



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

JADE T. BUTAY
DIRECTOR

Deputy Directors
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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, GRANT OF EASEMENT (PERPETUAL, NON-EXCLUSIVE), TO HAWAIIAN ELECTRIC COMPANY, INC., FOR THE INSTALLATION OF UNDERGROUND UTILITY LINES AND RELATED FACILITIES NEEDED TO SERVICE THE SAND ISLAND CONTAINER FACILITY, HONOLULU HARBOR, ISLAND OF OAHU, TAX MAP KEY NO. (1) 1-5-041:200 (P), GOVERNORS EXECUTIVE ORDER NO. 2931

LEGAL REFERENCE:

Sections 171-6, 171-7, 171-11, 171-13, 171-17, and 171-95, Hawaii Revised Statutes ("HRS"), as amended.

APPLICANT:

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

CHARACTER OF USE:

To allow the 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, remove underground wire lines, manholes, appliances and equipment as necessary for 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 reasonable times to enter upon the areas for the above-mentioned purposes and maintenance thereof, the right of ingress, egress, and regress over all the State of Hawaii, Department of Transportation, Harbors Division ("DOT Harbors") roads leading to the areas.

ITEM M-10

LOCATION:

The portion of Government lands situated on Honolulu Harbor, Tax Map Key No. (1) 1-5-041:200 (P), as shown on the attached Exhibits A, B, and C. As stated below, portion of lands have been set aside to the DOT Harbors by Executive Order No. 2931.

AREA: See Attached Exhibits A, B, and C

Area	Description	Type	Approx. Sq. Ft.
1	Switchgear Feed Underground Lines	Non-Exclusive Utility Easement	2,400
2	Underground Utility Upgrades	Non-Exclusive Utility Easement	6,200

CONSIDERATION:

Gratis, pursuant to Section 171-95, HRS.

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, manholes, appliances and equipment as necessary for the transmission and distribution of electricity and/or communication improvements are complete, and the execution of the Grant of Easement.

COMMENCEMENT DATE:

Upon approval by the Board of Land and Natural Resources and as determined by the Director of Transportation.

CURRENT USE STATUS:

Land encumbered under Governor's Executive Order Nos. 2931, date September 12, 1978, setting aside land for harbor and related purposes to be under the control of the DOT Harbors.

LAND TITLE STATUS:

Owned by the State of Hawaii; management and control of the property was transferred to the DOT Harbors by Executive Order Nos. 2931.

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:

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

Exemption Class 3: Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to: (d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

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:

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 \$2,000,000.00 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 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 an insurance certificate or some other written form reasonably acceptable to the State.
- 2. Use due care for public safety and agrees to defend, hold harmless, and indemnify the State, officers, agents, employees, or any person acting for and on its behalf from against all claims or demands for damage, including claims for property damage, personal injury, or death, arising on, about or in connections with exercise of the rights and privileges herein granted, caused directly or approximately by any failure the part of the Applicant 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 DOT Harbors.
 - 6. 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.

7. Adhere to other terms and conditions as may be prescribed by the Director of Transportation.

REMARKS:

The Applicant's work is in conjunction with Matson Terminals, Inc.'s ("Matson") ongoing container terminal improvements and capital improvement projects. Currently, Matson is undergoing the final phase of improvements, which entails the installation of backup electrical power generators and redundant switchgear on the terminal. The new generators, along with the redundant switchgear, will improve the reliability and resiliency of power to all cranes on the terminal.

The Construction Right-of-Entry and Easements will allow Applicant to install an upgraded replacement underground line and associated facilities in association with Matson's redundant main switchgear project mentioned above.

RECOMMENDATION:

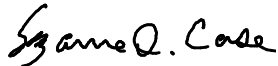
That the Board authorizes the issuance of a Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive), to Applicant to service Sand Island Container Facility, Honolulu Harbor, Island of Oahu, Tax Map Key No. (1) 1-5-041:200 (P), Governor's Executive Order No. 2931 subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation; 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

Atts.: Exhibits A, B, and C

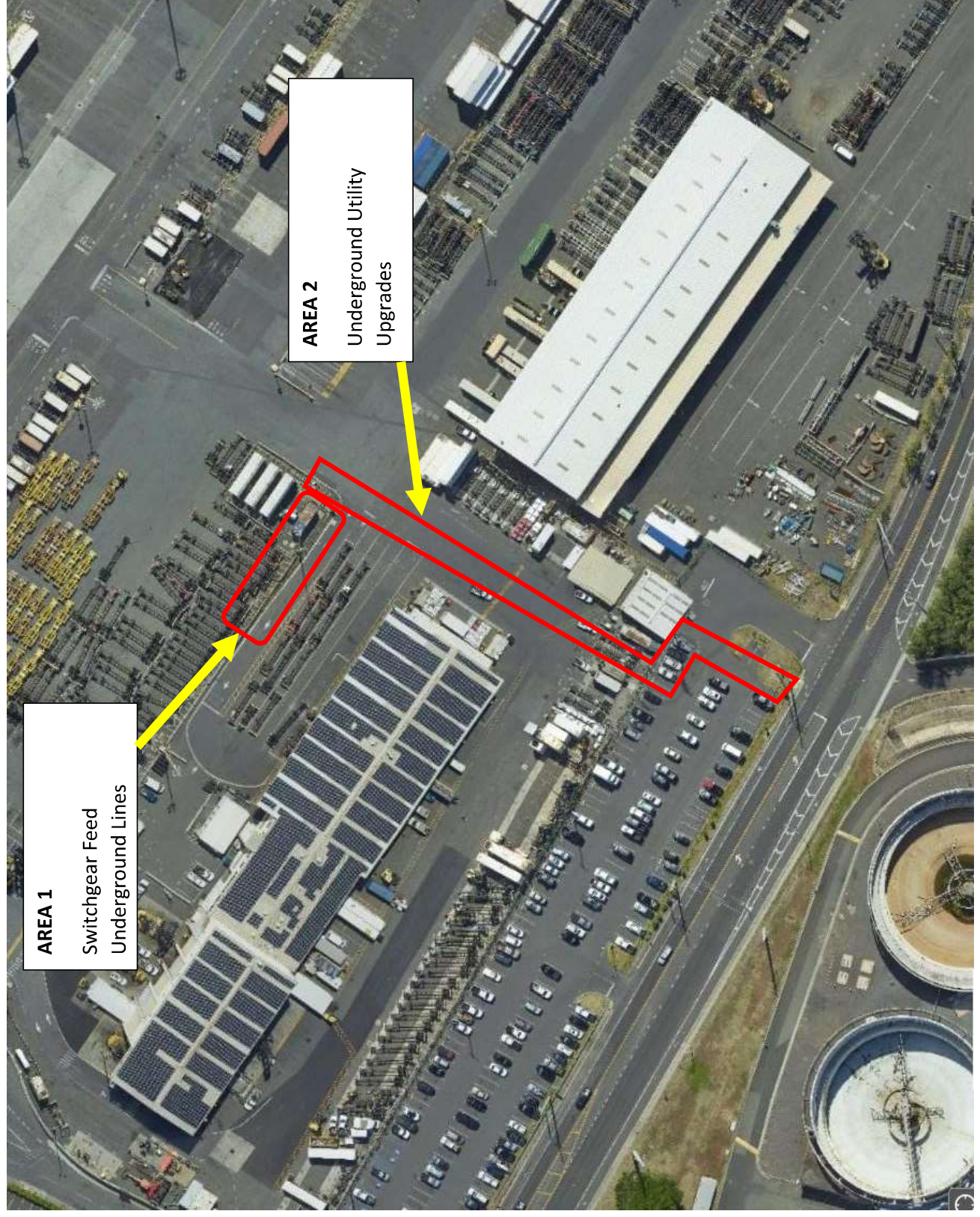
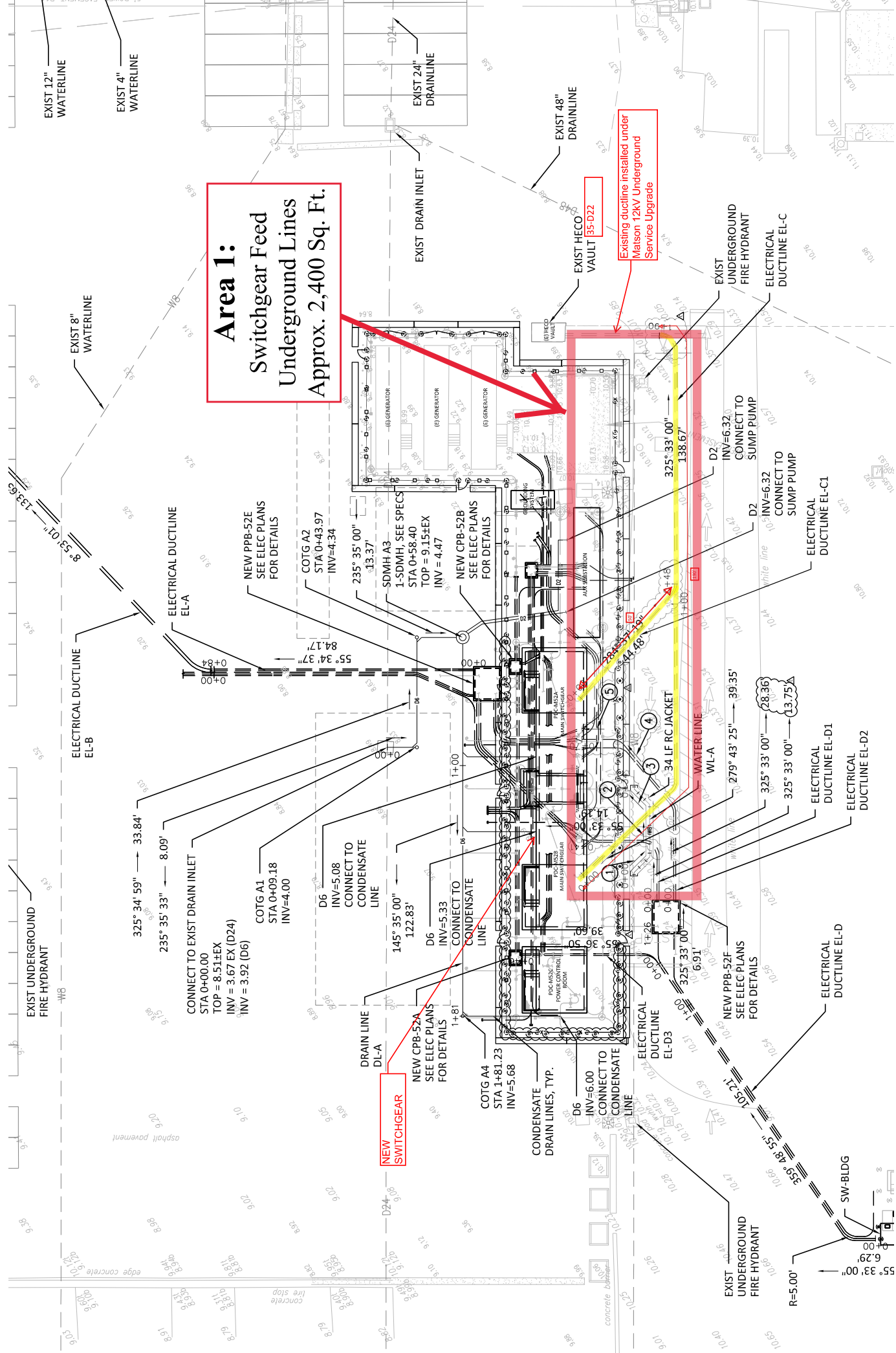


Exhibit B



Area 2:
Underground Utility
Upgrades
Approx. 6,200 Sq. Ft.

CAUTION/ELECTRICAL HAZARD
EXISTING UNDERGROUND UTILITIES ARE SHOWN FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY LOCATION, DEPTH, AND CONTENT OF ALL UTILITIES PRIOR TO CONSTRUCTION.

NOTES:
1. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. EXISTING UTILITIES SHALL REMAIN UNLESS OTHERWISE NOTED.
3. REPAIR AND IMPROVE EXISTING UTILITIES TO MEET CURRENT STANDARDS AND REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THIS WORK.

DUCTLINE PLAN
SCALE: 1" = 30'

DUCTLINE PROFILE
SCALE: HORIZ. 1" = 30', VERT. 1" = 6'

LEGEND

- 2.5" PVC DUCT, SIZE
- EXIST. ELECTRICAL LINE
- EXIST. WATER LINE, SIZE
- EXIST. COMB. AIR LINE, SIZE
- EXIST. FORM LINE
- EXIST. DRAIN LINE, SIZE
- EXIST. GATED INLET
- EXIST. STORM DRAIN MANHOLE
- EXIST. SEWER MANHOLE
- EXIST. PULLBOX
- EXIST. ELECTRICAL MANHOLE
- EXIST. ELECTRICAL MANHOLE
- EXIST. COMB. MANHOLE
- INLET PROTECTION
- SEDIMENT CONTROL DEVICE

REVISION TABLE

NO.	DATE	DESCRIPTION	BY	CHK.	APP.
1	10/15/2020	ISSUED FOR PERMIT	MD	JH	NT

MATSON 12KV UNDERGROUND UPGRADE
DUCTLINE PLAN AND PROFILE

DESIGNED: JAMES M. HARRIS
CHECKED: JAMES M. HARRIS
APPROVED: JAMES M. HARRIS

DATE: 10/15/2020
SCALE: AS SHOWN
ENGINEERING FIRM: HARRIS ENGINEERING, INC.
PROJECT: MATSON 12KV UNDERGROUND UPGRADE

[illegible]