



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

IN REPLY REFER TO:

January 25, 2019

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

OAHU

ISSUANCE OF A RIGHT-OF-ENTRY TO HONOLULU AUTHORITY FOR RAPID TRANSIT (HART) FOR THE TRANSPLANTATION OF COCONUT TREES INTO THE LANDSCAPED AREAS WITHIN THE PARKING AREAS AT IRWIN MEMORIAL PARK, PIERS 5/6, AND THE FORMER U.S. PUBLIC HEALTH SERVICE BUILDING NEAR PIERS 1/2, HONOLULU HARBOR, OAHU, TAX MAP KEY NOS. (1) 2-1-013:007, (1) 2-1-001:057 (PORTION), (1) 2-1-015:019 (PORTION)

**LEGAL REFERENCE:**

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

**APPLICANT:**

Honolulu Authority for Rapid Transit (HART), a semi-autonomous public transit authority of the City and County of Honolulu, whose business address is 1099 Alakea Street, 17<sup>th</sup> Floor, 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 removing aged coconut trees and transplanting younger coconut trees in their place.

**LOCATION:**

Portion of Government lands situated at Irwin Memorial Park, Piers 5/6, and Piers 1/2, Honolulu Harbor, Tax Map Key Nos. (1) 2-1-013:007, (1) 2-1-001:057 (por.), (1) 2-1-015:019 (por.), as delineated in red shown on the attached map labeled Exhibit "A." As stated below, said lands have been set aside to the State of Hawaii Department of Transportation ("DOT") by Executive Orders 472, 3542, and 4238.

**AREA:**

Irwin Memorial Park, 2.16 acres, more or less  
Piers 5/6, 0.20 acres, more or less

**ITEM M-3**

Piers 1/2, 1.45 acres, more or less

**CONSIDERATION:**

Gratis. It is noted that the right-of-entry facilitates the transplantation of coconut trees into the landscaped areas within the parking areas at these sites. This work is to be done at no cost to DOT.

**ZONING:**

State Land Use Commission:	Urban
City and County of Honolulu:	Aloha Tower Development Corporation, Park and Hotel/Office/Commercial/Residential; Kakaako Special Design District; Waterfront Industrial I-3

**TERM OF RIGHT-OF-ENTRY:**

Twelve (12) months, with the option to extend the term in increments of ninety (90) days until the transplantation project as described herein is complete.

**COMMENCEMENT DATE:**

To be determined by the Director of Transportation

**CURRENT USE STATUS:**

Parking area

**LAND TITLE STATUS:**

Owned by State of Hawaii; management and control of the property was transferred to the DOT by Executive Orders 472, 3542, and 4238.

**TRUST LAND STATUS**

Portions of the subject property were acquired pursuant to Section 5(a) and Section 5(b) of The Admissions Act, and the remainder of the subject property was acquired pursuant to Public Law 88-233.

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

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 following: *Exemption Class 4. Minor alteration in the conditions of land, water, or vegetation.*

- 2. *Landscaping: trimming and/or transplanting of trees; sodding of bare areas for dust and erosion control.*

**APPLICANT REQUIREMENTS:**

Applicant and its permitted agents shall:

1. Ensure that their 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 \$1,000,000.00 for bodily injury and damage to property per occurrence, and \$2,000,000 in the aggregate.
  - (b) 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. 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.
3. 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.
4. Coordinate all activities with Staff of the Department of Transportation Harbors Division.
5. 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.
6. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

**REMARKS:**

As part of the current phase of the Honolulu High-Capacity Transit Corridor Project, approximately 62 coconut trees will need to be removed from the median of Nimitz Highway and transplanted away from this project site. The DOT has agreed to accept these coconut trees and to allow HART and its contractors to transplant these at the three identified sites. The transplantation includes a one-for-one replacement for the same number of trees. The existing trees have been evaluated by an arborist who has determined the condition and aesthetic value of these trees are in decline and should be replaced. The oldest of the existing trees are estimated to exceed 70 years of age. The

condition, age, and height of these trees increase maintenance costs, as well as risk to the adjacent and surrounding parking areas.

The trees to be transplanted are in significantly better condition and are no older than 15 years of age.

Further, HART has agreed to complete the transplantation scope of work at its sole cost and at no cost to the DOT.

**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  
Director of Transportation

**APPROVED FOR SUBMITTAL:**

SUZANNE CASE  
Chairperson and Member  
Board of Land and Natural Resources