

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

September 13, 2024

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

PSF No.: 24OD-090

Oahu

Grant of Term, Non-Exclusive Easement and Immediate Right-of-Entry to
Hawaiian Telcom, Inc. for Utility Purposes, Sand Island, Honolulu, Oahu, Tax Map
Key: (1) 1-5-041:Portion 022.

APPLICANT:

Hawaiian Telcom, Inc., a Hawaii Profit Corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land situated at Sand Island, Honolulu, Oahu, identified by
Tax Map Key: (1) 1-5-041:Portion 022, as shown on the attached map labeled
Exhibit A.

AREA:

18 square feet, more or less.

ZONING:

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

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:

Encumbered by Governor's Executive Order No. 4498 issued to the City and County of Honolulu for Addition to Sewage Treatment Plant Site, Public Health, and Ancillary Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication pole anchor over, under and across State-owned land.

TERM:

Sixty-Five (65) years.

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:

In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and -16 the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant 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 Part 1, Item 39 that states, "Creation or termination of easement, covenants, or other rights in structures or land. The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR, as a de minimis action.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 3) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The Applicant, Hawaiian Telcom, Inc. ("HT") has informed our office that the City and County of Honolulu's Contractor will be creating a new driveway to the Sand Island Wastewater Treatment Facility which will impact one of HTI's telephone poles along Sand Island Access Road. To accommodate the new driveway, HT will need to relocate its pole, however, the utility pole anchor will need to be located within portion of the land set aside by the Governor's Executive Order No. 4498 issued to the City and County of Honolulu.

The Applicant has requested an immediate right-of-entry to construct, install, maintain the utility pole anchor.

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.

The Department of Environmental Services, managing the Sand Island Wastewater Treatment Facility under the Governors Executive Order to City and County of Honolulu has informed staff that they have no issues with the installation of the utility anchor on the wastewater treatment plant site.

The requested use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1-16, Hawaii Administrative Rules, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis activity.

2. Authorize the issuance of immediate Right-of-Entry to construct, install, maintain the utility pole anchor, subject to the following:
 - a. The standard terms and conditions of the most current right-of-entry permit 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. Subject to the Applicant fulfilling all the Applicant requirements listed above, authorize the issuance of a term, non-exclusive easement to Hawaiian Telcom, 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 term, non-exclusive 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.

Respectfully Submitted,



Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson



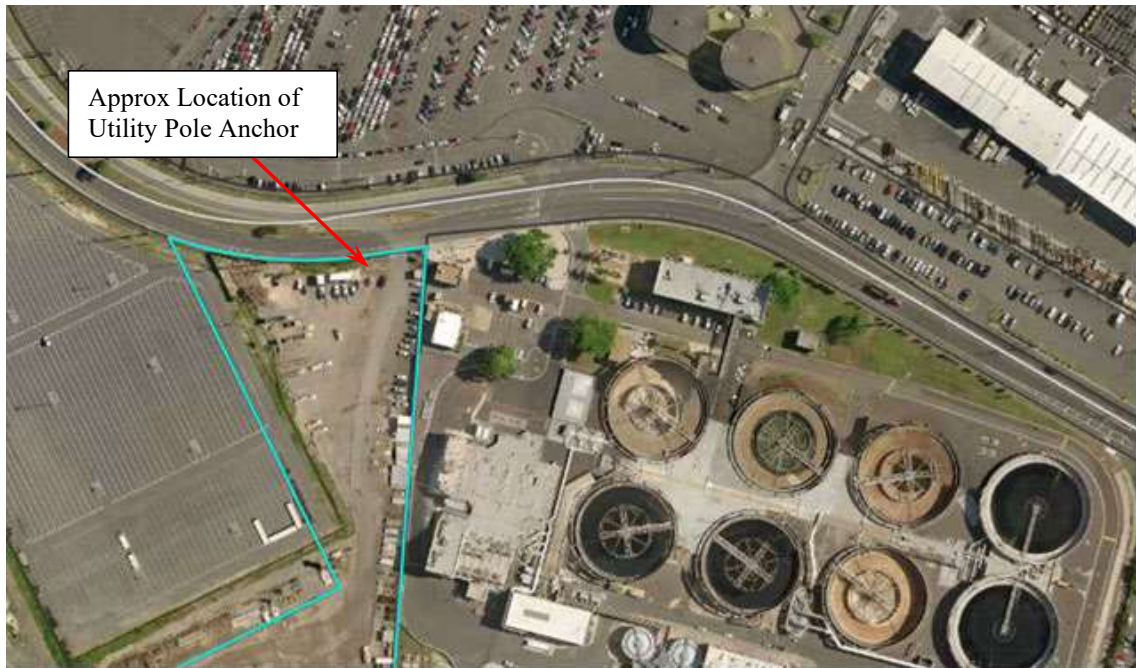
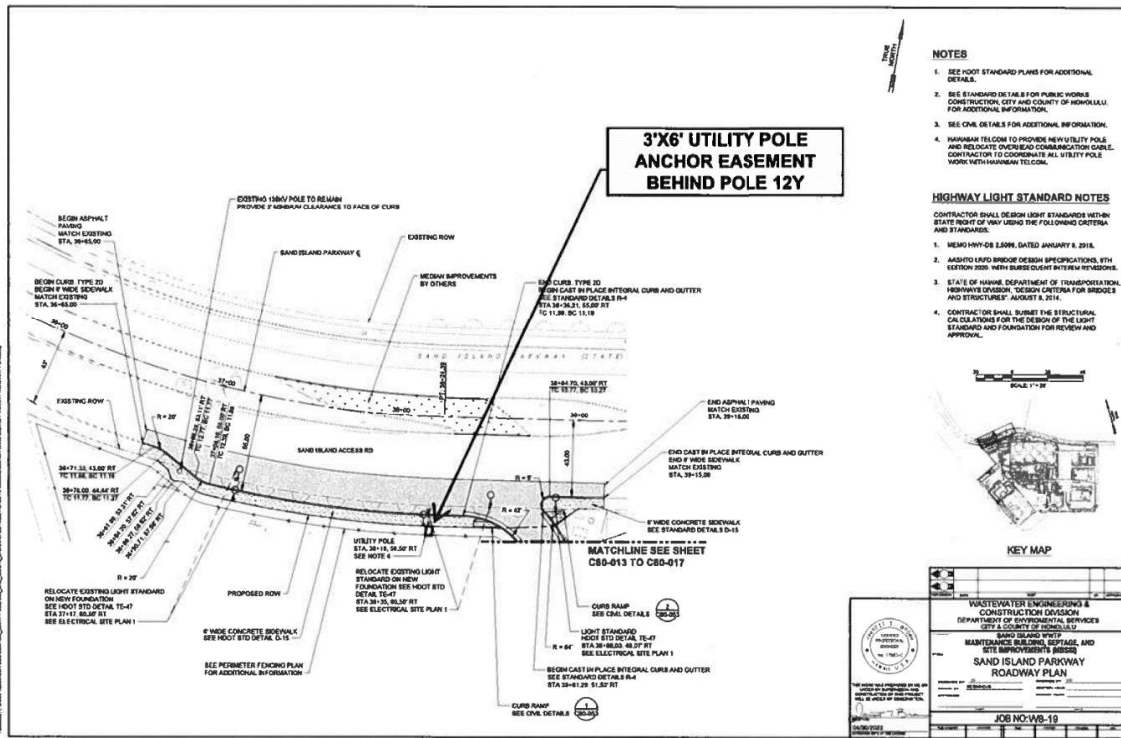


Figure 1: Tax Map Key: (1) 1-5-041:Por 022

EXHIBIT A