



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

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. 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 TO HAWAIIAN ELECTRIC COMPANY, INC., TO INSTALL AN UPGRADED REPLACEMENT UNDERGROUND AND ASSOCIATED FACILITIES FOR THE COMPLETION OF MATSON TERMINALS, INC., IMPROVEMENTS AND CAPITAL IMPROVEMENTS PROJECTS WITHIN THE SAND ISLAND CONTAINER FACILITY, HONOLULU HARBOR, OAHU, TAX MAP KEY NO. (1) 1-5-041:200 (PORTION)

LEGAL REFERENCE:

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

APPLICANT:

Hawaiian Electric Company, Inc., ("Applicant"), a domestic profit corporation, whose mailing address is 900 Richards Street, Honolulu, Hawaii 96813.

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 install an upgraded replacement underground and associated facilities for the completion of Matson Terminal Inc.'s (Matson) improvements and capital improvement projects including: construction of electrical and civil infrastructure improvements to accommodate new and existing gantry cranes.

LOCATION:

Portion of Government lands situated on Sand Island, Honolulu Harbor, Tax Map Key No. (1) 1-5-041:200 (P), as delineated in red shown on the attached map labeled Exhibit "A". As stated below portion, said lands have been set aside to the State of Hawaii, Department of Transportation ("DOT") by Governor's Executive Order 2931.

ITEM M-11

AREA:

Approximately 6,200 square feet. (Exhibits "B 1-3")

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:

Twelve (12) months, with the option to extend the term in increments of ninety (90) days until the installation of the upgraded replacement underground and associated facilities for the completion of Matson's improvements are complete.

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

CURRENT USE STATUS:

Cargo container facility and pier.

LAND TITLE STATUS:

Owned by State of Hawaii; management and control of the property was transferred to the DOT by Governor's Executive Order 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:

A Declaration of Exemption from the Office of Environmental Quality Control Board of Land and Natural Resources requirements pursuant to Sub-Chapter 11-200-8 of the Hawaii Administrative Rules that exempts the following:

Exemption Class 2. Replacement or reconstruction of existing structures and facilities where the new structure will be located, generally on the same site, and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

- *Item B.2. Upgrade or replace utility and drainage systems to maintain a consistent level of service. Drainage improvements will generally consist of installation of pipe culverts, construction of cutters where minor following occurs.*

APPLICANT REQUIREMENTS:

Hawaiian Electric Company, Inc., shall:

1. Ensure that their contractors, sub-contractors shall obtain the following insurance during the term of the Construction Right-of-Entry and naming the Department of Transportation, Harbors Division 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 similar type issued to businesses similar to Applicant and its permitted agents and issued by companies of sound and adequate financial responsibility, who are authorized to do business in the State of Hawaii, all as reasonably satisfactory to the State.
 - (d) Applicant shall name 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) Applicant shall provide proof of all required insurance to the State either by production of the actual insurance policies or by an insurance certificate on an ACORD form or some other written form reasonably acceptable to the State, together with appropriate written evidence, reasonably satisfactory to the State, that the insurance premiums have been paid.
- 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 Department of Transportation, Harbors Division.
- 7. At all times during the term of the 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:

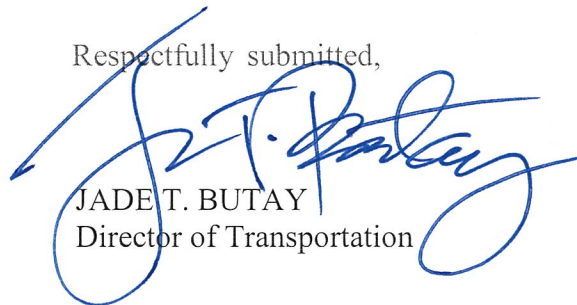
The Board has previously approved a Construction Right-of-Entry (Reference BLNR Meeting, April 27, 2018, Item M6) to Matson for the installation of three (3) new dockside cranes with electric power (Phase A1); demolish four (4) aging dockside cranes, retain and upgrade three (3) existing cranes, and relocate one (1) of the upgraded cranes (Phase A2), and, construction of associated electrical and civil infrastructure improvements to accommodate the new and existing cranes (Phase B).

The scope of the Applicant's, work is to install an upgraded replacement underground and associated facilities for the completion of Matson's terminal improvements and capital improvement projects including: construction of electrical and civil infrastructure improvements to accommodate new and existing gantry cranes.

RECOMMENDATION:

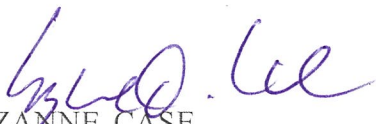
That the Board authorizes the issuance of a Construction Right-of-Entry to the Applicant and its permitted agents covering the subject area for the purposes cited above, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation.

Respectfully submitted,



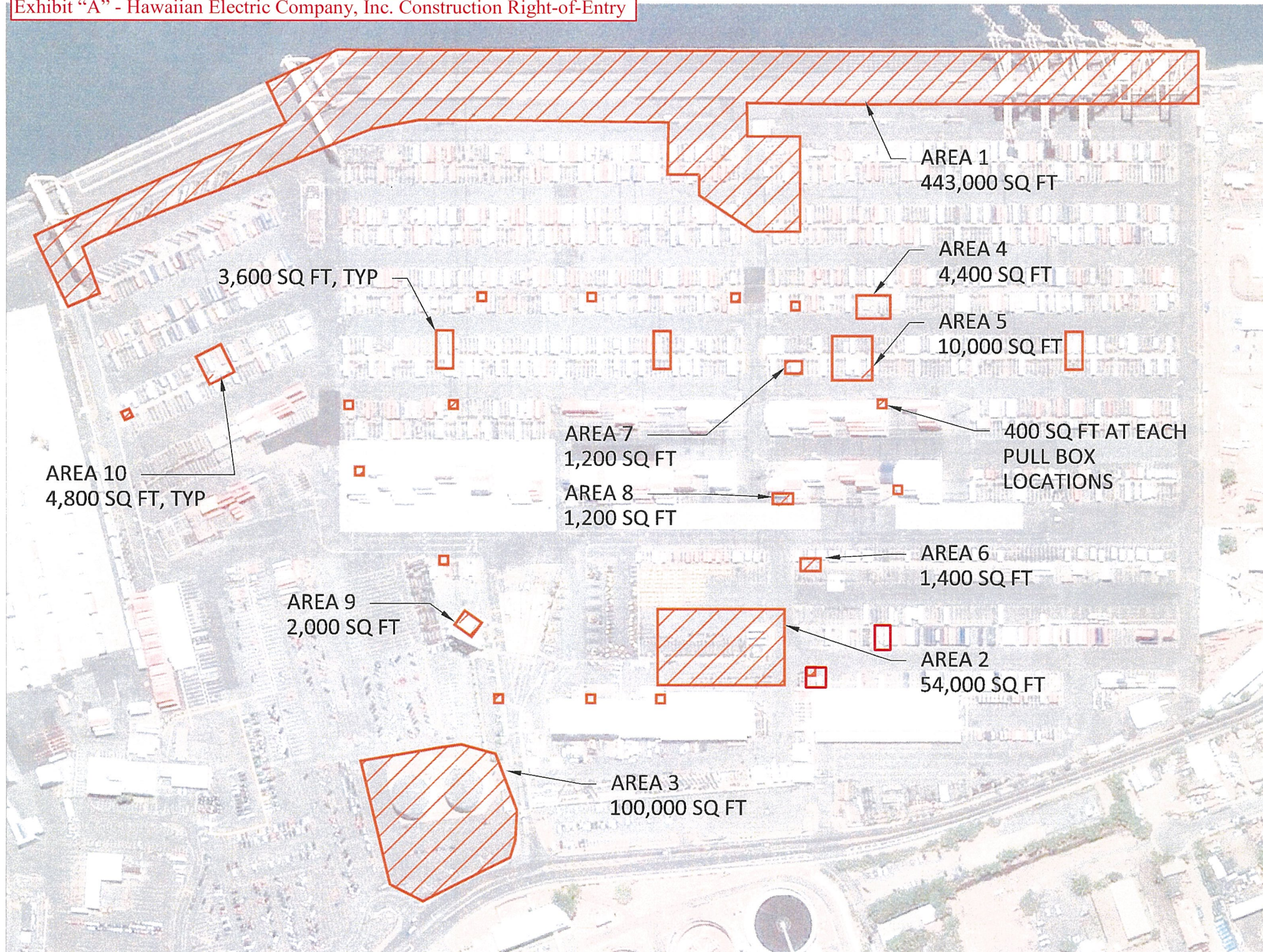
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

Atts: Exhibits "A" and "B-1"- "B-3"



19,0342

19 MAR 27 P3:05



HARBORS DIVISION

March 27, 2019

Mr. Calvert Chun
State of Hawaii
Department of Transportation
Harbors Division
79 S. Nimitz Highway
Honolulu, Hawaii 96813

Subject: Request for Construction Right of Entry and Grant of Easement
for a Utility Easement to Service Matson at the Sand Island
Container Facility Affecting Tax Map Key No. (1) 1-5-041: 200 Por.

Dear Mr. Chun:

Hawaiian Electric Company, Inc. (HECO), respectfully requests the issuance of a construction right of entry and perpetual easement that will allow HECO to install an upgraded replacement underground line and associated facilities in association with Matson's service load increase. The new line is required to accommodate Matson's capital improvement projects, including the installation of gantry crane motors. The line is proposed to go through TMK: (1) 1-5-041: 200por. and is shown on the attached HECO Engineering Drawing No. 2, Rev.0 dated January 31, 2019 and shown clouded on the attached aerial photo. The easement is proposed to be 10' wide and 620' in length, containing a total of approximately 6,200square feet.

The construction right of entry and easement will be for the following purposes:

"construction, reconstruction, operation, maintenance, repair and removal of underground wire lines, and manholes and such other 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 abovementioned purpose and, also, the right of ingress, egress and regress over all State roads leading to the easement area."

We are requesting the construction right of entry to commence upon Land Board approval and continue until the Grant of Easement has been recorded.



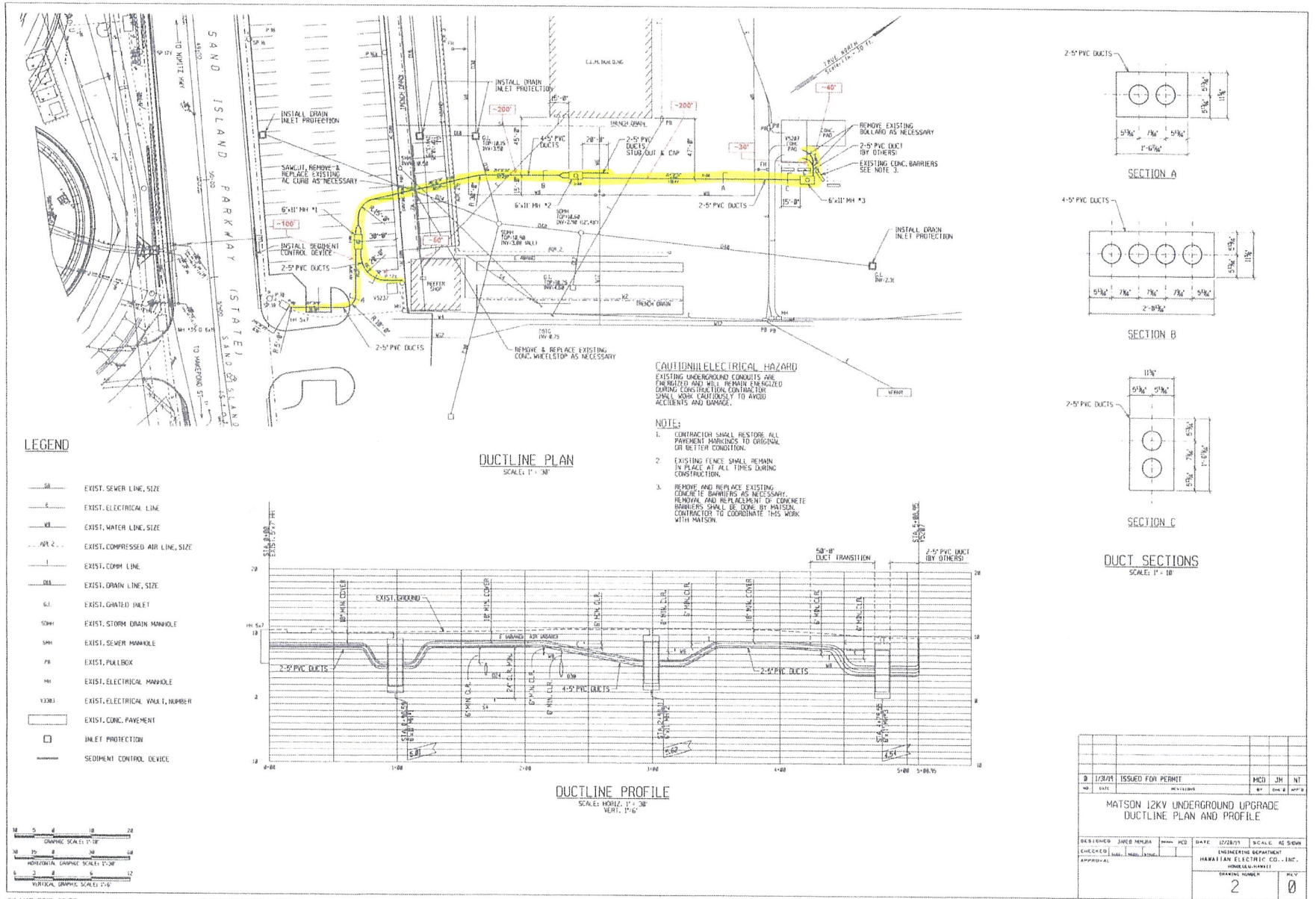
Page 2
Mr. Calvert Chun

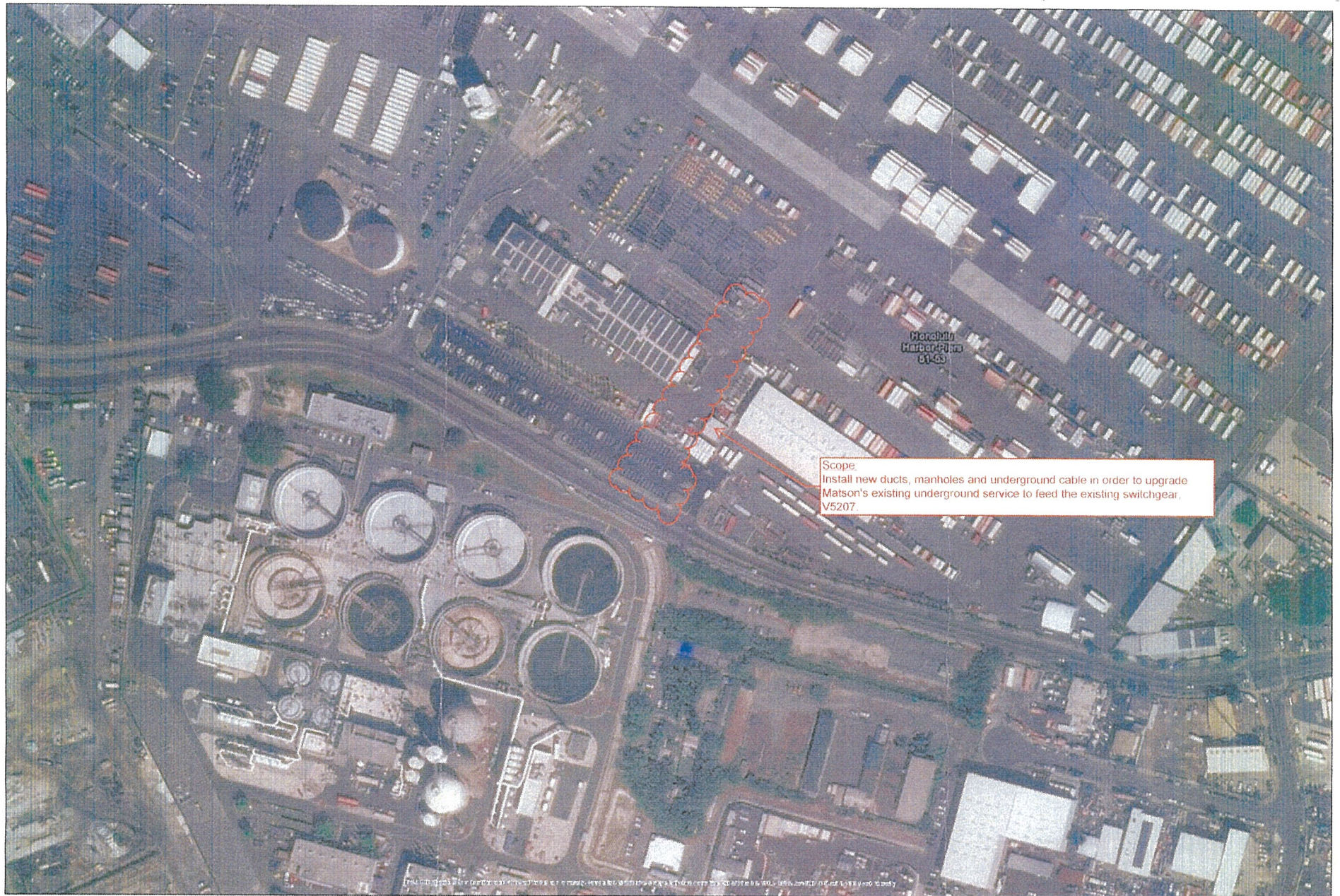
We sincerely appreciate your consideration in this matter. Should you have any questions or require any additional information, please feel free to contact me at 543-4735 or e-mail me at wendy.oda@hawaiianelectric.com. Thank you for your assistance and consideration in this matter.

Sincerely yours,

Wendy E. Oda
Land & Rights of Way

Attachments





90 45 0 90 Meters

Hawaiian Electric Company makes no representations of any kind regarding the accuracy of the information in the mapping data, but rather provides said information as is. The user agrees to use the information provided only for its intended purpose. The user knowingly waives any and all claims against Hawaiian Electric Company for damages that may arise from the use of the data and any of the information it contains. No part of this data may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, without the express written consent of Hawaiian Electric Company.



EXHIBIT "B-3"