

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

November 14, 2025

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

PSF No.:25OD-088

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiki Submarine Cable USA, LLC for Submarine Communication Cable Purposes on State Submerged Lands; Issuance of Immediate Construction and Management Right-of-Entry Permit; off Kapolei, Ewa, Oahu, Tax Map Key: (1) 9-2-049: seaward of 001.¹

APPLICANT:

Hawaiki Submarine Cable USA, LLC, a Delaware limited liability company.

LEGAL REFERENCE:

Sections 171-13, 17, 53(c), and 55 Hawaii Revised Statutes, as amended.

LOCATION:

Portion of submerged lands situated off Kapolei, Ewa, Oahu, Tax Map Key: (1) 9-2-049: seaward of 001, as shown on the attached map labeled **Exhibit A1 to A3**.

AREA:

42,099 square feet, with final easement area subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Conservation

¹ In the FEA/FONSI for the subject project, the location was described as seaward of applicant's property identified as TMK (1) 9-2-051:010, which is mauka of Farrington Highway. The actual location is seaward of (1) 9-2-049:001, owned by the City and County of Honolulu.

TRUST LAND STATUS:

Section 5 (b) of Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove submarine communication cable purposes over, under and across State-owned submerged lands.

TERM

Perpetual

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:

Final Environmental Assessment/Finding Of No Significant Impact (FEA/FONSI) was issued on June 24, 2025 and published in the Office of Planning and Sustainable Development's Environmental Notice on July 8, 2025.

DCCA VERIFICATION:

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: Applicant shall be required to:

1. Pay for an appraisal to determine one-time payment; and
2. Provide survey maps and descriptions according to Department of Accounting and General Services, Survey Division standards and at Applicant's own cost.

REMARKS:

For the Board's reference, Conservation District Use Application pertaining to the subject project will be considered by the Board under a separate item on today's agenda. Applicant requests the request for easement be placed on the same agenda to save the travel for its representative(s)' attendance at the meeting. Nevertheless, Applicant understands that the easement request is contingent upon approval of the CDUA.

Applicant owns and operates the Hawaiki Cable Landing Station (CLS) in Kapolei, Oahu pursuant to a perpetual, non-exclusive easement (LOD29195) approved by the Board at its meeting of August 25, 2017, under agenda item D-7 and issued on April 22, 2019.

Applicant proposes to expand their existing facility by constructing additional carrier-neutral Cable Landing Facilities (CLF)² for up to three new subsea cable systems that would terminate at the Hawaiki CLS. The project would install new telecommunications infrastructure consisting of:

- Up to three steel bore pipes up to 8 inches in diameter installed via horizontal directionally drilled bores extending under the shoreline into the Pacific Ocean;
- One associated beach manhole;
- An onshore subsurface fronthaul conduit system connecting the new subsurface infrastructure to the existing Hawaiki CLS on the adjacent parcel; and
- A gravel access road.

Note: Installation of subsea cables is not part of the subject project.

The subsea cable systems that would use the new CLF have yet to be determined; however, they could be domestic cables linking islands in the Hawaiian archipelago, interstate cables linking Hawaii to the continental United States (CONUS), or international cables providing connectivity from Hawaii/CONUS across the Pacific Ocean.

Staff understands the Applicant or other communication cable owners will seek authorization for other portions of CLF connecting the submerged lands to the CLS. Staff notes that improvement owned by the subject applicant ends at about 3,000 feet from the shoreline, but any cable easement itself will need to go beyond 3,000 feet until reaching the territorial waters at three (3) nautical miles from the shoreline.

Applicant is aware that any subsequent cable company who would utilize the piping covered under the subject easement is required to obtain a separate disposition from the Board to cover the entire length of the cable from the shoreline until it reaches three (3) nautical mile limit. In addition, the cable company is required to obtain authorization from

² Carrier-neutral Cable Landing Facilities are designed to be accessible to multiple network operators and carriers and not intentionally restricted to a spec provider or operator.

the Applicant in utilizing the subject easement area, before the future easement(s) is authorized.

Staff will return to the Board at a later date seeking approval for disposition regarding the actual communication cable.

During the Pre-Consultation and the Draft Environmental Assessment stages, government agencies and communities were solicited for comments. Comments received have been incorporated in the Final Environmental Assessment. Therefore, staff did not solicit comments on the subject request.

Under LOD29195, the Department of the Attorney General (AG) assisted in drafting a condition in that easement document allowing additional payment of consideration based on the final as-built area of the submerged cable lines. The subject request is of similar nature as the final easement area will not be known until the construction is completed.

Applicant also requests an immediate construction and management right-of-entry in view of the timeline of the project, and staff does not have objection to the requested right-of-entry.

The subject request is different from similar request for submarine communication cables approved by the Board in the past. Applicant, under the subject request, only provides the CLF, which are basically piping that would subsequently house the actual communication cables, rather than the cable itself. The eventual user(s) of the CLF and the manner of using it (e.g. license, sublease issued by the subject applicant) are yet to be determined. Staff has indicated to the applicant that any other improvement beyond the easement area (i.e. the end point of 3,000 piping) will need to undergo separate due diligence (Chapter 343, HRS compliance regarding environmental assessment) and consideration/approval by the Board/Department of the Attorney General

PUBLIC LAND TRUST ANALYSIS FOR CEDED LAND DISPOSITIONS:

Pursuant to Section 5(f) of Admission Act, ceded lands shall be held by said State as a public trust “...for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use”.

The subject request will happen on ceded land, subject to the fair market value to be determined by an appraisal. 20% of any revenue collected from the requested disposition will be transferred to the Office of Hawaiian Affairs for the betterment of the conditions of the native Hawaiians.

In addition, the proposed expansion of the communication cable infrastructure will enhance connectivity of Oahu to neighbor islands and other countries/regions in the Pacific. It will

be a positive factor to the local economy and bringing more availability in local communication industry.

The requested easement is non-exclusive and likely will not significantly impact the public's use of the submerged land area.

Staff believes that the public interest will be served by approving the subject request for the reasons stated above. Therefore, staff would recommend the Board authorize the subject request as articulated in the Recommendation section.

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.

RECOMMENDATION: That the Board:

1. For the reasons stated herein, find that the proposed disposition is consistent with the public trust.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to Hawaiki Submarine Cable USA, LLC covering the subject area for submarine communication cable 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 perpetual easement document form, as may be amended from time to time;
 - B. Grantee agrees that the survey description(s) and survey map(s) will be provided at a later date from the time of execution of this document and incorporated into this easement by amendment. Upon the determination of the easement area with survey description(s) and map(s), if that easement area differs from the easement area stated herein, there shall be an amendment to the easement to correct the easement area, and if appropriate, an adjustment in the consideration paid for the easement.
 - C. Terms and conditions of Conservation District Use Permit;
 - D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a construction right-of-entry to Hawaiki Submarine Cable USA, LLC covering the subject area for submarine communication cable 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 right-of-entry document form, as may be amended from time to time;
- B. 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:

[Signature]

Dawn N. S. Chang, Chairperson

[Signature]

lx



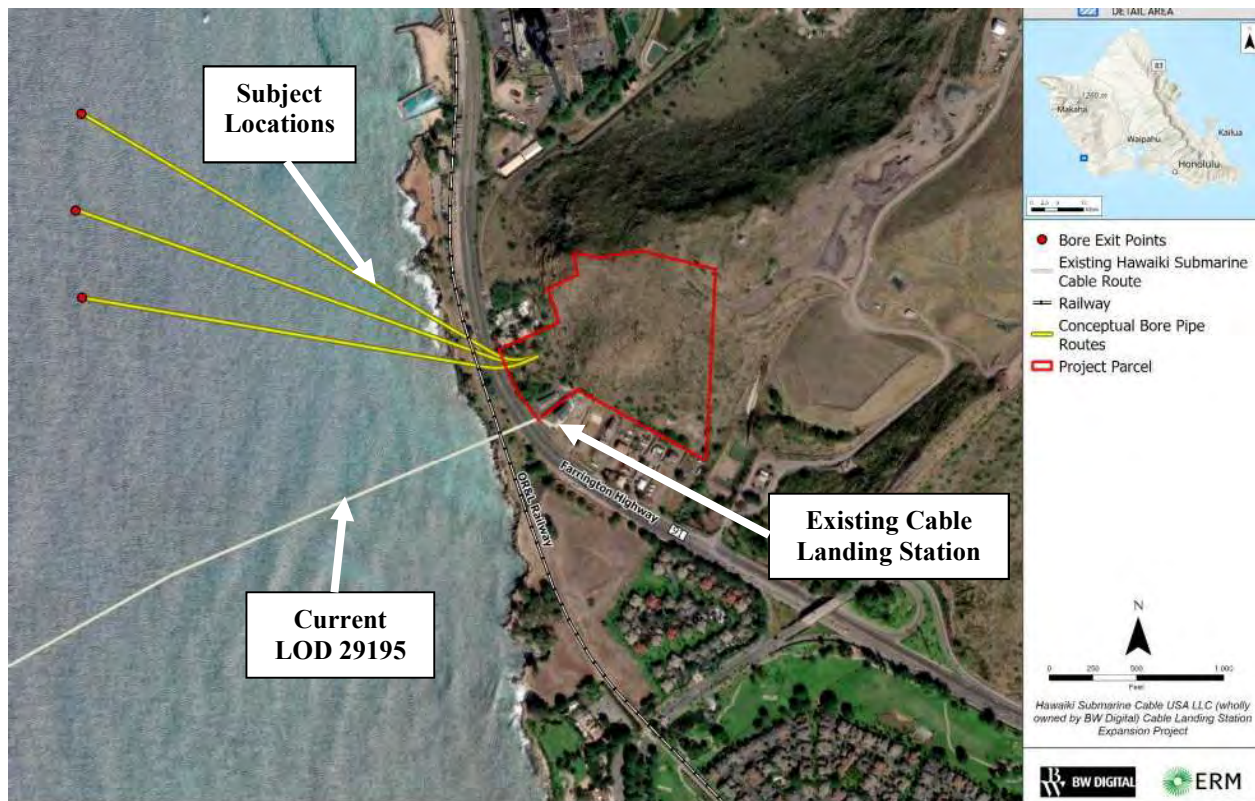
TMK (1) 9-2-049: seaward of 001

Exhibit A1



TMK (1) 9-2-049: seaward of 001

Exhibit A2



TMK (1) 9-2-049: seaward of 001

Exhibit A3