

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:

March 27, 2025

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

**MAUI**

Request for authorization to issue a Construction Right-of-Entry (CROE) and perpetual Grant of Easement (GOE) to Maui Electric Company, Limited, for non-exclusive electrical easements situated at Kahului Harbor, island of Maui, Tax Map Key (TMK) Nos. (2) 3-7-010:002 (Portion) and (2) 3-7-010:001 (Portion), Governor's Executive Order (GEO) No. 3318 (Premises).

**LEGAL REFERENCE:**

Hawaii Revised Statutes (HRS), Sections 171-6, 171-7, 171-11, 171-13, 171-17, 171-55, 171-59, and 171-95, as amended.

**APPLICANT:**

Maui Electric Company, Limited (Applicant), is a domestic profit corporation whose mailing address is P.O. Box 398, Kahului, Hawaii, 96733-6898.

**CHARACTER OF USE:**

To allow the Applicant and its permitted agents; assignees, contractors, sub-contractors, and agents, the right to enter upon and take possession of the Premises to: a) construct, reconstruct, operate, maintain, repair and remove poles, guy wires, anchors, overhead and/or underground wire lines, manholes and such other appliances and equipment as may be necessary for the transmission and distribution of electricity and/or 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 limitation to the generality of the foregoing: b) easements for overhead lines, subsurface lines, and related transformers and ancillary equipment; 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

Mr. Edwin H. Sniffen, Director  
March 27, 2025  
Page 2

right of ingress, egress, and regress over all the Hawaii Department of Transportation (HDOT) roads leading to the Premises.

LOCATION:

Portion of Government lands situated at Kahului Harbor, island of Maui, TMK No. (2) 3-7-010:002 (Portion) and (2) 3-7-010:001 (Portion), as shown on enclosed Exhibit A.

ZONING:

State Land Use Commission:                      Urban  
County of Maui:                                      M-2, Heavy Industrial (Draft)

TERM OF CROE:

Until the construction, reconstruction, operation, maintenance, repair and removal of poles, guy wires, anchors, overhead and/or underground wire lines, manholes and such other appliances and equipment as may be necessary for the transmission and distribution of electricity improvements are complete, and a perpetual, non-exclusive GOE, by and between the parties herein, is fully executed unless further extended in writing by the parties.

AREA: See enclosed Exhibit A

- Electrical subsurface easement: Approximately 2,000 sq. ft.
- Electrical overhead easement: Approximately 800 sq. ft.
- Transformer
- Vaults: 35 sq. ft./24 sq. ft.
- Overhead Primary and Secondary: 750 sq. ft.

CONSIDERATION:

Gratis

LAND TITLE STATUS:

TMK No. (2) 3-7-010:002 (Portion) under the control and management of the HDOT, through issuance of GEO No. 3318, and TMK No. (2) 3-7-010:001 (Portion) acquired via State acquisition by Warranty Deed, dated November 29, 2007, recorded in the Bureau of Conveyances of the State of Hawaii on November 30, 2007, as Document No. 2007-208187 and pending set aside by the GEO to the HDOT.

TRUST LAND STATUS:

Acquired after statehood (non-ceded).

CURRENT USE STATUS:

TMK No. (2) 3-7-010:002 (Portion) encumbered under GEO No. 3318, and TMK No. (2) 3-7-010:001 (Portion) acquired via State acquisition and pending set aside by the GEO to the HDOT.

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, Part 1: Modification of existing facilities or installation of new equipment.”

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.”

APPLICANT REQUIREMENTS:

The Applicant shall:

1. Obtain the following insurance during the term of the CROE and include the HDOT, as an additional insured:

- a. Bodily injury or property damage caused by the Applicant's or its permitted agent's negligence in the form of a general liability insurance policy with a combined single limit of one million dollars (\$1,000,000.00) for bodily injury and damage to property per occurrence, and two million dollars (\$2,000,000.00) in the aggregate.
  - b. Automobile insurance for any vehicles used to access and are on the Premises with a limit of \$1,000,000.00 per occurrence.
  - c. All insurance required to be maintained by the Applicant and its permitted agents hereunder shall be pursuant to policies in form and substance consistent with policies of a similar type issued to businesses similar to the Applicant and its permitted agents and issued by companies of sound and adequate financial responsibility, who are allowed to do business in the State of Hawaii, all as reasonably satisfactory to the State.
  - d. The Applicant shall include the State as an additional insured on the policies or provide other assurances, reasonably acceptable to the State, that the Applicant's insurance policies shall be primary, not in excess of or pro-rata and noncontributing as to add with any other insurance held or maintained by the State, for any injury or claim arising on the Premises due to the Applicant's negligence or the negligence of its permitted agents. The "State" shall include the State's officers and employees acting within the scope of their duties.
  - e. The Applicant shall provide proof of all required insurance to the State either by the production of an insurance certificate or some other written form reasonably acceptable to the State.
2. Use due care for public safety and agrees to defend, hold harmless, and indemnify the State, its officers, agents and employees, or any person acting for and, on its behalf, from and against all claims or demands for damage, including claims for property damage, personal injury, or death, arising on, about or in connection with the exercise of the rights and privileges herein granted, to the extent caused by the Applicant in its use of the Premises.
  3. Take all necessary steps to ensure that any of its work involving the Premises will not cause any permanent damage to property or improvements situated on, adjacent to, or near the Premises.
  4. Take all necessary steps to ensure that the work done on the Premises does not interfere with any of the operational activities of any adjacent property owners.
  5. Coordinate all activities with Staff of the HDOT.

6. At all times during the term of the CROE, comply with all applicable laws, statutes, ordinances, rules and regulations, whether State, County, or Federal, which are now or hereafter may be in effect.
7. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

REMARKS:

The Applicant's work is due to the relocation of the Harbor's Maintenance Facility at Kahului Harbor. The work includes removing existing poles, installing new poles, installing vault boxes, installing a transformer, and relocating and constructing new subsurface and overhead lines to improve efficiency and electrical standards at Kahului Harbor. The CROE and easements will allow the Applicant to relocate, install, construct, and maintain the easements.

RECOMMENDATION:

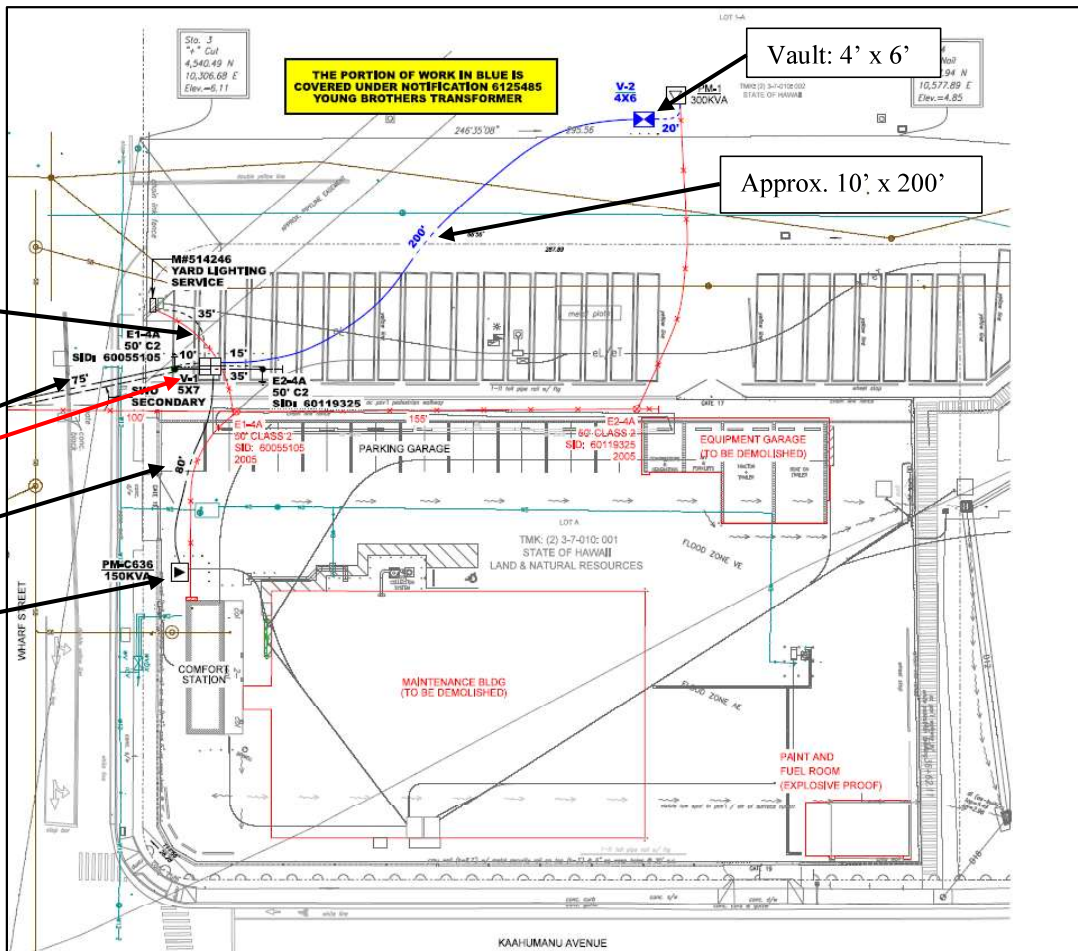
Based on this submittal, testimony and facts presented, the HDOT recommends authorizing the issuance of a CROE and perpetual, non-exclusive GOE for the purposes cited above, subject to the terms and conditions outlined above and incorporated herein by reference, and such other terms and conditions as 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

Enclosure



UH Lines: 5' x 35'

OH Lines: 10' x 75'

Vault: 5' x 7'

UG Line: 10' x 80'

Transformer

THE PORTION OF WORK IN BLUE IS COVERED UNDER NOTIFICATION 6125485 YOUNG BROTHERS TRANSFORMER

Vault: 4' x 6'

Approx. 10' x 200'

KAAHUMANU AVENUE