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

February 22, 2008

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

07od-086

Oahu

After-the-Fact Grant of Perpetual, Non-Exclusive Easement and Issuance of a Management Right-of-Entry to Hawaiian Electric Company, Inc. for Access and Utility Purposes, at Wahiawa Intermediate School and Wahiawa Freshwater Park site, Wahiawa, Oahu, Map Key: 7-6-01:03 & 06.

APPLICANT:

Hawaiian Electric Company, Inc. (HECO), a Hawaii corporation, whose business and mailing address is P.O. Box 2750, Honolulu, Hawaii 96840-0001.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kahauiki situated on a portion of the Wahiawa Freshwater Park and Wahiawa Intermediate School sites, Wahiawa, Oahu, identified by Tax Map Key: 7-6-01:06 & 03, as shown on the attached map labeled Exhibit A.

AREA:

168,725 square feet (approximately 3.88 acres), more or less.

ZONING:

State Land Use District:	Conservation (parcel 6)
State Land Use District:	Agriculture (parcel 3)
County of Honolulu CZO:	P-1 Restricted Preservation

TRUST LAND STATUS:

Section 5(e) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO __X__

CURRENT USE STATUS:

Parcel 3 was set aside by Governor's Executive Order No. 1913 to the Department of Education for the Wahiawa Intermediate School. Parcel 6 was set aside by Governor's Executive Order No. 3684 to the Division of State Parks for the Wahiawa Freshwater State Park.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

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

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, 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."

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 acceptable to State DAGS and at Applicant's own cost (previously submitted); and
3) Process and obtain subdivision at Applicant's own cost.

REMARKS:

Wahiawa Fresh Water Park in Parcel 6 and Wahiawa Intermediate School in Parcel 3 were formerly a part of Scholfield Barracks, United States Military Reservation acquired by Presidential Executive Order 2800 dated February 4, 1918. The U.S. Army returned the 62.425-acre parcel to the State of Hawaii on December 2, 1965 by Land Office Deed No. 24,070.

The U.S. Army executed their easement with HECO on March 18, 1957 for a term of fifty (50) years while the subject parcels were part of Schofield Barracks Military Reservation that expired March 18, 2007. This deed included the subject utility easement reservations, however HECO relocated the lines around the school parcel.

In 2000, HECO requested an easement for the existing lines plus new lines to be installed at the property. The request was held in abeyance after Division of State Parks raised concern regarding the visual impact o the new lines and raise the possibility of putting the lines underground.

HECO made a revised request by letter dated May 8, 2007 for the subject existing easements but dropped the request for an added new line (see Exhibit B).

Meanwhile, staff recently requested comments from various agencies. The Office of Hawaiian Affairs replied to our request indicating their main concern was that they preferred a term easement to perpetual in case the easement is no longer necessary. Staff notes that our easement documents contain a reverter condition that automatically returns the subject area back to the State should it be abandoned for a period of one (1) year.

Division of State Parks, further, is concerned about the visual impact of the over headline detracts from the natural appearance of the park. State Parks requested exploring the possibility of consolidating or burying the lines. HECO responded to these issues by letter citing the high costs to other HECO consumers (see Exhibit C). Office of Conservation and Coastal Lands staff verbally informed Land staff that the lines are existing, non-conforming with no further comments. The Department of Education, Public Works Administrator signed and returned our request letter having no objections to the subject easement. No other agency comments were received.

Staff recommends issuing a perpetual easement with the pole lines remaining in their current location but notes that the easement document will contain a relocation clause provided that the requestor pays for any relocation costs.

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, HAR, the project's existing lines and no expansion or change of use beyond that previously existing will have minimal 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 access and 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 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. Authorize the issuance of a management right-of-entry to remain in effect until the easement document is executed, subject to the following:

   A. The standard terms and conditions of the most current management right-of-entry 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.

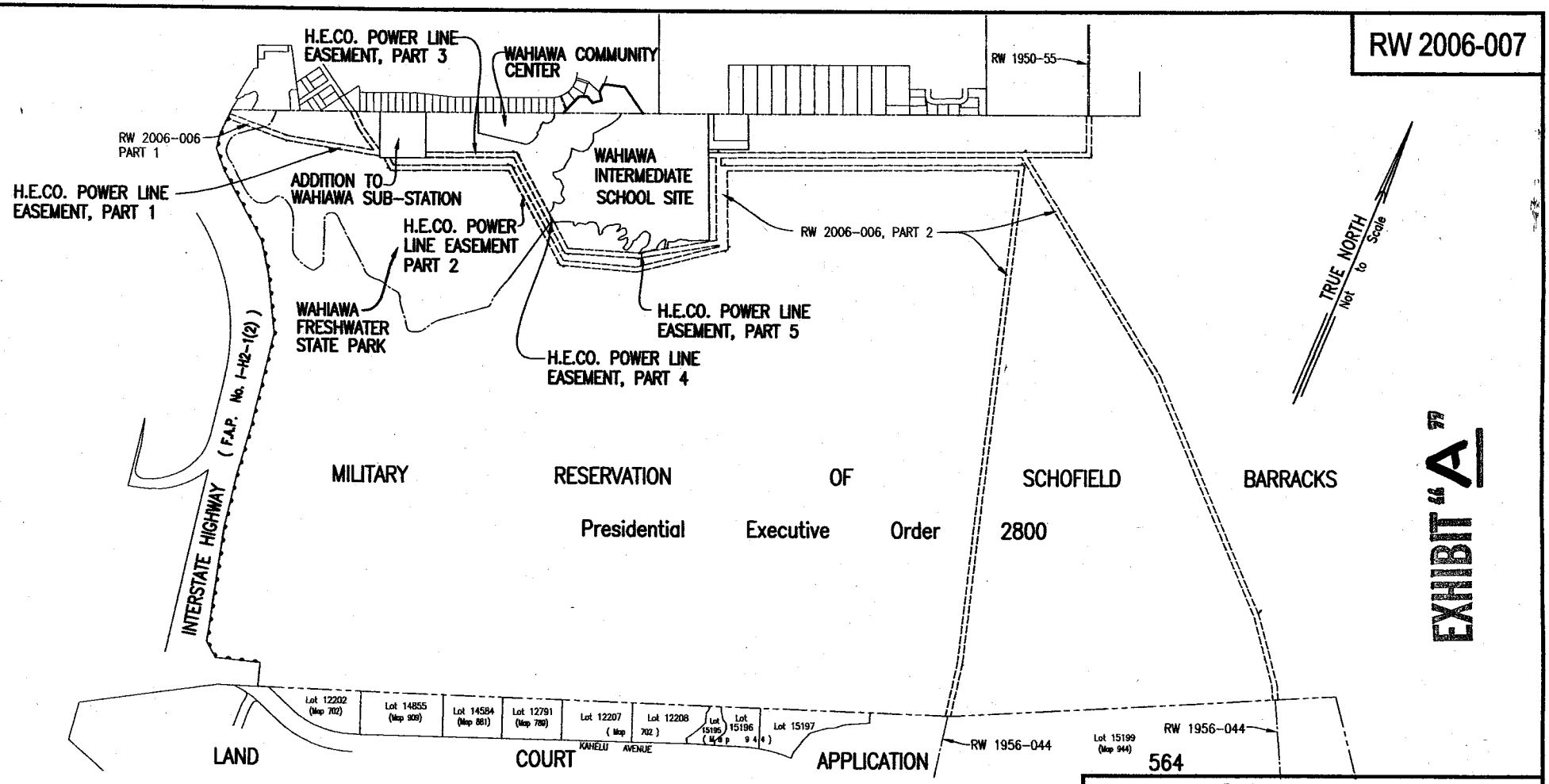
Respectfully Submitted,

Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson

RW 2006-007



HAWAIIAN ELECTRIC COMPANY, INC.
HONOLULU, HAWAII

RIGHT OF WAY FOR A POWER LINE
PARTS 1, 2 AND 3
THRU WAHIAWA FRESHWATER STATE PARK
AND PARTS 4 AND 5
AFFECTING WAHIAWA INTERMEDIATE SCHOOL SITE
AT WAIANAE-UKA, OAHU, HAWAII

T.M.K: 7-6-01: 3 & 6

DESIGNED BY:	CHECKED BY:
SURVEYED BY:	DATE: MARCH 10, 2006
DRAWN BY:	SCALE:
TRACED BY:	APPROVED BY:

SHEET 1 OF 3 SHEETS

Hawaiian Electric Company, Inc. • PO Box 2750 • Honolulu, HI 96840-0001

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LAND DIVISION

2007 MAY 10 A 10: 12

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

May 8, 2007

Mr. Al Jodar
Land Agent
Department of Land & Natural Resources
P. O. Box 621
Honolulu, HI 96809

HECO Utility Line Easement Request, Wahiawa Freshwater Park,
Wahiawa, Oahu, TMK 7-6-01:06 por.

Dear ~~Mr. Jodar:~~ al

Pursuant to our phone conversation on May 8, Hawaiian Electric Company (HECO) hereby withdraws its request for a new utility line easement over State land known as the Wahiawa Freshwater Park, TMK 7-6-01:06 por., as referenced in the enclosed correspondence. The proposed powerline extension project has been cancelled and you may close your file.

To clarify, our letter dated March 27, 2006 is a request only to renew the old Army easement for the existing lines over the Wahiawa Freshwater Park, which expired on March 17, 2007. Anything you can do to expedite the processing of this request would be greatly appreciated.

If you have any questions, or require additional information, you can reach me at 543-4735, or at phil.hauret@heco.com. We appreciate your attention to this matter.

Sincerely yours,

Philip Hauret
Senior Land Agent

Enclosures

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EXHIBIT "B"

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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DEPT OF LAND &
NATURAL RESOURCES
HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 15, 2007

MEMORANDUM

To: Morris Atta, Acting Administrator
Land Division

From: Daniel S. Quinn, Administrator
Division of State Parks

Subject: HECO's Request for a Perpetual Electrical Utility Easement Located Within TMK: 7-6- 01: pors. 03, 06, Wahiawā, O'ahu

This is in response to correspondence from your office dated October 22, 2007 regarding the subject matter.

Our position on the matter of HECO's transmission lines has been consistent since the Wahiawā Freshwater Park Master Plan was prepared in March 1975 and accepted by the Board on May 23, 1975. The plan stated that existing within the park were two 100' wide, two 40' wide and two 25' wide easements for transmission lines to HECO**, Hawaiian Telephone had a 5' wide easement for an underground communications cable line and the U.S. Army had a 10' wide easement for a waterline and a 5' wide easement for an underground communications cable line. The easements occupy a 10 acre area of which HECO retains 9.3 acres, Hawaiian Telephone has 0.3 acre and the Army's easement occupies a 0.5 acre area. (**NOTE: The map provided by HECO in correspondence with your office dated March 24, 2000 shows four 40' wide and two 100' wide easements for existing power line easements and the proposed 12KV power line easement.

We are very much concerned that should a perpetual easement be granted to HECO, the possibility of the consolidation or relocation of the power lines will become even more remote. If another type of easement other than a perpetual easement can be issued, that would be our preference. In addition, note that we will object to any additional transmission lines that may be proposed in this area in the future.

EXHIBIT "C"

Hawaiian Electric Company, Inc. • PO Box 2750 • Honolulu, HI 96840-0001

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LAND DIVISION

2007 OCT 17 A 8:45

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

O7od-086

October 15, 2007

Mr. Al Jodar
Land Agent
Department of Land & Natural Resources
P. O. Box 621
Honolulu, HI 96809

HECO Utility Line Easement Request, Wahiawa Freshwater Park,
Wahiawa, Oahu, TMK 7-6-01:06 por.

Dear ~~Mr. Jodar~~ al:

We have completed our review of the State Parks Division's memo to Land Division dated May 16, 2007, requesting a relocation and consolidation into a single corridor of all the HECO lines crossing the Wahiawa Freshwater Park.

Before we comment on the feasibility of the proposal, we wish to state that we are unaware of any HECO application to the Public Utilities Commission (PUC) to consolidate the six separate lines through the park. If State Parks has any documentation of such an application, or PUC ruling thereon, we would appreciate receiving copies for further review. Further complicating our review is the lack of a definite proposed alignment for the subject lines. Lacking a new alignment to analyze, we can only comment generally on the issues the proposal raises.

Based on such an evaluation, we cannot agree with proceeding with a relocation of the existing 138kV, 46kV, and 12kV lines entering HECO's Wahiawa Sub through the Wahiawa Freshwater State Park, for the following reasons:

1) The costs to relocate all of the existing lines would be high. Relocation costs are estimated to be in a range of $2-4 million based on assumed realignments, which estimates could change if different alignments are eventually mandated. Engineering and construction concerns contributing to these costs include:

   a) Relocating the existing lines would require additional easements within State and Army land. There is no indication the Army would support the relocation;

EXHIBIT "D"

b) The existing wood poles/structures supporting the existing lines would need to be upgraded to larger and bulkier H-class wood poles, fiberglass poles, and/or steel poles and structures to meet current standards;

c) Accessibility and logistics during construction would be difficult, time consuming, and labor intensive due to the terrain, the number of 138kV, 46kV, and 12kV lines involved, and the hold-offs (scheduled outages) required;

d) The minimum estimated lead time to complete the relocation work, which includes design and construction, but not permitting or other regulatory approvals outlined below, is approximately 24 months per line/alignment; and

e) The relocation work will require 138kV and 46kV hold-offs to de-energize these transmission and subtransmission lines. Acquiring the hold-offs would be very difficult given the number of lines involved and the amount of coordination required. The hold-offs may also require the relocation work to be spread out over several years in order to minimize the number of outages taken at one time, which would significantly lengthen the project schedule.

2) The new alignment of the 138kV, 46kV, and 12kV lines would require extensive vegetation trimming and clearing of access paths through heavily vegetated areas, which would have additional environmental and visual impacts. The aesthetic impacts caused by the vegetation trimming and clearing of paths may offset any positive visual impacts gained from relocating the lines.

3) There would be extensive permitting and approval requirements from State, Federal, and possibly other agencies. An Environmental Assessment, and possibly an Environmental Impact Study, would be required.

4) Since 138kV lines are involved, State law would require a PUC public hearing and approval process, which would add a lead time of 12 to 18 months before construction. It would be very difficult to justify to the PUC and Consumer Advocate (CA) that HECO's rate payers should absorb the high costs of this relocation work to facilitate "less of an environmental intrusion to park visitors."

5) New 12kV and 46kV line alignments to the west of Wahiawa Sub may have greater visual impacts on the Wahiawa community than currently exist. The residents nearest to Wahiawa Sub may oppose relocating the lines closer to the back of their properties, especially those who have existing 46kV and 12kV lines running in front of their homes.

Based on our evaluation, the costs, efforts, and system impacts resulting from consolidating and relocating these 138kV, 46kV, and 12kV lines would outweigh the benefits of the proposal. It will be difficult to justify the merits of this suggested relocation to the PUC and CA since the proposed project would only minimally benefit HECO's rate payers. Consequently, we are respectfully recommending that perpetual easements be granted to HECO for the existing alignments through the State park, as requested in our earlier correspondence.

If you have any questions, or require additional information, you can reach me at 543-4735, or at phil.hauret@heco.com. We appreciate your attention to this matter.

Sincerely yours,

Phil Hauret

Philip Hauret
Senior Land Agent