

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I**  
**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:

January 9, 2024

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

OAHU

Request for Authorization to issue one month-to-month Revocable Permit (RP) to AES Venture, L.L.C., successor to Hawaii Pacific Industries, Inc., for removal of improvements, situated at Kalaeloa Barbers Point Harbor (KBPH), island of Oahu, Tax Map Key (TMK) Nos. (1) 9-1-014:024 (Portion) and (1) 9-1-014:028 (Portion), Governor's Executive Order No. 3383

LEGAL REFERENCE:

Hawaii Revised Statutes (HRS), Sections 171-6, 171-11, 171-13, 171-17, 171-55, and 171-59, as amended.

APPLICANT:

AES Kalaeloa Venture, L.L.C. (Applicant), is a foreign limited liability company whose mailing address is 91-086 Kaomi Loop, Kapolei, Hawaii 96707.

CHARACTER OF USE:

For removal of improvements

LOCATION:

Portion of Government lands at KBPH, island of Oahu, TMK Nos. (1) 9-1-014:024 (Portion) and (1) 9-1-014:028 (Portion), as shown on enclosed Exhibit A.

ZONING:

State Land Use Commission: Urban  
 City and County of Honolulu: A-2 - Medium-density Apartment District  
 B-2 - Community Business District  
 I-2 - Intensive Industrial District  
 I-3 -Waterfront Industrial District  
 P-2 -General Preservation District

AREA: See enclosed Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE	RENTAL	SECURITY DEPOSIT
A-1	Front Rail Foundation Purposes	Easement	6,497	\$0.43	\$2,793.71	\$5,587.42
A-2	Rear rail Foundation Purposes	Easement	5,141	\$0.43	\$2,210.63	\$4,421.26
B	Conveyor Trench Purposes	Easement	8,461	\$0.43	\$3,638.23	\$7,276.46
C	Transfer Trench Purposes	Easement	1,728	\$0.43	\$743.04	\$1,486.08
D-1	Bin Corridor and Conveyor extension Purposes	Easement	4,680	\$0.43	\$2,012.40	\$4,024.80
D-2	Bind Corridor Purposes	Easement	12,960	\$0.43	\$5,572.80	\$11,145.60
D-3	Bin Roadway Purposes	Easement	720	\$0.43	\$309.60	\$619.20
H-2	Electrical Purposes	Easement	325	\$0.43	\$139.75	\$279.50
E-1	Conveyor Extension Purposes (on ground)	Easement	1,560	\$0.43	\$670.80	\$1,341.60
E-2	Conveyor Extension Purposes (above ground)	Easement	14,206	\$0.43	\$6,108.58	\$12,217.16
<b>TOTAL</b>					<b>\$24,199.54</b>	<b>\$48,399.08</b>

CONSIDERATION:

Month-to-month rent determined by appraisal as of January 1, 2024, for RPs in KBPH, Oahu.

LAND TITLE STATUS:

Governor's Executive Order No. 3833 for piers and shoreside facilities purposes, to be under the control and management of the State of Hawaii, Department of Transportation.

TRUST LAND STATUS:

Public Land Trust Information System list TMK No. (1) 9-1-014:024 (Portion) as multiple and TMK No. (1) 9-1-014:028 (Portion) as acquired after August 1959.

CURRENT USE STATUS:

The Applicant currently occupies portions of KBPH, island of Oahu, for removal of improvements. The Hawaii Department of Transportation (HDOT) has been reviewing all month-to-month RPs to ensure compliance with and applicability to HRS, Sections 171-17 and 171-55.

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 6: Demolition of structures, except those structures that are listed on the National Register or Hawaii Register of Historic Places."

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 6, Part 1:

- No. 1. "Demolition or removal of structures, facilities, equipment, impounded property, or other improvements that are abandoned and no longer required or maintained, including but not limited to:
  - a. Structures such as buildings, sheds, warehouses, and other similar structures.

Mr. Edwin H. Sniffen, Director  
January 9, 2024  
Page 4

- b. Improvements such as airfield, yard and roadway pavements, light poles, and electrical connections, fencing and other similar improvements
- c. Improvements such as electrical, communication, heating, ventilation, air condition and water systems, wastewater, sewer, septic tank systems; above or underground storage tanks, fuel systems and other similar improvements.
- d. Equipment such as machinery, vehicles, experimental devices, and other similar equipment.”

REMARKS:

The Applicant is an energy company supporting Hawaii’s transition to a clean renewable energy future. The Applicant has discontinued the use of coal conveyor and related facilities in September 2022 and has a one-year holdover to remove improvements under its current Lease. Preliminary plans have been submitted and the HDOT is waiting for additional site-specific plans and appropriate permits so the Applicant can remove improvements. The Applicant continues to support the State’s energy needs with renewable energy projects, including wind and solar, throughout the island.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends the issuance of one month-to-month RP to the Applicant including its conditions and rent, 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.

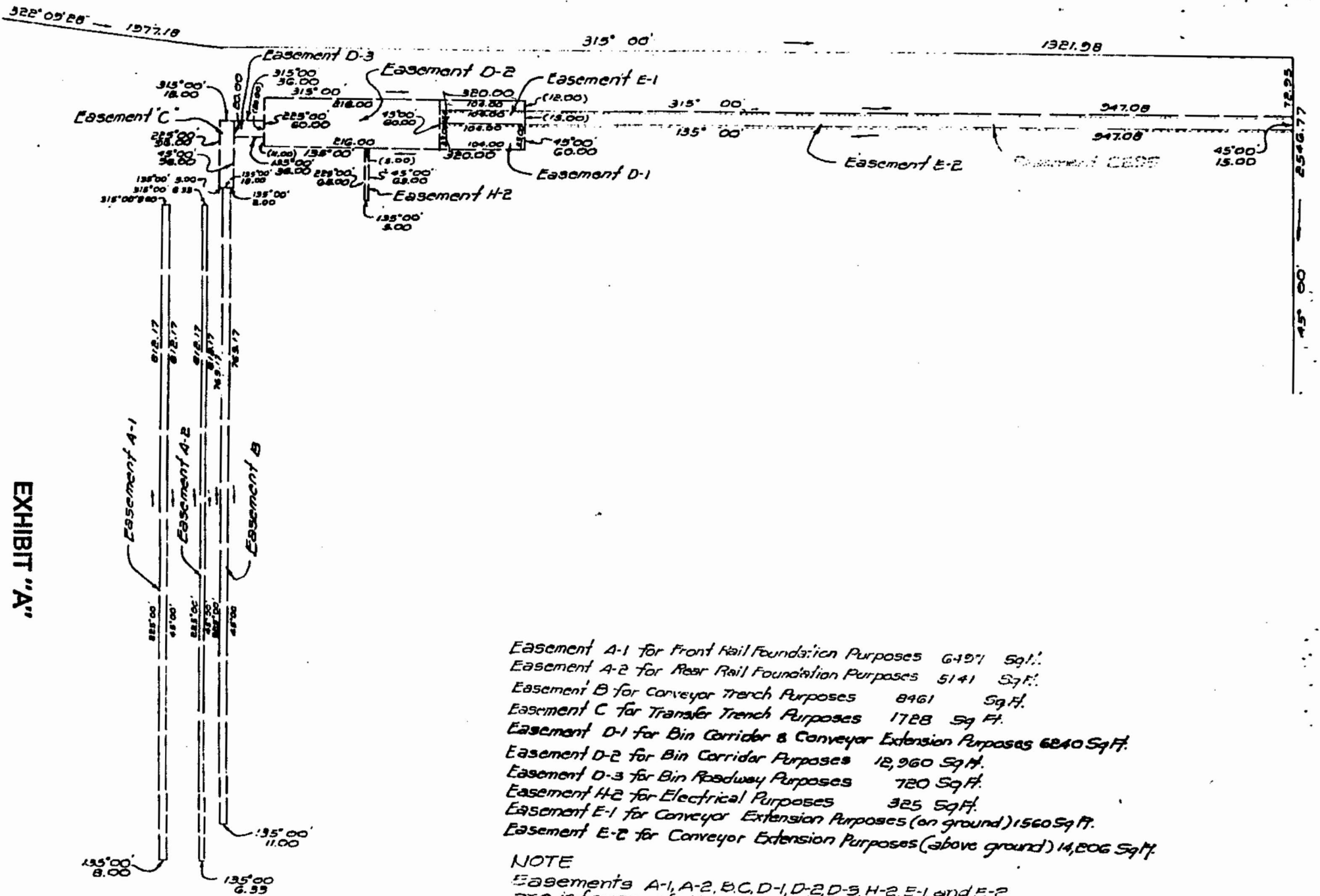
Sincerely,



DREANALEE K. KALILI  
Deputy Director of Transportation for Harbors

Enclosures

EXHIBIT "A"



- Easement A-1 for Front Rail Foundation Purposes 6497 Sq Ft.
- Easement A-2 for Rear Rail Foundation Purposes 5141 Sq Ft.
- Easement B for Conveyor Trench Purposes 8461 Sq Ft.
- Easement C for Transfer Trench Purposes 1728 Sq Ft.
- Easement D-1 for Bin Corridor & Conveyor Extension Purposes 6240 Sq Ft.
- Easement D-2 for Bin Corridor Purposes 12,960 Sq Ft.
- Easement D-3 for Bin Roadway Purposes 720 Sq Ft.
- Easement H-2 for Electrical Purposes 325 Sq Ft.
- Easement E-1 for Conveyor Extension Purposes (on ground) 1560 Sq Ft.
- Easement E-2 for Conveyor Extension Purposes (above ground) 14,206 Sq Ft.

NOTE  
 Easements A-1, A-2, B, C, D-1, D-2, D-3, H-2, E-1, and E-2  
 are in favor of Hawaii Pacific Industries, Inc.

EXHIBIT "A-1"

All of the following described easements designated and specified in that certain State of Hawaii Harbor Lease No. H-89-14, Pier 6, Barbers Point Harbor, dated effective as of January 27, 1989, filed in the Department of Transportation, Harbors Division, State of Hawaii, by and between the DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII, as Lessor, and HAWAII PACIFIC INDUSTRIES, INC., a Hawaii corporation, as Lessee, of which a Short-Form Lease, dated February 23, 1990, was filed as Land Court Document No. 1707929. Said Lease was amended by instrument entitled "FIRST AMENDMENT TO STATE OF HAWAII HARBOR LEASE NO. H-89-14, PIER 6, BARBERS POINT HARBOR", dated effective as of July 10, 1990. Said easements designated and specified in said Harbor Lease No. H-89-14, Pier 6, Barbers Point Harbor, as amended, being more particularly described as follows:

- (I) Easements 2426, area 6,497.0 square feet,  
2427, area 5,141.0 square feet, which are  
non-exclusive easements for a rail  
foundation;
- (II) Easement 2428, area 8,461.0 square feet, which is an  
exclusive subsurface easement for a  
conveyor trench;
- (III) Easement 2429, area 1,728.0 square feet, which is an  
exclusive subsurface easement for a  
transfer trench;
- (IV) Easements 2430, area 6,240.0 square feet,  
2431, area 12,960.0 square feet,  
2432, area 720.0 square feet, which are  
exclusive surface easements for a  
conveyor gallery consisting of part  
of a bin corridor in Easement 2430,  
part of a bin corridor in Easement  
2431, and bin roadway in Easement  
2432;
- (V) Easement 2433, area 325.0 square feet, which is a  
non-exclusive subsurface easement  
for electricity and utility trans-  
mission;

(VI) Easement 2434, area 1,560.00 square feet, which is an exclusive surface easement for a conveyor extension and a part of the bin corridor;

2435, area 14,206.0 square feet, which is a non-exclusive above ground easement for a conveyor extension;

All of the above described easements being shown on Map 524 filed with L. C. App. 1069 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

Said Easements 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, and 2435, being referred to, respectively, as Easements A-1, A-2, B, C, D-1, D-2, D-3, H-2, E-1, and E-2 in the aforesaid Harbor Lease No. H-89-14, Pier 6, Barbers Point Harbor, as amended.

Together with the right to operate and maintain a moveable unloader on and about Easements 2426 and 2427 (which right to operate and maintain are nominally referred to as Easement F in said Lease, as amended); and a right to water and the non-exclusive use of subsurface transmission facilities pertaining thereto (which right to water and the non-exclusive use of subsurface transmission facilities pertaining thereto is nominally referred to as Easement H-1 in said Lease, as amended).

All of which said easements and rights appurtenant thereto are located on the following described parcel of land:

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 3156, area 240.658 acres, as shown on Map 322, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being all of the land described in Transfer Certificate of Title No. 235,391 issued to the STATE OF HAWAII.

04020788-1

EXHIBIT "B"  
PERMANENT IMPROVEMENTS

The following lease-hold improvements should be considered to be permanent in that they are constructed from concrete or are imbedded in concrete:

1. 1600 feet of class 171 crane rail, rail anchor plates, end bumpers, anchor bolts, anchor wall, pier forming and unloader tie-downs.
2. An 856 foot long concrete conveyor trench with steel reinforced covers and sills.
3. A 20 foot x 20 foot x 20 foot deep concrete conveyor transfer pit with access stairs, hatch cover, sump pump, and lighting.
4. A 70 foot x 10 foot wide x 15 foot deep inclined concrete conveyor trench with lighting, and fire protection system.
5. A 40 foot x 38 foot two-story control house with concrete floors, concrete block lower walls, wood frame upper walls, windows, composition tile roof, stairs, lighting, doors, lavatories, kitchen and crew room.
6. Miscellaneous concrete foundations for transfer conveyor supports, control house, magnetic separator, transformer, cement silo, and truck loading bin.



**EXHIBIT "C"**  
**EQUIPMENT LIST**

Three portable truck loading hoppers  
Ship unloader, 1550 Tons Per Hour  
Pier conveyor 48" wide x 850' long  
Transfer conveyor and hood, 48" wide x 275' long  
Magnetic separator  
Permanent truck loading hopper with dual valves and nozzles  
Feeder conveyor, 670" wide x 32' long  
Motor control center  
Graphic control panel  
Communication system  
Drain pump  
Truck crane for trench cover removal  
Portable vacuum system for clean-up  
Pneumatic conveyor system  
Dust collectors for unloader  
Conveyor transfer points, and truck loading hopper  
Dual pressure tanks for cement conveyor  
Compressor, 700HP for cement conveyor  
Compressor, 15HP for cement conveyor  
Silo, 1600 ton capacity for cement conveyor  
Dual air conditioners for control house  
Pressure fan for control house