

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 14, 2016

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

PSF No.: 16KD-096

Kauai

Request for Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative (KIUC) for Utility Purposes; and Immediate Management and Construction Right-of-Entry Permit at por. of Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-002:por. of 001, 009 and 040.

APPLICANT:

Kauai Island Utility Cooperative (KIUC) whose business and mailing address is 4463 Pahee Street, Suite 1, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Section 171-13, 17, and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kekaha situated at Kekaha, Waimea, Kauai, identified by Tax Map Key: (4) 1-2-002:por. of 001, 009 and 040, as shown on the attached map labeled Exhibit A.

AREA:

Tax Map Key: (4) 1-2-002:001 0.350 acres, more or less.*

Tax Map Key: (4) 1-2-002:009 2.711 acres, more or less.*

Tax Map Key: (4) 1-2-002:040 7.740 acres, more or less.*

Total Area: 10.801 acres, more or less.*

*- These are approximate and may vary depending on the location of the poles and how the lines cross over each other. See Exhibit B.

See Exhibit D.

DCCA VERIFICATION:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Board on July 10, 2015, under Item L-1, approved the authorization to issue procurement solicitations and awards of contracts under Hawaii Revised Statutes Chapter 103D for various Capital Improvement Program Projects, which this project was part of.

The Board on April 22, 2016 under Item L-1, accepted the final environmental assessment and approval for the issuance of a finding of no significant impact (FONSI) for the proposed Mana Drag Strip Electrical and Lighting Upgrades. See Exhibit C.

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on June 8, 2016 with a finding of no significant impact (FONSI). See Exhibit D.

The request for a perpetual, non-exclusive easement and an immediate management and construction right-of-entry permit was brought forth by Land Division as the managing agency for these parcels.

RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Kauai Island Utility Cooperative covering the subject area for utility purposes, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current Perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and

- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

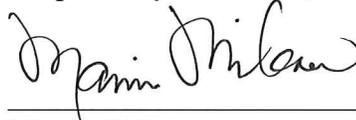
- 2. Grant an Immediate Management and Construction Right-of-Entry Permit to KIUC for Access and Utility Purposes, its consultants, contractors and/or persons acting for or on its behalf, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current management right-of-entry form, as may be amended from time to time;

 - B. The term of the right-of-entry shall commence upon date of that KIUC, returns a copy of the duly executed right-of-entry permit to the Kauai District Land Office and shall expire upon the issuance of the subject set aside document;

 - C. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force; and

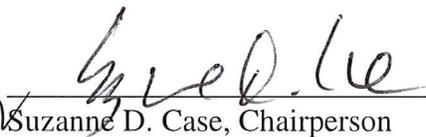
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

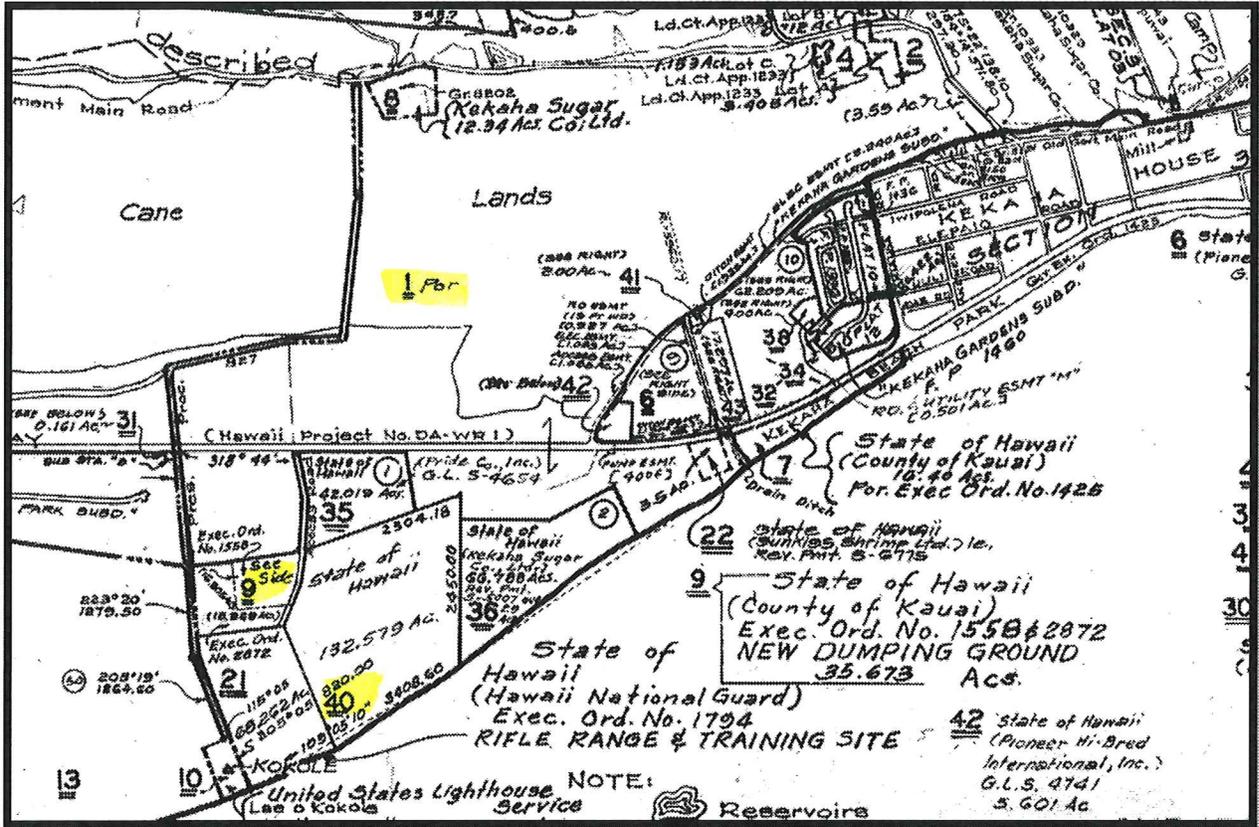


Marvin Mikasa
District Land Agent

APPROVED FOR SUBMITTAL:

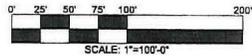


Suzanne D. Case, Chairperson



TMK Nos. (4) 1-2-002: 001, 009 & 040 (portions)

Exhibit A



CONSTRUCTION PLAN
SCALE: 1" = 100'



KAUAI ISLAND UTILITY COOPERATIVE
MANA DRAG RACING STRIP ELECTRICAL UPGRADES

Grid ID:	
Scale:	BEG
Drawn by:	PF
Checked by:	
Approved by:	THC
Date:	1-2-2016 03:36 PM 010
Revisions:	
Date:	
State DOT:	
Water Dept:	
Public Works Dept.:	
Prelim. Approval:	
Date:	
Date:	1/20/16
File No:	15-04-10086
Job No.:	
JP App. No.:	11/A
Sheet No.:	2

MATCH LINE
SHEET 03



CONSTRUCTION PLAN
SCALE 1" = 100'



KAUAI ISLAND UTILITY COOPERATIVE
MANA DRAG RACING STRIP ELECTRICAL UPGRADES

Scale	BBC	Drawn by	4/20/16
Checked by	PP	Date	15-04-100BC
Approved by	PP	Job No	11/A
TRK	1-2-002.03B & 040	Sheet No	4

EXHIBIT "B"

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

April 22, 2016

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

KAUAI

REQUEST ACCEPTANCE OF THE FINAL ENVIRONMENTAL ASSESSMENT AND APPROVAL FOR THE ISSUANCE OF A FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE PROPOSED MANA DRAG RACE STRIP ELECTRICAL AND LIGHTING UPGRADES, MANA, KAUAI, HAWAII

BACKGROUND:

The Kauai Raceway Park is home to a National Hot Rod Association (NHRA) sanctioned quarter mile race track on land under the jurisdiction of the Department of Land and Natural Resources. The facility – one of only two NHRA sanctioned race tracks in the State – is operated by the Garden Isle Racing Association (GIRA). GIRA is a non-profit corporation which runs monthly events at the Kauai Raceway Park, promoting safe motorsports and responsible street driving.

GIRA hosts monthly events at the park from March to November of each calendar year. During the months from March through September, events are run during the evening; the preferred time for drag race events is in the evening because heat can adversely affect car performance. This time period is outside of the peak seabird fallout period (September 15 to December 15). Lighting during evening events is currently provided by a mixture of street-light style poles and portable lights. Power to the facility is provided by portable generators.

The project proposes the installation of specialized stadium-style, downcasted light poles that will project the lights downward and mauka. This will improve the visibility and safety along the racetrack while providing mitigation measures to protected animals. The project will also reduce reliance on temporary lighting and portable generators.

PROJECT DESCRIPTION AND LOCATION:

The project is located in the Mana area on the southwest shore of Kauai. The Kauai Raceway Park which includes an existing drag race strip, bleacher seating, control building, parking, pit areas, and other associated facilities – is located on a portion of Tax Map Key (TMK) parcels (4)1-2-002:036 & 040, which are owned by the State of Hawaii and operated by the Garden Isle Racing Association (GIRA) under Revocable Permit No. S-7805. The facility occupies the makai portions of parcels 036 and 040, while agricultural uses occupy the mauka areas of the parcels.

**Approved by the Board of
Land & Natural Resources
at the meeting held on
APR 22 2016**

ITEM L-1

EXHIBIT "C"

The facility is accessed via a gravel-paved road located on TMK parcel (4)1-2-002:009, which is owned by the State and operated by the Kauai County, Department of Public Works as part of the Kekaha Landfill. The access road is utilized by both the Kekaha Landfill and the Kauai Raceway Park. The access road occupies an approximately 2-acre portion of parcel 009.

The project is located approximately 1 mile northwest of Kekaha on the makai side of Kaumualii Highway (State Route 50). The project site is bordered by the Kekaha Landfill to the northwest, agricultural land uses to the northeast, a shrimp farm to the southeast, and the beach and Pacific Ocean to the Southwest.

The project involves installation of numerous stadium-style light poles. Because of the proximity of the project site to the shoreline, downcast lighting and facing the lights mauka are proposed to mitigate possible adverse effects to the local seabird population. The project will include electrical provisions for installation of a LED scoreboard; an underground electrical connection for the scoreboard will be installed at approximately the quarter-mile point of the race track. The scoreboard itself may be purchased as part of the project, however, will be installed by others at a later date.

In order to provide power to the proposed lighting and scoreboard, overhead electrical lines will be extended from the existing KIUC system on Kaumualii Highway to the project site. The project proposes installation of approximately 0.8 miles of new overhead electrical lines, strung on utility poles installed at a maximum spacing of 200 ft. It is anticipated that 26 utility poles will be installed by the KIUC. The new overhead lines will extend from Kaumualii Highway down the facility access road to the entrance of the Kauai Raceway Park, turn east to run parallel to the drag strip, and finally cross to the makai side of the drag race strip at approximately the halfway point of the track. Our discussions with USFWS and DoFAW regarding mitigation measures to seabird strikes, has resulted in construction of the overhead lines lower than the top of the nearby ironwood trees. Because the treeline is readily visible, it will cause seabirds to fly above the overhead electrical lines and should minimize the chances of bird strikes. From the final overhead utility pole, electrical lines will be run in an underground conduit parallel to the drag race strip. The underground conduit will stretch from the start of the drag race strip to the shoreline setback line. The proposed light poles and scoreboard will draw power from this underground electrical conduit.

The Draft Environmental Assessment has been published by the State of Hawaii, Department of Health, Office of Environmental Quality Control (OEQC) in the July 8, 2015 bulletin and is posted on the OEQC website at http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2015-07-08-KA-5B-DEA-Mana-Drag-Race-Strip-Upgrades.pdf. Attached for your information is the Final Environmental Assessment.

PROJECT SUMMARY:

Project:	Mana Drag Race Strip Electrical and Lighting Upgrades
Agency:	Department of Land and Natural Resources Engineering Division 151 Punchbowl Street, Room 221 Honolulu, Hawaii 96813
Consultant:	The Limtiaco Consulting Group 1622 Kananui Street Honolulu, Hawaii 96817
Tax Map Key(s):	(4) 1-2-002: 009, 036 & 040
Proposed Action:	Installation of approximately 19 stadium-style light poles along the length of the existing drag race strip and provisions for future installation of an LED scoreboard. Overhead electrical lines will be extended from Kaumualii Highway to the facility to provide power to the proposed improvements. The project includes appurtenant electrical facilities such as transformers and underground electrical conduits.
Land Area:	20 acres
State Land Use District:	Conservation District, Limited Subzone
Existing Land Use:	Mana Drag Race Strip
Present Zoning:	Parcel 009 – Conservation Parcel 036 – Agriculture/Conservation Parcel 040 – Conservation
Special Management Area:	Yes
Permits That May be Required:	Conservation District Use Permit (Departmental), County Shoreline Setback Determination, Special Management Area Use Permit, National Pollutant Discharge Elimination System Permit (Section 402, Clean Water Act).

FINDINGS AND REASONS SUPPORTING ANTICIPATED DETERMINATION:

Significance criteria evaluation of the proposed project indicates that there will be no significant adverse effects to the environment. In summary, the project will not:

1. Adversely impact natural or cultural resources.
2. Permanently curtail the beneficial uses of the environment.
3. Conflict with the State's long-term environmental policy goals or guidelines.
4. Have adverse effects to the economic or social welfare of the community or state.
5. Have substantial adverse impacts to public health during project construction activities.
6. Have adverse effects to public facilities.
7. Permanently degrade the environmental quality.
8. Commit resources or energy for a larger action. There are also no cumulative effects on ecosystem resources or human communities based on the project's limited scope and scale.
9. Affect any rare, threatened or endangered species or its habitat. Appropriate mitigation measures have been coordinated with the U.S. Fish and Wildlife Service and the State Division of Forestry and Wildlife.
10. Have detrimental effects to air or water quality or ambient noise levels. As required, any potential impacts to air, water quality, or noise levels will be addressed through the implementation of appropriate mitigation measures in accordance with State and County regulations.
11. Suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters. The project is located within Flood Zones AE and VE with flood elevations ranging from 8 to 10 feet. As such, the project will comply with National Flood Insurance Program regulations for development within the flood hazard district, as outlined in Title 44, Code of Federal Regulations. A coastal evaluation, completed in April 2015, determined that the proposed improvements are located sufficiently distant from the shoreline such that they will not impact coastal processes. The proposed improvements will be located outside of the County shoreline setback area.
12. Have substantial effects to scenic vistas and view planes identified in county or state plans or studies.
13. Consume a substantial amount of energy.

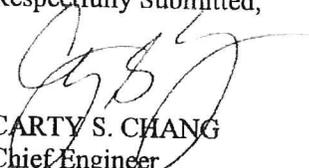
For the reasons above, it is anticipated that the proposed project will not have any significant effect in the context of Chapter 343, Hawaii Revised Statutes and Section 11-200-12 of the Hawaii Administrative Rules.

RECOMMENDATION:

That the Board of Land and Natural Resources:

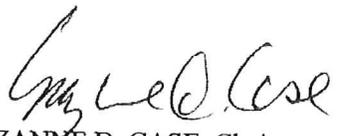
1. Accept the Final Environmental Assessment for the proposed Mana Drag Race Strip Electrical and Lighting Upgrades project.
2. Approve the issuance of a finding of no significant impact (FONSI) for the proposed project. Based on the review of the Final Environmental Assessment and the comments received during the 30-day period in addition to The Limtiaco Consulting Group's responses, find that the project will not have a significant effect on the environmental and cultural resources of the area.
3. Authorize the Chairperson to publish a FONSI for the proposed project in the Office of Environmental Quality Control's "The Environmental Notice", and approve other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



CARTY S. CHANG
Chief Engineer

Approved for Submittal:



SUZANNE D. CASE, Chairperson

Attachment



THE ENVIRONMENTAL NOTICE

Office of Environmental Quality Control

A Semi-Monthly Bulletin published pursuant to Section 343-3, Hawaii's Revised Statutes

David Y. Ige, Governor
Scott Glenn, Interim Director

235 South Beretania Street, Suite 702 • Honolulu, Hawaii 96813
Telephone: (808) 586-4185 • Fax: (808) 586-4186
Toll Free: Kauai (800) 274-3141, ext. 64185
Molokai/Lanai (800) 468-4644, ext. 64185
Hawaii (800) 974-4000, ext. 64185
Maui (800) 987-2400, ext. 64185
Email: oeqchawaii@doh.hawaii.gov
Website: <http://health.hawaii.gov/oeqc>

June 8, 2016

The Environmental Notice provides public notice for projects undergoing environmental review in Hawaii as mandated under [Section 343-3, Hawaii's Revised Statutes](#) (HRS), the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawaii, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.

EPA Environmental Justice (EJ) Strategy Available for Public Review

The EJ 2020 Action Agenda strategy for 2016-2020 is available for comment. Building on Plan EJ 2014, this strategy draws upon input from governmental partners and external stakeholders to address the real environmental challenges that are facing American communities. For more information and to review the final draft of EJ 2020, please visit EPA's [EJ 2020 website](#). **The public comment period is from May 23, 2016 to July 7, 2016.** Please submit written comments ejstrategy@epa.gov, or via mail to **Charles Lee**, Deputy Associate Assistant Administrator for Environmental Justice - USEPA, Office of Environmental Justice (2201-A) 1200 Pennsylvania Avenue, NW Washington, DC 20460.

Environmental Council

The Environmental Council is meeting in June, date to be determined. The meeting will be held in the Leiopapa A Kamehameha Building, 235 S. Beretania Street, 15th Floor Conference Room. Please check the Lt. Governor's [website](#) for date.

World Oceans Day is June 8 (www.worldoceansday.org)

Höküle'a arrived in New York City for World Oceans Day (June 8). Navigator and President of the Polynesian Voyaging Society Nainoa Thompson will present ocean protection declarations gathered during the voyage. Governor Ige's Chief of Staff Mike McCartney, Honolulu Mayor Kirk Caldwell, Hawaii Island Mayor Billy Kenoi, Kauai Mayor Bernard Carvalho, as well as other leaders of Hawaii will speak at the United Nations about Hawaii's commitment to Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources. Hawaii's *Aloha+ Challenge* is an innovative model to achieve this goal.

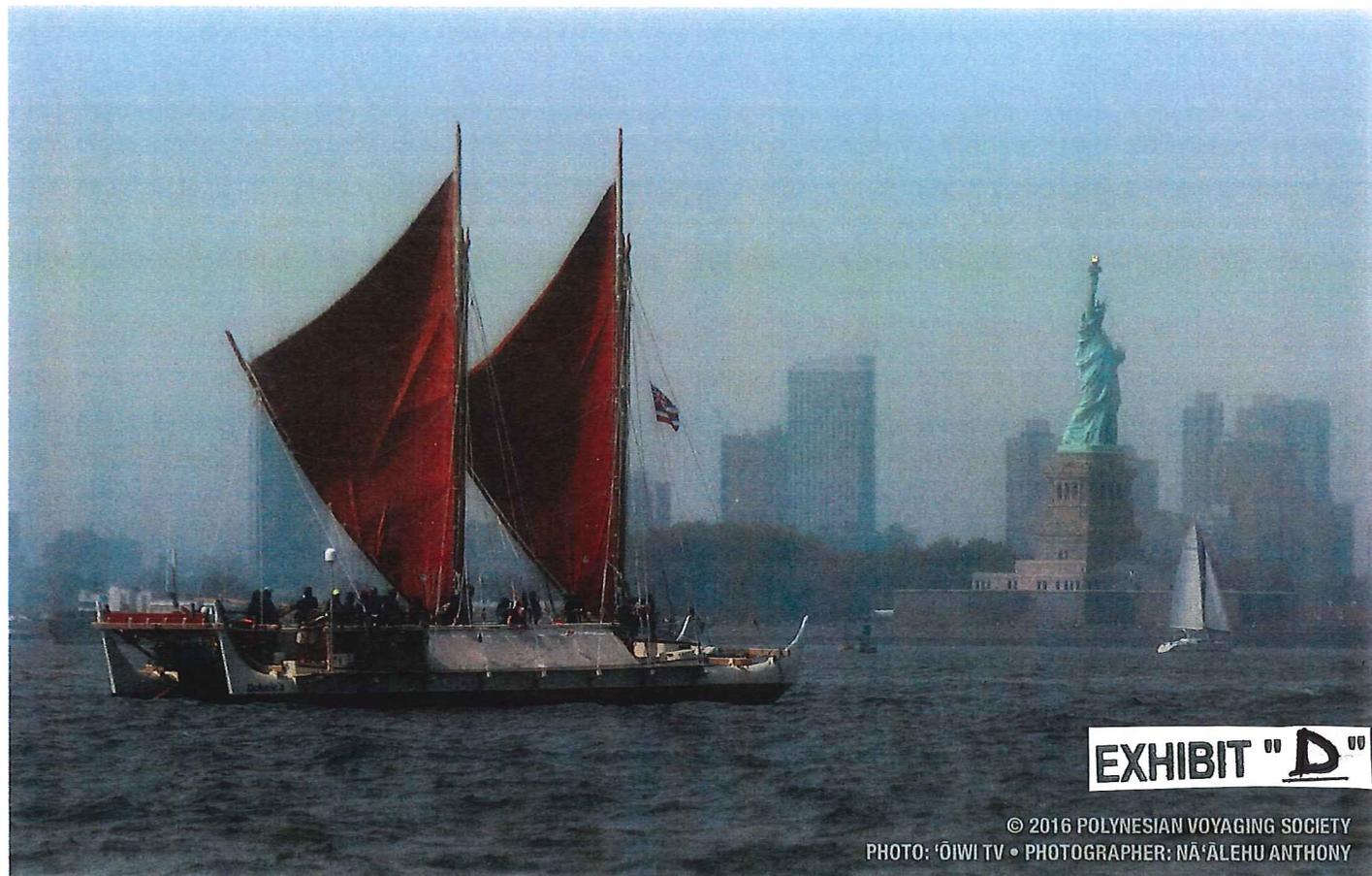


EXHIBIT "D"

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PHOTO: 'ŌIWI TV • PHOTOGRAPHER: NĀ'ĀLEHU ANTHONY

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STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS

Mana Drag Strip



LEGEND

New document count in this issue: 14 Total

- — HRS Chapter 343-5(b) Agency Action: 7
- — HRS Chapter 343-5(e) Applicant Action: 4
- Habitat Conservation Plan: 3

HAWAI'I

1. Former Kealakehe Metal Salvage Facility Remediation and Closure FEA (FONSI)

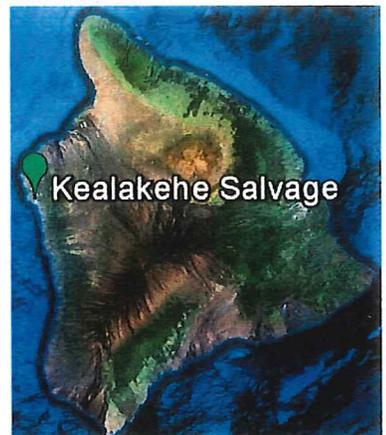
HRS §343-5
Trigger(s): Use of State land, use of State and County funds, land classified as conservation district

District: North Kona
TMK: 7-4-020:16 (portions of)
Permits: NPDES, grading permit, conservation district use application

**Proposing/
 Determining
 Agency:** County of Hawai'i, Department of Environmental Management
 BJ Leithead Todd, Director, (808) 961-8083 cohdem@hawaiicounty.gov
 345 Kekūanāo'a Street, Ste. 41, Hilo, HI 96720

Consultant: Integral Consulting Inc.
 Dennis Poma (808) 739-7055 dpoma@integral-corp.com
 94-515 Uke'e Street Suite 301, Waipahu, HI 96797

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



5. Mānā Drag Race Strip Electrical and Lighting Upgrades Resubmitted FEA (FONSI)

HRS §343-5

Trigger(s): (1) Use of State lands and funds (2) Use within conservation district
District: Waimea
TMK: (4) 1-2-002: 009, 036 & 040
Permits: Conservation District Use Permit, Shoreline Setback Determination, Special Management Area Permit, National Pollutant Discharge Elimination System Permit

Proposing/ Determining

Agency: State of Hawai'i, Department of Land and Natural Resources, Engineering Division, Adrian Chang (808) 587-0260
adrian.n.chang@hawaii.gov
 1151 Punchbowl Street, Room 221, Honolulu, HI 96813

Consultant: The Limtiaco Consulting Group
 Kyle Kaneshiro (808) 596-7790 kyle@tlcghawaii.com
 1622 Kanakanui Street, Honolulu, HI 96817

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The State of Hawai'i, Department of Land and Natural Resources (DLNR), in cooperation with the Garden Isle Racing Association (GIRA), proposes electrical and lighting improvements at the Kaua'i Raceway Park (KRP) located in Mana, Kaua'i, Hawai'i. The KRP does not currently have a permanent electrical power connection; portable generators are brought to the site to power lighting, electrical equipment, and mechanical equipment for GIRA's monthly race events at the facility. A mixture of temporary lighting and street-light style light poles are currently used to light the facility for evening events.

The proposed electrical and lighting improvements include installation of approximately 19 stadium-style light poles along the length of the existing race track. The lighting will be downcast to mitigate potential adverse effects to the local seabird population. Additionally, overhead power lines will be extended from the Kaua'i Island Utility Cooperative distribution system on Kaumuali'i Highway to the KRP to provide permanent electrical power to the facility. The project will increase visibility at the facility during evening events, providing a safer and more enjoyable experience for participants. The project will also reduce the KRP reliance on temporary lighting and portable generators. This FEA/FONSI has been resubmitted for publication after being approved by the BLNR.