

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

January 12, 2018

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

LOD No. S-29,140  
Kauai

Amend Grant of Non-Exclusive Easement under Land Office Deed No. S-29,140, Easter Seals Hawaii, Grantor, to State of Hawaii, by its Board of Land and Natural Resources, Grantee, Menehune Road Rockfall Mitigation Project, Kikiaola, Waimea, Kauai, Tax Map Key: (4) 1-6-010:001 (portion).

The purpose of the amendment is to expand the character of use of the easement to include a 4-foot high chain-link fence with gate for safety purposes.

APPLICANT AGENCY:

Department of Land and Natural Resources, Land Division.

LEGAL REFERENCE:

Sections 107-10 and 171-30, Hawaii Revised Statutes ("HRS"), as amended, and Chapter 101, HRS, as may be necessary.

LOCATION:

Portion of Government land located at Kikiaola, Waimea, Kauai, identified by Tax Map Key: (4) 1-6-010:001 (portion), as shown on the attachment map labeled **Exhibit A**.

AREA:

0.142 acres, more or less.

ZONING:

State Land Use District:	Urban, Conservation
County of Kauai CZO:	Commercial and Residential

TRUST LAND STATUS:

Not applicable, private lands.

CURRENT USE STATUS:

The easement that was purchased is located on private lands used for commercial and residential purposes. The easement affects unimproved portions of the parcel.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove rock fall mitigation mesh, anchor system, and chain-link fencing up to four (4) feet in height with gate, in, over, under and across that certain parcel of land.

COMMENCEMENT DATE OF AMENDMENT:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by an independent appraisal establishing the difference in value between the easement granted under LOD No. S-29,140 and the value of the easement for the expanded character of use to be paid by the Department of Land and Natural Resources (“DLNR”), subject to review and approval by the Chairperson. The date of the valuation will be the same as the date used for the initial appraisal, January 7, 2015.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Hawaii Administrative Rules Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of the environmental assessment pursuant to Exemption Class 1, Item 1, and Exemption Class 3, Item 9. (See **Exhibit B**).

DCCA VERIFICATION:

Not applicable. Government agency.

REMARKS:

At its meeting of September 25, 2015, under agenda item D-3, the Board of Land and

Natural Resources (“Board”) approved the acquisition of perpetual easements for a rock fall mitigation mesh and anchor system over portions of three private parcels for the Menehune Road rock fall mitigation project, including the subject parcel owned by Easter Seals Hawaii (“ESH”). On June 1, 2016, Grant of Non-Exclusive Easement under Land Office Deed (“LOD”) No. S-29,140 was finalized between ESH and the State, with the DLNR paying \$3,400 to ESH for the easement as approved by the Board.

In the course of the project, DLNR’s Engineering Division and its contractor determined that a new 4-foot high chain-link fence should be installed as a barrier between the improved portions of the private properties and the edge of the cliff now covered in mesh. Photographs showing the condition of the subject property after installation of the rock fall mitigation system are attached as **Exhibit C1 & C2**. However, the easement character of use approved by the Board and included in the easement grant does not contemplate installation of a safety fence. Grant of Non-Exclusive Easement LOD No. S-29,140 gives the State the “[r]ight, privilege and authority to construct, use, maintain, repair, replace and remove rock fall mitigation mesh and anchor system” over a portion of ESH’s land. A copy of LOD No. S-29,140 is attached as **Exhibit D**.

After consulting with the Department of the Attorney General, on July 25, 2017 and August 1, 2017, DLNR sent letters to the three landowners requesting their approval of the installation of the safety fence and providing copies of the site plans for their consideration. The letter explained that the fence would include a gate to allow access to the area, although DLNR recommended that the owners keep the gate locked to prevent unauthorized access. The reason for including the gate in the fence is to maintain the non-exclusivity of the easement.

On September 21, 2017, ESH approved the installation of the fence and gate on its property. A copy of the approval letter is attached as **Exhibit E**.<sup>1</sup> In ESH’s case, the fence and gate will be installed within the current easement area. Under the proposed amended easement, DLNR will maintain and repair the fence and gate, as well as the rock fall mitigation mesh and anchor system as needed.

Various government agency and interest groups were solicited for comments, and below are their responses:

AGENCIES	COMMENTS
<b>State of Hawaii:</b>	
DOH – Kauai District Health Office	<b>Exhibit F</b>

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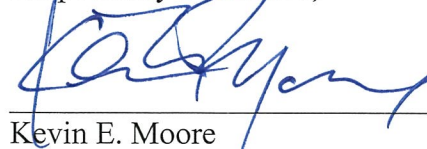
<sup>1</sup> The other two landowners (of adjoining parcel TMK Nos. (4) 1-6-010:002 and (4) 1-6-010:003)), have not yet approved of the fence installation. Staff proposes to move forward with the amendment of the easement with ESH rather than wait for the other two landowners to respond. There are a mix of project and processing issues regarding the other two landowners that will take time to resolve. Staff will return to the Board for amendment as to the other two landowners if and when they agree to the fence installation on their properties.

AGENCIES:	COMMENTS:
DHHL	No objections
DOT	No response by suspense date
DLNR – Historic Preservation	No objections
DLNR – Conservation and Coastal Lands	No response by suspense date
<b>County of Kauai</b>	
Planning Department	No objections
Public Works	No comments
<b>Other Agencies / Interest Groups:</b>	
Office of Hawaiian Affairs	No response by suspense date

RECOMMENDATION: That the Board:

1. Authorize the amendment of Grant of Non-Exclusive Easement, Land Office Deed No. S-29,140, Easter Seals Hawaii, Grantor, to State of Hawaii, by its Board of Land and Natural Resources, Grantee, to revise the character of use provision to read: “Right, privilege and authority to construct, use, maintain, repair, replace and remove rock fall mitigation mesh, anchor system, and chain-link fencing up to four (4) feet in height with gate, in, over, under and across that certain parcel of land,” 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 amendment of easement 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.

Respectfully Submitted,



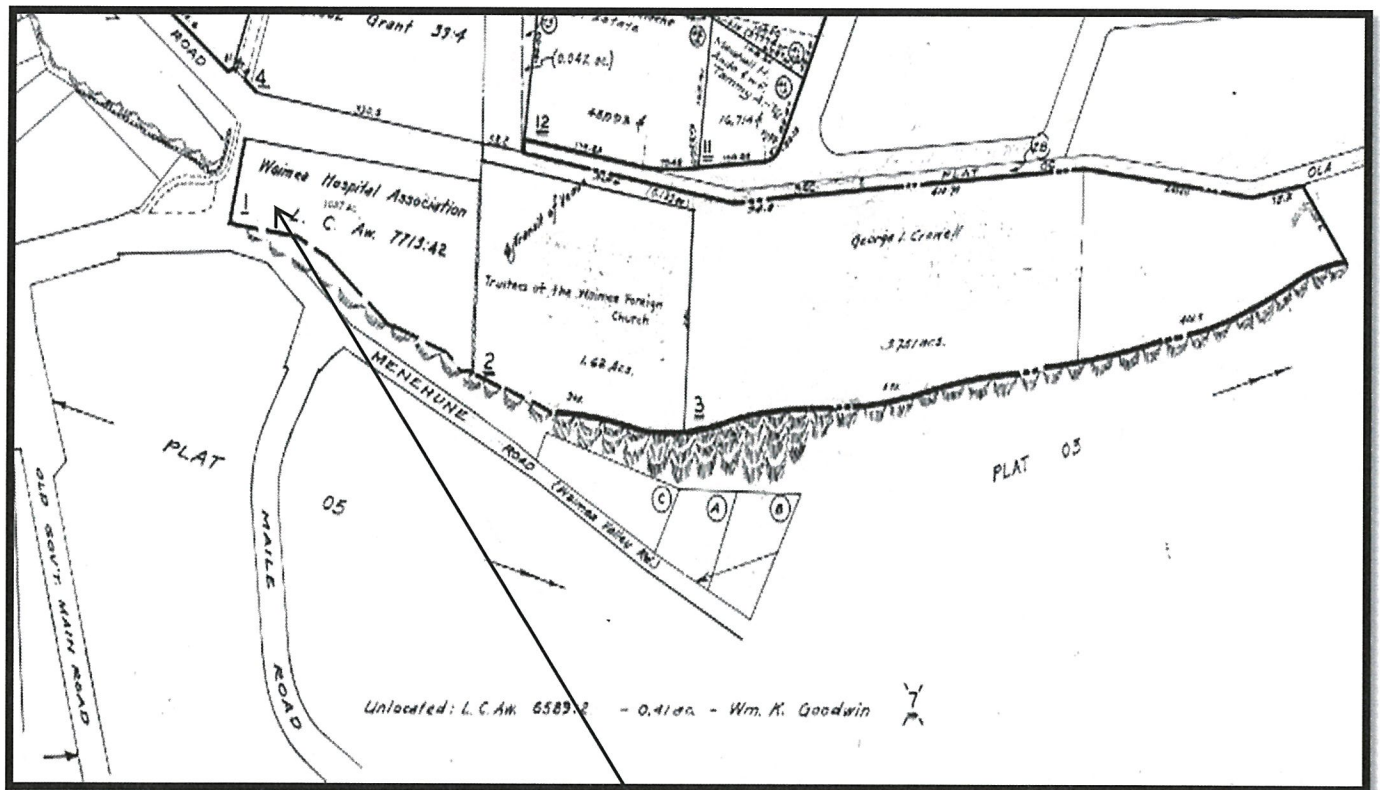
Kevin E. Moore  
Assistant Administrator



APPROVED FOR SUBMITTAL:

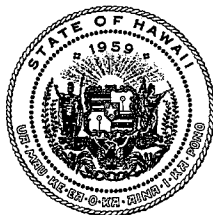
  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

Attachments



TMK No. (4) 1-6-010:001 (por.)

**Exhibit A**



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**EXEMPTION NOTIFICATION**

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Amend Grant of Non-Exclusive Easement under Land Office Deed No. S-29,140, Easter Seals Hawaii, Grantor, to State of Hawaii, by its Board of Land and Natural Resources, Grantee, Menehune Road Rockfall Mitigation Project, Kikiaola, Waimea, Kauai.

The purpose of the amendment is to expand the character of use of the easement to include a 4-foot high chain-link fence with gate for safety purposes.

Project / LOD No. S-29,140

Reference No.:

Project Location: Kikiaola, Waimea, Kauai; Tax Map Key (4) 1-6-010:001 (por.)

Project Description: Amend Grant of Non-Exclusive Easement under Land Office Deed No. S-29,140, Easter Seals Hawaii, Grantor, to State of Hawaii, by its Board of Land and Natural Resources, Grantee, Menehune Road Rockfall Mitigation Project, Kikiaola, Waimea, Kauai

Chap. 343 Use of State Land and Funds

Trigger(s):

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", Item No. 1, that states "Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources", and Exemption Class 3, Item 9 that states: "Construction of security features, including fencing, gates, cameras, lighting, and other similar items."

**Exhibit B**

Consulted Parties: Department of Health, Department of Hawaiian Home Lands, Department of Transportation, DLNR's Historic Preservation, Office of Conservation & Coastal Lands, Division of Engineering, and County of Kauai's Planning Department and Public Works, and the Office of Hawaiian Affairs.

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.





View of draped mesh just over the cliffs.

**Exhibit C1**





Mesh drape termination at the top of cliffs.



Mesh drape over the cliffs at the top.



NC/G  
C



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

July 06, 2016 3:29 PM

Doc No(s) A-60310702



1 1/1 CGG  
B-32833192

/s/ NICKI ANN THOMPSON  
REGISTRAR

LAND COURT SYSTEM 02/07 REGULAR SYSTEM  
Return by Mail ( ) Pickup ( ) To:

DEPT. OF LAND AND NATURAL RESOURCES  
LAND DIVISION

Total Number of Pages: 9  
LOD No. S-29,140 Tax Map Key No. (4) 1-6-010:Portion of 001

GRANT OF NON-EXCLUSIVE EASEMENT

THIS INDENTURE made and entered into this 1<sup>st</sup> day of JUNE, 20 16, by and between EASTER SEALS HAWAII, a Hawaii nonprofit corporation, whose address is 710 Green Street, Honolulu, Hawaii 96813, hereinafter referred to as the "Grantor," and the STATE OF HAWAII, by its Board of Land and Natural Resources, whose address is 1151 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter referred to as the "Grantee."

WITNESSETH THAT:

The Grantor, for and in consideration of the sum of THREE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$3,400.00), the receipt of which is hereby acknowledged, and of the terms, conditions, and covenants herein contained, and on the part of the Grantee to be observed and performed, does hereby grant unto the Grantee, the following non-exclusive and perpetual easement rights:

Right, privilege and authority to construct, use, maintain, repair, replace and remove rock fall mitigation mesh and anchor system,



in, over, under and across that certain parcel of land ("easement area") situate at Kikiaola, Waimea, Kauai, Hawaii, being identified as "Perpetual Non-Exclusive Slope Stabilization Easement, Easement S-1," containing an area of 0.142 acre, more particularly described in Exhibit "A" and delineated on Exhibit "B", both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, designated C.S.F. No. 25,372 and dated June 10, 2014, TOGETHER WITH the rights of ingress and egress to and from the easement area for all purposes in connection with the rights hereby granted. Said easement area is covered by Warranty Deed dated April 6, 2010, conveyed to Easter Seals Hawaii, a Hawaii nonprofit corporation, by that certain Warranty Deed recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2011-062203.

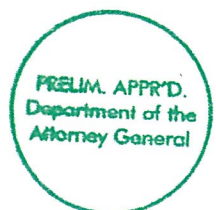
TO HAVE AND TO HOLD the easement rights unto the Grantee, its successors and assigns, in perpetuity, SUBJECT, HOWEVER, to the following terms, conditions and covenants:

1. The State shall be responsible for injury caused by the State's officers and employees in the course and scope of their employment to the extent that the State's liability for such damage or injury has been determined by a court or otherwise agreed to by the State. The State shall pay for such damage and injury to the extent permitted by law provided that an appropriation is enacted for that purpose.

2. The Grantor reserves unto itself, its successors and assigns, the full use and enjoyment of the easement area and to grant to others rights and privileges for any and all purposes affecting the easement area, provided, however, that the rights herein reserved shall not be exercised by the Grantor in a manner which interferes unreasonably with the Grantee in the use of the easement area for the purposes for which this easement is granted.

3. All improvements placed in or upon the easement area by the Grantee shall be done without cost or expense to the Grantor and shall remain the property of the Grantee and may be removed or otherwise disposed of by the Grantee at any time; provided, that the removal shall be accomplished with minimum disturbance to the easement area which shall be restored to its original condition, or as close thereto as possible, within a reasonable time after removal.

4. Upon completion of any work performed in or upon

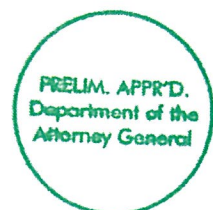
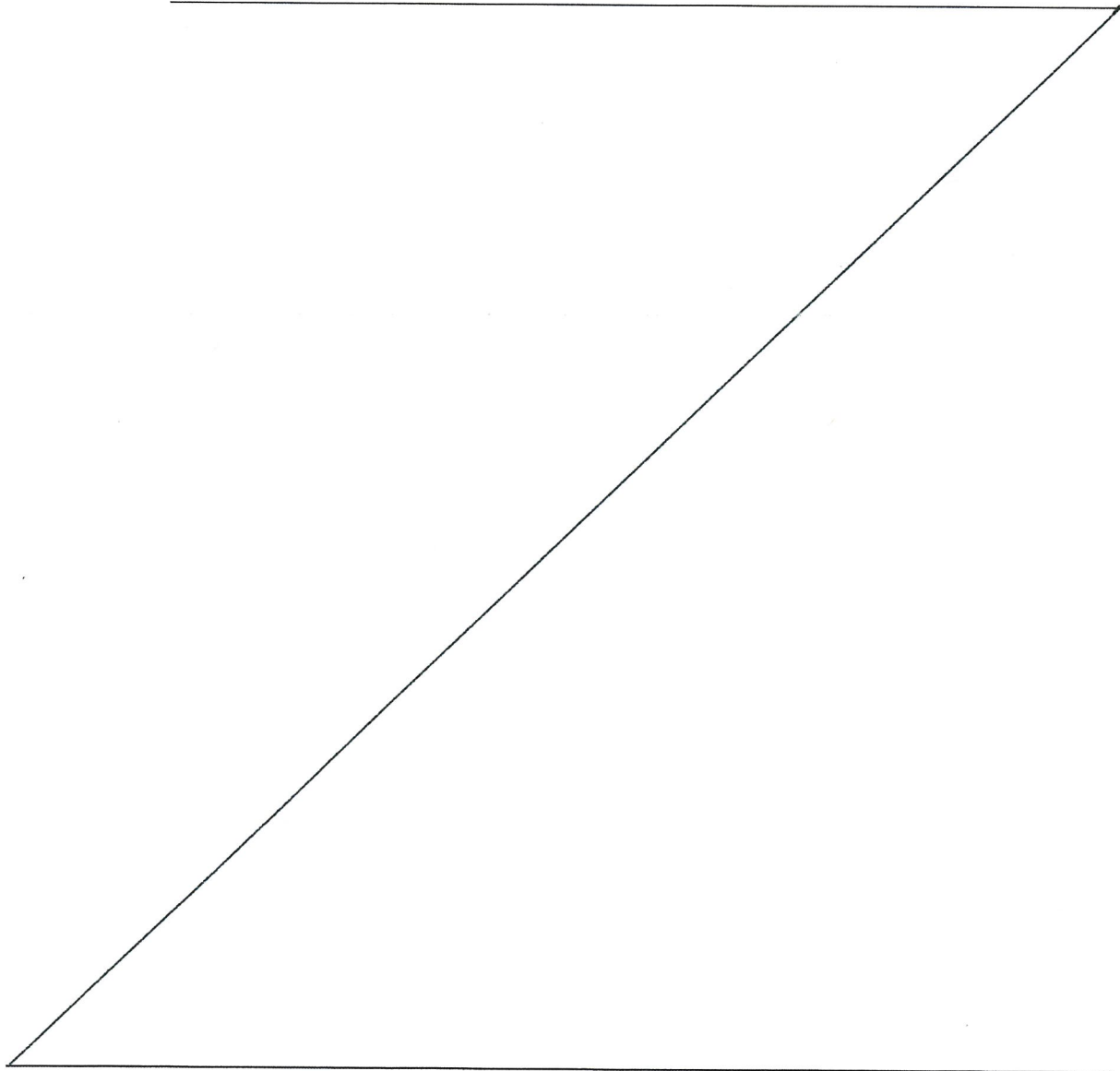




the easement area, the Grantee shall remove therefrom all equipment and unused or surplus materials, if any, and shall leave the easement area in a clean and sanitary condition satisfactory to the Grantor.

5. The Grantee shall keep the improvements placed in or on the easement area in a safe, clean, sanitary, and orderly condition.

6. Upon termination of the use, the easement area shall be restored to its original state, or as close thereto as possible, within a reasonable time and at the expense of the Grantee.



IN WITNESS WHEREOF, EASTER SEALS HAWAII, a Hawaii nonprofit corporation, and the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Indenture to be executed as of the day, month, and year first above written.

EASTER SEALS HAWAII, a Hawaii nonprofit corporation

Approved by the Board of Land and Natural Resources at its meeting held on September 25, 2015.

By MICHAEL J. HOWARD X  
EASTER SEALS HAWAII  
Its CHAIR - BOARD OF DIRECTORS

By \_\_\_\_\_  
Its \_\_\_\_\_

GRANTOR

STATE OF HAWAII

By SUZANNE D. CASE  
SUZANNE D. CASE  
Chairperson  
Board of Land and Natural Resources

GRANTEE

APPROVED AS TO LEGALITY, FORM, EXCEPTIONS, AND RESERVATIONS:

JULIE H. CHINA  
JULIE H. CHINA  
Deputy Attorney General

Dated: April 11, 2016



STATE OF HAWAII

City and COUNTY OF Honolulu

)  
) SS.  
)

On this 28<sup>th</sup> day of April, 2016,  
before me appeared Michael J. Hulser  
and \_\_\_\_\_, to me personally  
known, who, being by me duly sworn, did say that they are the  
Board Chair and \_\_\_\_\_,  
respectively of EASTER SEALS HAWAII, a Hawaii nonprofit  
corporation, and that said instrument was signed in behalf of  
said corporation by authority of its Board of Directors, and the  
said Michael J. Hulser and \_\_\_\_\_  
acknowledged said instrument to be the free act and deed of said  
corporation.



*[Signature]*

Notary Public, State of Hawaii

Michelle Setsu Holmes

My commission expires: 1/17/2020

Doc. Date: \_\_\_\_\_ # Pages: 9  
Name: Michelle Setsu Holmes 1st Circuit  
Doc. Description: Grant Non-Exclusive Easement  
[Signature] 4/28/16  
Notary Signature Date

NOTARY CERTIFICATION



STATE OF HAWAII  
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 25,372

June 10, 2014

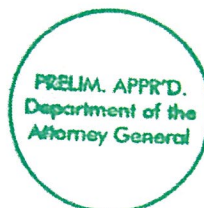
PERPETUAL NON-EXCLUSIVE  
SLOPE STABILIZATION EASEMENT  
EASEMENT S-1

Being a portion of Royal Patent 4475,  
Land Commission Award 7713, Apana 42 to V. Kamamalu

Kikiaola, Waimea, Kauai, Hawaii

Beginning at the northeast corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "TRANSIT OF VENUS" being 107.67 feet South and 85.98 feet East, thence running by azimuths measured clockwise from True South:-

- |    |      |     |   |
|----|------|-----|---|
| 1. | 33°  | 29' | 18.24 feet along the Government (Crown) Land of Waimea;                               |
| 2. | 75°  | 57' | 31.41 feet along the Government (Crown) Land of Waimea;                               |
| 3. | 52°  | 17' | 87.42 feet along the Government (Crown) Land of Waimea;                               |
| 4. | 71°  | 54' | 120.76 feet along the Government (Crown) Land of Waimea;                              |
| 5. | 58°  | 27' | 47.25 feet along the Government (Crown) Land of Waimea;                               |
| 6. | 40°  | 14' | 32.84 feet along the Government (Crown) Land of Waimea;                               |
| 7. | 129° | 33' | 22.14 feet along the remainder of R.P. 4475, L.C. Aw.<br>7713, Ap. 42 to V. Kamamalu; |
| 8. | 228° | 41' | 19.08 feet along the remainder of R.P. 4475, L.C. Aw.<br>7713, Ap. 42 to Kamamalu;    |



June 10, 2014

9. Thence along the remainder of R.P. 4475, L.C. Aw. 7713; Ap. 2 to V. Kamamalu on a curve to the right with a radius of 150.00 feet, the chord azimuth and distance being:  
234° 55' 32.57 feet;
10. 241° 09' 10.08 feet along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu;
11. Thence along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu on a curve to the right with a radius of 310.00 feet, the chord azimuth and distance being:  
247° 21' 30" 67.05 feet;
12. 163° 34' 10.00 feet along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu;
13. Thence along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu on a curve to the right with a radius of 320.00 feet, the chord azimuth and distance being:  
256° 31' 30" 33.03 feet;
14. Thence along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu on a curve to the left with a radius of 36.00 feet, the chord azimuth and distance being:  
256° 00' 45" 49.10 feet;
15. 213° 01' 18.51 feet along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu;
16. 230° 37' 26.97 feet along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu;
17. Thence along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu on a curve to the right with a radius of 83.00 feet, the chord azimuth and distance being:  
243° 27' 45" 39.61 feet;
18. 242° 43' 38.57 feet along the remainder of R.P. 4475, L.C. Aw. 7713, Ap. 42 to V. Kamamalu;





C.S.F. No. 25,372

June 10, 2014

19. 305° 00'

16.78 feet along the remainder of R.P. 4475, L.C. Aw.  
7713, Ap. 42 to V. Kamamalu to the point of  
beginning and containing an AREA OF 0.142  
ACRE.

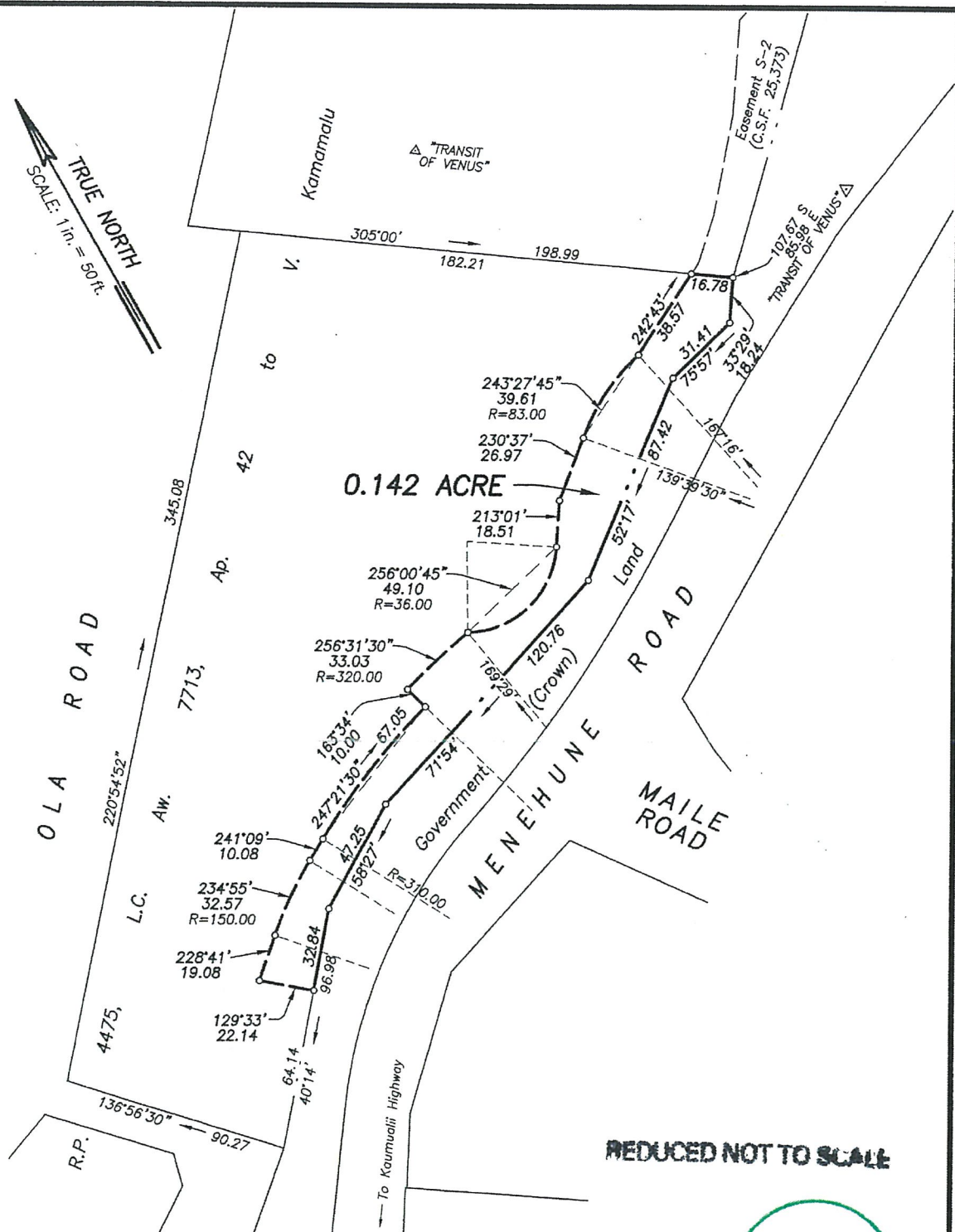
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: *Gerald Z. Yonashiro*  
Gerald Z. Yonashiro  
Land Surveyor tkt

Compiled from map and desc. furn.  
by AECOM. Said map and desc.  
have been examined and checked  
as to form and mathematical  
correctness but not on the ground  
by the Survey Division.



TRUE NORTH  
SCALE: 1 in. = 50 ft.



**PERPETUAL NON-EXCLUSIVE  
SLOPE STABILIZATION EASEMENT  
EASEMENT S-1**

Being a portion of Royal Patent 4475,  
Land Commission Award 7713, Apana 42 to V. Kamamalu

Kikiaola, Waimea, Kauai, Hawaii

Scale: 1 inch = 50 feet

PRELIM. APP'D.  
Department of the  
Attorney General

**EXHIBIT "B"**

JOB K-081(14)  
C. BK.

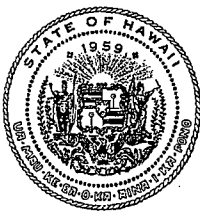
TAX MAP 1-6-10: por. 01

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
**STATE OF HAWAII**

C.S.F. NO. 25,372

DM June 10, 2014

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

ENGINEERING DIVISION  
POST OFFICE BOX 373  
HONOLULU, HAWAII 96809

**JUL 25 2017**

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Mr. Michael J. Hulser, Board Chairperson  
Easter Seals Hawaii  
710 Green Street  
Honolulu, Hawaii 96813

Dear Mr. Hulser:

**Proposed Amendment of Grant of Easement LOD No. S-29, 140 to the  
Department of Land and Natural Resources for the Menehune Road Rockfall Mitigation,  
Waimea, Kauai, Hawaii  
Tax Map Key: (4) 1-6-010:001 (portion)**

As you will recall, Easter Seals Hawaii granted the State of Hawaii, Board of Land and Natural Resources (BLNR), a perpetual easement over a portion of the above-referenced land for a rock fall mitigation mesh and anchor system. During construction of the system, it became evident that the character of use of the easement would need to be expanded to include a new 4-foot high chain-link fence to be located on your property. The attached site plans C-3 and C-4 present the approximate alignment of the chain-link fence.

Accordingly, we are proposing an amendment to the grant of easement to allow the BLNR, through the Department of Land and Natural Resources (Department), to construct and maintain the fence on your property. The chain-link fence will include a gate to allow access into the easement area, although we recommend that you keep the gate locked to prevent unauthorized access. The Department would maintain and repair the fence and gate as needed. Under the amended easement, you would agree to allow BLNR to maintain the fence, together with the rock fall mitigation mesh and anchor system on your property in perpetuity.

If you agree to the inclusion of the fence grant of easement, we request your authorization under the existing right-of-entry to the Department to proceed with the installation of the fence and gate. Please sign where indicated below if you approve the fence installation on your property and return the signed page to us. The Department will then approach the BLNR for approval to amend the easement character of use to include the fence and gate. The Department will also

**Exhibit E**



Mr. Michael J. Husler

Page 2

JUL 25 2017

need to procure a supplemental appraisal of the easement area to determine whether the installation of the fence requires the payment of additional compensation to you. Should you have questions, please contact Brian Chang at 587-0250 or email at [brian.k.chang@hawaii.gov](mailto:brian.k.chang@hawaii.gov).

Sincerely,



*for* CARTY S. CHANG  
Chief Engineer

Enclosure

c: Land Division, Kevin Moore

We approve and authorize the installation of a 4-foot high chain link fence on our property in the location shown on Site Plans C-3 and C-4 attached.

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Its: \_\_\_\_\_

*MICHAEL J. HUSLER*  
*BOARD CHAIR*

Date: \_\_\_\_\_

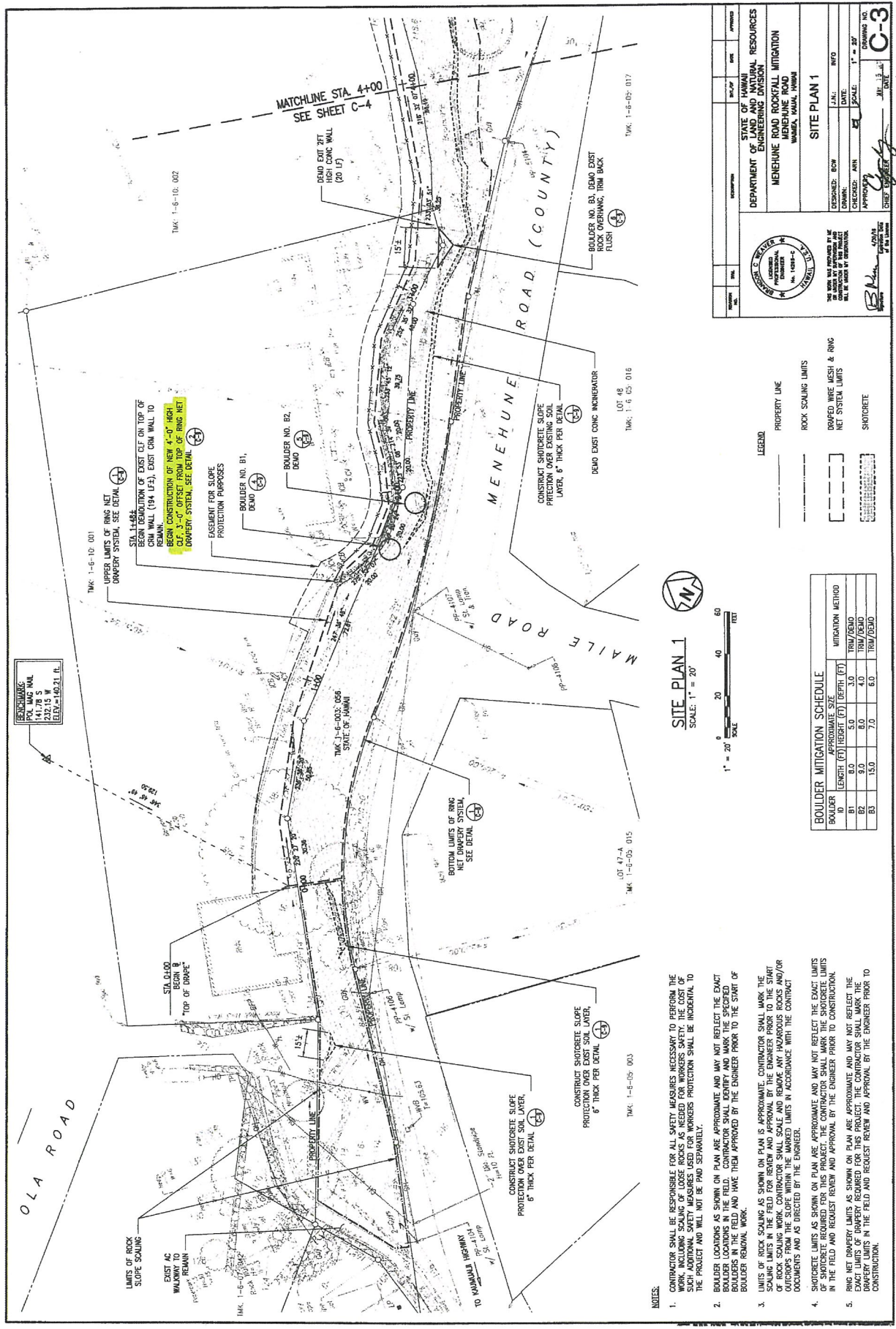
*9/21/17*

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

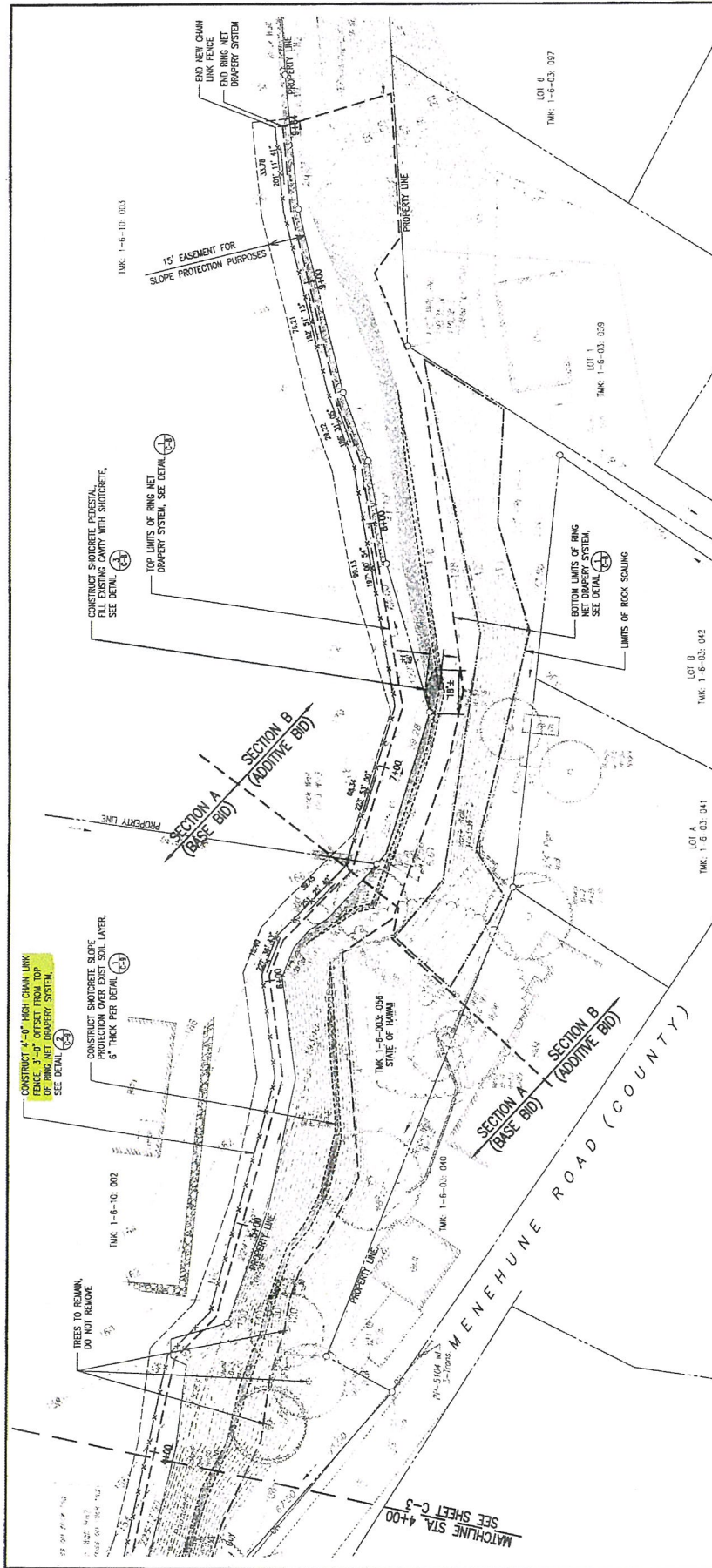


**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**ENGINEERING DIVISION**  
**MENEHUNE ROAD ROCKFALL MITIGATION**  
**MENEHUNE ROAD**  
**WAILUKU, MAUI, HAWAII**

**SITE PLAN 1**

DESIGNED: BOW  
 DRAWN: [Signature]  
 CHECKED: ANH  
 APPROVED: [Signature]  
 DATE: JUL 13, 2017  
 SCALE: 1" = 20'

**C-3**  
 DRAWING NO.  
 SHEET NO. 4 OF 13 SHEETS



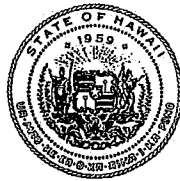
**SITE PLAN 2**  
SCALE: 1" = 20'



- LEGEND**
- PROPERTY LINE
  - ROCK SCALING LIMITS
  - DRAPEY WIRE MESH & RING NET SYSTEM LIMITS
  - SHOTCRETE

DATE	DESIGNED BY	CHECKED BY	APPROVED BY
1-6-03	1-6-03	1-6-03	1-6-03
<p>STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES LAND AND NATURAL RESOURCES DIVISION MENHUNE ROAD ROCKFALL MITIGATION HONOLULU, HAWAII</p>			
<p><b>SITE PLAN 2</b></p>			
DESIGNED BY	CHECKED BY	APPROVED BY	DATE
1-6-03	1-6-03	1-6-03	1-6-03
<p>THE WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF HAWAII.</p>			
<p>APPROVED: <i>[Signature]</i> DATE: 1-6-03</p>			
<p>DRAWING NO. <b>C-4</b></p>			

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

JANET M. BERREMAN, M.D., M.P.H., F.A.A.P.  
DISTRICT HEALTH OFFICER

November 1, 2017

Ms. Lydia Morikawa  
Special Projects & Development Specialist  
Department of Land and Natural Resources, Land Division  
P.O. Box 621  
Honolulu, Hawaii 96809

RECEIVED  
LAND DIVISION  
2017 NOV -6 AM 10:45  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII

Dear Ms. Morikawa,

**SUBJECT: Request for Comments, LOD No. S-29,140 / EPO 17-264**  
**Project: Menehune Road Rockfall Mitigation Project**  
**Applicant: Department of Land and Natural Resources, Land Division**

Based on our review, we offer the following environmental health concerns for your consideration, which needs to be addressed, prior to the Departments' approval:

1. Noise will be generated during the construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control", shall not be exceeded unless a noise permit is obtained from the State Department of Health (DOH).
2. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, HAR Chapter 11-60.1, "Air Pollution Control", effective air pollution control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
3. The construction waste that is generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, HAR, Chapter 11-58.1, "Solid Waste Management Control", the open burning of any of these wastes on or off site prohibited.

**Exhibit F**

Although we submit the previously mentioned concerns, the Environmental Planning Office is the Department of Health's authority for the review of environmental assessments and environmental impact statements.

Should you have any questions, please call me at 241-3323.

Sincerely,

A handwritten signature in blue ink, reading "Gerald N. Takamura".

Gerald N. Takamura, Chief  
District Environmental Health Program Kaua'i

GNT: DTT

Cc: Environmental Planning Office