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GOVERNOR



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DIRECTOR

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IN REPLY REFER TO:

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

February 12, 2021

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

OAHU

ISSUANCE OF A RIGHT-OF-ENTRY TO FUKUNAGA & ASSOCIATES, INC., AT
PIER 1, HONOLULU HARBOR, OAHU, TAX MAP KEY NOS. (1) 2-1-015:009 (P),
GOVERNOR'S EXECUTIVE ORDER NO. 4238

LEGAL REFERENCE:

Sections 171-6, 171-13, 171-17, 171-55, and 171-59, Hawaii Revised Statutes (HRS), as amended.

APPLICANT:

Fukunaga & Associates, Inc., (Applicant) is a domestic profit corporation whose business registration and mailing address is 1357 Kapiolani Boulevard, Suite 1530, Honolulu, Hawaii 96814.

CHARACTER OF USE:

To reinspect the Ala Moana Force Main No. 2 located at Pier 1, Honolulu Harbor.

LOCATION:

Portions of governmental lands at situated at Pier 1, Honolulu Harbor, Tax Map Key Nos. (1) 2-1-015:009 (P), Governor's Executive Order No. 4238, as shown on the attached map labeled Exhibit A.

AREA: See attached Exhibit A

Approximately 10,000 square feet of open paved land for work area.

CONSIDERATION:

Gratis

ITEM M-7

ZONING:

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

TERM OF RIGHT-OF-ENTRY:

Right-of-entry permit shall be three (3) months. The Department of Transportation, Harbors Division (DOT Harbors) has the option to extend an additional thirty (30) calendar days. Extensions beyond the thirty (30) days will require approval from the Board.

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5(b) of the Hawaii Admission Act (ceded lands).

CURRENT USE STATUS:

The subject area is currently part of the Pier 1 cargo yard of Honolulu Harbor, utilized by harbor users to load and unload cargo.

LAND TITLE STATUS:

Acquired by DOT Harbors, through eminent domain proceedings by issuance of Governor's Executive Order No. 4238.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Sub-Chapter 11-200.1, Hawaii Administrative Rules, that exempts the following:

“Exemption Class 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.”

The DOT Harbors will submit its publication request of this Exemption Notice to the OEQC for publication on the 8th of each month.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Ensure that their contractors, sub-contractors shall obtain the following insurance during the term of the Right-of-Entry and naming DOT Harbors as additional insured:
 - a. Comprehensive General Liability and Property Damage Insurance with a combined minimum single limit of Two Million and No/100 Dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.
 - b. Contractor Automobile Liability and Protective Property Insurance with a combined minimum single limit of Three Million and No/100 Dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.
 - c. Workers' Compensation Insurance as required by applicable law. DOT Harbors will be named as additional insured.
2. Applicant shall submit a site plan of the work area, control plans, safety plans (including safety plan related to Covid-19), and a site-specific Best Management Practices Plan to DOT Harbors.
3. Applicant shall restore the pavement for the excavation area following the completion of its work.

REMARKS:

The Applicant is a Hawaii-based civil and environmental engineering firm, that provides engineering consulting services in the planning and design of private and public sector development projects. The Applicant specializes in engineering and design of potable and non-potable water systems, wastewater systems, site investigations, and basic civil site development work.

The purpose of this project is to avoid or minimize future spills to the greatest extent feasible by evaluating the condition of the force main. The assessment will serve as a basis for planning the next steps. The Applicant is conducting this project in conjunction with City and County of Honolulu's Department of Environmental Services to adhere to the 2007 Stipulated Order and 2011 Condition Assessment which recommends a follow up condition assessment to be conducted by December 31, 2021.

RECOMMENDATION:

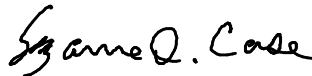
That the Board authorize the DOT Harbors to issue the Applicant a Right-of-Entry for the above-stated purposes, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



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

Att.: Exhibit A

