

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

IN REPLY REFER TO:

August 8, 2024

Mr. Edwin H. Sniffen, Director
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

OAHU

Request for Authorization to issue a Construction-Right-of-Entry, Grant of Easements (perpetual, non-exclusive), to Hawaiian Electric Company, Inc., for the installation and operation of new utility lines and related facilities needed to service the Kapalama Container Terminal (KCT), Honolulu Harbor, island of Oahu, Tax Map Key No. (1) 1-2-025:011 (Portion), Governors Executive Order No. 3947.

LEGAL REFERENCE:

Hawaii Revised Statutes (HRS), Sections 171-6, 171-7, 171-11, 171-13, 171-17, 171-35, 171-55, and 171-95, as amended.

APPLICANT:

Hawaiian Electric Company, Inc. (Applicant) is a domestic profit corporation whose mailing address is P.O. Box 2750, Honolulu, Hawaii 96840.

CHARACTER OF USE:

To allow Applicant and its permitted agents (assignees, contractors, subcontractors and agents) the Right-to-Enter upon and take possession of the premises to: a) construct, reconstruct, operate, maintain, repair, and remove overhead and underground wire lines, manholes and such appliances and equipment as may be necessary for the transmission and distribution of electricity and communication, including all service lines emanating from the main trunk line, to be used for light and power and/or communications and control circuits, including without limiting the generality of the foregoing; b) easements for overhead and subsurface lines; and c) together with, the right from time to time, and at all reasonable times to enter upon the areas for the above-mentioned purposes and maintenance thereof, and, also, the right of ingress, egress, and regress over all the State of Hawaii, Department of Transportation (HDOT) roads leading to the areas.

LOCATION:

Portion of Government lands situated on Honolulu Harbor, island of Oahu, Tax Map Key No. (1) 1-2-025:011 (Portion), as shown on the enclosed Exhibit A.

ZONING:

State Land Use Commission: Urban
City and County of Honolulu: I-3, Waterfront Industrial

AREA: See enclosed Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.
1	Overhead Utility Lines	Non-Exclusive Easement	250
2	Overhead Utility Lines	Non-Exclusive Easement	1,200
3	Overhead Utility Lines	Non-Exclusive Easement	250
4	Overhead Utility Lines	Non-Exclusive Easement	425
5	Underground Utility Lines	Non-Exclusive Easement	170
6	Overhead Utility Lines	Non-Exclusive Easement	475
7	Underground Utility Lines	Non-Exclusive Easement	170

TERMS AND CONSIDERATION:

Non-Exclusive Easements: Perpetual, one-time payment determined by independent appraisal – Pursuant to HRS, Section 171-17.

Construction-Right-of-Entry: Until the construction, reconstruction, operation, maintenance, repair and removal of overhead and underground wire lines, manholes and such appliances and equipment as may be necessary for the transmission and distribution of electricity and communication improvements are complete, and the execution of the Grant of Easements.

LAND TITLE STATUS:

Owned by the State of Hawaii, management and control of the property was transferred to the HDOT by Governor's Executive Order No. 3947.

TRUST LAND STATUS:

Land acquired after Statehood (non-ceded).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, which exempts the following:

"Exemption Type 3: Construction and location of single, new, small facilities or structures, and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of same, including, but not limited to: D. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities."

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Subchapter 11-200.1-16 (b). The exemption declaration for the action described above, based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 3, Part 1:

- No. 13. "Modify utility systems including electrical (e.g., convert overhead lines to underground lines), gas, water, sewer, communications, and other services to serve structures, buildings, or facilities. Extend utility service connection to new or modified assets. Exterior lighting modifications will comply with HRS, Chapter 201-8.5, Night Sky Protection Strategy."
- No. 16. "Install new substation, transformers and electrical connections to supplement existing power supply and to maintain the functionality of a facility."

Exemption Type 8, Part 1:

- No. 8g. "Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing."

Mr. Edwin H. Sniffen, Director
August 8, 2024
Page 4

REMARKS:

The use of the premises by the Applicant is ultimately to supply power to the gantry cranes, high mast yard lights, operations tower, maintenance facility, radio frequency identification readers, and power supply to refrigerator containers from the Applicant's new electrical substation. The scope of the Applicant's work as described above in the "Character of Use" is part of the KCT and Tenant Relocations project. The associated easements will help locate new electrical facilities within the KCT and thus provide power and communication services for the future development of the container yard.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends the issuance of a Construction-Right-of-Entry and Grant of Easements (perpetual, non-exclusive) to the Applicant under the terms and conditions cited above and other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



DREANALEE K. KALILI
Deputy Director of Transportation for Harbors

Enclosures





