

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

February 9, 2024

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

Ref.: 24OD-010

OAHU

Grant of Term, Non-Exclusive Easements to: (i) Hawaiian Electric Company, Inc. for Electrical Transmission Purposes; and (ii) Spectrum Oceanic, LLC for Telecommunications Transmission Purposes; Issuance of Construction Right-of-Entry to the City and County of Honolulu, Honolulu Authority for Rapid Transit, for Utility Purposes; Honolulu, Oahu; Tax Map Key: (1) 2-1-026: portions of 001.

APPLICANTS:

Hawaiian Electric Company, Inc., a Hawaii profit corporation, (“HECO”);
Spectrum Oceanic, LLC, a Delaware limited liability company (“Spectrum”); and
City and County of Honolulu, Honolulu Authority for Rapid Transit (“HART”).

LEGAL REFERENCE:

Sections 171-13, 17, 55, and 95 Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of State lands situated at Honolulu, Oahu; Tax Map Key: (1) 2-1-026: portions of 001, as shown on the attached maps labeled as **Exhibit A1 to A3**.

AREA:

Easement A (electrical transmission)	64 square feet; and
Easement B (telecommunication transmission)	36 square feet, more or less.

ZONING:

State Land Use District:	Urban
City & County of Honolulu LUO:	B-2

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by Governor’s Executive Order No. 4394 to Department of Accounting and General Services (“DAGS”) for Addition to Keelikolani Building and Tax Office Annex purposes.

CHARACTER OF USE:

For electrical transmission:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines, transformer vaults, and related equipment over, under and across State-owned land, including the right to trim and keep trimmed any trees in the way of its appliances and equipment.

For telecommunications transmission:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication transmission lines, utility vaults over, and related equipment, under and across State-owned land, including the right to trim and keep trimmed any trees in the way of its appliances and equipment.

EASEMENT

TERM:

Sixty-five (65) years.

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CONSTRUCTION RIGHT-OF-ENTRY

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:

HART - Not applicable. Government agency.

HECO and HTI

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

APPLICANT REQUIREMENTS FOR EASEMENT:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicants' own cost;
- 3) Process and obtain subdivision at Applicants' own cost; and
- 4) Obtain a title report to ascertain ownership, where necessary, at Applicants' own cost and subject to review and approval by the Department.

Note: HART indicated in an email dated December 28, 2023 that HART would reimburse both applicants for the easement consideration. In addition, HART would provide all the mapping services for the requested easements.

REMARKS:

As part of the next construction phase of the elevated guideway for the rail system, HART plans to relocate some utilities affecting the subject State parcel. The new locations of the subject requested easements are shown on the map attached as Exhibit A-3. HART also provided **Exhibit B** showing the present [on road right-of-way] and future [over the subject State parcel] locations of the easements involved.

HART's contractor will install the infrastructure on behalf of both HECO and Spectrum with the understanding that these two public utility companies will obtain an easement from the Board under their names respectively. Similar arrangement was applied to other areas of the rail project.

Both HECO and Spectrum indicated their agreement to the subject request pursuant to their emails dated December 28, 2023 and January 2, 2024 respectively. On January 9, 2024, DAGS also advised that they did not have any objection to the requested easements.

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.

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

RECOMMENDATION: That the Board:

1. Subject to the Applicants fulfilling all of the Applicant requirements listed above, authorize the issuance of term, non-exclusive easements to: (i) Hawaiian Electric Company, Inc. and (ii) Spectrum Oceanic, LLC 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:
 - 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.

2. 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

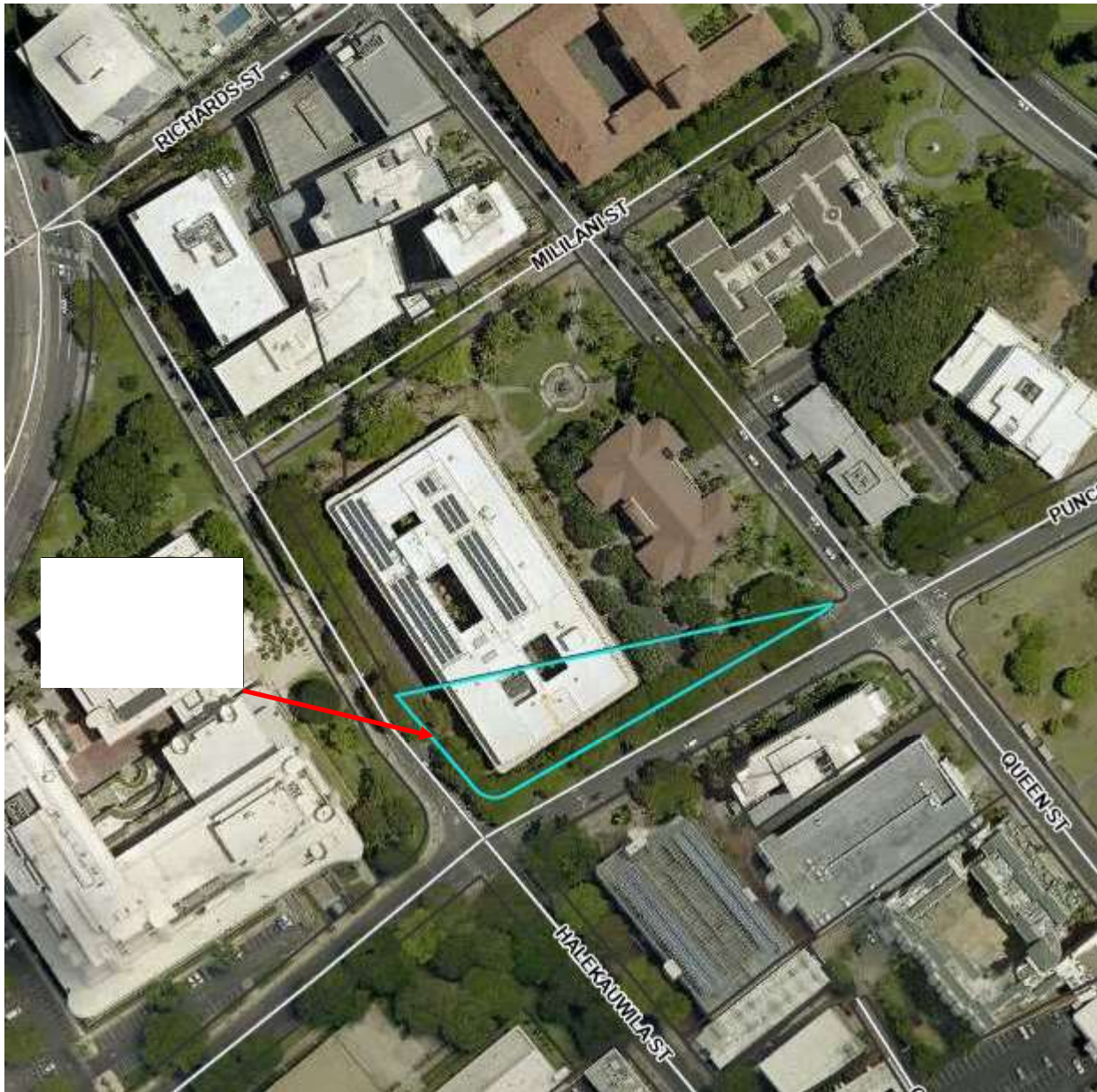
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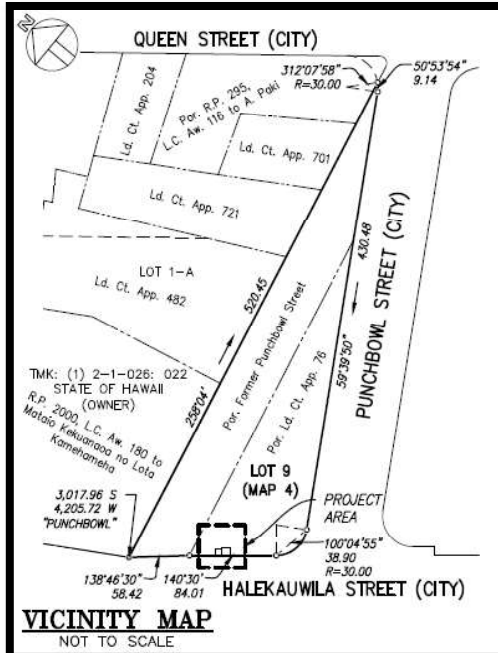
TMK (1) 2-1-026: portions of 001

EXHIBIT A1



TMK (1) 2-1-026: portions of 001

EXHIBIT A2

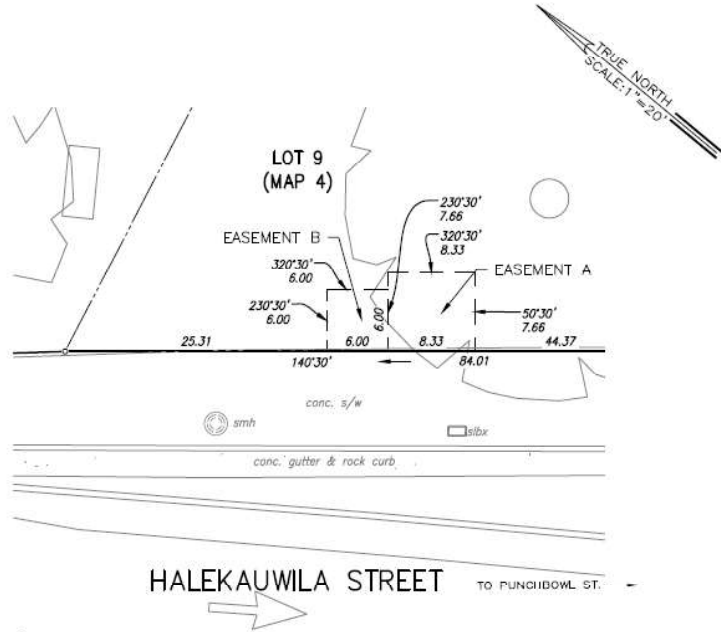
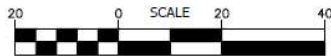


NOTES:

- Coordinates referred to "PUNCHBOWL" Δ.
- Easement A for Electrical purposes in favor of Hawaiian Electric, Co. = 64 Sq. Ft.
- Easement B for Communication purposes in favor of Spectrum = 36 Sq. Ft.

OWNER:

TMK: (1) 2-1-026: 001: State of Hawaii



TMK (1) 2-1-026: portions of 001

EXHIBIT A3



EXHIBIT B