

DAVID Y. IGE
GOVERNOR



JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

IN REPLY REFER TO:

March 4, 2022

Suzanne D. Case, Chairperson
c/o Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Chair Case and Board Members:

Subject: Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 5-6-03:002, (4) 5-7-03:003, (4) 5-8-02:002, and (4) 5-8-06:030

KAUAI

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT).

LEGAL REFERENCE:

Sections 107-10, 171-30, and Chapter 264, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of land relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, as shown and described on the enclosed draft map labeled as Exhibit A.

ZONING:

Tax Map Key No. (4) 5-6-03: 002	Agricultural
Tax Map Key No. (4) 5-7-03: 003	Conservation
Tax Map Key No. (4) 5-8-02: 002	Conservation
Tax Map Key No. (4) 5-8-06: 030	Conservation

Item M- 6

Suzanne D. Case, Chairperson
March 4, 2022
Page 2

OWNERSHIP:

Tax Map Key No. (4) 5-6-03: 002	Waikoko Land Corp.
Tax Map Key No. (4) 5-7-03: 003	B. P. Bishop Trust Estate
Tax Map Key No. (4) 5-8-02: 002	Robinson, Bruce and Keith
Tax Map Key No. (4) 5-8-06: 030	County of Kauai

COMPENSATION:

The acquisition of any parcels, easements, and/or temporary construction parcels' fair market value will be determined by an independent appraiser (contracted for by the State of Hawaii). Compensation to the landowners may exceed the appraisal to the extent allowed by §171-30 (e), Hawaii Revised Statutes.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Chapter 343, Hawaii Revised Statutes Environmental Impact Statement requirement for the proposed action is exempt by memorandum dated February 18, 2022 as shown in Exhibit B.

REMARKS:

The proposed project include, but are not limited to, acquiring an easement to maintain the slope as needed to address hillside stability abutting the state highway.

As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain board approval for all acquisitions in accordance with §171-30, Hawaii Revised Statutes.

Suzanne D. Case, Chairperson
March 4, 2022
Page 3

RECOMMENDATION:

That the board:

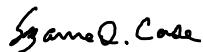
- A. Authorize the acquisition of the subject lands subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.
- B. Authorize the acquisition even in the event of a change in the ownership or tax map key number of those lands described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,



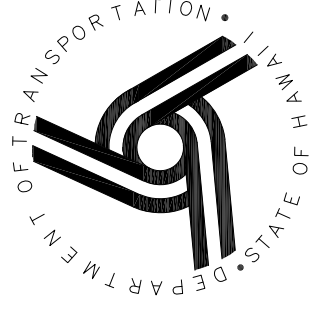
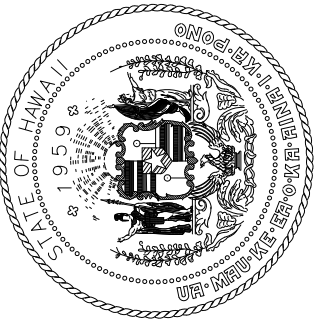
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Enclosures



STATE OF HAWAII

DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

HONOLULU, HAWAII

RIGHT OF WAY MAP

KUHIO HIGHWAY

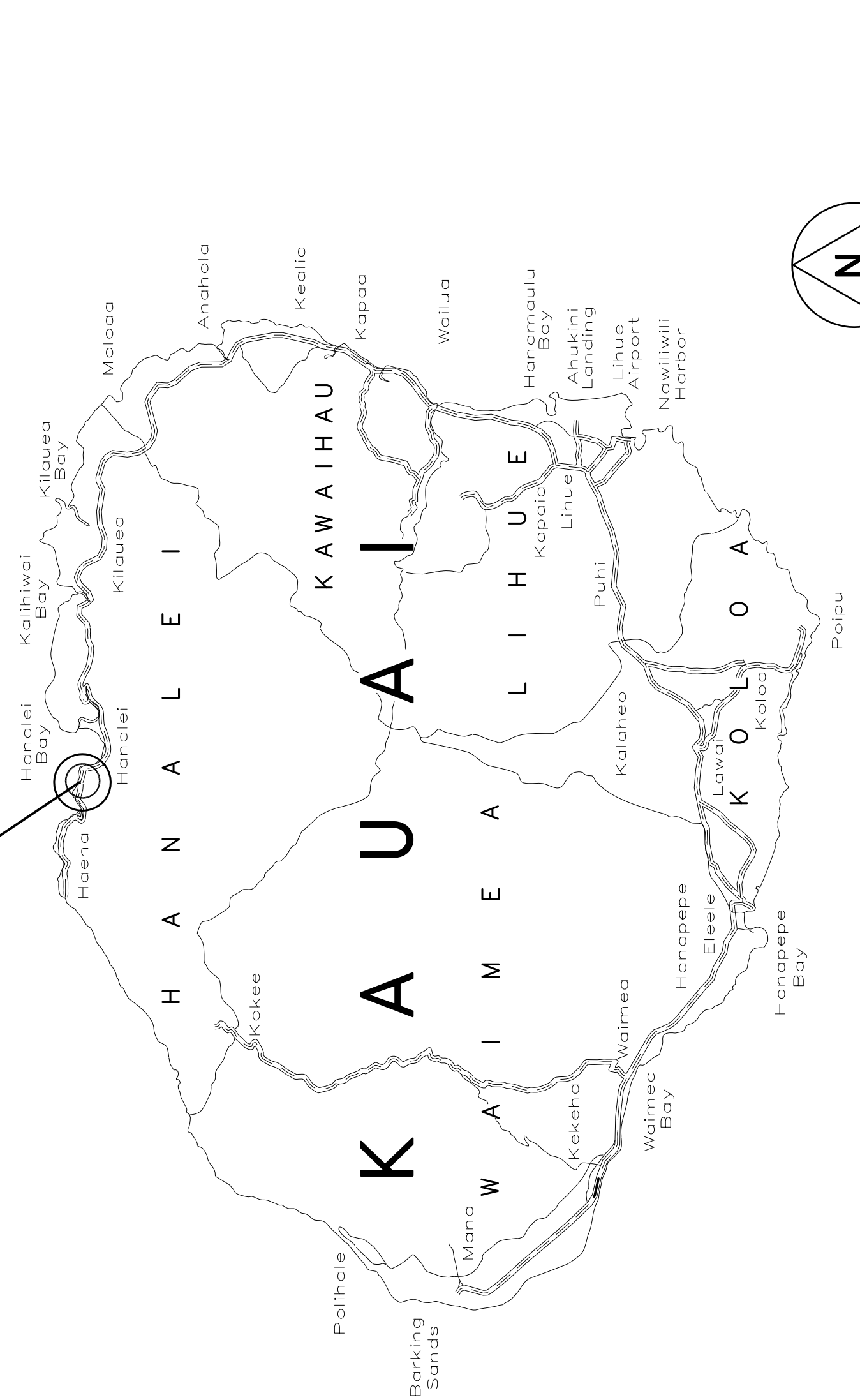
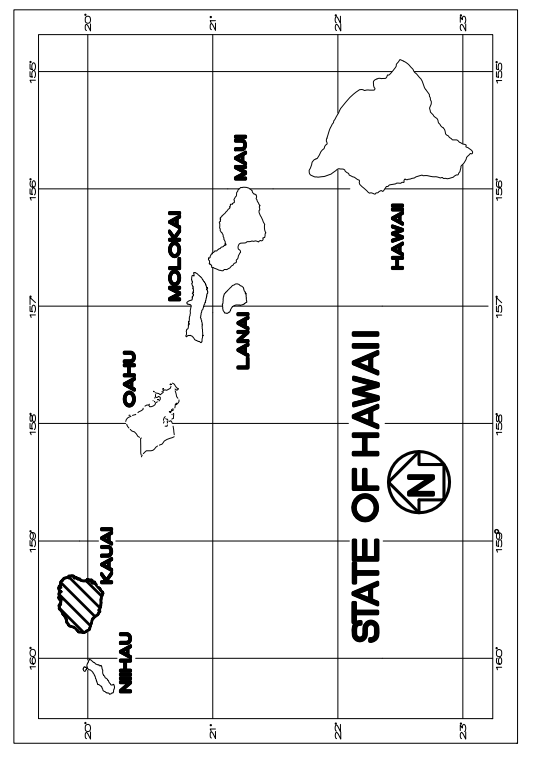
KAUAI EMERGENCY FLOOD REPAIRS AND CLEANUP AT VARIOUS LOCATIONS APRIL 2018, ROUTE 560

PROJECT NO. ER-19(002)

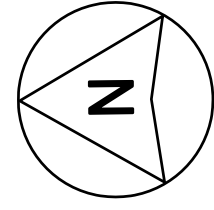
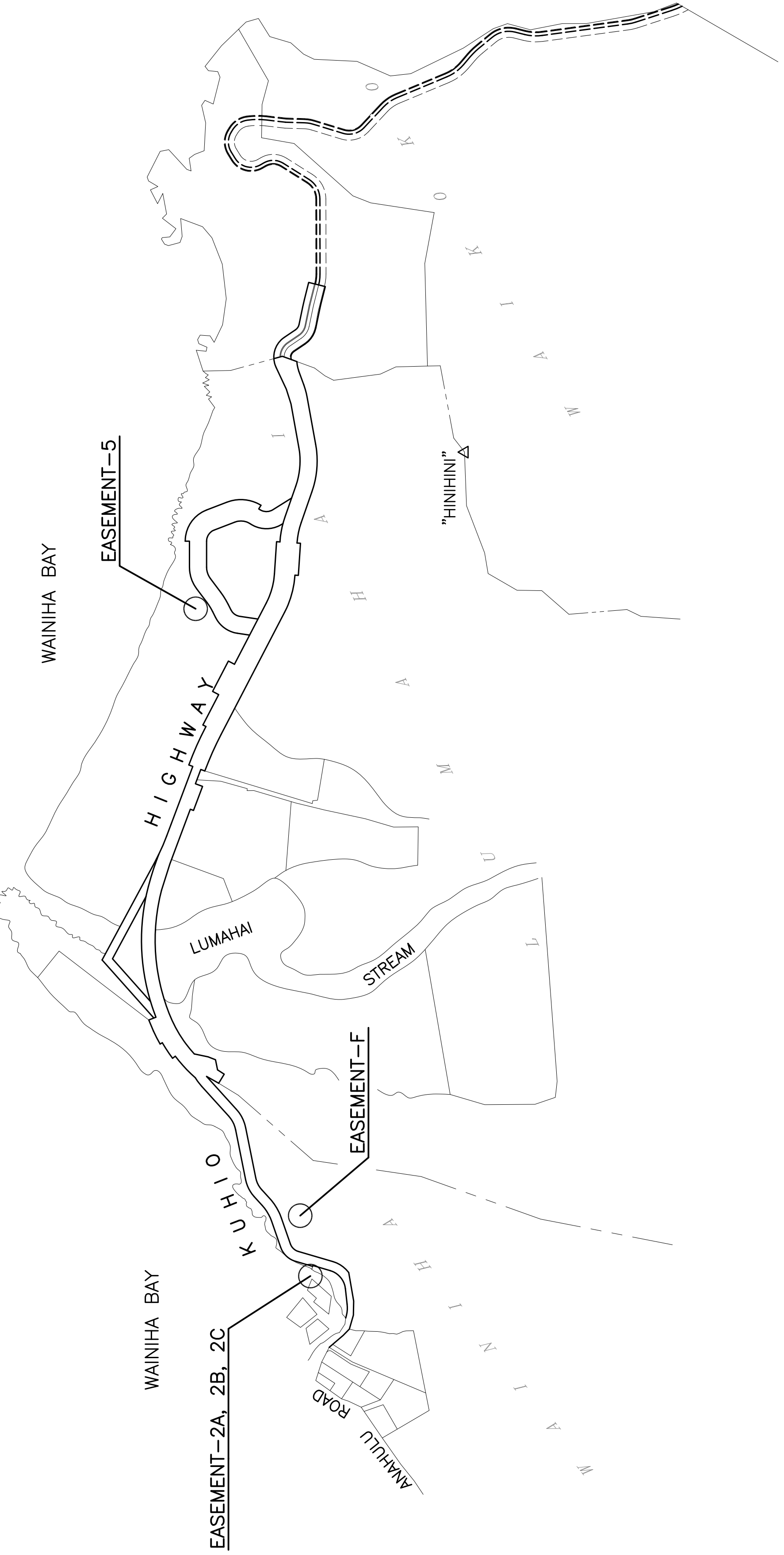
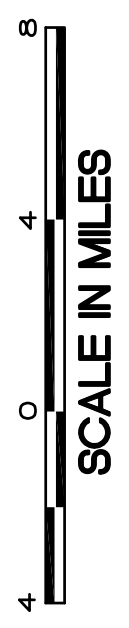
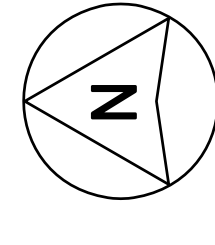
DISTRICT OF HANAIEI, ISLAND OF KAUAI, HAWAII

LEGEND

- Proposed Right-of-Way
- Centerline or Baseline
- Limit-of-Slope Line
- Contour-of-Access Line (Special conditions are noted on Map)
- Original Boundary—District, Grant, L.C., Aw. Ld., Ct., Appl., etc.
- Property Lines—File plans, Subdivisions, Existing R/W.
- Easement Lines
- Wire fence
- Other fence
- Guard rail
- Stone wall
- Tile wall
- Hedge
- Edge of cultivated area
- Palm trees
- Trees
- Stream
- Building
- Bridge, culvert
- Triangulation station
- Natural slope
- Cut slope
- Railroad
- Sand
- Existing roadway
- Street monument
- Fire hydrant
- Water main
- Contour lines
- Concrete
- Boundary pipe, boundary monument, telephone pole, electric pole, power pole, sewer manhole, telephone manhole, water manhole, water valve as noted.
- Marsh, swamp
- Highwater mark
- Right of way parcel designation



PROJECT LOCATION

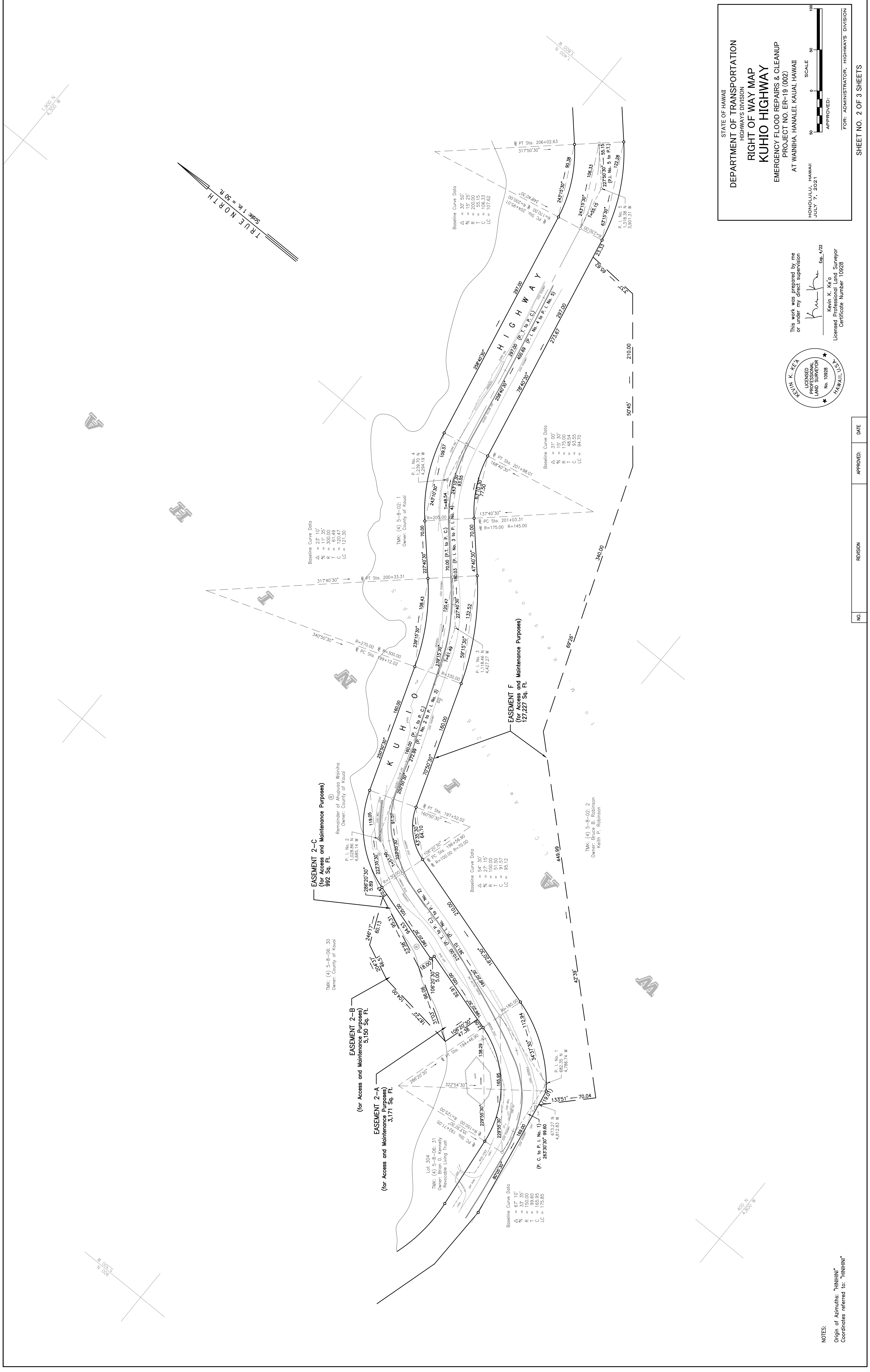


LOCATION PLAN

NOT TO SCALE

EXHIBIT A

DEPARTMENT OF TRANSPORTATION STATE OF HAWAII
APPROVED:
FOR ADMINISTRATOR, HIGHWAYS DIVISION
DATE
SHEET NO. 1 OF 3 SHEETS



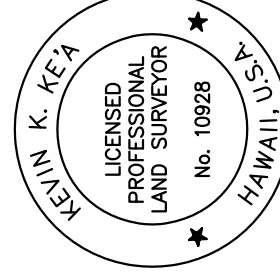
STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
 HIGHWAYS DIVISION
RIGHT OF WAY MAP
KUHIO HIGHWAY
 EMERGENCY FLOOD REPAIRS & CLEANUP
 PROJECT NO. ER-19 (002)
 AT WAINHA, HANAIEI, KAUAI, HAWAII
 HONOLULU, HAWAII
 JULY 7, 2021

FOR: ADMINISTRATOR, HIGHWAYS DIVISION

SCALE 1" = 50 FT.

This work was prepared by me or under my direct supervision

Kevin K. Ke'a
 Kevin K. Ke'a
 Licensed Professional Land Surveyor
 Certificate Number 10928



NO.	REVISION	APPROVED:	DATE

	DATA P.L.R.
	COMPLER
	FLD BOOKS
	W.S. NO.
	CERT. FLDR
	DESC. FLDR
	CK'D BY

NOTES:
 Origin of Azimuths: "HINIHINI"
 Coordinates referred to: "HINIHINI"

EXHIBIT B

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
M E M O R A N D U M

HWY-K 4.220046
DATE: February 18, 2022

TO: JADE T. BUTAY, DIR

THRU: EDWIN H. SNIFFEN, DEP-HWY *EH*

THRU: SERGIO GEORGE G. ABCEDE, HWY *SG*

THRU: FAWN YAMADA, HWY-R *FY*

FROM: LAWRENCE J. DILL, HWY-K *LD*

SUBJECT: HAWAII REVISED STATUTES (HRS), CHAPTER 343, EXEMPTION NOTICE FOR ACQUISITION OF PERMANENT EASEMENTS KUHIO HIGHWAY (ROUTE 560), EMERGENCY FLOOD REPAIRS AND CLEANUP AT VARIOUS LOCATIONS, APRIL 2018, ROUTE 560 FED-AID PROJECT NO. ER-19(002)
TAX MAP KEYS: (4) 5-7-03:003, (4) 5-8-02:002, AND (4) 5-8-06:030

Pursuant to HRS, Chapter 343, and Hawaii Administrative Rules (HAR), Section 11-200.1-15, there are 10 types of actions that shall generally be exempt from the preparation of an environmental assessment. Pursuant to HAR, Section 11-200.1-16(b), the below action is deemed as de minimus and exempts it from the preparation of an exemption notice.

Exemption Type:

The action described below is eligible for the exemption under Section 11-200.1-15(c)(8), Continuing administrative activities, HAR.

The exemption for the action described below is further supported by the Comprehensive Exemption List for the State of Hawaii, Department of Transportation, amended February 1, 2022, and reviewed and concurred to by the Environmental Council on February 1, 2022, under Exemption Type 8, Part 1, Paragraph 8. Real estate and land tenure actions, Subparagraph g. Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing.

MEMO TO DIR
February 18, 2022
Page 2

HWY-K 4.220046

Description of Action:

The acquisition of permanent maintenance easements over portions of the subject tax map key properties adjacent to Kuhio Highway Route 560. The purpose of the maintenance easements is to provide the department jurisdiction to maintain the hillside that was stabilized through the subject project.



JADE T. BUTAY
Director of Transportation

Feb 25, 2022

Date