

NEIL ABERCROMBIE
GOVERNOR



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

GLENN M. OKIMOTO
DIRECTOR

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IN REPLY REFER TO:

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

OAHU

ISSUANCE OF A RIGHT-OF-ENTRY TO PARADIGM CONSTRUCTION LLC AT
KALAELOA BARBERS POINT HARBOR, OAHU, TAX MAP KEY NO. 1ST/9-1-14,
PORTION OF 26

LEGAL REFERENCE:

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

APPLICANT:

Paradigm Construction LLC, a Hawaii limited liability company, whose address
is 197 Sand Island Access Road, #204, Honolulu, Hawaii 96819.

CHARACTER OF USE:

To remove and haul away coral material from designated Kalaeloa stockpile area.

LOCATION:

Portion of Government lands, situated at Kalaeloa Barbers Point Harbor,
Honouliuli, Ewa Oahu, Tax Map Key No. 1st/9-1-14, portion of 26, as shown on
the attached map labeled Exhibit "A."

AREA:

50,000 square feet, more or less.

CONSIDERATION:

\$3.00 per cubic yard of material removed.

ITEM M-2

SECURITY DEPOSIT:

\$20,000.00

ZONING:

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

TERM OF RIGHT-OF-ENTRY:

Five Months. Harbors Division has option to extend on a monthly basis, not to exceed December 31, 2013.

COMMENCEMENT DATE:

To be determined by the Director of Transportation

CURRENT USE STATUS:

Governor's Executive Order pending

LAND TITLE STATUS:

Land acquired after Statehood (non-ceded).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This is exempt from Office of Environmental Quality Control (OEQC) requirements pursuant to Sub-Chapter 11-200-8 of the Hawaii Administrative Rules that exempts the "operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO
Registered business name confirmed:	YES <u>X</u>	NO
Applicant in good standing confirmed:	YES <u>X</u>	NO

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Satisfy all conditions required under the Right-of-Entry Easement (Hanua Road – Privately Owned) that was issued to the State and its authorized users by the owners, Kapolei Property Development LLC and James Campbell Company, LLC.
2. Provide documentation of its permission from Grace Pacific Corporation for access through its license area
3. Purchase and maintain or cause to be purchased for its agents, contractors, and sub-contractors, the following insurance during the term of the Right-of-Entry and naming the Department of Transportation, Harbors Division as additional insured:
 - a. Comprehensive General Liability and Property Damage Insurance with a combined minimum single limit of Two Million and No/100 Dollars (\$2,000,000.00) per occurrence for bodily injury and property damage.
 - b. Contractor' Automobile Liability and Protective Property Insurance with a combined minimum single limit of Three Hundred Thousand and No/100 Dollars (\$3,000,000.00) per occurrence for bodily injury and property damage.
 - c. Workers' Compensation Insurance as required by applicable law. Harbors Division will be named as additional insured.

REMARKS:

The Department of Transportation, Harbors Division acquired the subject property from Campbell Hawaii Investor LLC on December 31, 2012. However, acquisition of the subject property was subject to a License Agreement in favor of Grace Pacific Corporation. Prior to acquisition of the subject property, the applicant already had in place an agreement with Campbell Hawaii Investor LLC to remove material from the coral stockpile on the subject property as well as permission from Grace Pacific Corporation for access through their license area.

The subject request for issuance of Right-of-Entry to the applicant who currently has a contract with the Department of Hawaiian Home Lands to provide the coral material for their Waimanalo Project is basically a continuation of the aforementioned use

The applicant's trucks will ingress the subject property via Malakole Street, and egress via Hanua Road.

The applicant's hours of operation will be Monday to Friday from 6:30 am to 3:00 pm. Hauling on Saturdays may be allowed, provided applicant secures prior written approval from DOT Harbors Division and Grace Pacific Corporation. It is anticipated that a maximum of 160 truckloads per day will be hauled. Each truck will be hauling about 13 cubic yards per trip. The total estimated coral material to haul is 34,000 cubic yards.

The applicant will follow Best Management Practices, which has been reviewed and approved by Harbors Engineering Section specific to the Kalaeloa Coral Stockpile.

RECOMMENDATION:

That the Board authorizes the Department of Transportation, Harbors Division to issue the applicant a Right-of-Entry for the above stated purpose, 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,



GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Attachment

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member
Board of Land and Natural Resources



Exhibit A

KALAELOA BARBER'S POINT

