

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

October 13, 2023

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

PSF No.: 19SD-080d

Oahu

Amend prior Board Action of September 11, 2020, Item D-7,

*Grant of Term, Non-Exclusive Easements to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Lands and under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telecom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following locations:*

*Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Oahu,  
TMK: (1) 1-2-025:113 por.; and  
Ala Wai Small Boat Harbor, Kalia, Waikiki, Honolulu, Oahu,  
TMK: (1) 2-3-037:012 pors.*

*Authorize Negotiation and Issuance of Master License Agreement and Site License Agreement to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Land and Improvements under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telecom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following location:*

*Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, Oahu, TMK:  
(1) 3-1-042:006 por.*

The purposes of the amendment are to: (1) delete the approval of an easement for the Small Cell Wireless Facility (SCWF) at Keehi Small Boat Harbor; (2) delete the approval of an easement for one of the two locations at Ala Wai Small Boat Harbor; (3) authorize a change in the specifications of what was originally proposed as a small cell site for the Diamond Head State Monument (DHSM) location to a facility larger than 6 cubic feet on a utility pole; (4) correct information presented in the prior Board action as to the ownership of the DHSM utility pole and require applicant to secure written consent of Hawaiian Electric Company, Inc. (HECO) to install its equipment on the pole; and (5) change the approved land disposition type from a master license agreement and site

license to non-exclusive utility easement for the installation of the facility on HECO's pole in DHSM.

BACKGROUND:

At its meeting of September 11, 2020 under agenda Item D-7, the Board of Land and Natural Resources (Board) approved a grant of term, non-exclusive easements to New Cingular Wireless PCS, LLC (New Cingular) for the installation, operation and maintenance of Small Cell Wireless Facilities (SCWFs) on lands and under the direct management of the Department of Land and Natural Resources (Department), as well as easements to Hawaiian Electric Company, Inc. (HECO) and Hawaiian Telcom, Inc. for electrical transmission and telecommunications transmission purposes, respectively, at Keehi Small Boat Harbor (Keehi SBH) and Ala Wai Small Boat Harbor (Ala Wai SBH). The Board additionally approved the negotiation and issuance of master license agreement and site license agreement to New Cingular for the installation, operation and maintenance of SCWFs on land and improvements under the direct management of the Department at Diamond Head State Monument (DHSM). New Cingular planned to replace an existing utility pole at DHSM that New Cingular believed was owned by the Division of State Parks (DSP) and install its SCWF on the new pole. See **Exhibit A** attached.

Following the Board approval of September 11, 2020, under agenda Item D-7, New Cingular secured Special Management Area Permits for the installation of SCWFs at Keehi SBH (one site) and Ala Wai SBH (two sites). Additionally, New Cingular paid for appraisals to determine the fair market rent for all of the approved sites. However, in 2023, New Cingular determined that it no longer required an SCWF at the Keehi SBH site because of a site change outside of DLNR jurisdiction. Similarly, New Cingular determined that it no longer needed one of the two sites approved for Ala SBH because of a site change outside of DLNR jurisdiction. The Ala Wai SBH site near Duke's Lagoon will be retained and the easement for this site is expected to be issued soon.

Additionally, in the course of processing the approved disposition at DHSM, New Cingular determined a change in the specifications for its equipment was necessary, causing it to no longer qualify as an SCWF.

The previous approval was for a 41-foot 9-inch new wood pole, replacing the existing wood pole and included equipment that would occupy a volume of 6 cubic feet more or less: refer to Exhibits 5 and 5-A of Exhibit A attached.

- One two-foot tall, SCWF antenna mounted to either the top or the side of the utility pole.
- Three small radio boxes mounted adjacent to the antennas.
- A fiber demarcation box.
- A power shut-off switch.
- Associated cables and ancillary equipment.

The new dimensions will include:

- An increased new pole height by 5 feet (total of 10-foot increase from existing pole).
- Antenna count & specifications change- two 2-foot panel antennas side mounted to the pole (instead of a canister antenna pole top mounted).
- Additional conduits- two more conduits added for powering radios and wiring them to the two panel antennas. **See Exhibit 5A- Rev** attached.

The additional cubic foot figures are as follows:

- MICRO antenna= 3.56 cubic feet
  - Radio cabinet (with MICRO Radios inside) = 6.59 cubic feet
  - AT&T disconnect= 0.5 cubic feet
  - HECO disconnect= 0.4 cubic feet
- Total Volume: 11.05 cubic feet

Also with respect to the DHSM site, New Cingular discovered that the pole that it intended to replace was not owned by DSP as originally thought, but was instead owned by HECO. There is no grant of easement to HECO for the electrical utility alignment in DHSM likely because the lines serve State facilities and no other users. In view of these newly discovered circumstances, staff believes the appropriate disposition for the DHSM site is a grant of overhead utility easement to New Cingular to allow it to maintain its equipment above-ground attached to a new pole with HECO's written permissions as the new replacement pole will also be owned by HECO.

Staff discussed the change with the appraiser procured to determine fair market rent and the appraiser indicated that the specifications change would likely not impact the rent for the site. Nevertheless, if the changes are approved by the Board, staff will submit a formal request to the appraiser review the rent for the DHSM site based on the new specifications for the equipment. Any additional charge for the appraiser's services will be borne by New Cingular.

Finally on the DHSM site, the type of disposition needs to be changed from a master license agreement and site license to an easement, the character of use for which will be as set forth at page 3 of the September 11, 2020 submittal:

For placement of equipment on existing utility poles: Right, privilege and authority to construct, use, maintain, repair, replace and remove small cell wireless facilities and appurtenant appliances and equipment on utility pole located on State-owned land.

This and related amendments needed to the September 11, 2020 submittal are specified in the recommendations section below.

RECOMMENDATION:

That the Board:

1. Amend its prior action of September 11, 2020, as follows:
  - A. Delete the approval of an easement for the Keehi Small Boat Harbor site depicted in Exhibits 2, 2-A and 2-B of the prior action.
  - B. Delete the approval of an easement for one of the Ala Wai Small Boat Harbor sites, specifically the site depicted in Exhibits 3, 3-A and 3-B of the prior action.
  - C. Amend recommendation D as follows:<sup>1</sup>
    - D. [~~Authorize the negotiation and issuance of a Master License Agreement and a separate Site License Agreement~~] Subject to New Cingular Wireless PCS, LLC, fulfilling all of the Applicant requirements listed above applicable to it, authorize the issuance of a term non-exclusive easement to New Cingular covering the subject area for small cell wireless facilities purposes for [the] installation on a replacement of an existing pole in Diamond Head State Monument subject to applicable conditions cited above which are by this reference incorporated herein and further subject to following:
      1. The standard terms and conditions of the most current term [~~Master License Agreement and Site License Agreement~~] easement document forms, as may be amended from time to time;
      2. Review and approval by the Department of the Attorney General; and
      3. Other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
    - D. Delete recommendation E of the prior action, which relates to a bill of sale for the transfer of title to the replacement utility pole in Diamond Head State Monument from New Cingular to DSP. Now that New Cingular has determined HECO owns the utility pole, and not DSP, any ownership issues as to the replacement pole will need to be worked out between New Cingular and HECO.
    - E. With respect to the specifications of the replacement utility pole in Diamond Head State Monument and the equipment to be placed on it, delete **Exhibit 5-A**

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<sup>1</sup> Deleted material indicated by bracketed strikethrough and new material indicated by underscoring.

attached to the prior Board action and replace it with Exhibit **5-A Rev** attached hereto.

2. Affirm that, except as amended hereby, all terms and conditions listed in the September 11, 2020 Item D-7 approval shall remain the same.

Respectfully Submitted,



Sep 7, 2023

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Michael Ferreira  
Land Agent

APPROVED FOR SUBMITTAL:



Sep 7, 2023

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Dawn N.S. Chang, Chairperson

*RT*

# EXHIBIT A

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

September 11, 2020

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

PSF No. 19SD-080  
Oahu

Grant of Term, Non-Exclusive Easements to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Lands and under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following locations:

- Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Oahu,  
TMK: (1) 1-2-025:113 por.; and
- Ala Wai Small Boat Harbor, Kalia, Waikiki, Honolulu, Oahu,  
TMK: (1) 2-3-037:012 pors.

Authorize Negotiation and Issuance of Master License Agreement and Site License Agreement to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Land and Improvements under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following location:

- Diamond Head State Monument, Kapahulu, Waikiki, Honolulu,  
Oahu, TMK: (1) 3-1-042:006 por.

APPLICANTS:

New Cingular Wireless PCS, LLC, a Delaware limited liability company (New Cingular);  
Hawaiian Electric Company, Inc., a Hawaii corporation; and  
Hawaiian Telcom, Inc., a Hawaii corporation.

New Cingular Wireless PCS, LLC, Hawaiian Electric Company, Inc., and Hawaiian Telcom, Inc. are sometimes referred to hereinafter collectively as "Applicants."

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
September 11, 2020 (no.)

LEGAL REFERENCE:

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

EASEMENT/LICENSE AREA:

For new utility pole installations, typically 25 square feet, more or less, for each location, subject to survey. One installation is on an existing pole and the license area will be that portion of the pole required for the attachment of New Cingular's equipment.

For electrical transmission and telecommunications transmission connections, areas vary and will be subject to survey.

See location maps attached as **Exhibits 1-5**.

TABLE 1: ZONING AND TRUST LAND STATUS:

<b>Tax Map Key No.</b>	<b>State LUD</b>	<b>County CZO</b>	<b>Trust Land Status</b>
(1) 1-2-025:113 Keehi Small Boat Harbor	Urban	I-3	5(b)
(1) 2-3-037:012 Ala Wai Small Boat Harbor	Urban	P-2	5(a)
(1) 3-1-042:006 Diamond Head State Monument	Conservation	P-1	5(b)

TABLE 2: CURRENT USE STATUS:

<b>TMK No.</b>	<b>Encumbrances</b>
(1) 1-2-025:113 Keehi Small Boat Harbor	Under the jurisdiction of the Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation (DOBOR) pursuant to Act 272 Sessions Laws of Hawaii (SLH) 1991.
(1) 2-3-037:012 Ala Wai Small Boat Harbor	Under DOBOR jurisdiction pursuant to Act 272 SLH 1991. EO 1795 to the Board of Harbor Commissioners (BHC) for the Ala Wai Boat Harbor; EO 1330 to the BHC for addition to Kewalo and Ala Wai Yacht Basins; EO 2575 to the Department of Transportation, Harbors Division for addition to the Ala Wai Harbor; Land Office Deed No. (LOD) 28,962 to Department of Defense for civil defense sirens.
(1) 3-1-042:006 Diamond Head State Monument	EO 2000 to DSP for Diamond Head State Monument; EO 3688 to DSP for addition to Diamond Head State Monument; EO 4055 to Department of Defense, Civil Defense Division, for communication facility; General Lease (GL) 4094 to City and County of Honolulu (City) for radio antenna



<b>TMK No.</b>	<b>Encumbrances</b>
	site and cable line easement; Land Office Deed (LOD) 28,765 Hawaiian Electric Company, Inc. for easement for electric transmission and related apparatus and distribution lines and poles; LOD 29,060 to City for easement for traffic signal and sidewalk; Revocable Permit (RP) 5614 to City for radio antenna communications facilities for public safety communications system.

CHARACTER OF USE:

For utility pole installations: Right, privilege and authority to construct, use, maintain, repair, replace and remove utility pole for small cell wireless facilities and appurtenant appliances and equipment over, under and across State-owned land.

For placement of equipment on existing utility poles: Right, privilege and authority to construct, use, maintain, repair, replace and remove small cell wireless facilities and appurtenant appliances and equipment on utility pole located on State-owned land.

For electrical transmission: Right, privilege and authority to construct, use, maintain, repair, replace and remove underground electrical transmission lines under and across State-owned land.

For telecommunications transmission: Right, privilege and authority to construct, use, maintain, repair, replace and remove underground telecommunication transmission lines, under and across State-owned land.

EASEMENT/LICENSE TERM:

Twenty (20) years, with options for early termination exercisable at the fifth, tenth and fifteenth years of the term.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

Fair market annual rent to be determined by independent appraiser, subject to review and approval by the Chairperson. Each site will be valued separately and the rents will be paid to DOBOR or DSP, as appropriate. DOBOR and DSP will also be responsible for managing the easements/license on their respective lands.

METHOD OF PAYMENT:

Annual payments, in advance.

RENTAL REOPENINGS:

None. Appraiser will determine the rent payable for the entire 20-year term, including any periodic step-ups as may be appropriate.

PERFORMANCE BOND:

Twice the annual rental amount.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) Section 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 March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 40, and Exemption Class No. 3, Items 3 and 7. See **Exhibit 8**.

DCCA VERIFICATION:

New Cingular Wireless PCS, LLC:

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 ___

Hawaiian Electric Company, Inc.:

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 ___

Hawaiian Telcom, Inc.:

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:

Applicants shall be required to:

- 1) Pay for an appraisal to determine rent for their respective easements/licenses;
- 2) Process and obtain subdivision at Applicant's own cost;
- 3) Obtain Special Management Area permits for each project;
- 4) Pay for the costs of public notice pursuant to section 171-16, if applicable; and
- 5) Provide survey maps and descriptions according to State DAGS standards and at Applicants' own cost.

REMARKS:

Applicant New Cingular Wireless PCS, LLC (New Cingular) initially requested the issuance of a master license agreement together with site-specific license agreements for the subject locations on Oahu (and several others not addressed in this submittal) for the installation of small wireless facilities. The original plan was for New Cingular to attach its equipment to existing structures or utility poles on State land under the management of the Department of Land and Natural Resources (Department). As staff worked through the specifics of each site with New Cingular, however, it became evident that three sites will involve the installation of new utility poles (where no pole had previously existed) and one site will require the replacement of an existing wooden pole with a new wooden pole.<sup>1</sup> For the three new utility pole installations (where no pole had previously existed), staff recommended to New Cingular that standard easements be issued instead of license agreements. However, a license agreement is appropriate for the installation on the replacement of the existing pole.

In support of its request, New Cingular reports that households, businesses and emergency responders across the nation are increasingly reliant on wireless networks to communicate and access necessary services:

- Since 2007, New Cingular's parent company, AT&T, has seen data usage on its network increase by 470,000 percent.
- Over half (57.1%) of American homes no longer use traditional landline telephone service and instead choose to be wireless only.
- Over three-quarters (77.3%) of American adults aged 25-34 live in households with only wireless telephones.

New Cingular further explains that wireless communications are a critical tool for first responders in emergency situations. In many areas, 80 percent or more of 911 calls come from wireless phones. Small cell wireless facilities are a critical component of New Cingular's response to this rapidly increasing demand for wireless services. Small cell wireless facilities are capable of delivering wireless services to areas that cannot be otherwise served by a traditional cell tower. Small cell wireless facilities also relieve pressure on wireless networks in high-traffic areas by bolstering network capacity, allowing faster downloads, and improving call quality within their coverage areas.

New Cingular's proposed locations on State lands are all sites where New Cingular states demand for higher quality wireless services exists, and where network improvements will provide a significant public benefit to customers and first responders alike. New Cingular's proposed small cell wireless facilities will include 4G LTE technology, which will improve wireless service speed, reliability, and capacity for commercial users in

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<sup>1</sup> In addition to the locations mentioned in this submittal, New Cingular intends to seek approval for other installation locations statewide. Requests for other locations will be presented to the Board at a later date.

these areas. Additionally, the inclusion of LTE technology will also improve service for FirstNet users.<sup>2</sup>

New Cingular’s request includes plans for four separate small cell wireless facility installations, three of which are proposed for new metal utility poles and one of which is proposed for a replacement of an existing wood utility poles, all of which range in height from 32 feet 6 inches to 41 feet 9 inches:

<b>Location</b>	<b>Height</b>	<b>Exhibit Reference</b>
Keeki Small Boat Harbor TMK: (1) 1-2-025:113 por. (one site)	32 feet 6 inches (new metal pole)	Exhibits 2, 2-A and 2-B
Ala Wai Small Boat Harbor TMK: (1) 2-3-037:012 pors. (two sites)	32 feet 6 inches (new metal poles)	Exhibits 3, 3-A, 3-B, 4, 4-A and 4-B
Diamond Head State Monument TMK: (1) 3-1-042:006 por. (one site) <sup>2</sup>	41 feet 9 inches (new wood pole will replace existing wood pole) <sup>3</sup>	Exhibits 5 and 5-A

Each small wireless facility installation includes the following equipment:

- One two-foot tall small wireless facility antenna mounted to either the top or the side of the utility poles
- Three small radio boxes mounted adjacent to the antennas
- A fiber demarcation box
- A power shut-off switch
- Associated cables and ancillary equipment

Each new utility pole will require electrical and telecommunications connections from Hawaiian Electric Company, Inc. (HECO) and Hawaiian Telcom, Inc. (HTI),

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<sup>2</sup> New Cingular explains that FirstNet is the country’s first nationwide communications platform dedicated to public safety, representing a significant advance in communications capabilities for public safety that will benefit the communities they serve. FirstNet gives first responders access to one highly secure, dedicated, interoperable network supporting voice, data, text, and video communications—technology they need to better communicate and collaborate across agencies and jurisdictions. And, FirstNet users have access to small wireless facilities network when they need it.

<sup>3</sup> In the event a question arises as to ownership of the new wood pole, Applicants acknowledge that the pole will be deemed to be owned by the State. The Department may require one or more of the Applicants to execute a bill of sale transferring title of the pole to the State if the Department of the Attorney General deems such documentation advisable.

respectively. Utility connections for three of the sites<sup>4</sup> will be placed underground in the alignments indicated in **Exhibits 2-B, 3-B, and 4-B** attached, while the one site<sup>5</sup> with an existing pole with existing overhead utilities will have overhead electrical and telecommunication transmission line connections. See **Exhibit 5-A**.

All four designs will include shrouding for the antennas, and all equipment will be painted to blend with the color of the poles. The attached exhibits include location maps and photo-simulations for each of the proposed sites as indicated in the table above. A typical elevation for a new pole installation is shown in **Exhibit 6**.

Applicants have 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. Staff has confirmed that all Applicants are registered with the Public Utilities Commission as a public utility in accordance with Chapter 269, HRS.

Comments were solicited on a draft of this submittal from the following agencies and divisions with the results indicated:

Agency	Response
DLNR-DOBOR	No objection.
DLNR-State Parks	No objection to Diamond Head Monument location.
DLNR-Engineering	Applicant should research Flood Hazard zone designation for each project.
DLNR-Historic Preservation Division (SHPD)	No response by suspense date.
DLNR-Division of Conservation and Resources Enforcement	No response by suspense date.
DLNR-Office of Conservation and Coastal Lands	No response by suspense date.
DLNR-Division of Forestry and Wildlife	No objections.
Department of Transportation, Airports Division	No response by suspense date.
Department of Accounting and General Services (DAGS)	DAGS initially had concerns about potential radio interference as to the Diamond Head Monument location, but later withdrew them. See <b>Exhibit 7</b> attached.

<sup>4</sup> The four sites with underground utility connections will be: (i) Keehi Small Boat Harbor, TMK: (1) 1-2-025:113 por.; and (ii) the two sites at Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 pors.

<sup>5</sup> The site with overhead utility connections is Diamond Head State Monument, TMK: (1) 3-1-042:006 por.

Agency	Response
Department of Defense	No response by suspense date.
Office of Hawaiian Affairs	No objections, but inquired whether SHPD had any comment regarding Chapter 6E, HRS, compliance.
City and County of Honolulu Department of Planning and Permitting	All locations are within the Special Management (SMA) Area and will require an SMA Permit pursuant to Chapter 25, Revised Ordinances of Honolulu. There is no SMA exemption for telecommunications facilities.
City and County of Honolulu Police Department (HPD)	HPD anticipates short-term impacts to vehicular and pedestrian traffic around the project areas. HPD recommends all necessary signs, lights, barricades, and other safety equipment be installed and maintained by the contractor during the construction phase of the project. Permits should be obtained from the Department of Transportation Services should the contractor use any public streets or spaces.
City and County of Honolulu Fire Department	No significant impact to Fire Department Services.

With respect to the comments from the City & County of Honolulu, Department of Planning and Permitting, staff has included an Applicant Requirement above that Applicants secure the necessary SMA approvals as a condition to obtaining the easements, master license agreement or site license agreement proposed herein.

No subleasing or sublicensing will be allowed under the easements, master license agreement or site license agreement. In the event third parties desire to locate equipment on the license sites at any time in the future, they will need to apply directly to DLNR for such use.

**RECOMMENDATION:** That the Board:

- A. 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 environmental and is therefore exempt from the preparation of an environmental assessment.
- B. Subject to New Cingular fulfilling all of the Applicant requirements listed above applicable to it, authorize the issuance of a term non-exclusive easement to New Cingular covering the subject area for small cell wireless facilities purposes on

new utility pole installations under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
  2. Review and approval by the Department of the Attorney General; and
  3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- C. Subject to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. fulfilling all of the Applicant requirements listed above applicable to them, authorize the issuance of separate term non-exclusive easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc., covering the subject area for electrical transmission and telecommunications transmission purposes, respectively, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
1. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
  2. Review and approval by the Department of the Attorney General; and
  3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- D. Authorize the negotiation and issuance of a Master License Agreement and a separate Site License Agreement to New Cingular Wireless PCS, LLC, for the installation on a replacement of an existing pole subject to applicable conditions cited above which are by this reference incorporated herein and further subject to following:
1. The standard terms and conditions of the most current term Master License Agreement and Site License Agreement document forms, as may be amended from time to time;
  2. Review and approval by the Department of the Attorney General; and
  3. Other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- E. In the event the Department of the Attorney General deems it advisable, authorize the State to accept a bill of sale from the appropriate Applicants for the transfer of title to the replacement wooden utility pole required for the Diamond Head State Monument site, TMK: (1) 3-1-042:006 por., under the terms and conditions cited

above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current bill of sale document form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

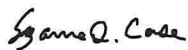
Respectfully Submitted,



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Kevin E. Moore  
Assistant Administrator

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson

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# EXHIBIT 1



Overview of Oahu Small Cell Wireless Facilities Requested Locations

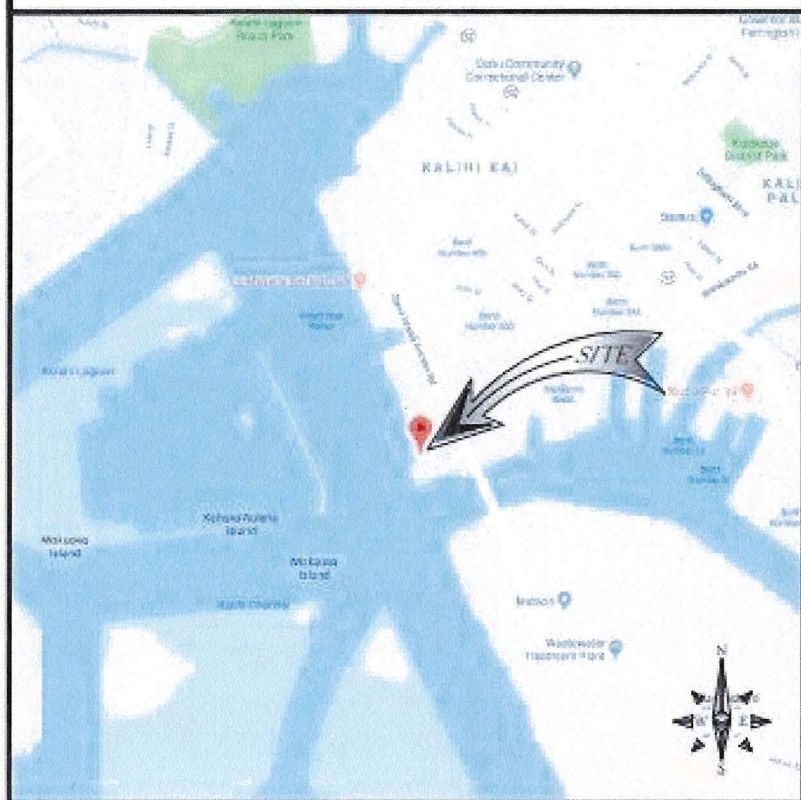
# EXHIBIT 2



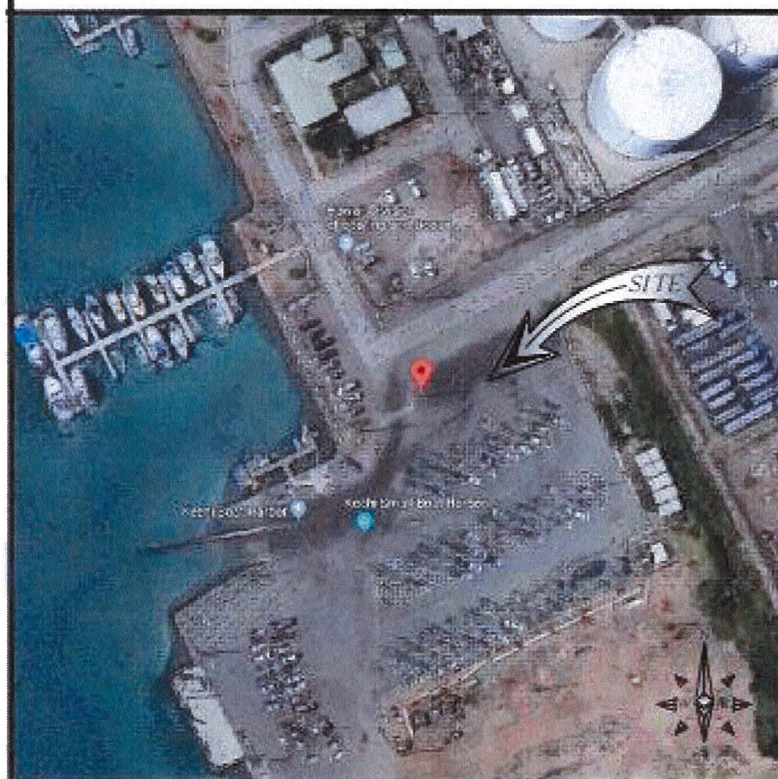
Keehi Small Boat Harbor, TMK: (1) 1-2-025:113 por.

## EXHIBIT 2

### VICINITY MAP

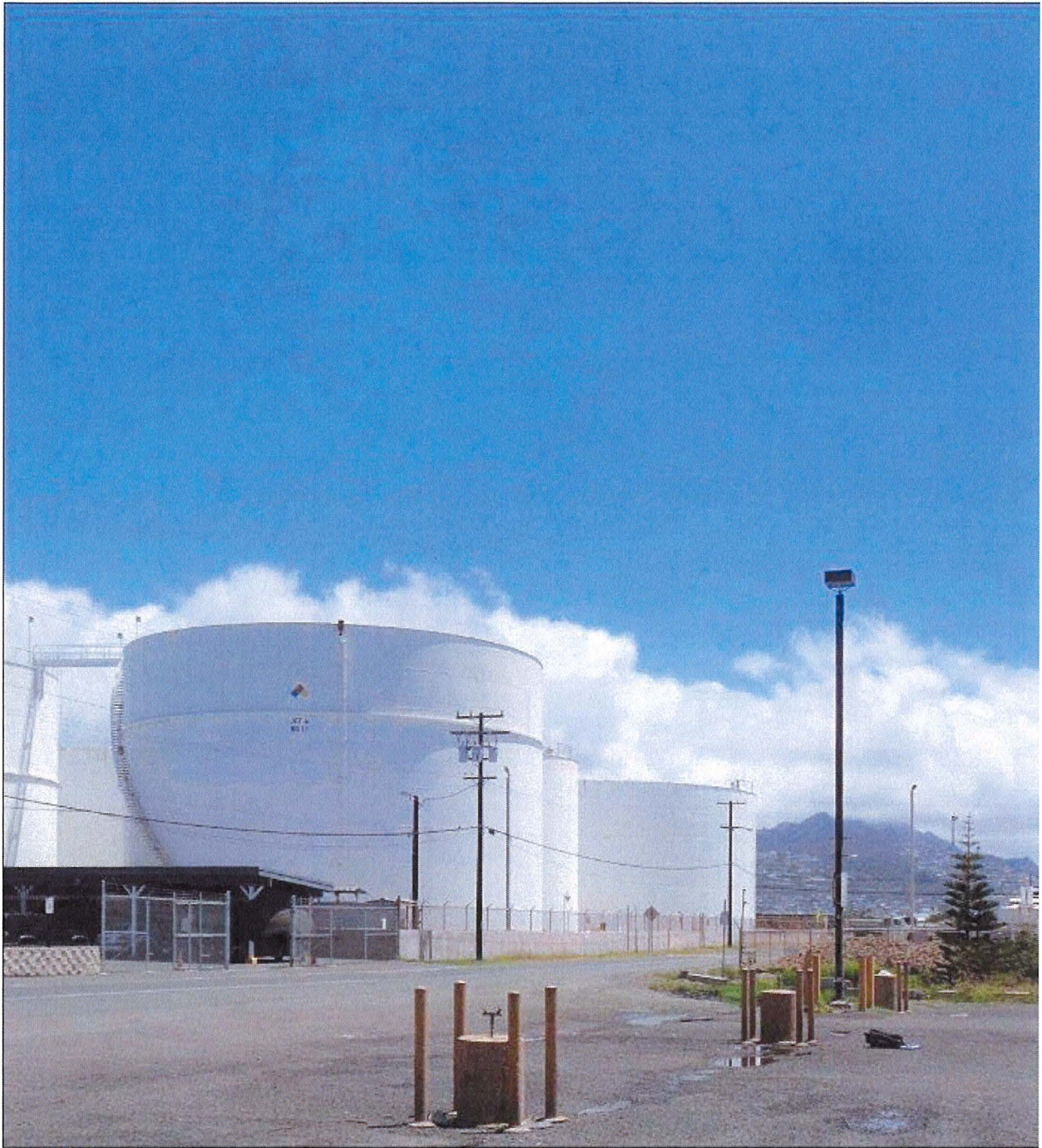


### LOCATION MAP



Keahi Small Boat Harbor, TMK: (1) 1-2-025:113 por.

## EXHIBIT 2



**EXISTING VIEW**

Keehi Small Boat Harbor, TMK: (1) 1-2-025:113 por.

**EXHIBIT 2-A**



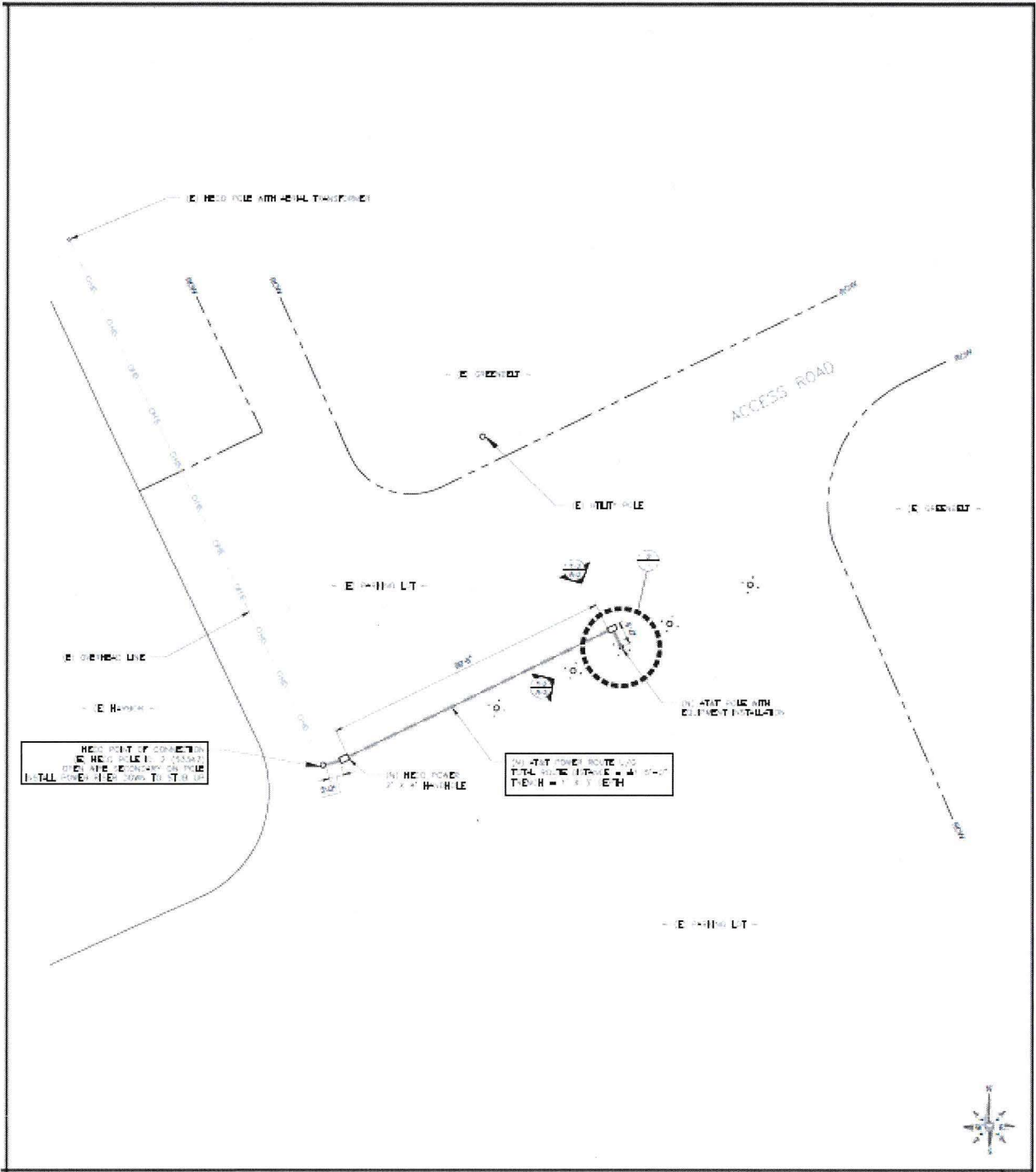
**PROPOSED VIEW**

Keehi Small Boat Harbor, TMK: (1) 1-2-025:113 por.

Proposed utility pole is 32' 6" high including canister antenna at top.

Electrical and telecommunication transmission line connections to utility pole will be underground.

## **EXHIBIT 2-A**



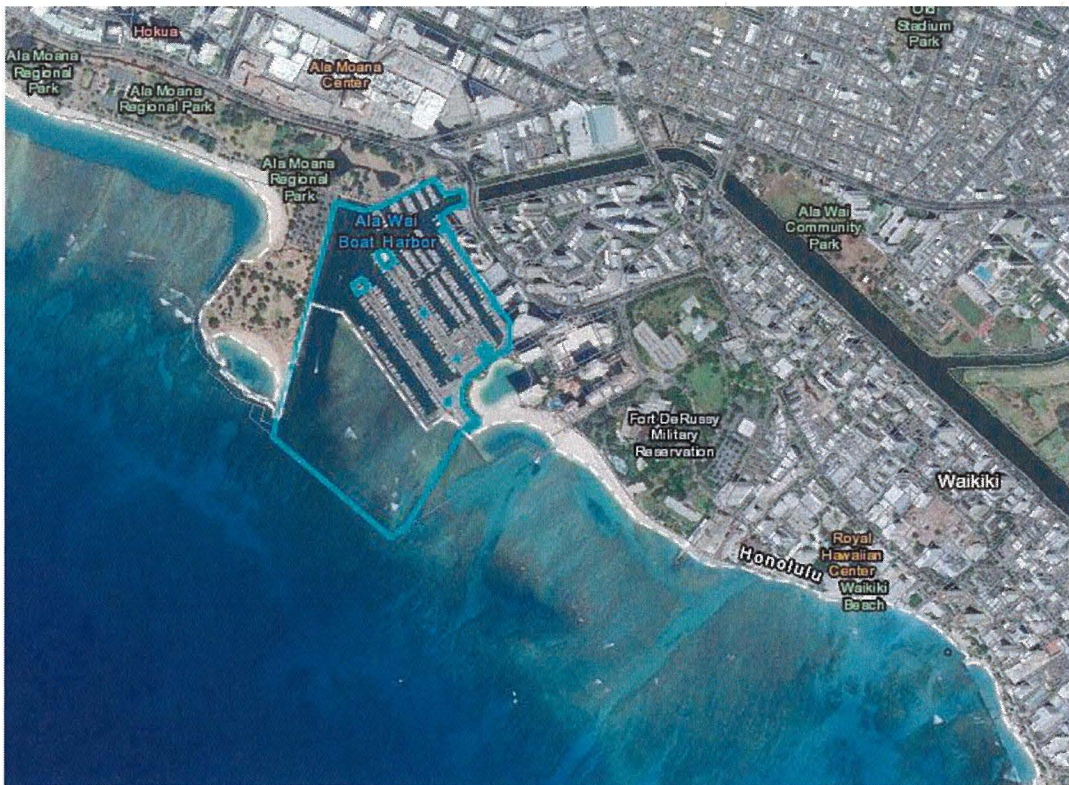
Keehi Small Boat Harbor, TMK: (1) 1-2-025:113 por.

Proposed underground electrical and telecommunication line connection route.

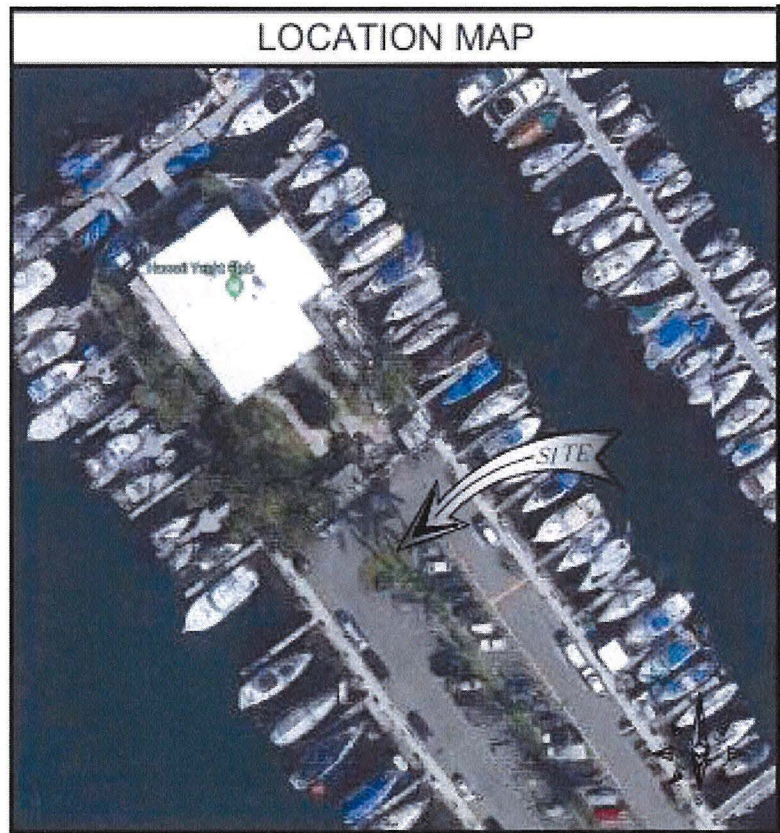
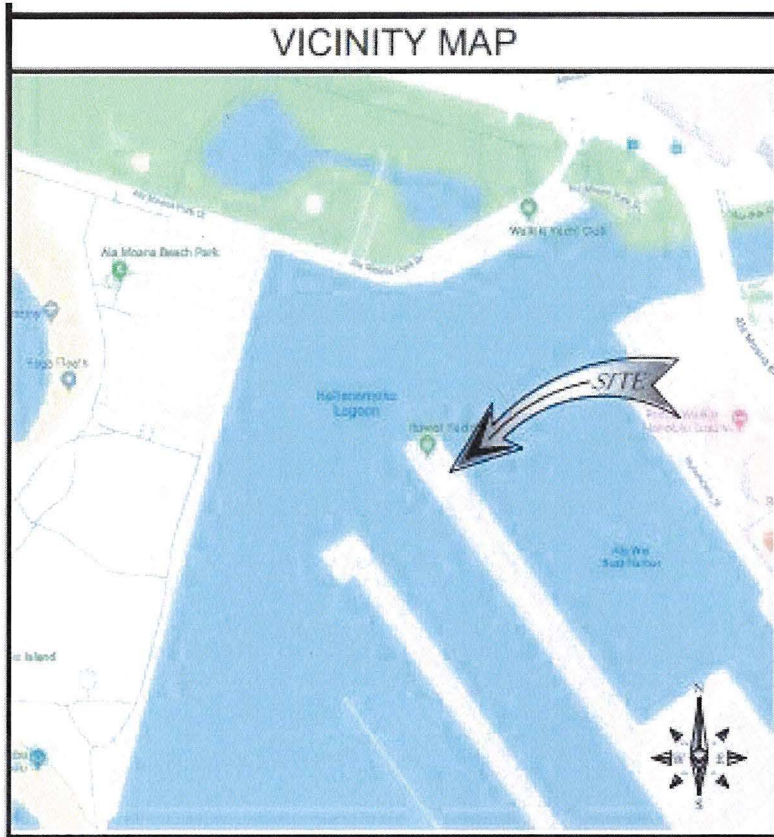
**EXHIBIT 2-B**



# EXHIBIT 3



Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (pors.)



Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

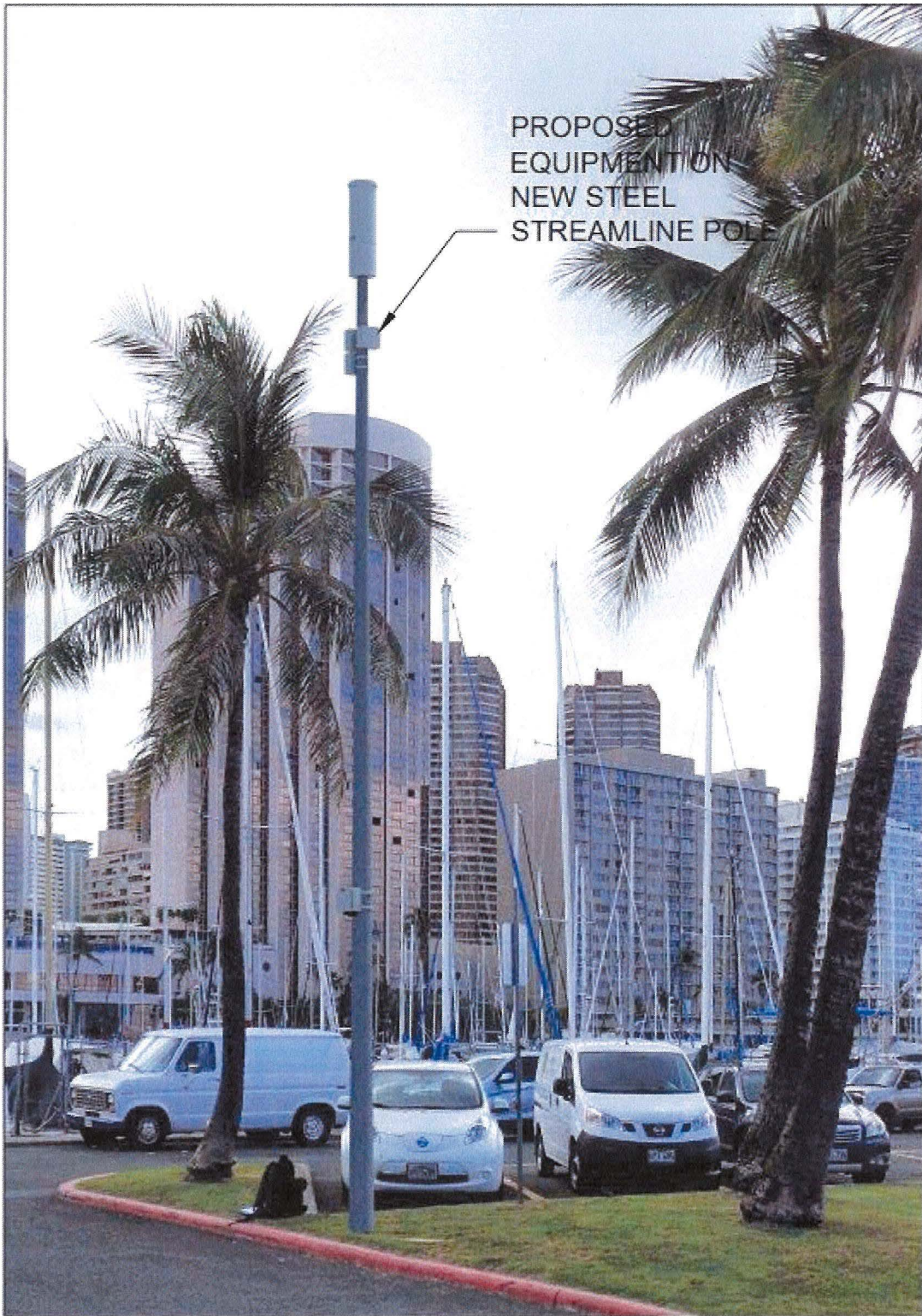
## EXHIBIT 3



**EXISTING VIEW**

Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

**EXHIBIT 3-A**



PROPOSED  
EQUIPMENT ON  
NEW STEEL  
STREAMLINE POLE

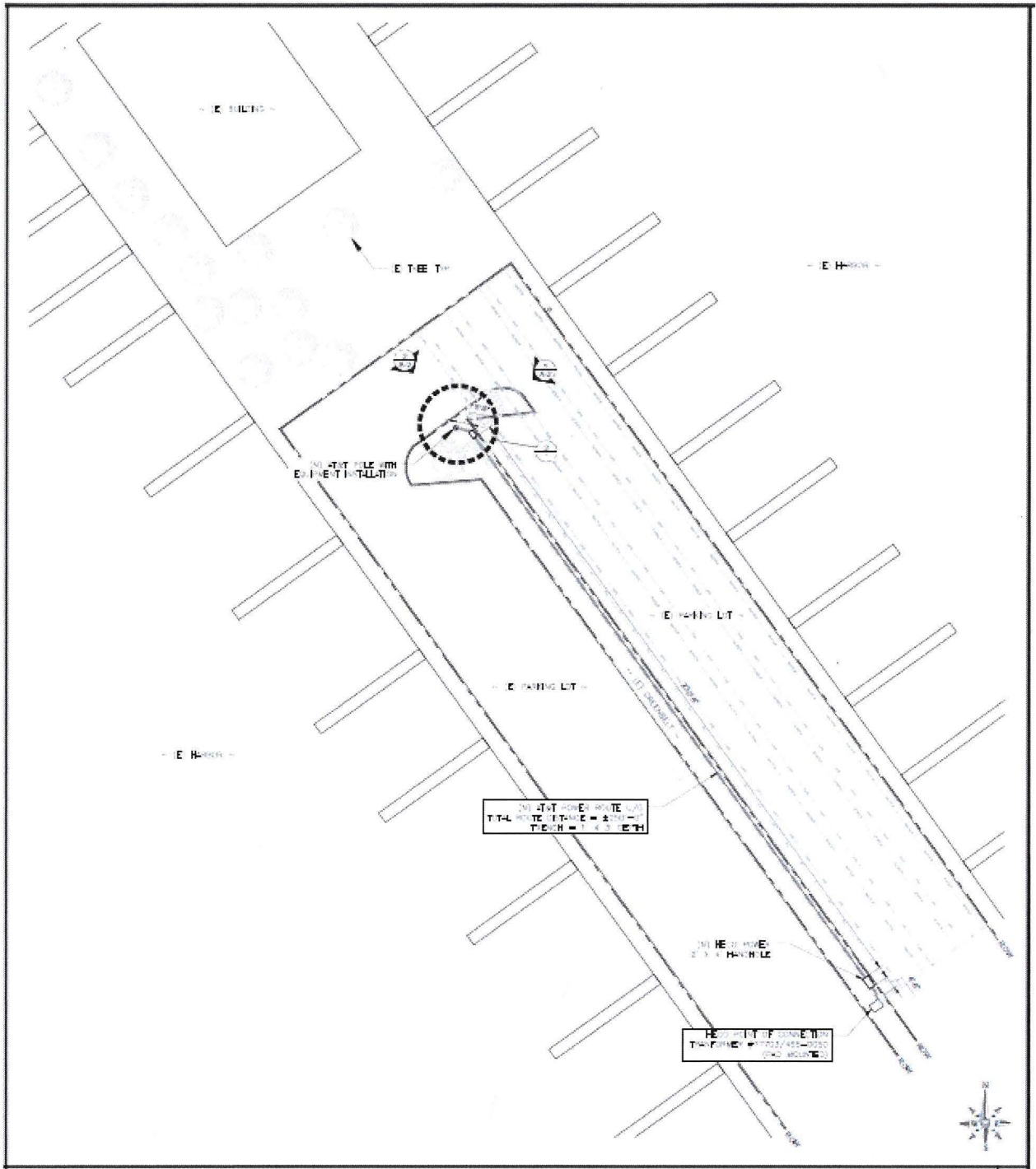
**PROPOSED VIEW**

Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

Proposed utility pole is 32' 6" high including canister antenna at top.

Electrical and telecommunication transmission line connections to utility pole will be underground.

**EXHIBIT 3-A**

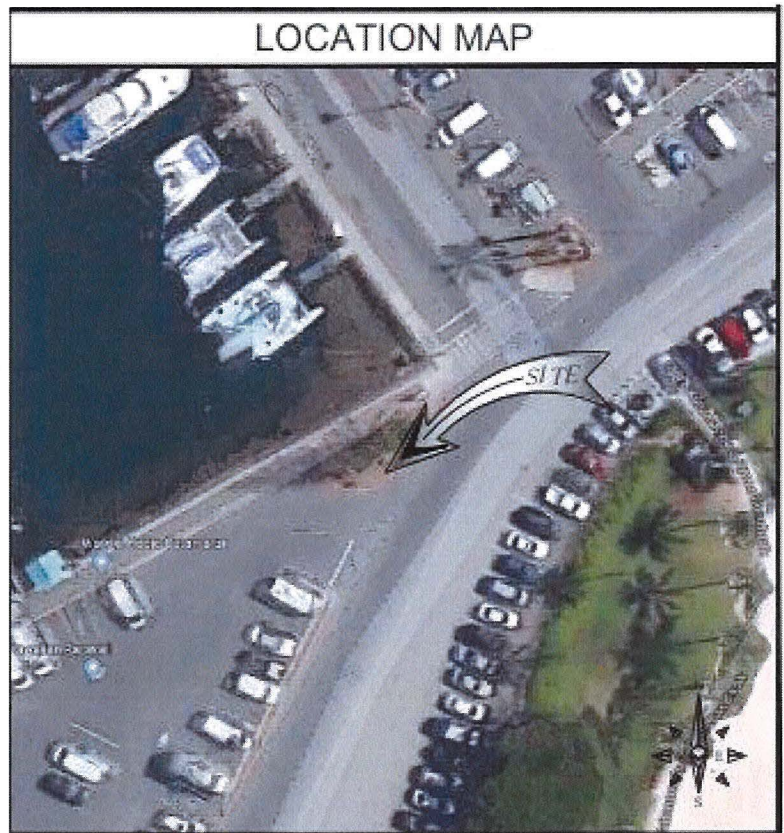
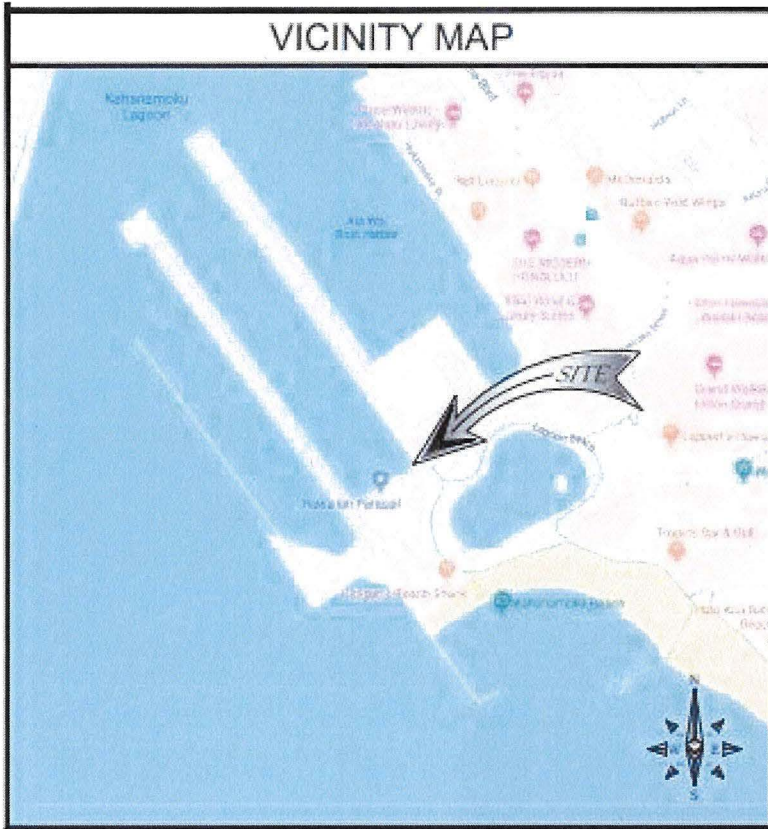


Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

Proposed underground electrical and telecommunication line connection route.

**EXHIBIT 3-B**

# EXHIBIT 4



Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

## EXHIBIT 4

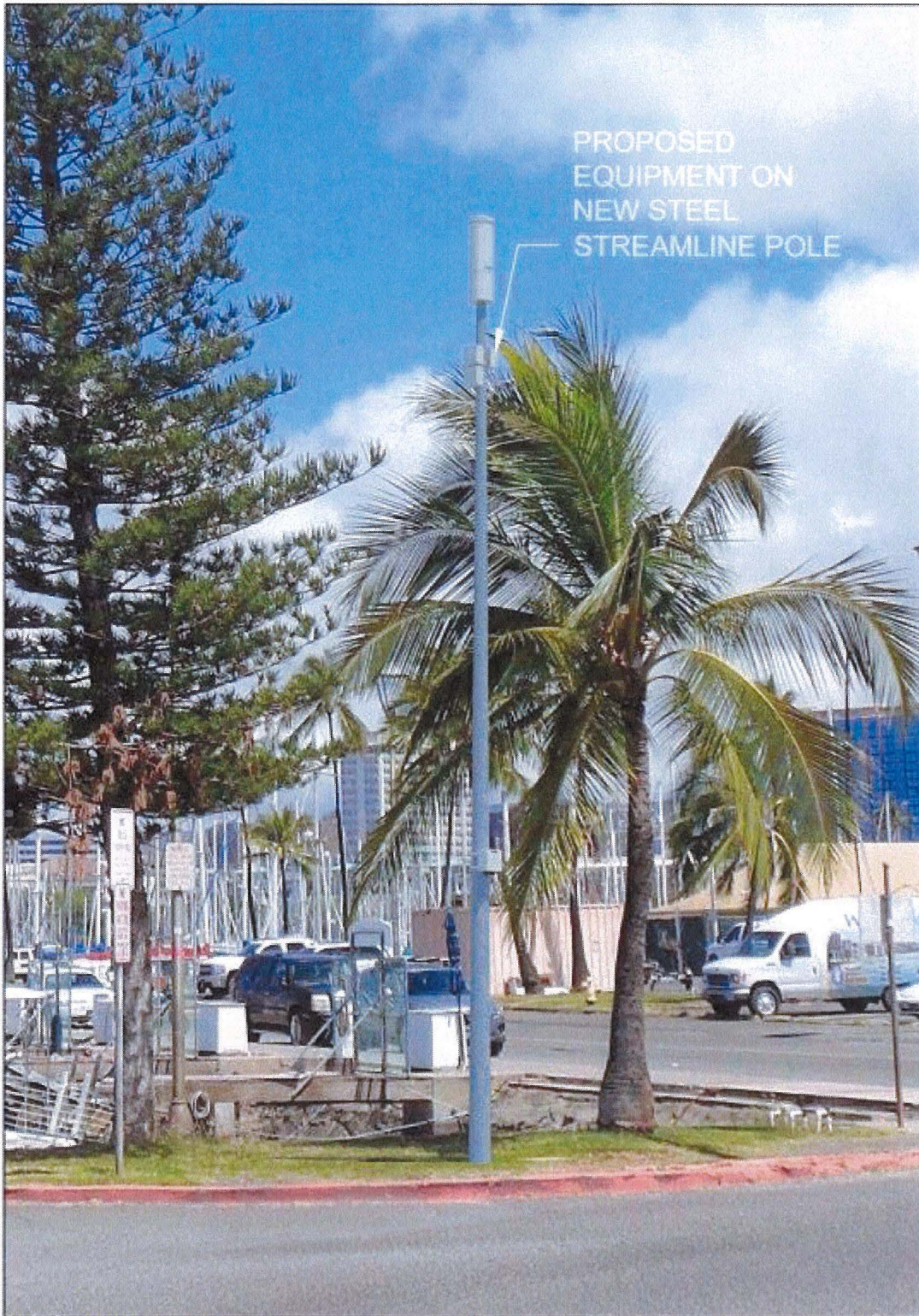




**EXISTING VIEW**

Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

**EXHIBIT 4-A**



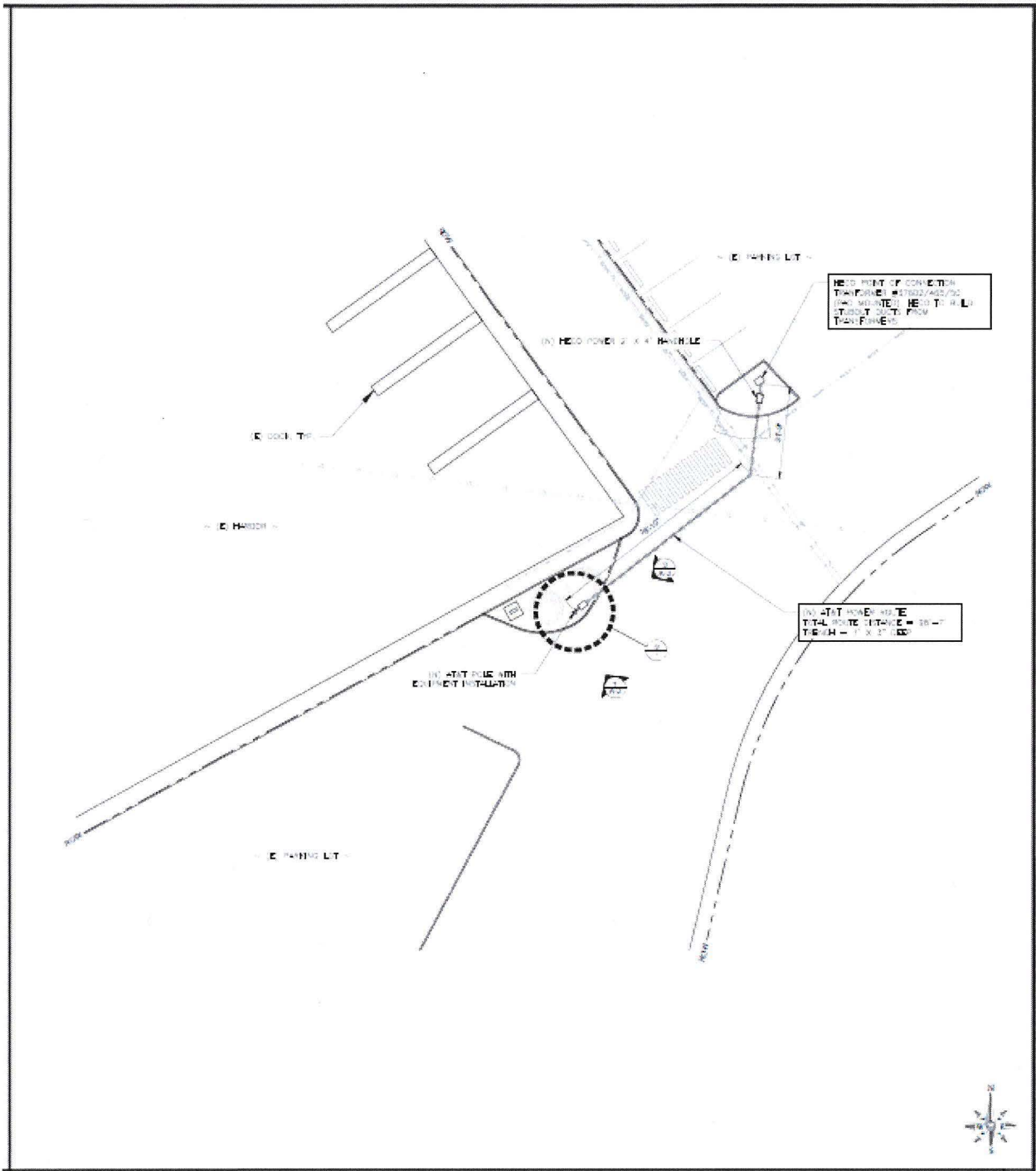
**PROPOSED VIEW**

Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

Proposed utility pole is 32' 6" high including canister antenna at top.

Electrical and telecommunication transmission line connections to utility pole will be underground.

## **EXHIBIT 4-A**



Ala Wai Small Boat Harbor, TMK: (1) 2-3-037:012 (por.)

Proposed underground electrical and telecommunication line connection route.

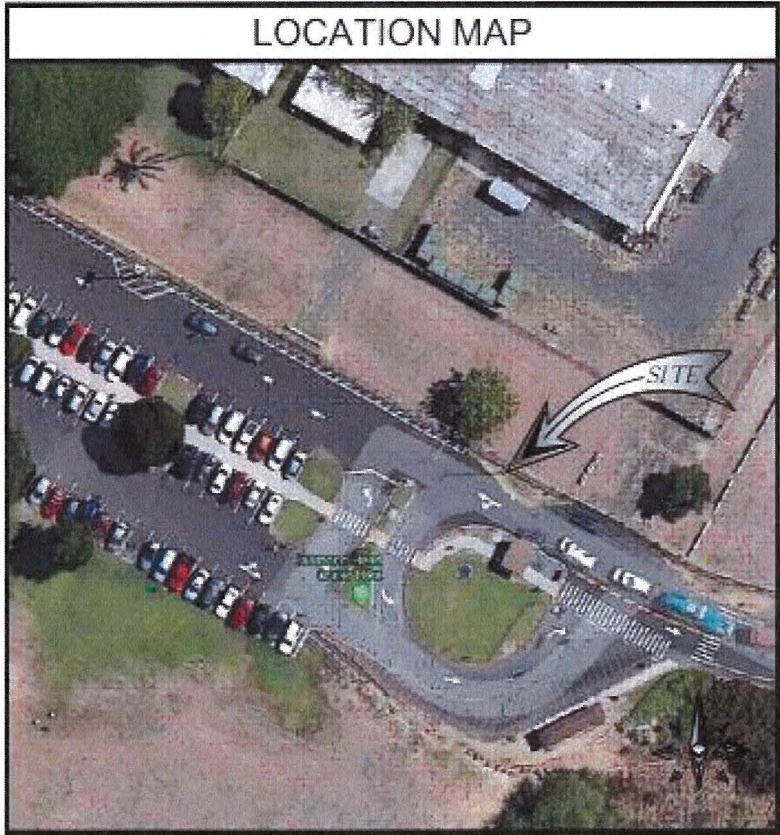
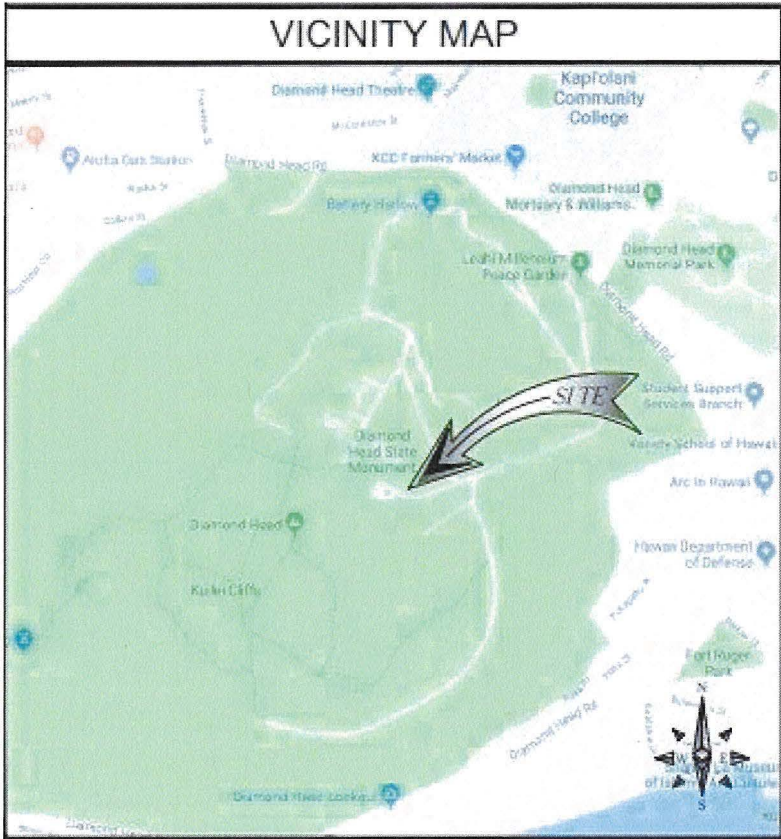
**EXHIBIT 4-B**

# EXHIBIT 5 & 5-A REV



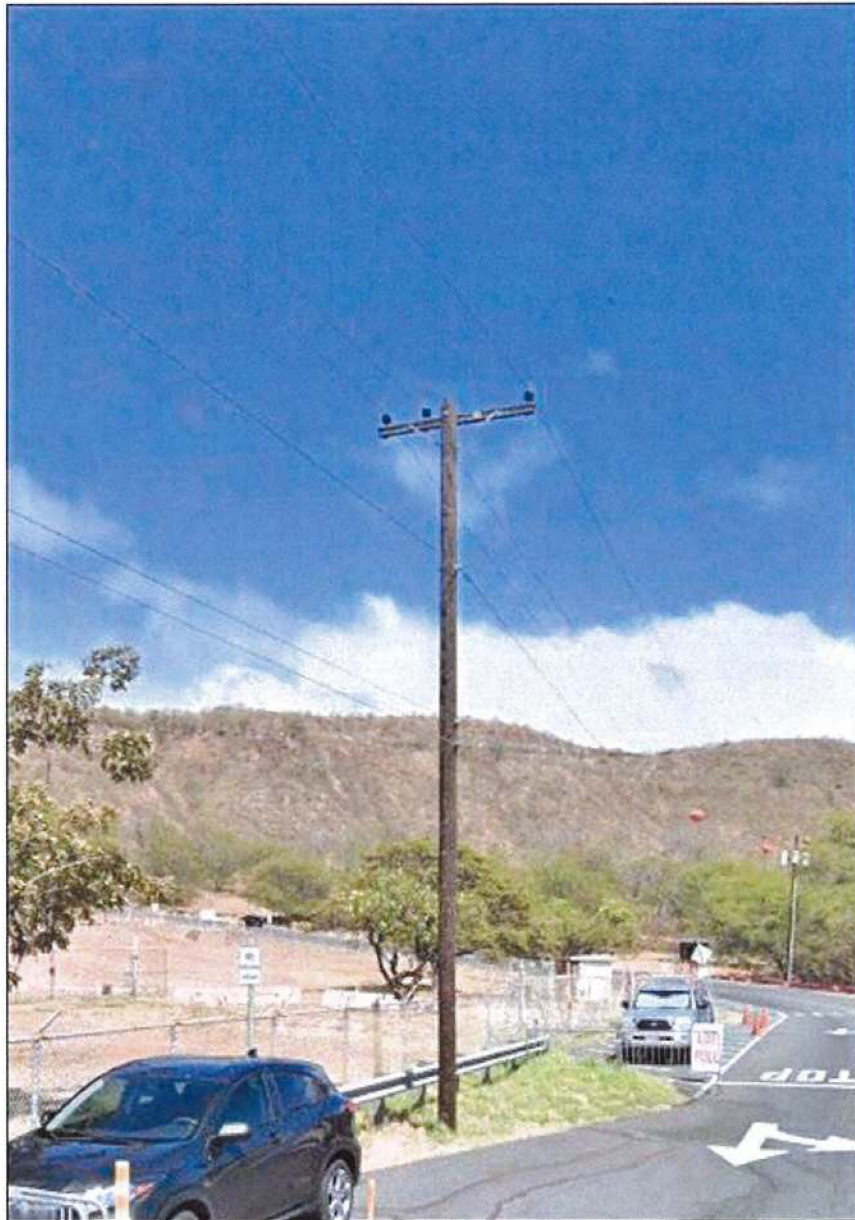
Diamond Head State Monument, TMK: (1) 3-1-042:006 por.

## EXHIBIT 5



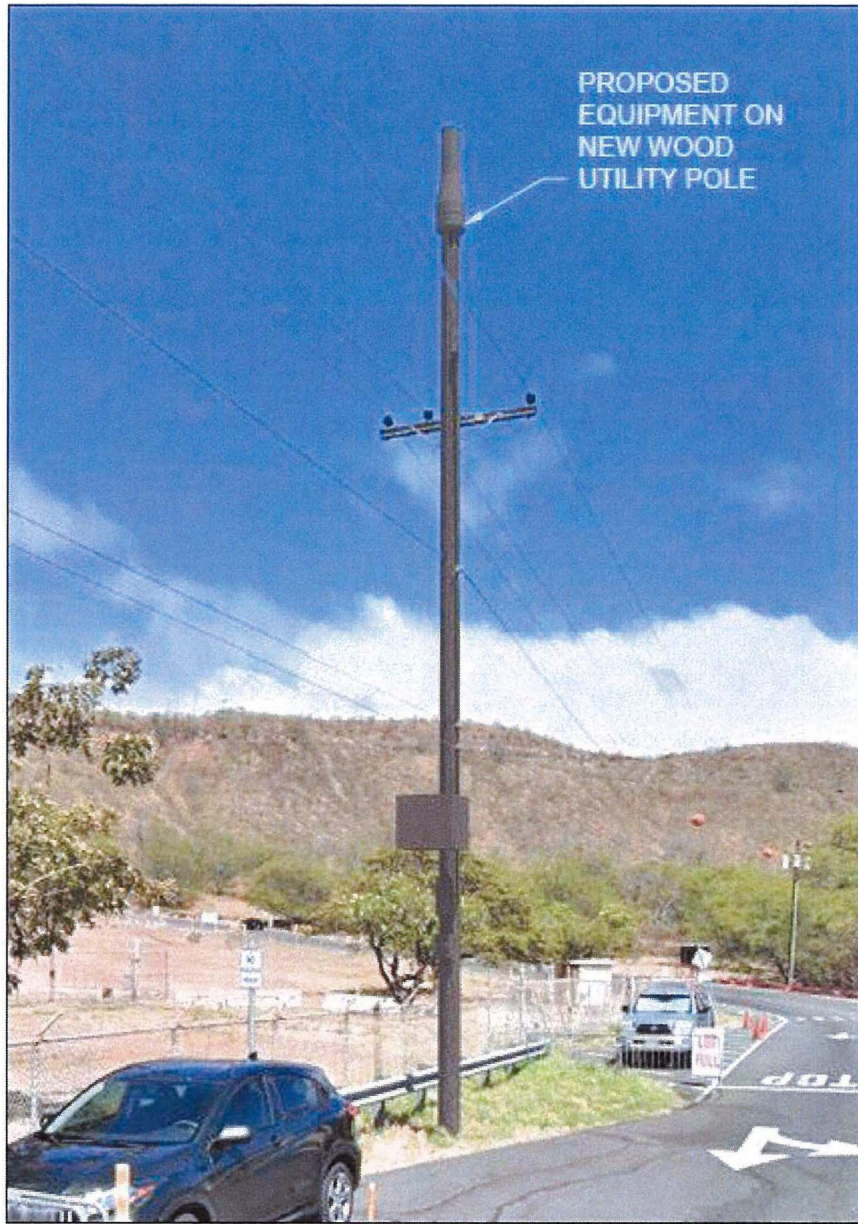
Diamond Head State Monument, TMK: (1) 3-1-042:006 por.

# EXHIBIT 5



**EXISTING VIEW**

Diamond Head State Monument, TMK: (1) 3-1-042:006 por.



**PROPOSED VIEW**

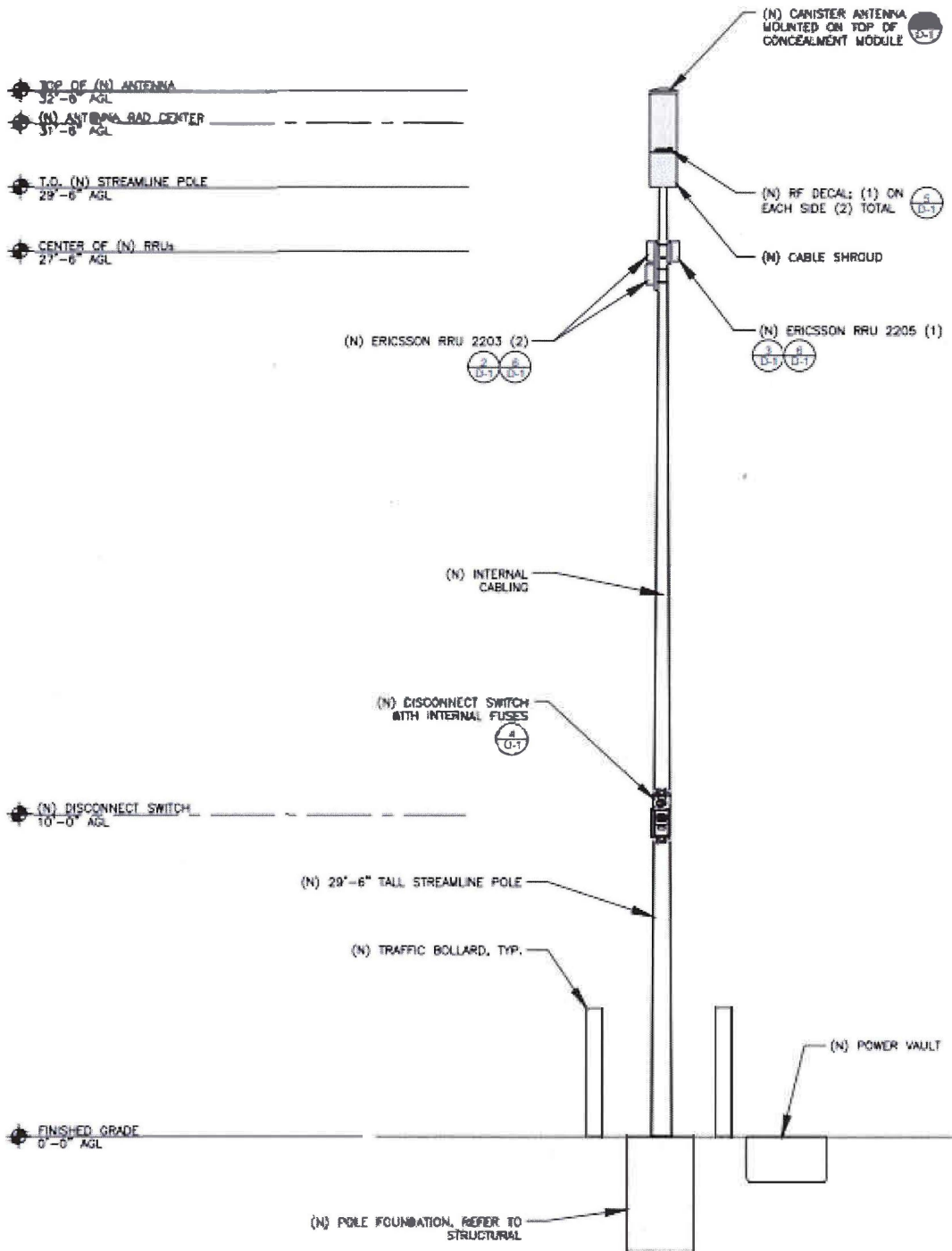
Diamond Head State Monument, TMK: (1) 3-1-042:006 por.

New wood utility pole is 41' 9" high including canister antenna on top.

Electrical and telecommunication transmission line connections to utility pole will be overhead.

## **EXHIBIT 5**



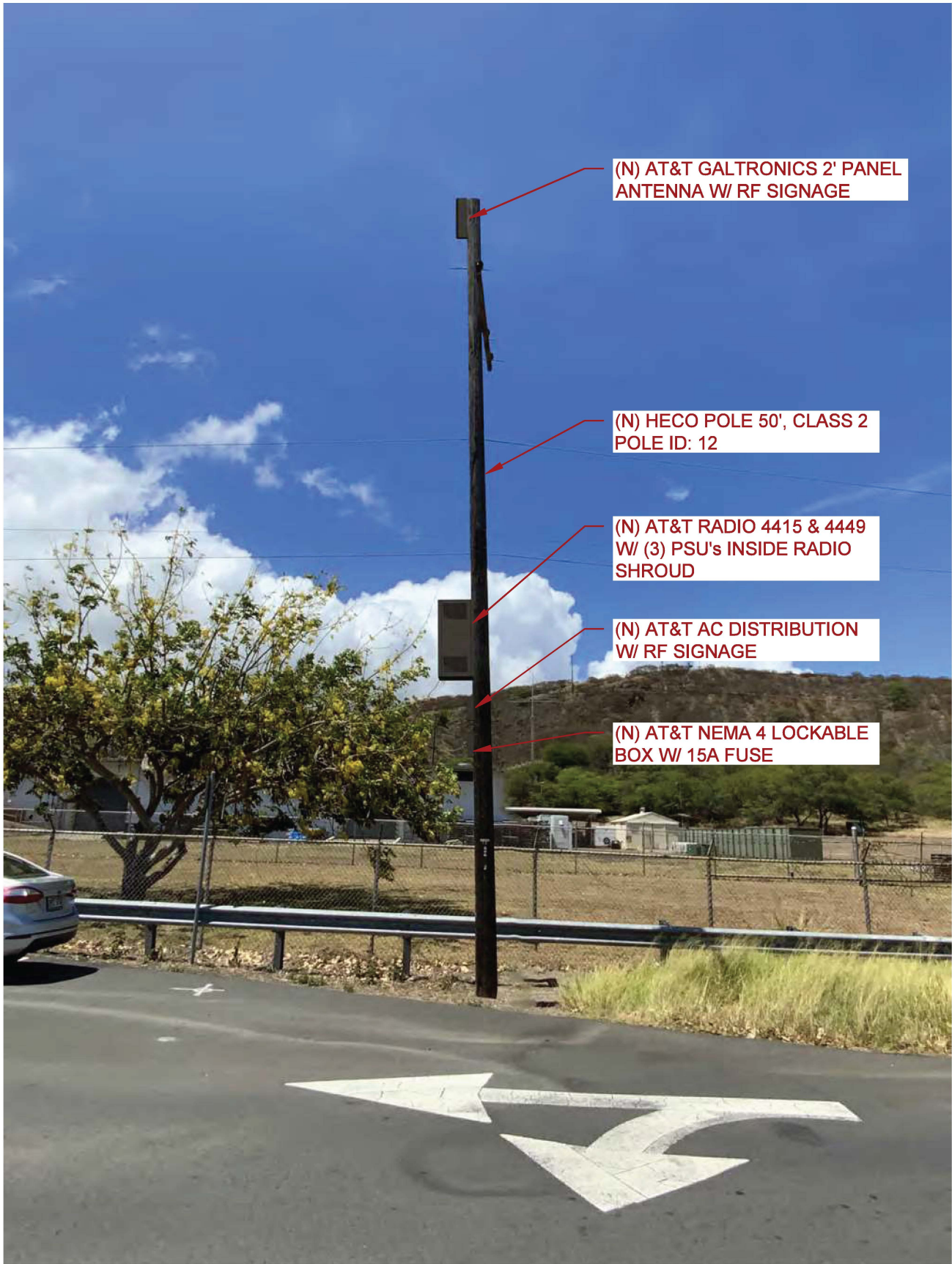


Typical elevation for utility pole installation (Keehi Small Boat Harbor pole depicted).

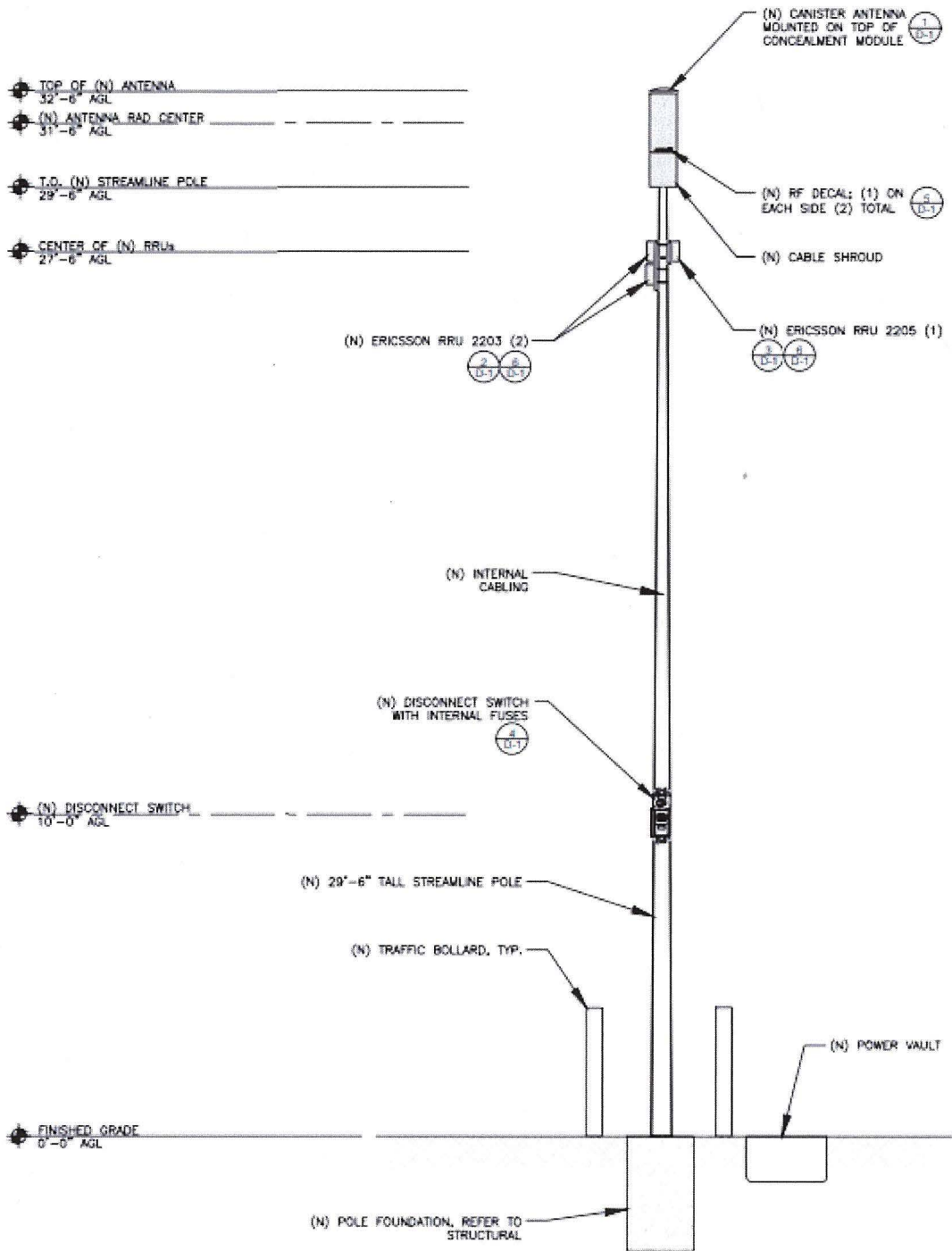
# EXHIBIT 5



(E) HECO POLE 40', CLASS 3  
POLE ID: 12



# EXHIBIT 6



Typical elevation for utility pole installation (Keehi Small Boat Harbor pole depicted).

## EXHIBIT 6

# EXHIBIT 7

**From:** Krog, Vincent E [REDACTED]  
**Sent:** Monday, August 17, 2020 11:41 AM  
**To:** GREGG, LIZ [REDACTED]; Brantley, Joshua W [REDACTED]  
**Subject:** RE: Diamond Head Small Cell (C-RAN)

Liz

I apologize for taking so long to respond. Oddly, working remote just doesn't "work". I do better at my desk which is where I am now – catching up.

After learning that the Diamond Head deployment is not band 14, the State has no further objection to that site but recommends that proper permitting ensure that no visual obstruction be allowed for technical purposes within a park intended to be enjoyed and seen. This permitting is not done through ETS and as such I cannot mandate it, but rather list it as a recommendation prior to implementation for any future issues or complaints.

We were told the Round Top site has been abandoned. It should be stated here that our objections to that site are varied and are not addressed by merely the band 14 technical stance discussed above.



Vince Krog  
State Radio Engineer  
Office of Enterprise Technology Services  
1151 Punchbowl St., Room B20  
Honolulu, HI 96813  
Cell [REDACTED]  
e-mail to: [REDACTED]

**From:** GREGG, LIZ [REDACTED]  
**Sent:** Tuesday, August 11, 2020 9:12 AM  
**To:** Krog, Vincent E [REDACTED]; Brantley, Joshua W [REDACTED]  
**Subject:** [EXTERNAL] Diamond Head Small Cell (C-RAN)

Aloha Vince and Josh,

Great chatting last week. Based on our conversation last week regarding the small cell/C-RAN in Diamond Head, I appreciate that you both agreed that band using bands 12 and 17 are acceptable. Would you be so kind to respond that this is a correct statement so that I may pass along to the small cell team, as they are requesting something in writing?

Appreciate your assistance,

Liz

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Elizabeth "Liz" Gregg  
FirstNet Solutions Consultant – FirstNet Program  
Public Safety Solutions  
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AT&T Mobility Services, Inc.  
3375 Koapaka Street, D120, Honolulu, HI 96819  
[REDACTED]

**EXHIBIT 7**

# EXHIBIT 8



September 11, 2020

**EXEMPTION NOTIFICATION:**

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

Project Title: Grant of Term, Non-Exclusive Easements to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Lands and under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following Oahu locations:

Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Oahu,  
TMK: (1) 1-2-025:113 por.; and  
Ala Wai Small Boat Harbor, Kalia, Waikiki, Honolulu, Oahu,  
TMK: (1) 2-3-037:012 pors.

Authorize Negotiation and Issuance of Master License Agreement and Site License Agreement to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Land and Improvements under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following Oahu location:

Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, Oahu,  
TMK: (1) 3-1-042:006 por.

Project / Reference No.: PSF No. 19SD-080

Project Location: Refer to project title above.

Project Description: Grant of easements, master license agreement and site license agreement, as appropriate, for various sites on Oahu for small cell wireless facility installations.

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

Exemption Class No.: In accordance with Section 11-200.1-15, HAR, and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council and dated March 3, 2020,

**EXHIBIT 8**

the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 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 Item 40, that states “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing;” and Class No. 3 that states “Construction and location of single new small facilities or structures and the alteration and modification of same and installation of new small, equipment and facilities and the alteration and modification of same . . .,” Item 3 that states “Installation of weatherports and radio repeaters and other similar communications equipment and related infrastructure for natural resource management purposes or for emergency response,” and Item 7 that states “Utility service connection and installation.”

Cumulative Impact of Planned Successive Actions in Same Place Significant?

No. The proposed locations of the licensed facilities are in areas already developed for parking or recreational use and issuance of the easements/licenses will have no cumulative impacts to the environment.

Actions may have Significant Impact on Particularly Sensitive Environment?

No. The action proposed will have no significant impact to particularly sensitive environment. The proposed locations of the small cell wireless facilities are in areas already developed for parking or recreational use.

Analysis:

There are no known significant impacts to the natural and environmental resources in the area. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

Agencies listed in attached submittal.

Declaration:

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.