

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

September 13, 2019

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

PSF No.: 19OD-028

OAHU

Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Construction and Management Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes, Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-003: portions of 070 and 071

APPLICANT:

Hawaiian Electric Company, Inc. a domestic profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Aiea, Ewa, Oahu, identified by Tax Map Key: (1) 9-9-003: portions of 070 and 071, as shown on the maps attached as **Exhibits A1** and **A2**.

AREA:

Easement 207 G - 5,612 square feet (1) 9-9-003:070; and  
Easement 207 E - 548 square feet (1) 9-9-003:071, more or less, subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District: Urban  
City & County of Honolulu LUO: R-5

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded.  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor's Executive Order ("EO") 3427 dated September 5, 1989 setting aside to the Stadium Authority for The Aloha Stadium purposes.

CHARACTER OF USE:

Right, privilege, and authority to access, construct, use, maintain, repair, replace, remove and operate underground and/or overhead wire lines, transformer, switching vault and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication and control circuits, including the right to trim and keep trimmed any trees in the way of its appliances and equipment.

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 Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council on June 5, 2015, 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 Class No. 46, which states "Creation or termination of easement, covenants, or other rights in structures or land." See **Exhibit B**.

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. Process and obtain designation of easement from the Department of Planning and Permitting at Applicant's own cost.

Note: Applicant already provided the map and legal description prepared by its surveyor.

REMARKS:

For the 20-mile grade separated fixed guideway rail system from East Kapolei to Ala Moana Center, HECO requests portions of the State land currently encumbered by executive order as mentioned above to be utilized for transmission of electricity purposes. Applicant also requests a construction and management right-of-entry, which shall expire upon the issuance of the requested easement.

Department of Planning and Permitting, Department of Parks and Recreation, Department of Facility Maintenance, Board of Water Supply, and Department of Accounting and General Services have no comments/objections to the request and concur to the proposed environmental assessment exemption.

Department of Health, State Historic Preservation Division, and Department of Transportation, Highways Division did not respond to the solicitation for comment by the deadline.

Stadium Authority indicates, by its response attached as **Exhibit C**, that it has no objections to the request and concurs with the proposed environmental assessment exemption.

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.

There are no other pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, 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.
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. covering the subject area for electrical transmission lines purposes under the terms and conditions cited above, which are by this reference

incorporated herein and further subject to the following:

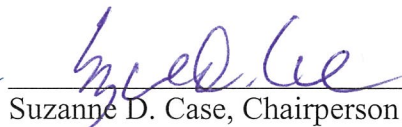
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Issuance of a construction and management right-of-entry to Hawaiian Electric Company, Inc. covering the subject area for electrical transmission lines 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,

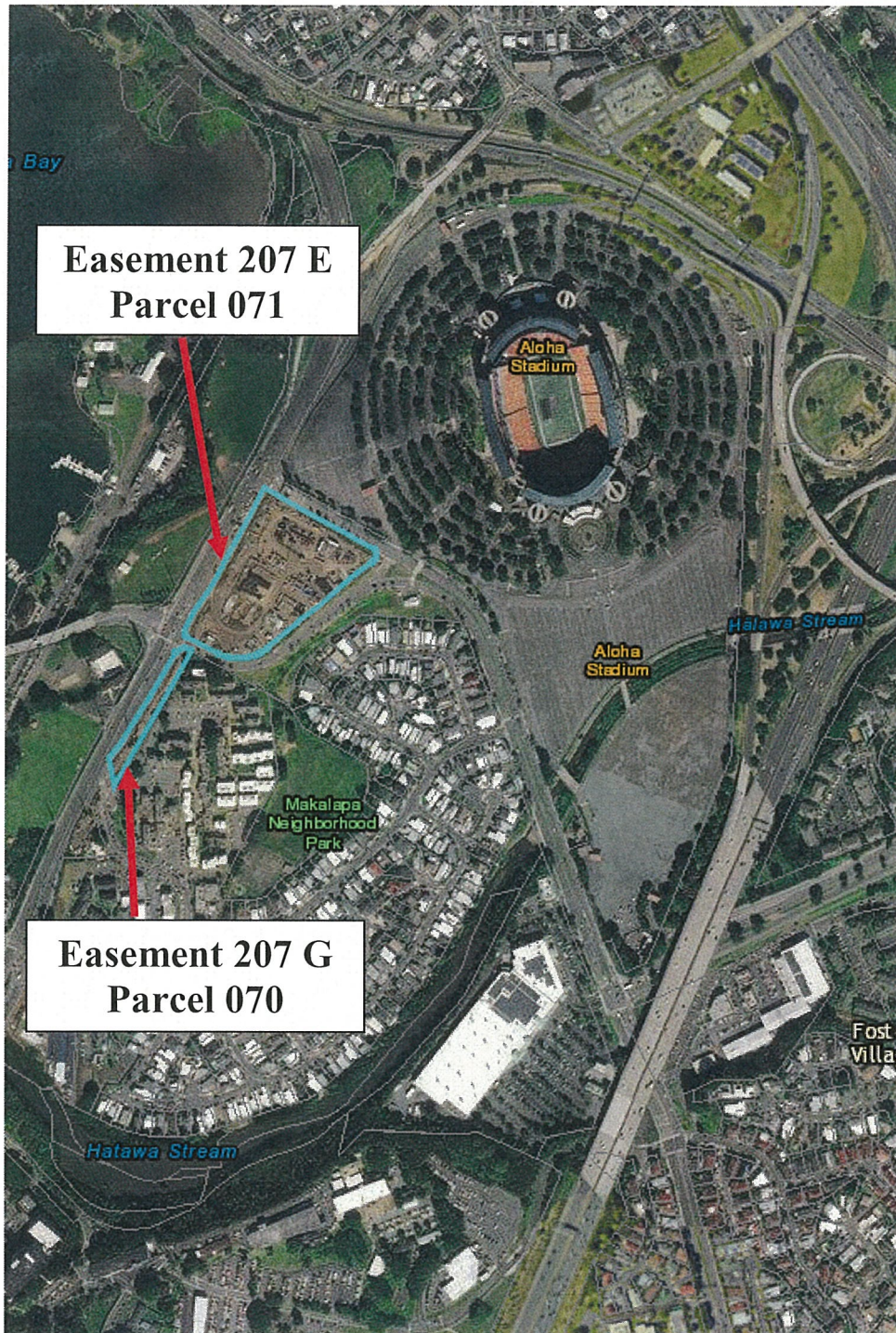


Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

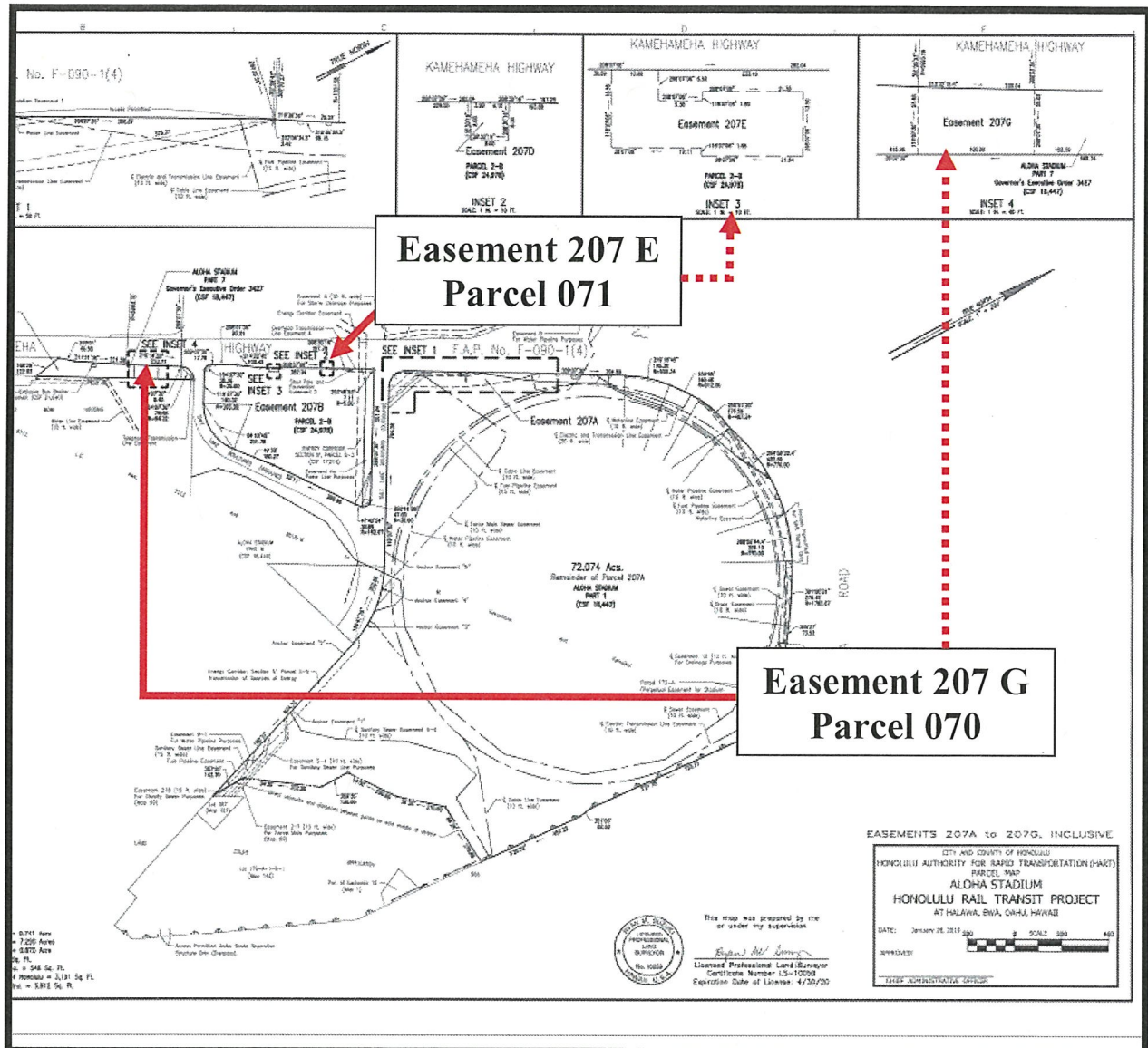


Suzanne D. Case, Chairperson



**TMK (1) 9-9-003: portions of 070 and 071**

# **EXHIBIT A1**



**TMK (1) 9-9-003: portions of 070 and 071**

**EXHIBIT A2**

### EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Perpetual Non-Exclusive Easement and the Issuance of Construction and Management Right-of-Entry for Electrical Transmission Lines Purposes.

Project / Reference No.: 19OD-028

Project Location: Halawa, Ewa, Oahu; Tax Map Key: (1) 9-9-003: portions of 070 and 071.

Project Description: Electrical transmission for the railway project.

Chapter 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rules Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred with by the Environmental Council on June 5, 2015, 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 Class No. 46, which states "Creation or termination of easement, covenants, or other rights in structures or land."

Cumulative Impact of Planned Successive Actions in Same Place Significant: No, being this request is pertaining to the issuance of a perpetual non-exclusive easement in a developed area, and staff believes that the request would involve negligible expansion or change in use of the subject area beyond previously existing.

Action May Have Significant Impact on Particularly Sensitive Environment: Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible change from what is existing.

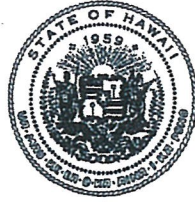
Consulted Parties Agencies as noted in the submittal.

Analysis: The requested easement would involve negligible change from the existing use. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.

# EXHIBIT B

Recommendation: 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.

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 4, 2019

Ref. No. 19OD-028

RECEIVED  
LAND DIVISION  
2019 AUG 15 PM 1:31  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

MEMORANDUM

TO:

**State Agencies:**

- DOH (Environmental P
- DAGS (Public Works Division)
- Stadium Authority
- DLNR-Historic Preservation
- DOT (Highways Division)

**County Agencies:**

- Planning & Permitting
- Parks & Recreation
- Facility Maintenance
- Board of Water Supply

**Other Agencies:**

- Office of Hawaiian Affairs

FROM:

Barry Cheung, District Land Agent

SUBJECT:

Request for Grant of Perpetual, Non-Exclusive Easement for Electrical Transmission Lines Purposes and Issuance of Immediate Construction and Management Right-of-Entry Permit

LOCATION:

Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-003: portions of 070 and 071

APPLICANT:

Hawaiian Electric Company, Inc.

Transmitted for your review and comment is a copy of the draft land Board submittal for the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by July 5, 2019. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0430. Thank you.

Enclosure

- We have no objections and concur to the proposed EA exemption.
- We have no comments and concur to the proposed EA exemption.
- Comments are attached.

Signed:

*Scott L. Chan*

Date:

8/15/19

*Scott L. Chan*

*Aloha Stadium manager*

EXHIBIT "C"