

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

July 14, 2017

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

PSF No.: 17KD-058

KAUAI

Grant of Perpetual, Non-Exclusive Easement to the State of Hawaii, Department of Transportation, Highways Division (HDOT), for Scour Countermeasure (Rip Rap) Purposes Relating to the Hanapepe Bridge Replacement Project; Issuance of Management and Construction Right-of-Entry to HDOT for Hanapepe Bridge Replacement Project Purposes, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-007:013, 1-9-010:014 & 046 portions.

APPLICANT:

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

LEGAL REFERENCE:

Sections 171-13, -55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-9-007:013, and 1-9-010:014 & 046, as shown on the attached map labeled Exhibit A.

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCE/CURRENT USE	ESMNT/ ROE AREA
		LUC	CZO		(Acres)
(4) 1-9-007:013	Hanapepe/ Waimea	Urban	Com	GLS-3937; County of Kauai for Hanapepe Flood Control Project. (part 1) exp. 10/31/30	0.7971 (34,720 s.f.)
(4) 1-9-010:014	Hanapepe/ Waimea	Urban		GEO 2896: COK-Sewage pump station, Hanapepe Town Interceptor (Stn. 1)	0.1991 (8,674 s.f.)
(4) 1-9-010:046	Hanapepe/ Waimea	Urban	RS	Hanapepe River	0.0247 (1,075 s.f.)

AREA:

TMK: (4) 1-9-007:013

Construction ROE: 0.7971 acre or 34,720 square feet, more or less.

Easement (E-5): 0.122 acre or 5,320 square feet, more or less.

TMK: (4) 1-9-010:014

Construction ROE: 0.1991 acre or 8,674 square feet, more or less.

TMK: (4) 1-9-010:046

Construction ROE: 0.0247 acre or 1,075 square feet, more or less.

Easement (E-7): 0.019 acre or 834 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO x

CURRENT USE STATUS:

Encumbered by General Lease No. S-3937, County of Kauai, Lessee, for Hanapepe Flood Control Project on the west bank of the Hanapepe River (Part 1). Lease to expire on October 31, 2030.

Encumbered under Governor's Executive Order No. 2896, dated April 8, 1978, to the County of Kauai for Sewage Pump Station (Hanapepe Town Interceptor Sewage Pump Station No. 1).

EASEMENT AREA:

Easement E-5 with an area of 0.122 acre or 5,320 square feet, more or less; and Easement E-7 with an area of 0.019 acre or 834 square feet, more or less.

EASEMENT CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a scour countermeasure (rip rap) over, under and across State-owned land.

COMMENCEMENT DATE OF EASEMENT:

To be determined by the Chairperson.

EASEMENT TERM:

Perpetual.

RIGHT-OF ENTRY AND EASEMENT CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on September 23, 2016 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Not applicable. The Applicant is a government and is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost for the Easement E-5 and E-7 areas.

REMARKS:

HDOT, together with the Federal Highway Administration (FHWA), Central Federal Lands Highway Division (CFL), is planning to replace the existing Hanapepe Bridge (#007000500301631) carrying the Kaumualii Highway, Route 50, located in the town of Hanapepe, Kauai. The area is needed to facilitate traffic during the construction of a new bridge. A Roadway Bypass will be constructed on the mauka side of the highway and require a portion of State lands for the temporary roadway, temporary bridge abutment, and construction of permanent scour countermeasure (rip rap). At the conclusion of the project the Roadway Bypass will be removed but the scour countermeasure along portions of the banks of the Hanapepe River will remain. A perpetual easement is therefore needed for the permanent scour countermeasure. The remainder of the right-of-entry area will be restored to its pre-existing condition.

HDOT has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Various government agencies and interest groups were contacted during the environmental assessment process. Respondents had no objections to the request.

The County of Kauai concurs with the proposed use of State lands currently under the County's jurisdiction.

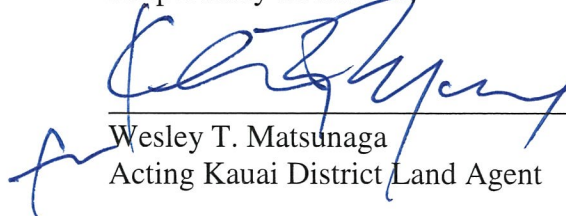
RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to HDOT for scour countermeasure (rip rap) construction, use and maintenance purposes covering

portions of the subject area relating to the Hanapepe Bridge replacement project 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 to HDOT, its consultants, contractors, and/or persons acting for or on its behalf, over portions of TMK: (4) 1-9-007:001 and 1-9-010:014 & 046, 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 and construction right-of-entry form, as may be amended from time to time;
 - B. The right-of-entry permit is effective upon due execution by the parties and shall terminate upon issuance of the grant of easement document;
 - C. At the conclusion of the project, the subject right-of-entry area (excluding the portions used for scour countermeasures) will be restored to its pre-existing condition, or to a condition satisfactory to the County of Kauai and/or the Kauai District Land Office; and
 - D. 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.

Respectfully Submitted,


Wesley T. Matsunaga
Acting Kauai District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



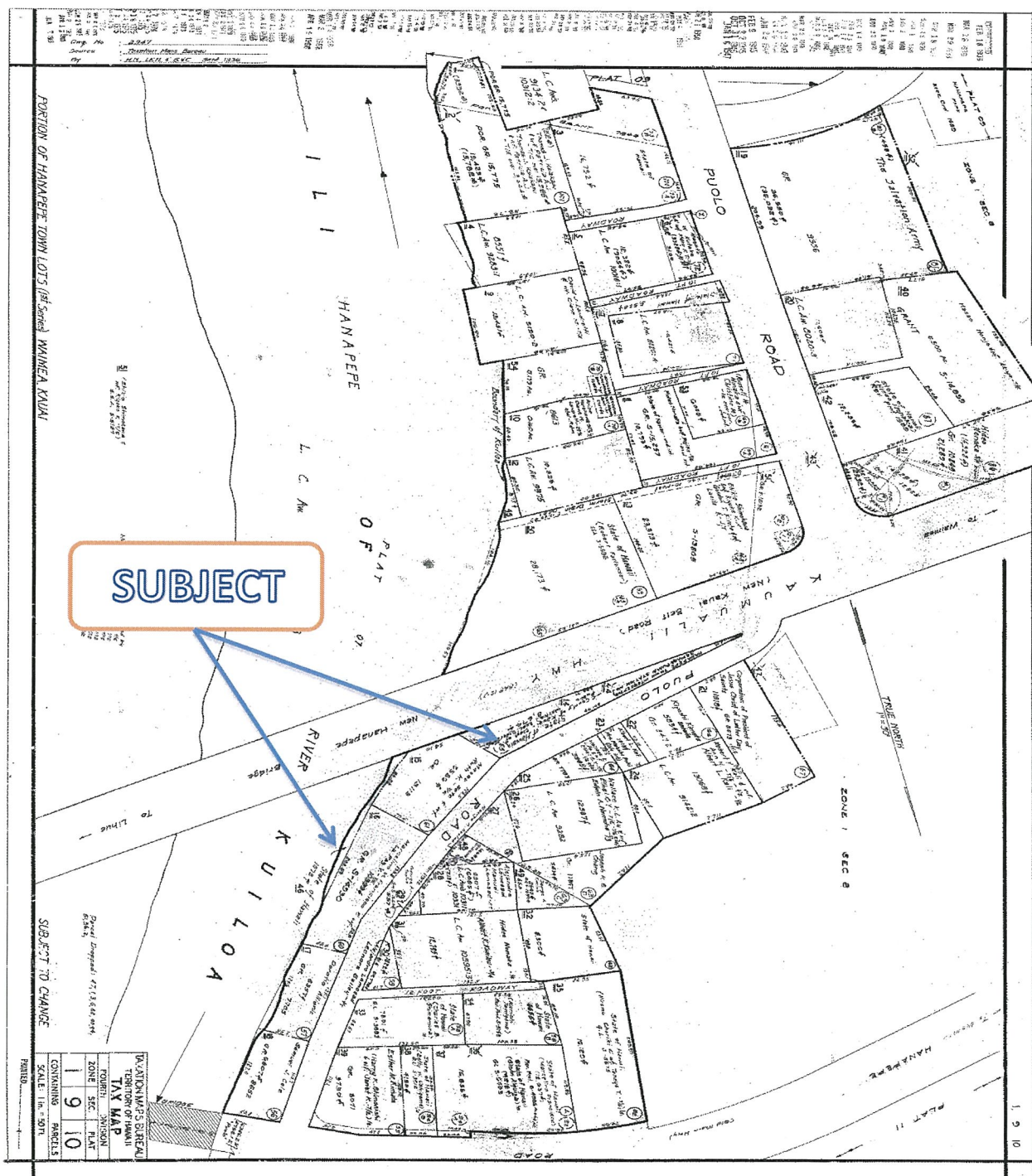


EXHIBIT A

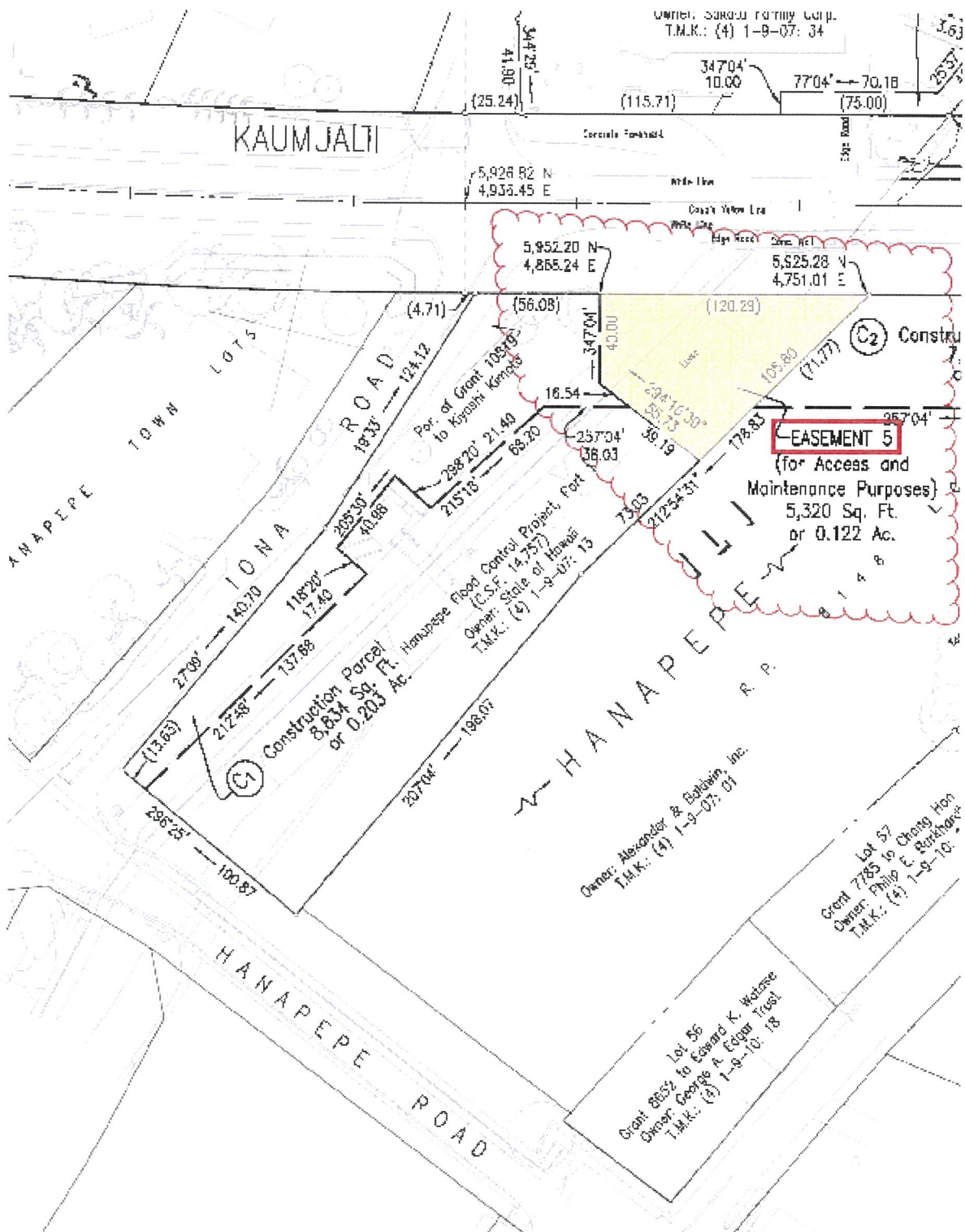


EXHIBIT A

