

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

OAHU

Request for Authorization to issue a Construction Right-of-Entry (CROE) to Kiewit Infrastructure West Co., for transport and processing/drying materials dredged from Kapalama Container Terminal (KCT) at Piers 42 and 43, situated at Kalaelo Barbers Point Harbor (KBPH), island of Oahu, Tax Map Key (TMK) No. (1) 9-1-014:024 (Portion), Governor's Executive Order No. 3383.

LEGAL REFERENCE:

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

APPLICANT:

Kiewit Infrastructure West Co. (Applicant) is a foreign profit corporation whose mailing address is 1550 Mike Fahey Street, Omaha, Nebraska, 68102.

CHARACTER OF USE:

To allow the Applicant and its permitted agents; assignees, contractors, subcontractors, and agents, the Right-to-Enter upon and take possession of the premises to transport and process/dry the materials dredged from KCT at Piers 42 and 43, and to temporarily occupy the lands under the jurisdiction of the Hawaii Department of Transportation (HDOT) and 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 HDOT roads leading to the areas.

LOCATION:

Portion of Government lands situated at KBPH, island of Oahu, TMK No. (1) 9-1-014:024 (Portion), as shown on enclosed Exhibit A.

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

ZONING:

State Land Use Commission: Urban  
City and County of Honolulu: I-2, Intensive Industrial District,  
I-3, Waterfront Industrial District,  
P-2, General Preservation District

AREA: See enclosed Exhibit A

Approximately 10 acres of unimproved, unpaved land.

TERMS AND CONSIDERATION, CROE:

Until the stockpile material may be removed from the temporary storage at KBPH and properly disposed of at disposal sites accepting fill material, consideration to be gratis.

LAND TITLE STATUS:

Governor's Executive Order No. 3383 for piers and shoreside facilities purpose to be under the control and management of the HDOT.

TRUST LAND STATUS:

Public Land Trust Information System lists status as multiple for TMK No. (1) 9-1-014:024 (Portion).

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. 22. “Installation of temporary parking and temporary storage of construction equipment and materials on HDOT property.”

APPLICANT REQUIREMENTS:

The Applicant shall:

1. Ensure that its Contractors and Subcontractors shall obtain the following insurance during the term of the CROE and include as additional insured:
  - a. Bodily injury or property damaged 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 per occurrence, and two million dollars (\$2,000,000.00) in the aggregate.
  - b. Automobile insurance for any vehicles used to access and that are on the Premises with a minimum 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 privilege herein granted, caused directly or approximately by any failure on the part of 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 is a subsidiary of one of North America's largest and most respected construction and engineering organizations. The Applicant's construction and design engineering professionals work on some of the industry's most complex, challenging and rewarding projects. The use of the premises by the Applicant is in support of the HDOT KCT project.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends the issuance of a CROE 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

Enclosure

**Area – Transport and Processing/Drying Materials Dredged from KCT**



Area – Approximately 10 acres of unimproved, unpaved land.