

## Water Carriers Working Group

### Pier Space Subgroup: Report (Template Form)

June 17, 2021

#### 1. Justification/Compelling Reason

The goal or objective the Water Carriers Working Group: "Pier Space" Subgroup was to clarify the use of Pier 41 pier and yard space. The Department of Transportation Harbors (DOTH) provided information and clarified that the DOTH allocates cargo yards and approves berthing requests to piers, and controls berths at the Pier 41 pier.

The DOTH is responsible for managing state harbor lands through its rules and statutes.

#### 2. Mid-term or Long-Term Recommendation

The issue presented and discussed with the Water Carriers Working Group: "Pier Space" Subgroup, was the availability of space for the water carrier to efficiently move, load and unload cargo between the islands. The Subgroup agreed that having safe and modern pier space and cargo yard has a significant impact on the Water Carriers' ability to successfully ensure effective, efficient, and continuous water carrier service throughout the state of Hawaii.

The Subgroup asked about the availability of space for the water carrier. The DOTH shared that it had made a portion of the recently completed Kapalama Container Terminal (KCT), Phase I yard, available to the water carrier as early as September 2020 for the water carriers use for autos, LCL, and or other needs. To-date the water carrier is planning to use the space. The DOTH also stated that believes that the 77 acres of cargo yard at KCT has enough space for the water carrier to use as well as space for the new overseas tenant to construct its maintenance and office facilities, say through 2023.

The DOTH stated that Pier 41, when completed on or about January 2024, will allocate space to the water carrier for the use of Pier 41. The DOTH also noted that due to the financial impact of COVID-19 to the DOTH, repairs to Pier 39 and 40 are delayed. The DOTH noted and the Subgroup acknowledged that conducting repairs while the water carrier is currently operating will negatively impact their efficiency. It's like having two teams playing a college basketball game usually played on full court only at half-court.

The DOTH also discussed how scheduling of the water carriers' vessels at Pier 41 will occur. The water carrier will request berthing through Portcall.com, the DOTH's web-based vessel scheduling system. By Hawaii Administrative Rule and through the Harbor Masters Notice, all request for use of a pier is through the web-based vessel electronic scheduling system to replace facsimile requests for vessel reservation.

### 3. Pros/Cons

There is no issue. The water carrier requested clarification and the DOTH hopes its response as re-stated below is sufficient to addressing and clarifying the water carrier's concerns. The authority for the DOTH to allocate space for cargo needs currently exist.

The DOTH stated that it is authorized to manage state harbor lands through its rules and statutes. The DOTH, through its Harbors Administrative rules, issues its Harbors Masters Notice, allocates cargo space.

### 4. Identify any preceding steps to undertake or outstanding items to address, if any

The DOTH stated that the DOTH controls the use of Pier 41 pier and yard space, pursuant to its authority of its Hawaii Administrative Rules. DOTH will allocate space to the water carrier for the use of Pier 41. The Water Carriers Working Group: "Pier Space" Subgroup believes the desired outcome was achieved.

Additional understanding regarding the time and use of Pier 41 should be helpful to the water carrier with planning its business. Also having information regarding the DOTH plans to repair Pier 39 and 40 was also helpful to the water carrier with planning its business.

### 5. Impact to agencies/entities

Exclusive authority to a private party is not permitted by the terms of the non-taxable bonds that is contributing to the construction of KCT and Pier 41 and prohibits the exclusive use and control by a private party. Therefore, the DOTH in compliance with its bond covenants and its rules allocates cargo yards and approves berthing requests to piers.

### 6. Costs (if any or readily estimated)

N/A