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KE KIA'ĀINA



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DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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IN REPLY REFER TO:

HAR-PM.26.1284

April 23, 2026

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

OAHU

Issuance of a Construction Right-of-Entry (CROE) to Royal Contracting Co., Ltd., for removal of coral stockpile material, situated at Kalaeloa Barbers Point Harbor (KBPH), Oahu, Tax Map Key (TMK) No. (1) 9-1-014:024 (Portion), Governor's Executive Order (GEO) No. 3383.

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:

Royal Contracting Co., Limited (Applicant) is a domestic profit corporation, whose mailing address is 1002 Puuwai Street, Honolulu, Hawaii 96819.

CHARACTER OF USE:

To allow the Applicant and its permitted agents (including employees, assignees, contractors, subcontractors, and agents) the right to enter upon the Premises to remove and transport coral stockpile material. This right shall include, from time to time and at all reasonable times, the right to ingress and egress from all the Hawaii Department of Transportation (HDOT), Harbors, roads leading to the Premises.

LOCATION:

Portions of Government lands at KBPH, Oahu, TMK No. (1) 9-1-014:024 (Portion), GEO No. 3383, as shown on enclosed Exhibit A.

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ZONING:

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

TERM OF CROE:

The CROE shall be effective for 12 months, with the option to extend by 6 months as necessary.

AREA: See enclosed Exhibit A

CONSIDERATION:

Gratis.

LAND TITLE STATUS:

Per GEO No. 3383, the Premises were set aside to the HDOT.

TRUST LAND STATUS:

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

CURRENT USE STATUS:

TMK No. (1) 9-1-014:024 (Portion), encumbered under GEO No. 3383, for piers and shoreside facilities purposes to be under the control and management of 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 4: Minor alteration in the conditions of land, water, or vegetation.”

“Exemption Type 8: Continuing administrative activities”

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 4, Part 1:

- No. 1. "Remove natural materials, including displaced boulders, and dislocated soils and vegetation."

Exemption Type 8, Part 1:

- No. 8f. "Execute and administer rights-of-entry agreements, use and occupancy contracts."

APPLICATION REQUIREMENTS:

The Applicant shall:

1. Ensure that its contractor and subcontractors, 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 the 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 the 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 the 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. Ensure compliance with the 2014 Consent Decree between the United States (U.S.) and the HDOT (Case 1:14-cv-00408-JMS-KSC, filed November 5, 2014) through adherence to the following:
 - a. The Applicant shall provide inspection and monitoring services to ensure stockpiles are sealed once removal of material is completed.
 - b. The Applicant will not store tools, equipment, or material on site at KBPH.
 - c. The Applicant shall comply with all storm water regulatory requirements and provide monitoring reports on a bi-monthly basis (monitoring reports shall also verify the quantities of materials removed from the stockpiles).
 - d. Prior to removal of any material, the Applicant shall submit the following:
 - i. Best Management Practices Plan.
 - ii. Storm Water Prevention Plan.
 - iii. Post-Construction Mitigation Plan.
 - iv. Final Stockpile Depletion Plan to the HDOT Harbors for approval.
 - e. Upon completion of the removal, management, direction, and inspection, the Applicant shall provide verification that the project sites are stabilized in

accordance with its submitted and approved plans, and in compliance with the terms of the Consent Decree.

- f. The Applicant shall provide a grading and drainage stabilization plan to ensure that following removal of the coral, rainwater from the remaining site will not drain toward the harbor.
8. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

REMARKS:

Coral stockpiles situated at KBPH consist of dredged spoils during the original development of KBPH. These stockpiles present pollution control issues for the HDOT Harbors, specifically managing dust and stormwater runoff into ocean waters. Consequently, the State of Hawaii and the HDOT Harbors were found to be in violation of the Clean Water Act.

Per the 2014 Consent Decree between the U.S. and the HDOT Harbors (Case 1:14-cv-00408-JMS-KSC, filed November 5, 2014), the U.S. Environmental Protection Agency approved a Dredge Spoil Stockpile Management Plan for KBPH in January 2015. The intent is to dispose of all stockpiled materials as soon as possible to support further development in accordance with the KBPH 2040 Master Plan.

The Applicant's proposed work involves the removal and transportation of an estimated 600,000 cubic yards of material from coral stockpiles located at various sites within KBPH.

RECOMMENDATION:

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

Kalaeloa Barbers Point Harbor Coral Stockpiles



Stockpile	Description	Type	Approximate Sq. Ft.
2A	Coral Stockpile	Improved Land - Unpaved	467,400
2B	Coral Stockpile	Improved Land - Unpaved	136,750
2C	Coral Stockpile	Improved Land - Unpaved	40,100
3	Coral Stockpile	Improved Land - Unpaved	380,300
4	Coral Stockpile	Improved Land - Unpaved	140,480
5	Coral Stockpile	Improved Land - Unpaved	384,830