

DAVID Y. IGE
GOVERNOR



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

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

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

OAHU

ISSUANCE OF A CONSTRUCTION RIGHT-OF-ENTRY, GRANT OF EASEMENT (PERPETUAL, NON-EXCLUSIVE EASEMENT) TO HAWAIIAN ELECTRIC COMPANY, INC., FOR THE INSTALLATION AND OPERATION OF NEW UNDERGROUND LINES AND RELATED FACILITIES NEEDED TO SERVICE KAPALAMA CONTAINER TERMINAL, HONOLULU HARBOR, OAHU, TAX MAP KEY NO. (1) 1-2-025:PORTIONS OF 002, 009, 011, 012, 016, AND 017.

LEGAL REFERENCE:

Sections: 171-7, 171-11, and 171-95, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

Hawaiian Electric Company, Inc. (Applicant) a domestic profit corporation whose mailing address is P.O. Box 2750, Honolulu, Hawaii 96840.

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 to construct, reconstruct, operate, maintain, repair and remove underground wire lines, and manholes and such appliances and equipment as may be necessary for the transmission and distribution of electricity and/or communication, including all service lines emanating from the main trunk line, to be used for light and power and/or communications and control circuits, including without limiting the generality of the foregoing. Together with, the right from time to time, and at all reasonable times to enter upon the easement area for the above-mentioned purposes, and, also, the right of ingress, egress, and regress over all the Department of Transportation, Harbors Division (DOT Harbors) roads leading to the easement area.

ITEM M-9

LOCATION:

The portion of Government lands situated on Sand Island, Honolulu Harbor, Tax Map Key No. (1) 1-2-025: Portions of 002, 009, 011, 012, 016, and 017, as Delineated in red shown on the attached maps labeled Exhibits A, B, C, and D. As stated below, a portion of said lands have been set aside to the State of Hawaii, Department of Transportation (DOT) by Executive Order Nos. 3013, 3947, 4206, 4503, 4574, and 4596.

AREA:

1. Exhibit A
 - a. Duct Bank: approximately 12,100 square feet
 - b. Transformers: approximately 230 square feet
 - c. Switchgear: approximately 310 square feet
2. Exhibit B
 - a. Duct Bank: approximately 27,350 square feet
 - b. Transformer: approximately 240 square feet
 - c. Switchgear: approximately 365 square feet
3. Exhibit C
 - a. Duct Bank: approximately 16,200 square feet
 - b. Transformer: approximately 240 square feet
 - c. Switchgear: approximately 310 square feet
4. Exhibit D
 - a. Duck Bank: approximately 1,600 square feet
 - b. Switchgear: approximately 1,700 square feet

CONSIDERATION:

Gratis - Pursuant to HRS 171-95

ZONING:

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

TERM OF CONSTRUCTION RIGHT-OF-ENTRY:

Until the construction, reconstruction, operation, maintenance, repair and removal of underground wire lines, and manholes and such appliances and equipment as may be

necessary for the transmission and distribution of electricity and/or communication improvements are complete; and, the execution of the Easement.

COMMENCEMENT DATE:

Upon approval by the Board of Land and Natural Resources.

CURRENT USE STATUS:

Land encumbered under Governor's Executive Order Nos. 3013, 3947, 4206, 4503, 4574, and 4596, dated June 25, 1980, September 24, 2002, November 6, 2007, June 3, 2016, December 7, 2018, and October 8, 2019, setting aside land for harbor and related purposes to be under the control of the DOT.

LAND TITLE STATUS:

Owned by the State of Hawaii; management and control of the property was transferred to the DOT by Executive Order Nos. 3013, 3947, 4206, 4503, 4574, and 4596.

TRUST LAND STATUS:

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

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

A Final Environmental Impact Statement, of the Kapalama Container Terminal and Tenant Relocations, Honolulu, Harbor, Oahu: (Published November 8, 2014)

APPLICANT REQUIREMENTS:

The Applicant shall:

1. Ensure that their contractors and sub-contractors, shall obtain the following insurance during the term of the Construction Right-of-Entry and include the DOT Harbors, 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 \$1,000,000.00 for bodily injury and damage to property per occurrence, and \$2,000,000 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 \$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 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 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) The Applicant shall provide proof of all required insurance to the State either by the production of the actual insurance policies or by an insurance certificate or some other written form reasonably acceptable to the State, together with appropriate written evidence, reasonably satisfactory 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 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. 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. Upon expiration of the Construction Right-of-Entry, 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 Construction Right-of-Entry, to the satisfaction of the State within a reasonable time after such expiration.
5. 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.
6. Coordinate all activities with Staff of the DOT Harbors.
7. At all times during the term of Construction 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.
8. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

REMARKS:

The DOT Harbors is developing a new 94-acre container terminal adding 2,886 linear feet of the pier to receive overseas cargo and for the trans-shipment of cargo to the neighbor islands [See Final Environmental Impact Statement, Kapalama Container Terminal and Tenant Relocations, Honolulu, Harbor, Oahu: (Published November 8, 2014.)

The scope of the Applicant's work as described above in the "Character of Use" is part of the Kapalama Container Terminal and Tenant Relocations project. The easement will locate new electrical facilities within the Kapalama Container Yard and thus provide power and communication services for the future development of the container yard.

RECOMMENDATION:

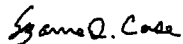
That the Board authorizes the issuance of a Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive Easement) to Applicant to service Kapalama Container Terminal, Honolulu Harbor, Oahu, Tax Map Key No. (1) 1-2-025: Portions of 002, 009, 011, 012, 016, and 017, subject to the terms of the Construction Right-of-Entry stated above, and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation; effective the date of the Board's approval.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

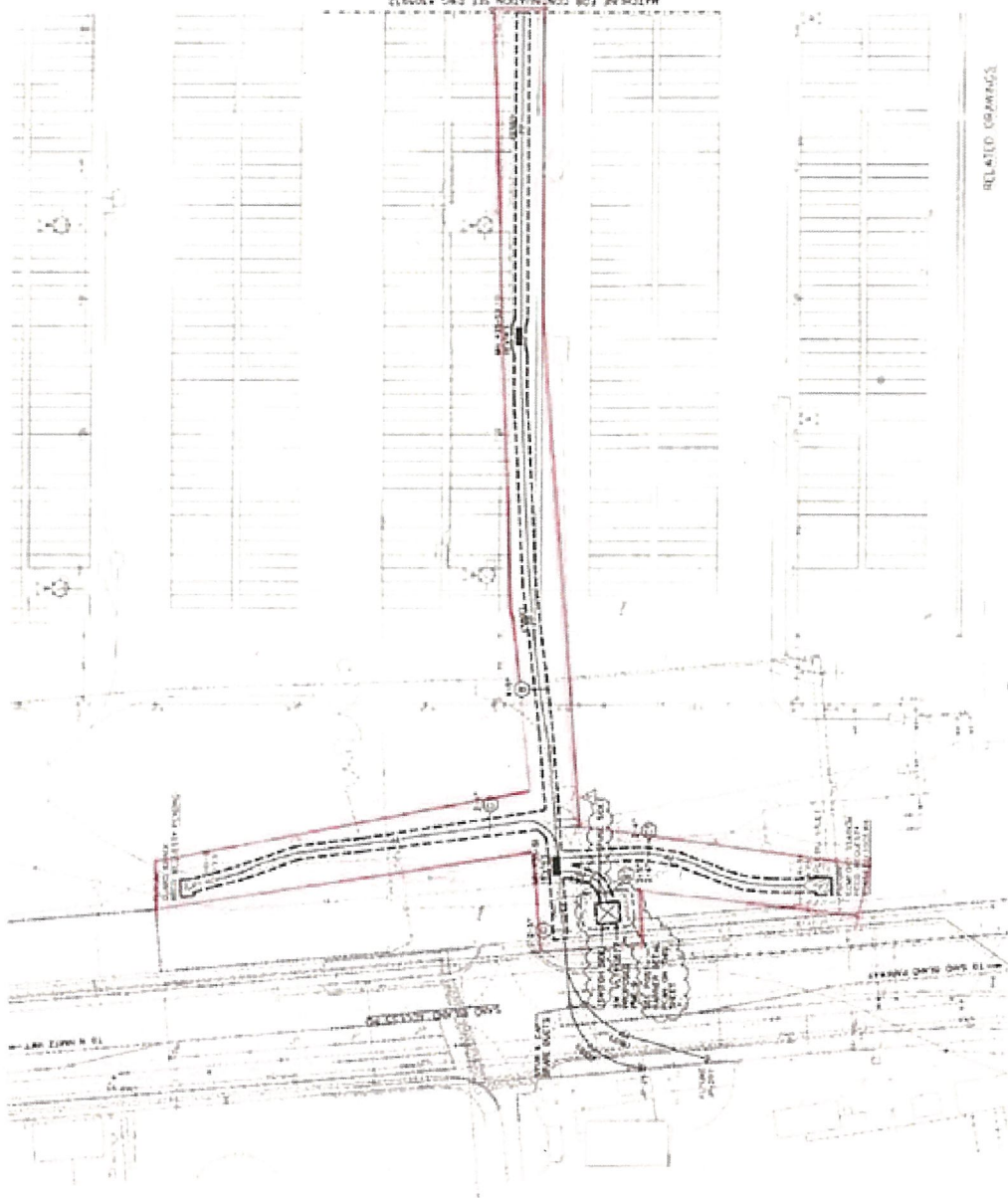
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member
Board of Land and Natural Resources

Attachments: Exhibits A, B, C, and D

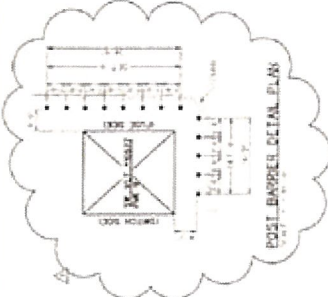
EXHIBIT A



KEY MAP

NOTE: ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.

SYMBOL	DESCRIPTION
(Symbol)	1" X 4" POST
(Symbol)	2" X 4" POST
(Symbol)	4" X 4" POST
(Symbol)	6" X 6" POST
(Symbol)	8" X 8" POST
(Symbol)	10" X 10" POST
(Symbol)	12" X 12" POST
(Symbol)	14" X 14" POST
(Symbol)	16" X 16" POST
(Symbol)	18" X 18" POST
(Symbol)	20" X 20" POST
(Symbol)	24" X 24" POST
(Symbol)	30" X 30" POST
(Symbol)	36" X 36" POST
(Symbol)	42" X 42" POST
(Symbol)	48" X 48" POST
(Symbol)	54" X 54" POST
(Symbol)	60" X 60" POST
(Symbol)	72" X 72" POST
(Symbol)	84" X 84" POST
(Symbol)	96" X 96" POST
(Symbol)	108" X 108" POST
(Symbol)	120" X 120" POST
(Symbol)	144" X 144" POST
(Symbol)	168" X 168" POST
(Symbol)	192" X 192" POST
(Symbol)	216" X 216" POST
(Symbol)	240" X 240" POST
(Symbol)	264" X 264" POST
(Symbol)	288" X 288" POST
(Symbol)	312" X 312" POST
(Symbol)	336" X 336" POST
(Symbol)	360" X 360" POST
(Symbol)	384" X 384" POST
(Symbol)	408" X 408" POST
(Symbol)	432" X 432" POST
(Symbol)	456" X 456" POST
(Symbol)	480" X 480" POST
(Symbol)	504" X 504" POST
(Symbol)	528" X 528" POST
(Symbol)	552" X 552" POST
(Symbol)	576" X 576" POST
(Symbol)	600" X 600" POST
(Symbol)	624" X 624" POST
(Symbol)	648" X 648" POST
(Symbol)	672" X 672" POST
(Symbol)	696" X 696" POST
(Symbol)	720" X 720" POST
(Symbol)	744" X 744" POST
(Symbol)	768" X 768" POST
(Symbol)	792" X 792" POST
(Symbol)	816" X 816" POST
(Symbol)	840" X 840" POST
(Symbol)	864" X 864" POST
(Symbol)	888" X 888" POST
(Symbol)	912" X 912" POST
(Symbol)	936" X 936" POST
(Symbol)	960" X 960" POST
(Symbol)	984" X 984" POST
(Symbol)	1008" X 1008" POST
(Symbol)	1032" X 1032" POST
(Symbol)	1056" X 1056" POST
(Symbol)	1080" X 1080" POST
(Symbol)	1104" X 1104" POST
(Symbol)	1128" X 1128" POST
(Symbol)	1152" X 1152" POST
(Symbol)	1176" X 1176" POST
(Symbol)	1200" X 1200" POST
(Symbol)	1224" X 1224" POST
(Symbol)	1248" X 1248" POST
(Symbol)	1272" X 1272" POST
(Symbol)	1296" X 1296" POST
(Symbol)	1320" X 1320" POST
(Symbol)	1344" X 1344" POST
(Symbol)	1368" X 1368" POST
(Symbol)	1392" X 1392" POST
(Symbol)	1416" X 1416" POST
(Symbol)	1440" X 1440" POST
(Symbol)	1464" X 1464" POST
(Symbol)	1488" X 1488" POST
(Symbol)	1512" X 1512" POST
(Symbol)	1536" X 1536" POST
(Symbol)	1560" X 1560" POST
(Symbol)	1584" X 1584" POST
(Symbol)	1608" X 1608" POST
(Symbol)	1632" X 1632" POST
(Symbol)	1656" X 1656" POST
(Symbol)	1680" X 1680" POST
(Symbol)	1704" X 1704" POST
(Symbol)	1728" X 1728" POST
(Symbol)	1752" X 1752" POST
(Symbol)	1776" X 1776" POST
(Symbol)	1800" X 1800" POST
(Symbol)	1824" X 1824" POST
(Symbol)	1848" X 1848" POST
(Symbol)	1872" X 1872" POST
(Symbol)	1896" X 1896" POST
(Symbol)	1920" X 1920" POST
(Symbol)	1944" X 1944" POST
(Symbol)	1968" X 1968" POST
(Symbol)	1992" X 1992" POST
(Symbol)	2016" X 2016" POST
(Symbol)	2040" X 2040" POST
(Symbol)	2064" X 2064" POST
(Symbol)	2088" X 2088" POST
(Symbol)	2112" X 2112" POST
(Symbol)	2136" X 2136" POST
(Symbol)	2160" X 2160" POST
(Symbol)	2184" X 2184" POST
(Symbol)	2208" X 2208" POST
(Symbol)	2232" X 2232" POST
(Symbol)	2256" X 2256" POST
(Symbol)	2280" X 2280" POST
(Symbol)	2304" X 2304" POST
(Symbol)	2328" X 2328" POST
(Symbol)	2352" X 2352" POST
(Symbol)	2376" X 2376" POST
(Symbol)	2400" X 2400" POST
(Symbol)	2424" X 2424" POST
(Symbol)	2448" X 2448" POST
(Symbol)	2472" X 2472" POST
(Symbol)	2496" X 2496" POST
(Symbol)	2520" X 2520" POST
(Symbol)	2544" X 2544" POST
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(Symbol)	2592" X 2592" POST
(Symbol)	2616" X 2616" POST
(Symbol)	2640" X 2640" POST
(Symbol)	2664" X 2664" POST
(Symbol)	2688" X 2688" POST
(Symbol)	2712" X 2712" POST
(Symbol)	2736" X 2736" POST
(Symbol)	2760" X 2760" POST
(Symbol)	2784" X 2784" POST
(Symbol)	2808" X 2808" POST
(Symbol)	2832" X 2832" POST
(Symbol)	2856" X 2856" POST
(Symbol)	2880" X 2880" POST
(Symbol)	2904" X 2904" POST
(Symbol)	2928" X 2928" POST
(Symbol)	2952" X 2952" POST
(Symbol)	2976" X 2976" POST
(Symbol)	3000" X 3000" POST



RELATED DRAWINGS

- 30100 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN I
- 30200 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN II
- 30300 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN III
- 30400 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN IV
- 30500 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN V
- 30600 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN VI
- 30700 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN VII
- 30800 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN VIII
- 30900 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN IX
- 31000 - KAPALAMA CONTAINER TERMINAL YD. 00-00 SAND ISLAND ACCESS RD. PARTIAL ELECTRICAL SITE PLAN X

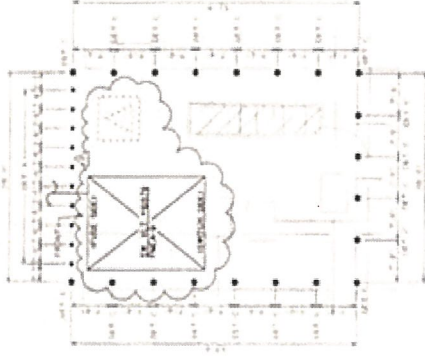
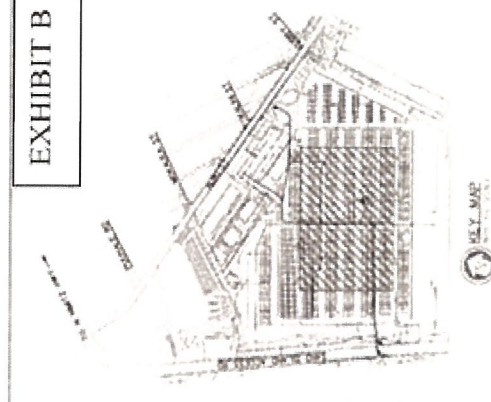
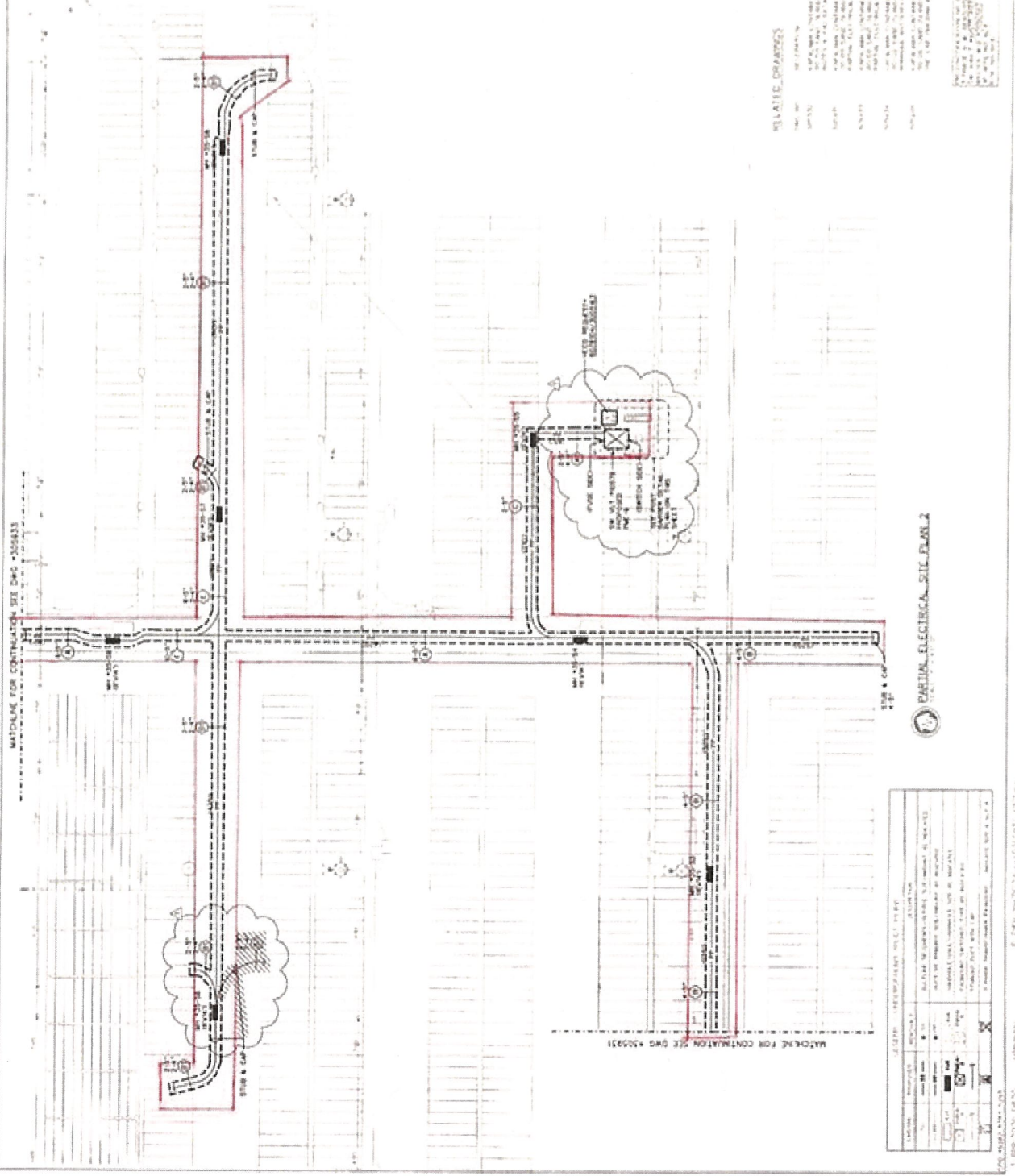
PARTIAL ELECTRICAL SITE PLAN I

KAPALAMA CONTAINER TERMINAL YD.
00-00 SAND ISLAND ACCESS RD.
PARTIAL ELECTRICAL SITE PLAN I

DATE: 01/15/2010
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

305931

EXHIBIT B



RELATED DRAWINGS

NO. 100
NO. 101
NO. 102
NO. 103
NO. 104
NO. 105
NO. 106
NO. 107
NO. 108
NO. 109
NO. 110

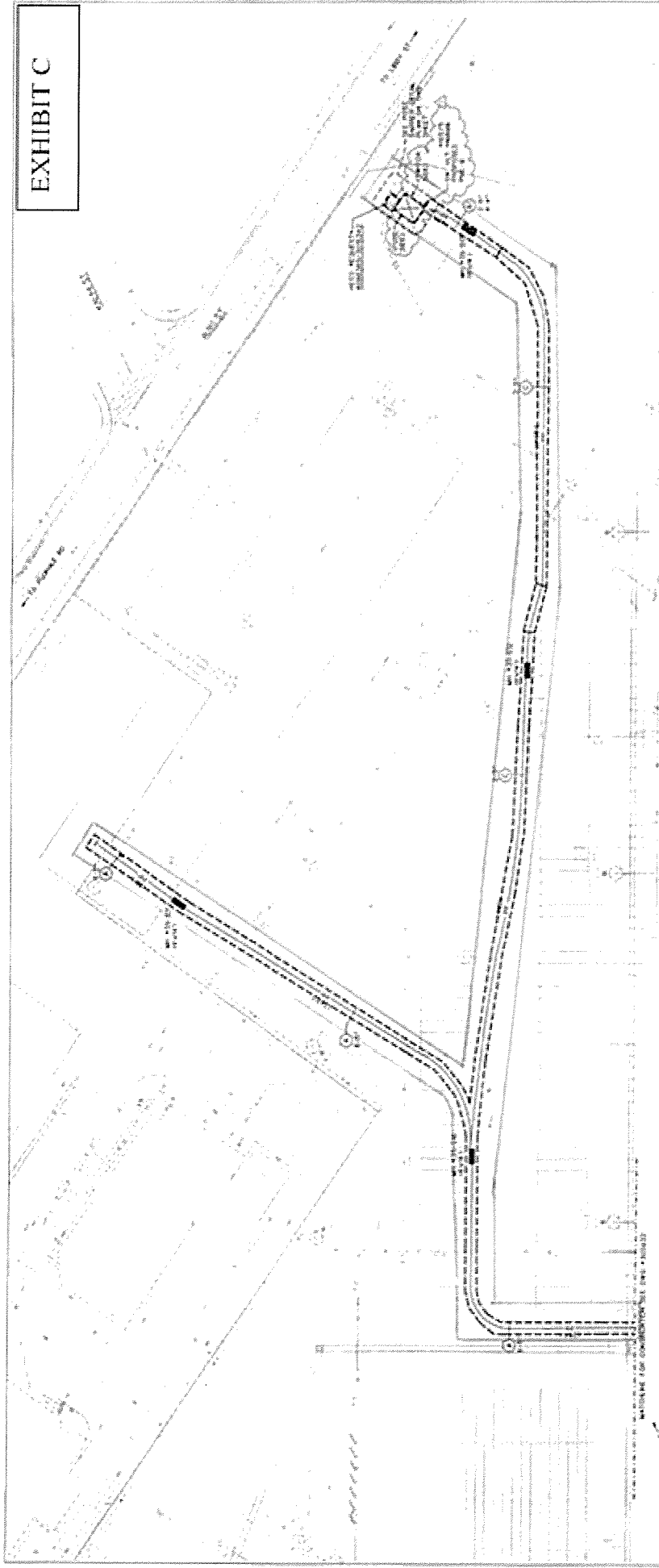
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3	10/1/00
4	10/1/00
5	10/1/00
6	10/1/00
7	10/1/00
8	10/1/00
9	10/1/00
10	10/1/00

305932 1

**KAPALAMA CONTAINER TERMINAL YD.
00-00 SAND ISLAND ACCESS RD.
PARTIAL ELECTRICAL SITE PLAN 2**

DATE: 10/1/00
SCALE: AS SHOWN
PROJECT NO.: 305932
SHEET NO.: 1 OF 1

EXHIBIT C



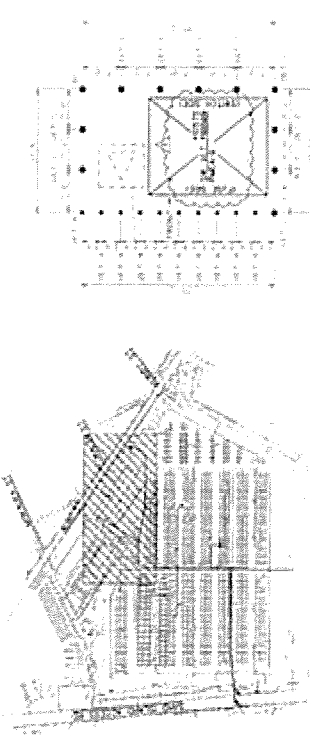
EXISTING ELECTRICAL SITE PLAN

NOT TO SCALE - SEE ALL NOTES AND SPECIFICATIONS

REVISED DRAWING

- NO. 101
- NO. 102
- NO. 103
- NO. 104
- NO. 105
- NO. 106
- NO. 107
- NO. 108
- NO. 109
- NO. 110
- NO. 111
- NO. 112
- NO. 113
- NO. 114
- NO. 115
- NO. 116
- NO. 117
- NO. 118
- NO. 119
- NO. 120

NO.	DESCRIPTION	DATE
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7	ISSUED FOR PERMITS	10/15/10
8	ISSUED FOR PERMITS	10/15/10
9	ISSUED FOR PERMITS	10/15/10
10	ISSUED FOR PERMITS	10/15/10
11	ISSUED FOR PERMITS	10/15/10
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13	ISSUED FOR PERMITS	10/15/10
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16	ISSUED FOR PERMITS	10/15/10
17	ISSUED FOR PERMITS	10/15/10
18	ISSUED FOR PERMITS	10/15/10
19	ISSUED FOR PERMITS	10/15/10
20	ISSUED FOR PERMITS	10/15/10



KEY MAP

ESG1 INHIBIT DETAIL PLAN

KAPALAMA CONTAINER TERMINAL, YD.
 00-00 SAND ISLAND ACCESS RD.
 PARTIAL ELECTRICAL SITE PLAN 3

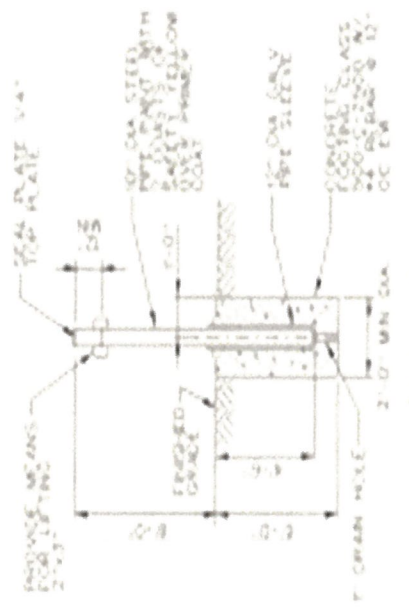
306833 1

10/15/10

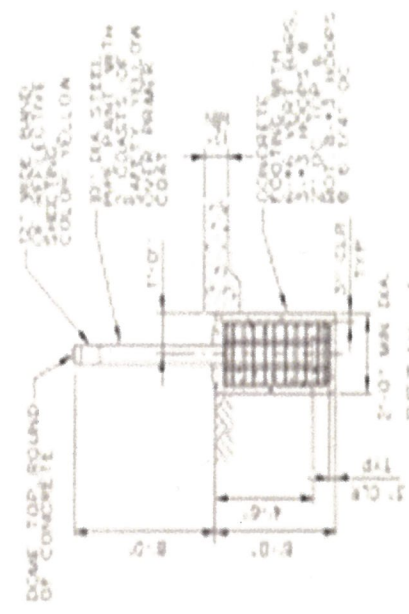
EXHIBIT D



LOCATION MAP
NOT TO SCALE



DETAIL A
PERMANENT MAN-REMOVABLE
MAN-CONCRETE FILLED IN-
INTENDED FOR THE PERM
EQUIPMENT WHEN ACCESS IS
FROM THE FRONT



DETAIL B
REMOVABLE CONCRETE FILLED POST BARRIER.
INTENDED TO ALLOW ACCESS FOR HECO
RE TRUCKS, GENIE'S, OR FORK LIFT FOR THE
REPLACEMENT OF UNIT

STANCHION DETAILS
NOT TO SCALE

