



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
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IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

ISSUANCE OF A CONSTRUCTION RIGHT-OF-ENTRY TO KIEWIT
INFRASTRUCTURE WEST COMPANY, AT THE 1845 AUIKI STREET, FORMER
KAPALAMA MILITARY RESERVATION, KALIHI-KAI, HONOLULU, OAHU,
TAX MAP KEY NO. (1) 1-2-025, PORTIONS OF 011, 084, 100

LEGAL REFERENCE:

Chapters 171-13 and 171-55, Hawaii Revised Statutes, as amended.

APPLICANT:

Kiewit Infrastructure West Company ("Applicant"), a foreign profit corporation, whose
mailing address is 707 Richards Street, Suite 750, Honolulu, Hawaii 96813

CHARACTER OF USE:

To allow Applicant and its permitted agents (assignees, contractors, sub-contractors, and
agents) the right to enter upon and take possession of the premises for the purposes of
establishing a temporary field office, parking, and storage area for the Applicant to
support construction support construction of the H.C. 10502 Kapalama Container
Terminal Yard project (a.k.a. Kapalama Container Terminal – Phase I)

LOCATION:

Portion of Government lands, situated at 1845 Auiki Street, Former Kapalama Military
Reservation, Kalihi-Kai, Honolulu, Oahu, Tax Map Key No. (1) 1-2-025, portions of 011,
084, and 100, as shown on the attached map labeled Exhibit "A."

AREA:

A portion of the site consisting of 1.88 acres land area as improved with 42,200 sq. ft. of
warehouse space

ITEM M-6

CONSIDERATION:

Gratis

ZONING:

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

TERM OF RIGHT-OF-ENTRY:

To commence upon the execution of the right-of-entry agreement and to continue through the construction period of Phase I of the Kapalama Container Terminal; provided that DOT expects this parcel to be withdrawn by Executive Order and may be required to terminate this right-of-entry at that time.

CURRENT USE STATUS:

Encumbered under Governor's Executive Order 3947 issued to the Department of Transportation for Harbors Purposes

LAND TITLE STATUS:

Land acquired after Statehood (non-ceded)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

A Declaration of Exemption from the preparation of an environmental assessment has been made by the Director of Transportation for the proposed right-of-entry use. This is exempt from Office of Environmental Quality Control requirements pursuant to Sub-Chapter 11-200-8 of the Hawaii Administrative Rules that exempts the "operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing."

APPLICANT REQUIREMENTS:

1. Applicant shall ensure that its contractors, sub-contractors shall obtain the following insurance during the term of the Right-of-Entry and naming the Department of Transportation, Harbors Division as 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 \$500,000.00 for bodily injury and damage to property per occurrence, and \$1,000,000 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 \$500,000.00 per occurrence and \$1,000,000 in the aggregate.

- (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 similar type issued to businesses similar to Applicant and its permitted agents and issued by companies of sound and adequate financial responsibility, who are authorized to do business in the State of Hawaii, all as reasonably satisfactory to the State.
 - (d) Applicant shall name 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 "State" shall include the State's officers and employees acting within the scope of their duties.
 - (e) Applicant shall provide proof of all required insurance to the State either by production of the actual insurance policies or by an insurance certificate on an ACORD form or some other written form reasonably acceptable to the State, together with appropriate written evidence, reasonably satisfactory to the State, that the insurance premiums have been paid.
2. Applicant and its permitted agents shall 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 connections 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. Applicant shall 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. The State grants Applicant a right to enter upon the lands herein described. Upon expiration of the right-of-entry, Applicant shall, at its sole cost and expense, restore the premises, and the ingress and egress thereto, to the condition it was in immediately prior to commencement of the right-of-entry, to the satisfaction of the State within a reasonable time after such expiration.
 5. Applicant shall 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, including, but not limited to, the State of Hawaii, Department of Agriculture.
 6. Applicant shall coordinate all activities with Staff of the Department of Transportation Harbors Division.

7. Applicant shall, at all times during the term of Right-of-Entry, comply with all applicable laws, statutes, ordinances, rules and regulations, whether State, County, or Federal, which are now or hereafter may be in effect.

REMARKS:

Applicant is the DOT Harbors Division contractor responsible for the construction of Phase I of the Kapalama Container Terminal and will establish its project field office on a portion of this site and will include use of the existing warehouse on the site. The field office will consist of a temporary mobile office unit, parking, and storage of equipment required for the project. The site is now vacant and the parking and storage areas are in good condition.

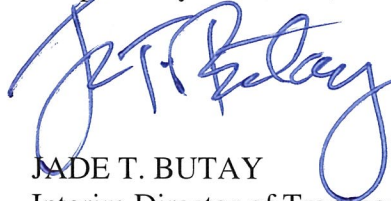
The location of the field office in proximity to the site supports efficient operations during construction of this project.

This site has been identified as a future location of the State of Hawaii Department of Agriculture Animal Quarantine Branch and the DOT expects this parcel to be withdrawn by Executive Order at a date to be determined. Both the DOT and the Applicant acknowledge that this proposed action may impact this Right-of-Entry, but appreciate use of this parcel until it is withdrawn.

RECOMMENDATION:

That the Board authorizes the issuance of a Right-of-Entry to the Applicant and its permitted agents covering the subject area for the purposes cited above, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation.

Respectfully submitted,



JADE T. BUTAY
Interim Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

Exhibit "A"

1845 Auiki Street Site, In Relation to the Kapalama Container Terminal Project Site

