

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

December 7, 2023

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

Ref.: 19OD-143

OAHU

Issuance of Construction Right-of-Entry to the City and County of Honolulu, Honolulu Authority for Rapid Transit, for Utility Purposes; Kalihi, Honolulu, Oahu; Tax Map Key: (1) 1-2-026: portions of 010.

APPLICANTS:

City and County of Honolulu, Honolulu Authority for Rapid Transit (“HART”)

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of State lands situated at Kalihi, Honolulu, Oahu; Tax Map Key: (1) 1-2-026: portions of 010, as shown on the attached maps labeled as **Exhibit A1** and **A2**.

AREA:

Individual area for the subject right-of-entry permit is not available. However, as described in the Remarks section below, the subject work falls inside the easement areas requested by Hawaiian Electric Company, Inc. (“HECO”), which are shown below:

Easement 1	1,548 square feet
<u>Easement 2</u>	<u>4,253 square feet</u>
TOTAL	5,801 square feet, more or less

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: IMX-1 [Industrial and Commercial Mixed Use]

TRUST LAND STATUS:

Section 5 (a) lands of the Hawaiian Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by sewer easements under Land Office Deed No. 24090 and Land Office Deed No. 25459 to the City and County of Honolulu (“City”); and

Construction Right-of-Entry Permit No. 4551 to Hawaiian Electric Company, Inc.

CHARACTER OF USE:

Right, privilege and authority to access and construct underground electrical and communication lines, conduits, and handholes, utility pole, patching the pavement, and restore any irrigation system or plant disturbed by the work.

TERM:

One year upon the acceptance of the terms and conditions of the right-of-entry permit. The Chairperson is authorized to continue the right-of-entry for additional one-year periods for good cause shown.

CONSIDERATION:

Gratis. Government project.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Honolulu High Capacity Transit Corridor project was published in the OEQC's Environmental Notice on January 8, 2011.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

None

REMARKS:

HECO is working with the HART to supply the necessary electrical power for the rail project in the vicinity. At its meeting of September 11, 2023, under agenda item D-6, the Board approved the issuance of a perpetual easement and an immediate construction right-of-entry permit to HECO. Staff is working with HECO on the map and legal description to

be used for the easement.

Since that time, HART and HECO have determined that HART or HART's contractor will install the infrastructure on behalf of HECO. This arrangement proved to be most cost effective and timely in other areas of the rail project and therefore was applied here.

Upon completion of the infrastructure including new underground electrical and communication lines (shown red on Exhibit A2) and a 138kV utility pole (shown purple on Exhibit A2), HART will transfer the improvements to HECO for ongoing operation and maintenance of the facilities. Therefore, the previously requested easement will remain necessary to HECO.

Staff notes that the previously issued right-of-entry included HECO and its contractors; however, HART and HECO do not have a contractual relationship. Therefore, HART is not covered by HECO's right of entry. Therefore, HART is requesting that a second right of entry be issued to allow for the infrastructure to be installed. HECO may utilize its right of entry to install additional conduits once HART's infrastructure work is complete. HECO, by its email dated June 7, 2023, has no objection to the requested right of entry.

There are no other pertinent issues or concerns. Staff does not have any objection to the request.

RECOMMENDATION: That the Board authorize the issuance of a construction right-of-entry permit to the City and County of Honolulu, Honolulu Authority for Rapid Transit covering the subject area 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 permit form for the City and County of Honolulu, Honolulu Authority for Rapid Transit regarding the rail project, as may be amended from time to time; and
- B. Delegate to the Chairperson authority to approve any continuation or renewal of the right of entry for additional one-year periods for good cause shown; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

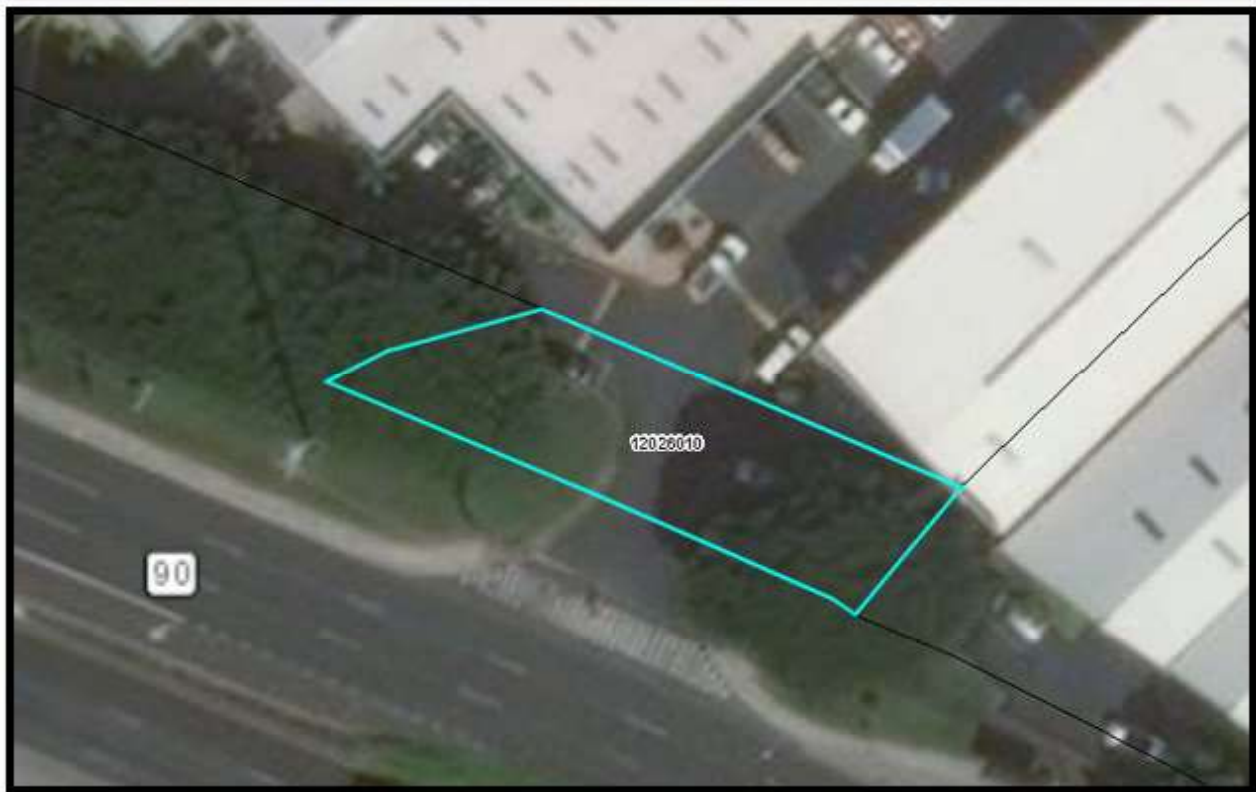
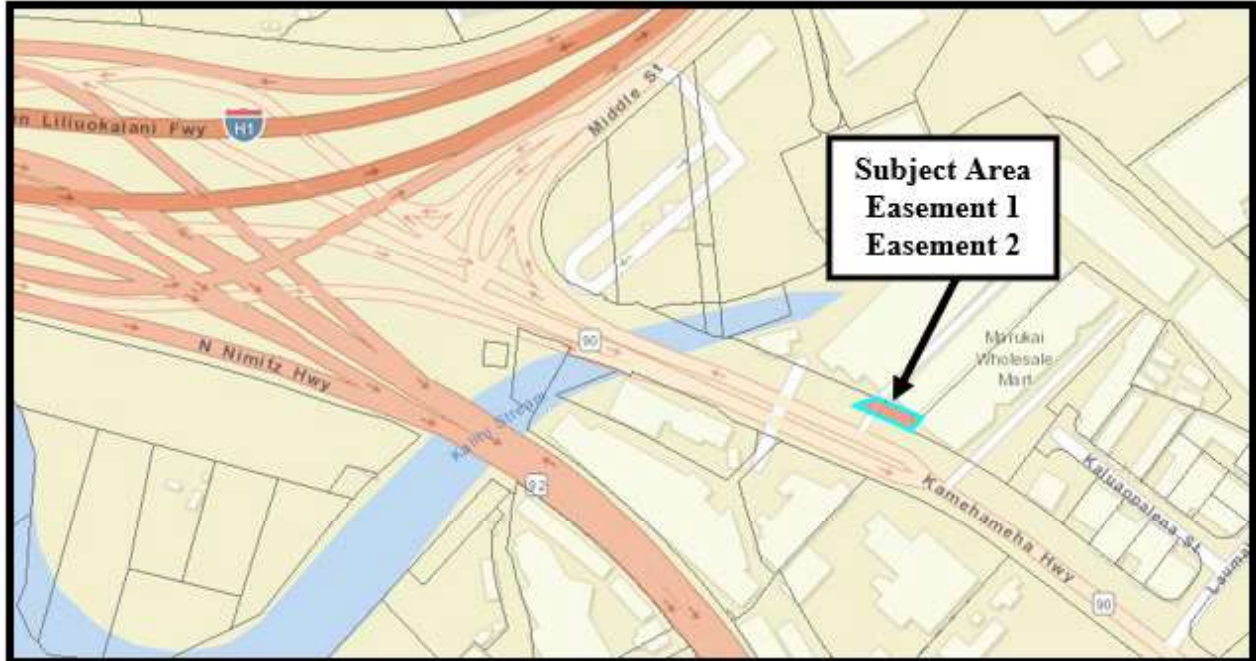
Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson *PCM*

RT



TMK (1) 1-2-026: portions of 010

EXHIBIT A1

