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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

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IN REPLY REFER TO:

HAR-PM.0002299.23

November 24, 2023

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

OAHU:

Request for Authorization to issue a five-year Right-of-Entry Agreement (ROE) between Kapolei Properties LLC, KSEP LLC, and the State of Hawaii, Department of Transportation (HDOT), for access and use of the Hanua Street Extension (HSE), near Kalaeloa Barbers Point Harbor (KBPH), island of Oahu, Tax Map Key (TMK) Nos. (1) 9-1-014:042 (P) and (1) 9-1-014:035 (P).

LEGAL REFERENCE:

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

APPLICANT:

HDOT, whose mailing address is 869 Punchbowl Street, Honolulu, Hawaii, 96813.

CHARACTER OF USE:

The HSE is used for limited access to and from Lot 3 to Malakole Road.

LOCATION:

Privately owned lands near KBPH, island of Oahu, identified by TMK Nos. (1) 9-1-014:042 (P) and (1) 9-1-014:035 (P) as shown on enclosed map labeled, Exhibit A.

AREA:

The gate from the Malakole Road to the entrance of Lot 3 also known as HSE, as shown in Exhibit A.

ITEM M-23

CONSIDERATION:

Gratis

ZONING:

State Land Use Commission: City and County of Honolulu	Urban District I-2, Intensive Industrial
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TERM OF RIGHT-OF-ENTRY:

The HDOT is requesting a five-year ROE with the private landowners.

CURRENT USE STATUS:

The HSE is currently under a ROE with the Applicant and private landowners.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, that exempts the following:

“Exemption Type 8: Continuing administrative activities”

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16(b). The exemption declaration for the action described above is based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 8, Part 1:

- No. 8.f. “Execute and administer rights-of-entry agreements, use and occupancy contracts.”

REMARKS:

The HDOT acquired additional land for the KBPH expansion through eminent domain and condemnation proceedings. With this acquisition, the HDOT also acquired a tenant, Grace Pacific LLC (GPL), who utilizes the HSE to access their property. The HDOT is currently operating under a ROE between Kapolei Properties LLC, and KSEP LLC. The terms and conditions of the ROE such as maintenance of the HSE and providing of security at the entrance of the roadway are conditions the HDOT placed on GPL’s month-to-month Revocable Permit No. H-19-2805 as Special conditions.

The original agreement was from January 7, 2013, to and including July 31, 2018, and the parties extended via amendment for a period of an additional five-years from August 1, 2018, to July 31, 2023. This ROE is vital to maintaining access to the property without adding additional traffic going past the main harbor security entrance and exit on Malakole Street.

The HDOT has inspected the HSE to ensure that GPL has been complying with the Special conditions and maintains the provides security at the entrance of the roadway.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds the issuance of a five-year ROE to the Applicant, including its conditions and rent, under the terms and conditions cited above and other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures

Exhibit A (Revised 07.2023)

