

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:

November 20, 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) and Grant of 65-year nonexclusive easement to the City and County of Honolulu (City) for the use of the Board of Water Supply for nonexclusive subsurface water improvements adjacent to Pier 2, Honolulu Harbor, island of Oahu, Tax Map Key (TMK) No. (1) 2-1-015:009 (Portion), Governor's Executive Order (GEO) No. 4238.

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:

The Board of Water Supply (Applicant) is a government agency whose mailing address is 630 South Beretania Street, Honolulu, Hawaii 96843. Pursuant to the Revised Charter of the City (1973), as amended (2017 Edition), Section 7-105(e), the Applicant has the authority to acquire, through various means, all real property, or any interest therein in the name of the City, for the construction, maintenance, repair, extension, or operation of the City's water systems.

CHARACTER OF USE:

To allow the Applicant and its permitted agents (including employees, assignees, contractors, sub-contractors, and agents) the right to enter upon and take possession of the premises to construct, reconstruct, operate, maintain, repair, replace, and remove surface and/or underground pipelines, valves, meters, boxes, and such other appliances and equipment (Facilities) as may be necessary for water service and fire protection purposes. This right shall include, from time to time and at all reasonable

times, the right of ingress to and egress from all Hawaii Department of Transportation (HDOT), Harbors, roads leading to the easement area.

The easement granted herein shall be used exclusively for the installation, operation, maintenance, repair, replacement, and removal of the Facilities, together with all necessary appurtenances. The Applicant shall ensure that all improvements within the easement area are constructed and maintained in compliance with all applicable federal, state, and county laws, ordinances, and regulations. The Applicant shall be responsible for any environmental remediation required as a result of leaks, spills, or discharges associated with the Facilities. The HDOT reserves the right to access the easement area at reasonable times for inspection purposes, provided that such access does not unreasonably interfere with the Applicant's use of the easement area.

LOCATION:

Portion of Government lands at Honolulu Harbor, island of Oahu, TMK No. (1) 2-1-015:009 (Portion) as shown on enclosed Exhibit A.

ZONING:

State Land Use Commission:	Urban
City and County of Honolulu:	Public Use Precinct
	Waterfront Industrial Precinct

TERM OF CROE:

The CROE shall be effective until the construction of the Facilities is completed to the satisfaction of the Applicant and the execution and recordation of the Grant of Easement.

AREA: See enclosed Exhibit A

CONSIDERATION:

Gratis.

LAND TITLE STATUS:

Per GEO No. 4238, premises was set aside to the HDOT.

TRUST LAND STATUS:

Acquired after statehood, non-ceded.

CURRENT USE STATUS:

TMK No. (1) 2-1-015:009 (Portion), encumbered under GEO No. 4238, for continued manifested cargo and passenger operation purposes.

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. Ensure that its contractor and sub-contractors, shall 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 Applicant’s or its permitted agent’s negligence in the form of a general liability insurance policy with a combined single limit of not less than 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 minimum limit of not less than \$1,000,000.00 per occurrence.
 - c. All insurance required to be maintained by 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 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 reasonable 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 Applicant's insurance policies shall be primary, not in excess of or pro-rata and noncontributing as to and with any other insurance held or maintained by the State, for any injury or claim arising on the Premises due to Applicant's negligence or the negligence of its permitted agents. The term "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 reasonable acceptable to the State.
- 2. Use due care for public safety and agrees to 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, 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 Premise.
 - 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 federal, state, or county, 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 required due to the relocation of the HDOT Harbor's Administrative Offices. The project includes the installation and connection of fire suppression and water lines at Honolulu Harbor. The CROE and Easements will allow the Applicant to relocate, install, construct, operate, and maintain the Facilities.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends authorizing the issuance of a CROE and the granting of a 65-year nonexclusive easement 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

