

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

June 22, 2007

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

PSF No.: 07od-083

Oahu

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Telecommunication and Electrical Transmission Lines and Issuance of Construction Right-of-Entry, Hauula, Oahu, Tax Map Key: 5-4-01:25.

APPLICANTS:

Hawaiian Electric Company, Inc. (HECO), a Hawaii corporation, whose business and mailing address is P.O. Box 2750, Honolulu, Hawaii 96840-0001 and Hawaiian Telcom, Inc. (HawTel), whose business and mailing address is P.O. Box 2200, Honolulu, Hawaii 96841

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hauula situated at Hauula, Oahu, identified by Tax Map Key: 5-4-01:25 as shown on the attached map labeled Exhibit A.

AREA:

284 square feet, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO X

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

TERM OF RIGHT-OF-ENTRY:

Construction right-of-entry to expire when easement executed.

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: For HECO and HawTel:

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

APPLICANT REQUIREMENTS:

Applicants 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:

HECO, by letters dated May 3 and May 31, 2007, is requesting an easement and construction right-of-entry permit (see Exhibit B).

Staff confirmed the easement will consist of telecommunication and electrical transmission lines however no poles are needed within the subject parcel. The utility lines will service Homestead Lease 16-A, parcel 26, located directly behind the subject parcel 25.

HECO and HawTel 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.

A request for comments was solicited. The Dept. of Hawaiian Home Lands returned the form having checked "We have no comments". The Oahu district land agent described the parcel as approximately one third under Maakua Stream and there are no objections to the issuance of a HECO easement. No other agencies responded within the response time limit.

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 a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. covering the subject area for telecommunication and electrical transmission lines 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 construction right-of-entry permit to Hawaiian Electric Company, Inc. covering the subject area 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 construction right-of-entry permit form, as may be

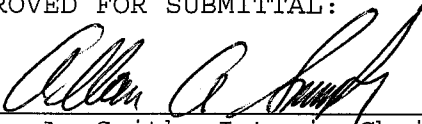
- amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Allan A. Smith, Interim Chairperson

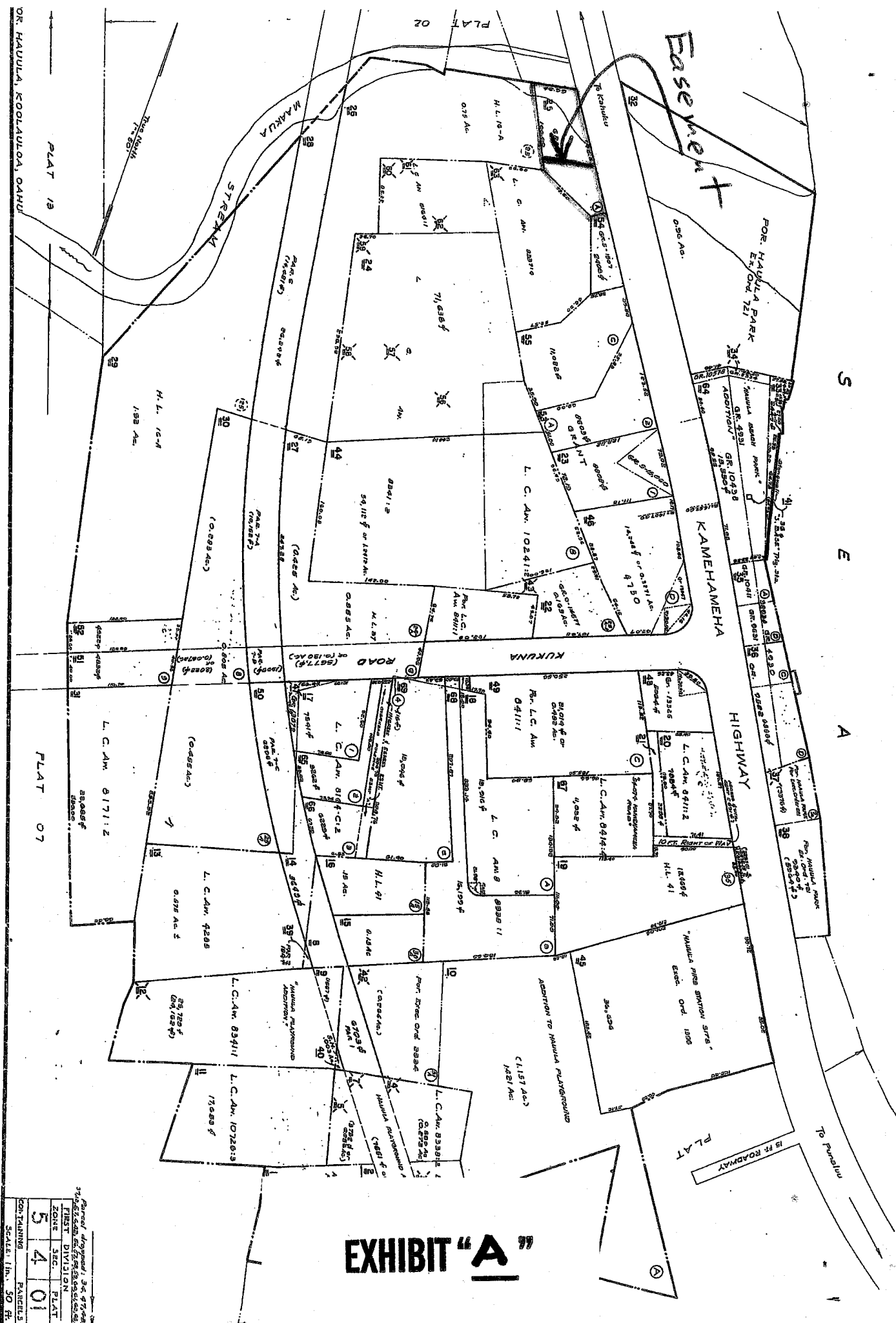


EXHIBIT "A"

Parcel Map, 35-87-94,
 36-87-48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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Scaled 1 in. = 50 ft.
 PRINTED



Mr. Al Jodar
State of Hawaii, Land Division
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

RECEIVED
LAND DIVISION

2007 MAY -7 A 9:44

May 3, 2007

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Grant of Perpetual, Non-Exclusive Easement
HECO R/W 2007-007, Hauula, Koolauloa, Oahu
TMK (1) 5-4-001:025 (the "State's Property")

Dear Mr. Jodar:

Please find enclosed a copy of the following for your review and perusal:

1. Tax Map (1) 5-4-001; and,
2. Hawaiian Electric Company, Inc. ("HECO") R/W Map No. 2007-007, with accompanying metes and bounds description of the proposed easement (the "Proposed Easement").

HECO and Hawaiian Telcom, Inc. are in the process of providing electrical and telephone service to TMK (1) 5-4-001-026 (currently leased from the State of Hawaii by Walter Kimokeo Kamalolo). In order to accomplish this in the most cost-effective manner, HECO will need to place overhead equipment in a portion of TMK (1) 5-4-001-025, owned by the State of Hawaii (the "State's Property"). Please see enclosed R/W Map No. 2007-007 depicting the Proposed Easement area (284 square feet). At this time, we would like to request from the State of Hawaii a grant of easement for utility purposes over and across the State's Property for the Proposed Easement area. Please feel free to contact me after you have a chance to review the enclosed.

If you have any questions or require anything further from HECO, please let me know. I may be reached by phone at (808) 543-4736 or via e-mail at harrilynn.kameenui@heco.com. Thank you in advance for your assistance.

Sincerely yours,

Harrilynn Kameenui
Land Agent

Enclosures

cc: Mark Omoto, HECO – Customer Installations Department (w/o encls.)

EXHIBIT "B"



Mr. Al Jodar
State of Hawaii, Land Division
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

RECEIVED
LAND DIVISION

2007 JUN -4 A 10:40

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

May 31, 2007

07ed-083

Grant of Perpetual, Non-Exclusive Easement
HECO R/W 2007-007, Hauula, Koolauloa, Oahu
TMK (1) 5-4-001:025 (the "State's Property")

Dear Mr. Jodar:

Thank you for your phone call of this morning.

In relation to HECO's request for a grant of easement, as described in my letter to you of May 3, 2007, this letter is to confirm that we are requesting that Hawaiian Telcom, Inc. be added as a grantee to the grant of easement affecting the State's Property.

Also, as discussed, we further request an immediate construction right of entry upon Land Board approval, so that we may provide service as soon as possible to your tenant, Mr. Kamalolo.

If you have any questions or require anything further from HECO, please let me know. I may be reached by phone at (808) 543-4736 or via e-mail at harrilynn.kameenui@heco.com. Thank you in advance for your assistance.

Sincerely yours,

Harrilynn Kameenui
Land Agent

cc: Mark Omoto, HECO – Customer Installations Department