

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

October 28, 2016

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

**Authorization to Enter Into a Use and Occupancy Agreement between the State of Hawaii,
Department of Land and Natural Resources, and the State of Hawaii, Department of
Transportation Regarding the Construction of Job No. B13CH73A, Kawaihae Small Boat
Harbor (South) Roadway and Water System Improvements, Kawaihae, Island of Hawaii**

The Department of Land and Natural Resources (DLNR), desires to enter into a Use and Occupancy Agreement (UOA) to construct Job No. B13CH73A, Kawaihae Small Boat Harbor (South) Roadway and Water System Improvements, Kawaihae, Island of Hawaii, Hawaii.

The Land Board approved the construction contract for the subject project on January 27, 2015 for the sum of \$2,245,000.00 to Drayko Construction, Inc., to install approximately 3,400 linear feet of 8-inch and 4-inch waterlines and appurtenances and approximately 3,750 linear feet of a 24-foot wide asphalt access road from Akuni Pule Highway to the Kawaihae South Small Boat Harbor. The new waterlines will provide domestic water and fire protection and the new access road will provide improved access to the harbor.

The Department of Transportation (DOT) requires execution of a UOA to allow connection to the existing 12-inch water main and install waterlines in their roadway and Right-of-Way on Akoni Pule Highway. This agreement identifies conditions of approval as defined by the Highways Division, DOT, defining specific requirements involving highway and ROW issues.

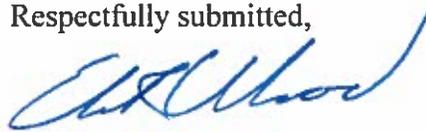
UOA No. 301 is currently in draft form. Both DOT and DLNR received their preliminary legal review of the documents, which will require the attachment of respective cadastral exhibits that delineate the areas of the DOT roadway and ROW affected by the project. These exhibits are pending. Prior to the execution of the agreements, DOT is requiring the signing of the conditional agreement from Highways.

In accordance with Chapter 343, HRS, and Chapter 11-200, HAR, a Final Environmental Assessment and Finding of No Significant Impact for the project was issued on February 7, 2014.

RECOMMENDATION:

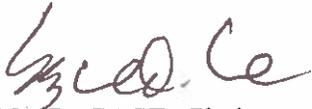
That the Board authorize the Chairperson to sign the Use and Occupancy Agreement subject to review and approval by the Deputy Attorney General.

Respectfully submitted,



EDWARD R. UNDERWOOD
Administrator

Approved For Submittal:



SUZANNE D. CASE, Chairperson