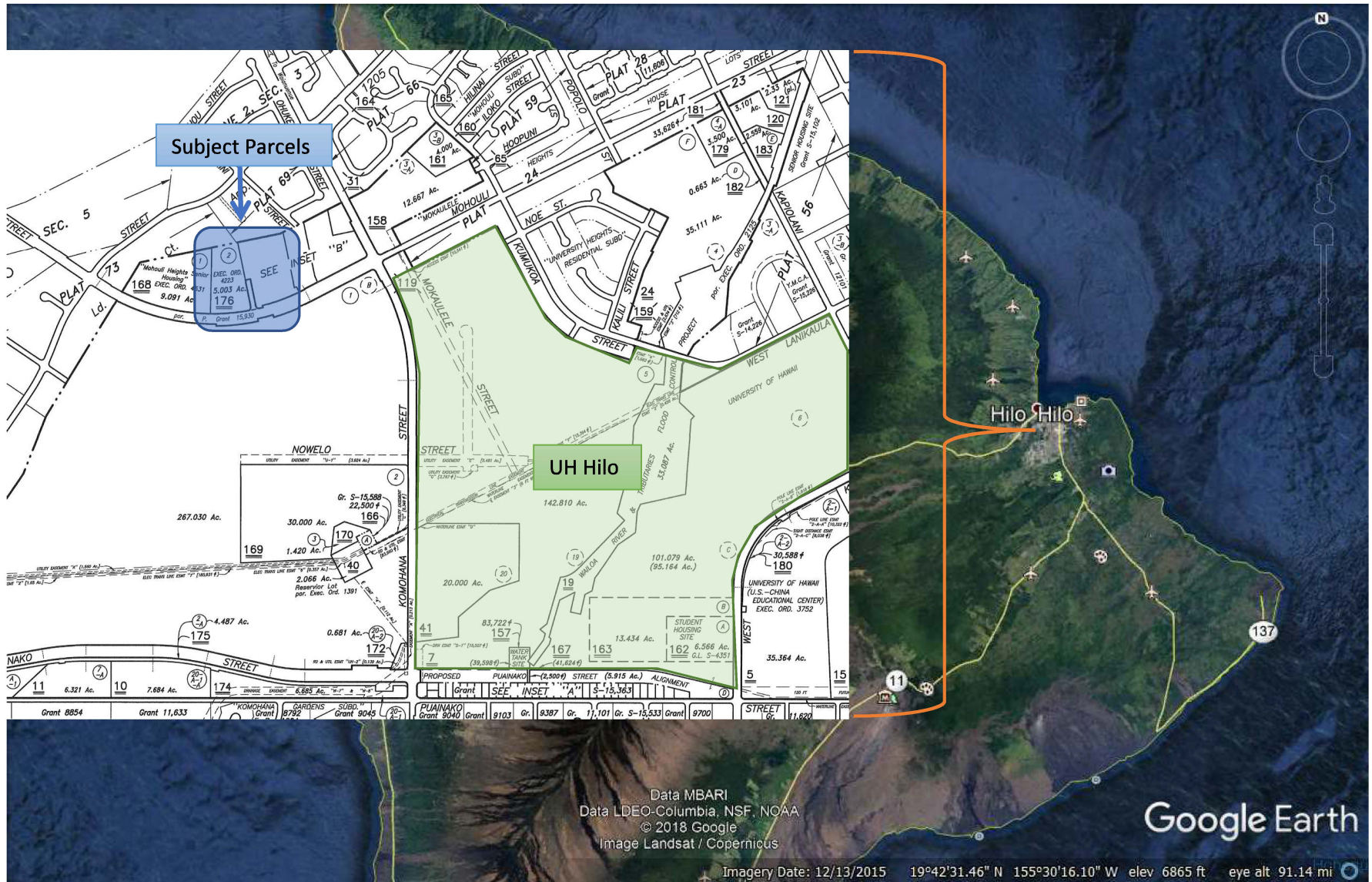
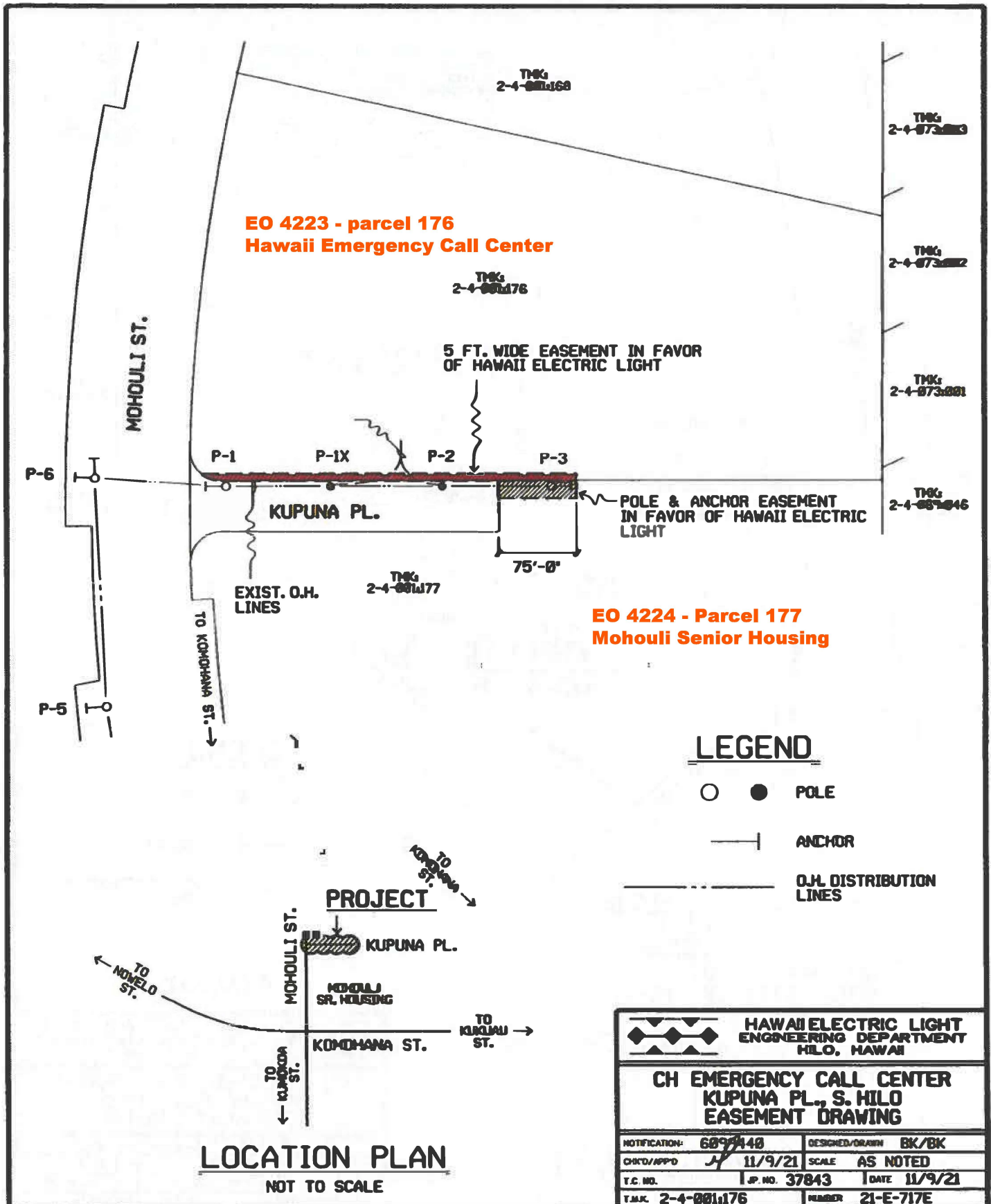


EXHIBIT A-1



<p>HAWAII ELECTRIC LIGHT ENGINEERING DEPARTMENT HILO, HAWAII</p>		
<p>CH EMERGENCY CALL CENTER KUPUNA PL., S. HILO EASEMENT DRAWING</p>		
NOTIFICATION: 6897A40	DESIGNED/DRAWN BK/BK	
CH/CD/APPD	11/9/21	SCALE AS NOTED
T.C. NO.	IP. NO. 37843	DATE 11/9/21
T.M.K. 2-4-001:176	NUMBER 21-E-717E	