

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-063

Oahu

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Guy and Anchor Purposes and Issuance of Construction Right-of-Entry, Waimanalo, Oahu, Tax Map Key: 4-1-26:13.

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 Waimanalo situated at Waimanalo, Oahu, identified by Tax Map Key: 4-1-26:13 as shown on the attached map labeled Exhibit A.

AREA:

76 square feet, more or less.

ZONING:

State Land Use District: Agriculture
City & County of Honolulu LUO: AG-1

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 guy wire and anchor 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 letter dated April 4, 2007, is requesting an easement and construction right-of-entry permit (see Exhibit B). The small area is only for the guy wire and anchor to support a pole within the Waikupanaha Street right-of-way.

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 but only the Dept. of Hawaiian Home Lands returned the form having checked "We have no comments". 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 guy wire and anchor 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 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

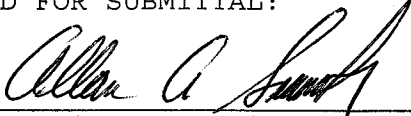
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Allan A. Smith, Interim Chairperson

v



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LAND DIVISION

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

April 4, 2007

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

Request for Easement and Construction Right of Entry,
T-Mobile Waimanalo Project,
Waimanalo, Oahu, TMK 4-1-026:013 por.

al
Dear ~~Mr. Jodar~~:

T-Mobile West Corporation has obtained permission to construct a wireless antenna facility on Department of Hawaiian Home Lands property located off Waikupanaha Street in Waimanalo. To provide utilities to this site, Hawaiian Electric Company (HECO) and Hawaiian Telcom, Inc. (HTI) will need to extend an overhead poleline from the last pole on Waikupanaha Street to a point abreast of the T-Mobile site on TMK 4-1-008:002 (see enclosed tax map). To properly support the poleline, HECO and HTI will need to install three guy wires and anchors on adjacent property, including one on a State parcel, identified as TMK 4-1-026:013. Consequently, HECO and HTI are respectfully requesting a non-exclusive perpetual easement for the proposed guy wire and anchor and the issuance of a construction right of entry so that the guy wire can be installed to meet T-Mobile's schedule.

The affected State parcel is described as a Stream Right of Way, being a portion of Lot 63 (Carton 55) of the "WAIMANALO FARM LOTS", TMK 4-1-026:013 por. Hard copies of a proposed easement map and description are enclosed for your review. The easement is five feet wide with a length of approximately 15 feet, resulting in a total area of 76 square feet. Electronic copies of the map and description can be provided upon request.

Because the proposed guy wire and anchor would be part of an extension of an existing utility line in the area and would be located in a stream right of way parcel, we believe that this use will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment under the authority of Chapter 343, HRS, and Chapter 11-200 HAR. The declaration of exemption

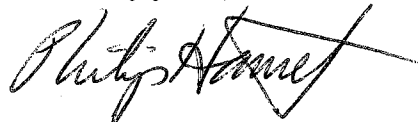
Mr. Al Jodar
April 4, 2007
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would be based on Exemption Class #1 on the exemption list for the Division of Land Management, Department of Land and Natural Resources, dated April 28, 1986, that states:

"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."

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

Sincerely yours,

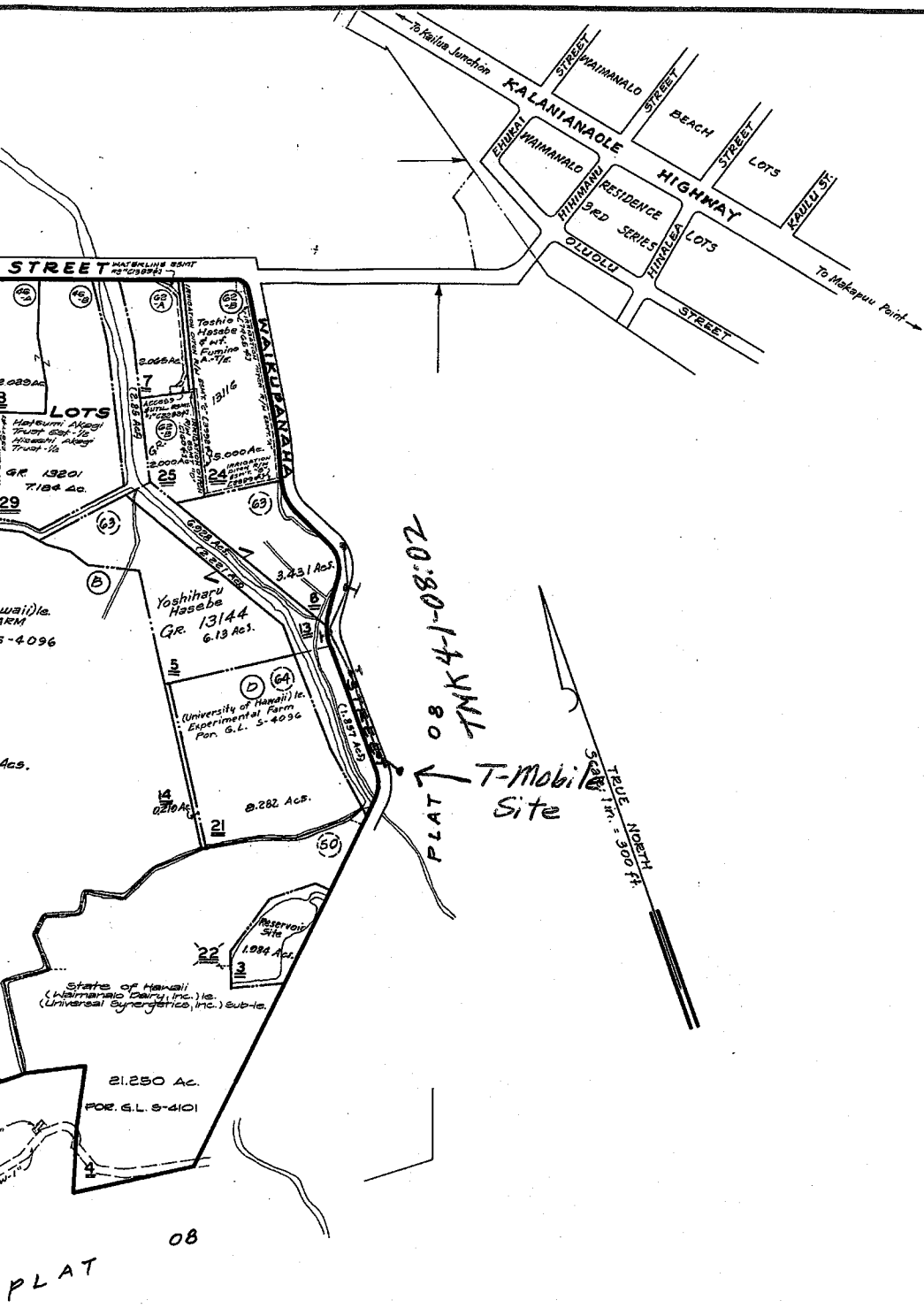


Philip Hauret
Senior Land Agent

Enclosures

Cc: Karen Sunahara-Teruya, Hawaiian Telcom (w/encs)
Kevin Kawabata, T-Mobile (w/encs.)





Note: All reservoirs, flumes, ditches, siphons, pumps, pipelines and other elements comprising the existing irrigation system on government land are set aside by Exec. Ord. No. 1598, to be under the control & management of the Water & Land Dev. Division
 All lots owned by the State of Hawaii unless otherwise noted.

Parcels Dropped: 22

DEPARTMENT OF THE TAX COMMISSIONER
 TAXATION MAPS BUREAU
 TERRITORY OF HAWAII
TAX MAP

FIRST		DIVISION	
ZONE	SEC.	PLAT	
4	1	26	
CONTAINING		PARCELS	
SCALE 1 IN. = 300 FT.			

SUBJECT TO CHANGE



4-1-26:13