

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

July 22, 2011

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

PSF No.: 10OD-084

OAHU

Grant of Perpetual Non-Exclusive Easements and the Issuance of a Management Right-of-Entry to Hawaiian Telcom, Inc. and Hawaiian Electric Company, Inc. and for Telecommunication and Electrical Transmission Purposes, Honolulu, Oahu; Tax Map Key: (1) 2-1-024: 001 portion

APPLICANT:

Hawaiian Telcom, Inc. whose business and mailing address is:  
P.O. Box 2200, Honolulu, Hawaii 96841

Hawaiian Electric Company, Inc. 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 situated at Honolulu, Oahu; identified by Tax Map Key: (1) 2-1-024: 001 portion, as shown on the attached map labeled Exhibit 1.

AREA:

9,428 square feet, more or less.

ZONING:

State Land Use District: Urban

City and County of Honolulu Zoning: P-2, General Preservation

TRUST LAND STATUS:

Section 5 (a) 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. 4236, Set aside to the Department of Accounting and General Services for State Capitol purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication and 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 appraisal, 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.". See Exhibit 2.

APPLICANT 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 a one-time payment;
- 2) Process and obtain subdivision at Applicant's own cost.

REMARKS:

Hawaiian Telcom, Inc. (HTI) and Hawaiian Electric Company, Inc. (HECO) are requesting non-exclusive easements for existing telecommunication and electrical transmission lines and equipment located over State owned property. The subject transmission lines and equipment were originally located within Beretania Street, prior to its realignment. According to the applicant, the realignment of Beretania Street and the construction of the State Capitol Building circa 1964-1965, had created the realignment. As a result, the location of many of the subject lines and equipment had subsequently fallen within the current boundary of the State Capitol site.

For purposes of resolving this matter, HTI and HECO are requesting the approval for three easement locations situated within the subject site. Easement No. 1 consists of 95 square feet that includes HECO manholes and underground lines. Easement No. 2 consists of 8,313 square feet of area that includes manholes, pullboxes and underground lines for both HECO and HTI. Easement No. 3 consists of 1,020 square feet that includes pullboxes and underground lines for HTI. See Exhibit 1.

Further, pursuant to Board approval of the easements, a construction and management right-of-entry is also being requested from the State; allowing the work to proceed during the interim period required to finalize the easement document.

HTI and HECO 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.

The Department of Health had no comments regarding the subject request.

The State Historic Preservation Division, Commission on Water Resource Management, Department of Accounting and General Services, Department of Planning and Permitting, Department of Facility Maintenance and the Board of Water Supply have not responded to staff's request for their comments, as of the requested deadline.

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, this project will probably have minimal or no significant effect on the environment and is therefore exempt

from the preparation of an environmental assessment.

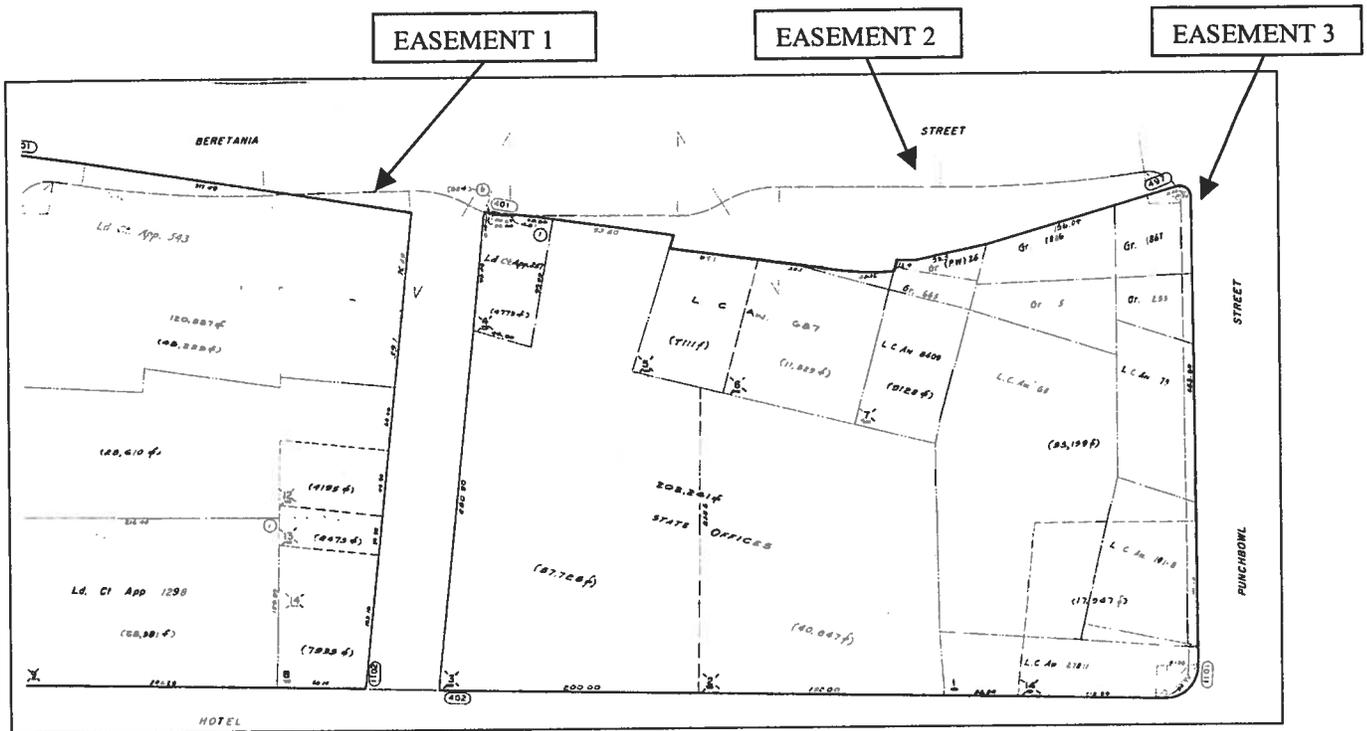
2. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of perpetual non-exclusive easements to Hawaiian Telcom, Inc and Hawaiian Electric Company, Inc. covering the subject area for telecommunication and electrical transmission purposes under the 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 Telcom, Inc. and Hawaiian Electric Company, Inc. covering the subject area for telecommunication and electrical transmission 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,

  
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Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:

  
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William J. Aila Jr., Chairperson



TAX MAP KEY: (1) 2-1-024: 001 PORTION

**EXHIBIT 1**

**EXEMPTION NOTIFICATION**

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

Project Title: Grant of Perpetual Non-Exclusive Easements and the Issuance of a Management Right-of-Entry to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Telecommunication and Electrical Purposes.

Project / Reference No.: PSF 10OD-084

Project Location: Honolulu, Oahu; Tax Map Key: (1) 2-1-024: 001 portion.

Project Description: Electrical and Telecommunication Easements

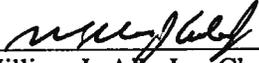
Chap. 343 Trigger(s): Use of State Land

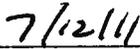
Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental 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. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Since the proposed non-exclusive easements include pre-existing transmission and electrical lines and equipment, the subject request is expected to have negligible or no expansion or change of use beyond that previously existing, and is therefore exempt from the preparation of an environmental assessment.

Consulted Parties Not applicable

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.

  
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William J. Afa Jr., Chairperson

  
\_\_\_\_\_  
Date

**EXHIBIT 2**