

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

February 23, 2018

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

PSF No.: 18KD-010

**KAUAI**

Authorize the Issuance of a Perpetual Non-Exclusive Easement to the County of Kauai, Board of Water Supply for Water Pipeline and Access Purposes; Issuance of Immediate Construction Right-of-Entry Permit, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-007: Portions of 007.

**APPLICANT:**

County of Kauai, Board of Water Supply.

**LEGAL REFERENCE:**

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

**LOCATION:**

Portion of Government lands situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-9-007: portions of 007 as shown on the attached maps labeled Exhibits A-1 through A-4.

**RIGHT OF ENTRY AREA:**

Easement Area:	To be determined by survey.
Construction Area A:	0.0182 acres or 793 square feet, more or less.
Construction Area B:	0.0504 acres or 2,195 square feet, more or less.

**ZONING:**

State Land Use District:	Agriculture
County of Kauai CZO:	Agriculture

**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 Revocable Permit No. S-7259, Frank & Abigail Santos, Permittee, for plant nursery, caretaker residence, landscaping and pasture purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipeline and right-of-way over for access purposes, over, under and across State-owned land.

TERM OF EASEMENT:

Perpetual.

TERM OF RIGHT-OF-ENTRY:

Commencing upon receipt of the right-of-entry permit duly executed by an authorized representative of the County Board of Water Supply and expiring upon issuance of the grant of easement document.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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

DCCA VERIFICATION:

Not applicable. Applicant, a government agency, 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.

- 2) Obtain written concurrence from all users of the subject land.

REMARKS:

The County of Kauai, Board of Water Supply (BWS) is proposing the construction of a new 16-inch water line along Kaumuali'i Highway between Kona Road and Waialo Road, to connect the Hanapepe 212' water system to the 'Ele'ele 340' water system. The proposed improvements will provide an alternate route for supplying water to 'Ele'ele, improving system reliability, water service and fire-fighting capabilities.

BWS is seeking the Board of Land and Natural Resources' ("Board") approval for a perpetual pipeline and access easement and a right-of-entry permit to allow BWS to construct the pipeline and access road on portions of the State property described as TMK: (4) 19-007:007 ("Parcel 7").

BWS has consulted with the Department of Transportation, Highways Division (DOT-Highways), regarding the location of pipeline. The parties have agreed that the pipeline will be placed outside of the roadway, where feasible, to minimize traffic impacts during construction and repair activities. This will result in the placement of portions of the pipeline along the slope embankment and within the boundaries of Parcel 7. A 10-foot wide access road will be constructed along the waterline alignment for maintenance purposes. Temporary construction areas on Parcel 7 are identified on Exhibit A-3 as Area "A" and Area "B":

Area A: Reconstruction of the existing slope bank for the access road (Exhibit B).

Area B: Clearing, grubbing, and minor grading to maintain the existing drainage flows and existing drainage outlet structure (Exhibit C). Grouted riprap will be placed on a portion of the grading, downstream of an existing drainage outlet, to mitigate the potential for erosion. The rest of the graded area will be grassed and returned to its original surface condition, after the construction of the access road is complete.

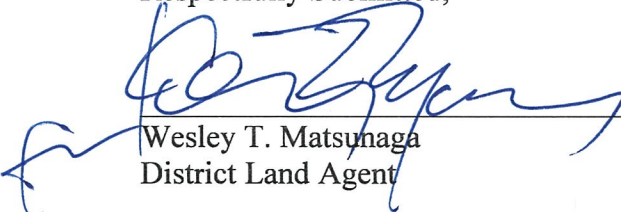
BWS will need to work directly with DOT-Highways regarding any construction activities, rights-of-entry or easements needed within Kaumuali'i Highway. Staff is recommending that the easement and right-of-entry permit for the construction of the pipeline and access roadway be granted on a gratis basis, as the project is government related for public utility purposes.

No government agencies or community interest groups were solicited for comments as comments were solicited as part of the draft environmental assessment process, which was published in the OEQC's Environmental Notice on December 23, 2016, with a finding of no significant impact.


RECOMMENDATION: That the Board

1. Subject to the Applicant fulfilling the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the County of Kauai, Board of Water Supply covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject for 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 interest of the State.
2. Authorize the issuance of a right-of-entry permit to the County of Kauai, Board of Water Supply, covering the subject area 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 right-of-entry permit form, as may be amended from time to time; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Wesley T. Matsunaga  
District Land Agent

APPROVED FOR SUBMITTAL:

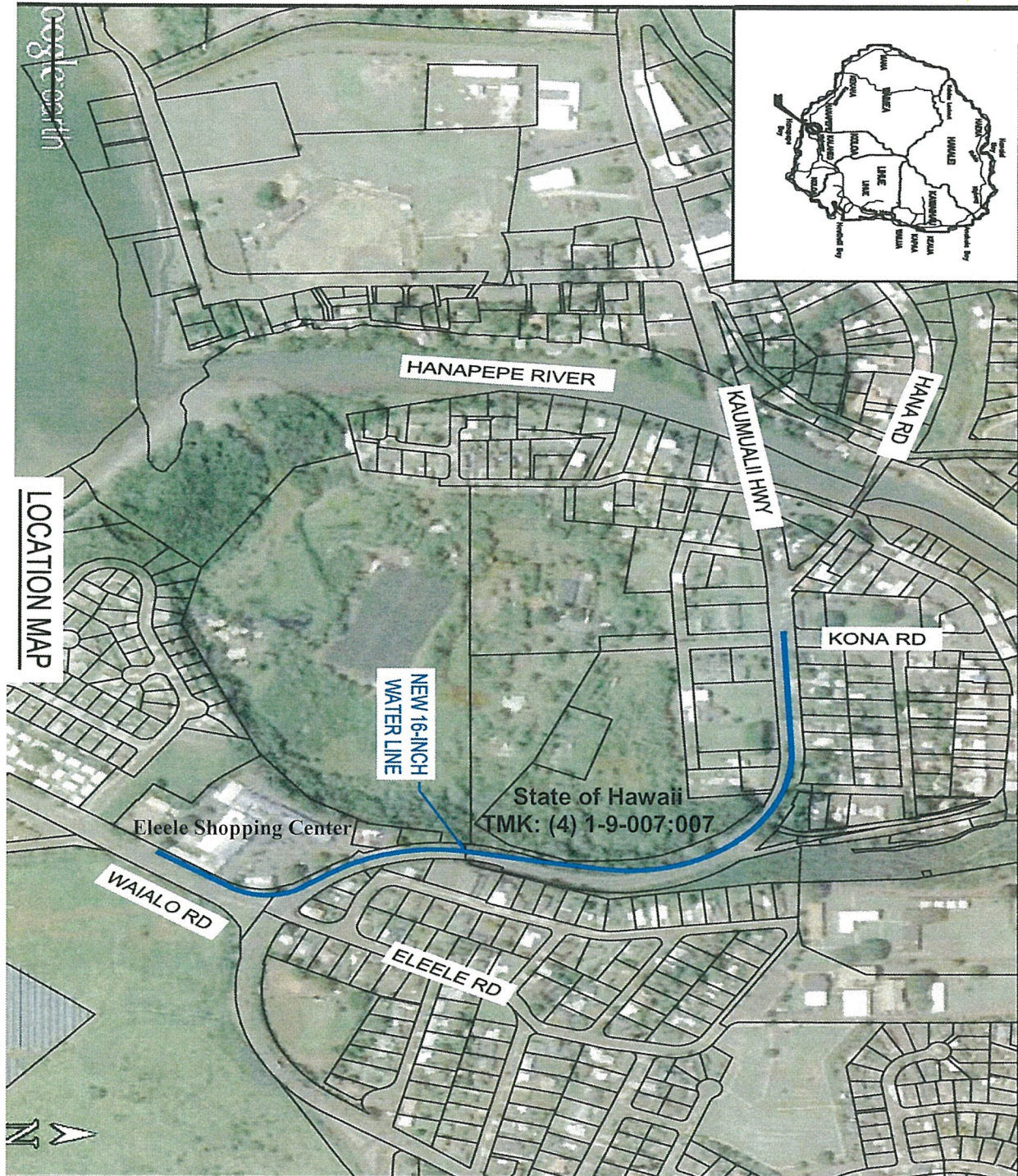
  
Suzanne D. Case, Chairperson



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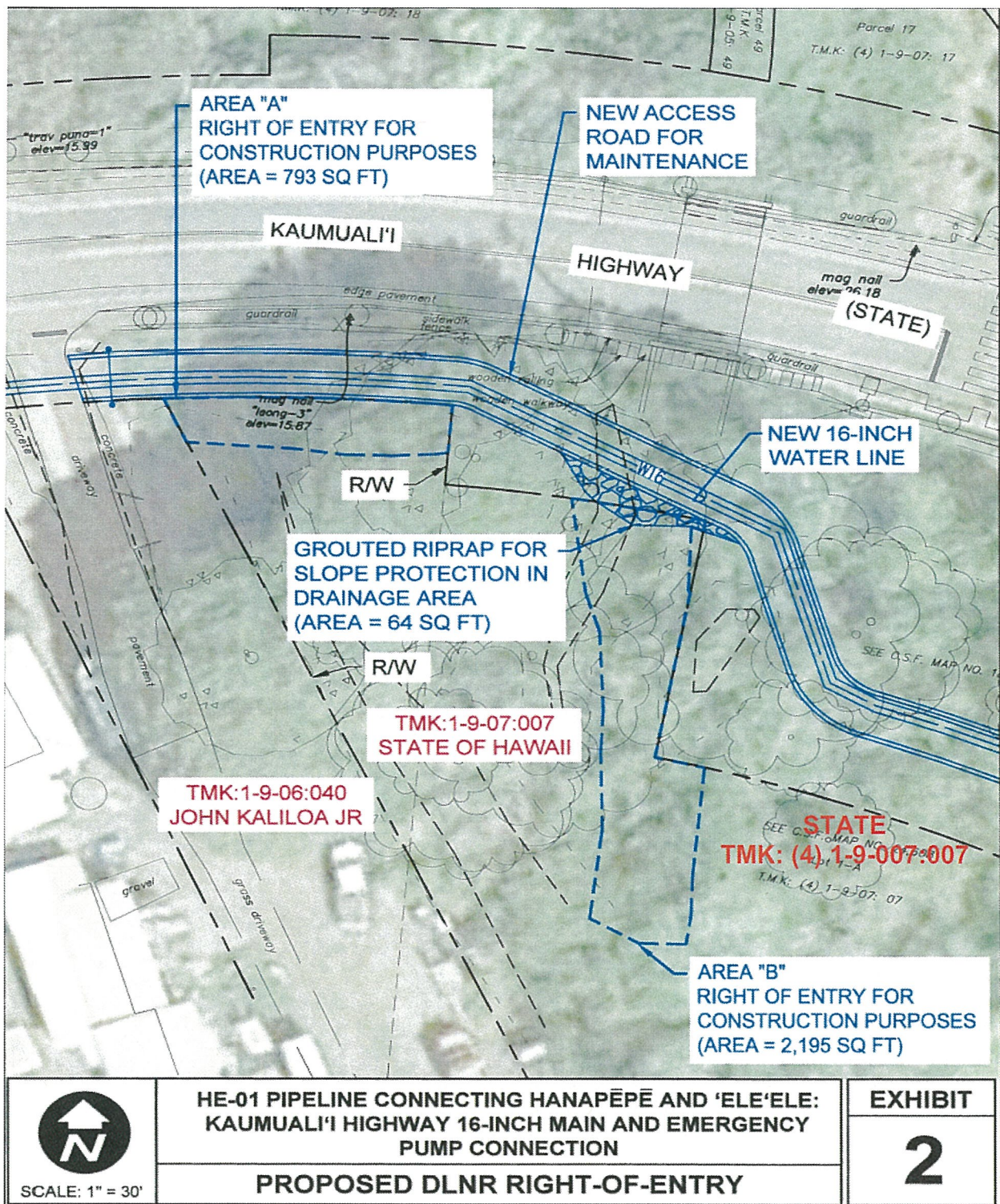
# EXHIBIT A-1





**EXHIBIT A-2**

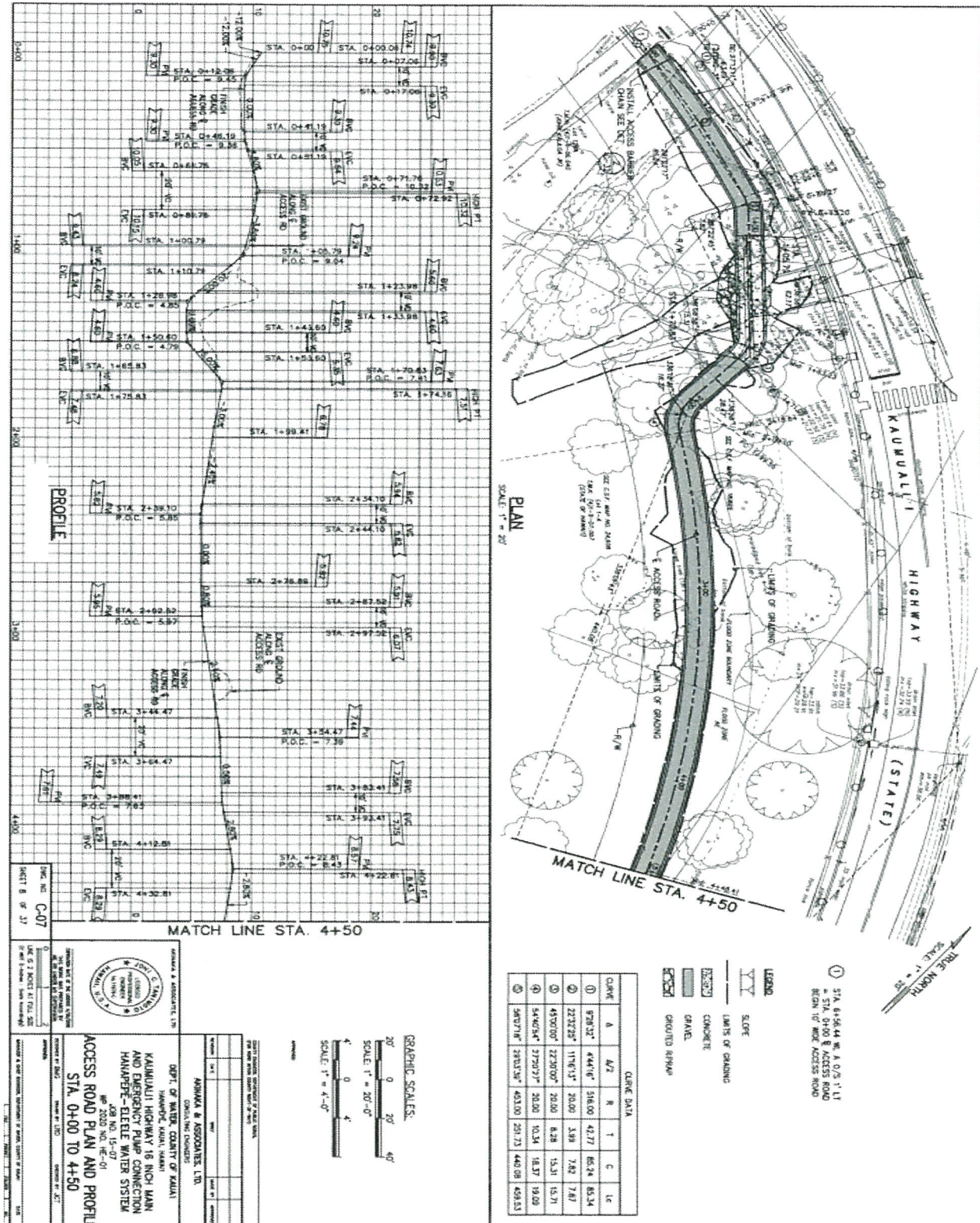


**EXHIBIT A-3**



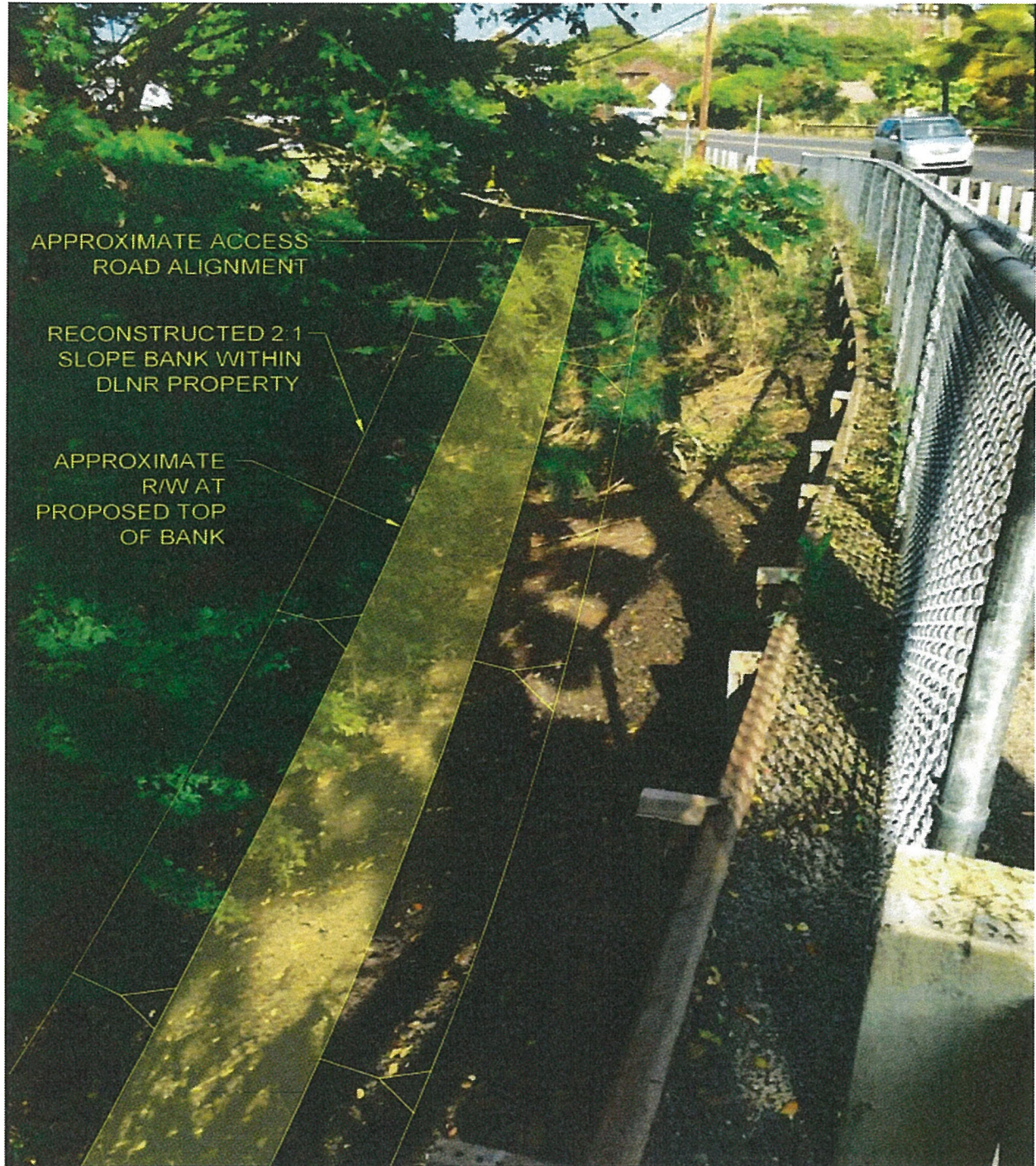
COK DOW – Hanapepe pipeline ROE  
 TMK: (4) 1-9-007: portion of 007

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**EXHIBIT A-4**





KAUMUALII HIGHWAY 16-MAIN AND EMERGENCY PUMP CONNECTION

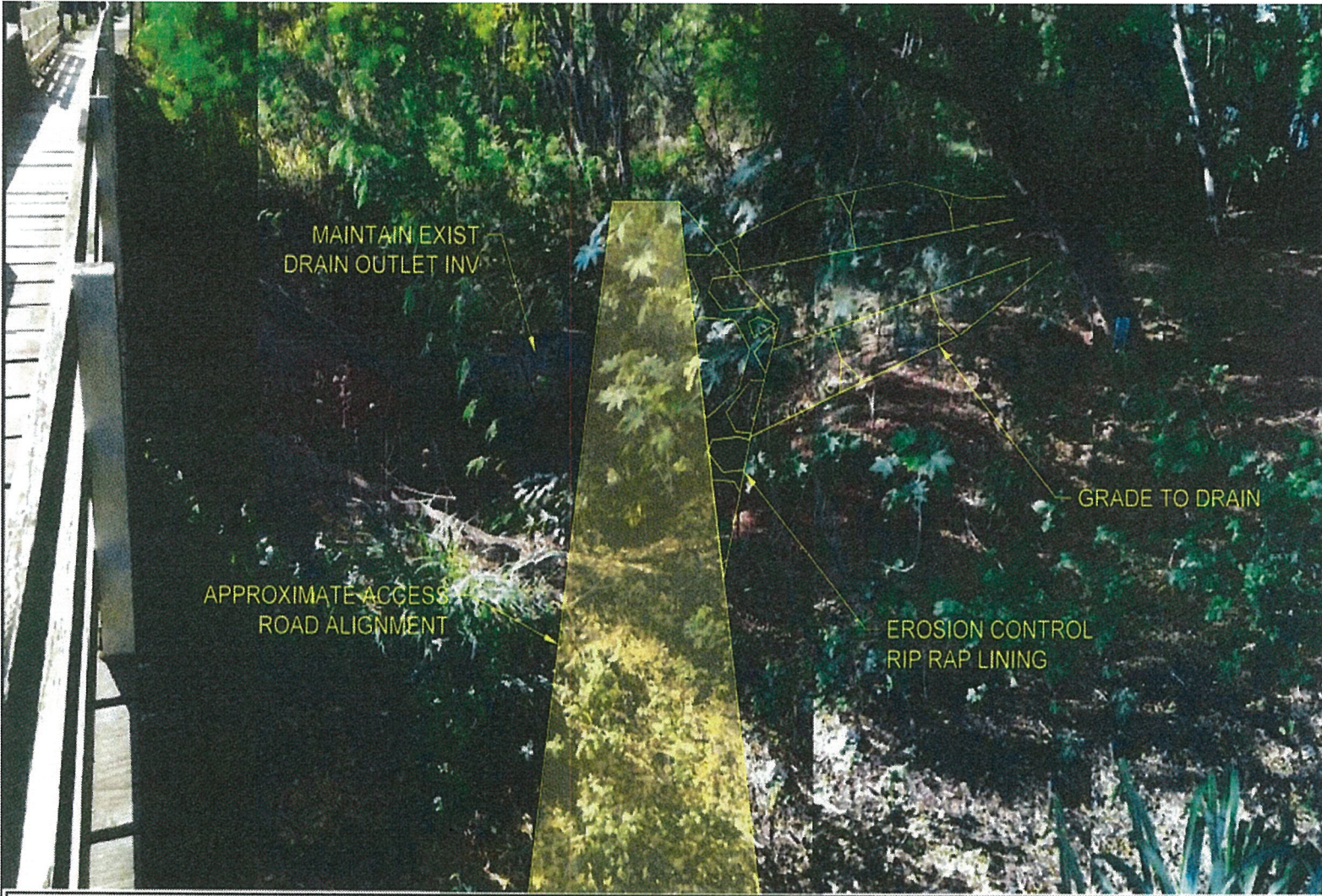
EXHIBIT

**SITE PHOTOS  
FROM KAUMUALII HIGHWAY**

**5**

**EXHIBIT B**





KAUMUALII HIGHWAY 16-INCH MAIN AND EMERGENCY PUMP CONNECTION

**SITE PHOTOS  
ALONG THE ACCESS ROAD**

EXHIBIT

**6**

**EXHIBIT C**





KAUMUALII HIGHWAY 16-INCH MAIN AND EMERGENCY PUMP CONNECTION

**SITE PHOTOS  
EXISTING DRAIN OUTLETS**

EXHIBIT

**7**

**EXHIBIT C**