

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

February 9, 2018

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

PSF No.: 17KD-116

**KAUAI**

Set Aside to the County of Kauai, Board of Water Supply for Well Site Purposes;  
Issuance of Immediate Management Right-of-Entry at Waimea Heights House  
Lots, Lot E-1, Kikiaola, Waimea, Kauai, Tax Map Key: (4) 1-2-006:018 por.

**APPLICANT:**

County of Kauai, Board of Water Supply.

**LEGAL REFERENCE:**

Sections 171-11 and -55, Hawaii Revised Statutes (HRS), as amended.

**LOCATION:**

Portion of Government lands at Waimea Heights House Lots, Lot E-1, Kikiaola, Waimea, Kauai, identified by Tax Map Key: (4) 1-2-006:018 por., as shown on the attached maps labeled Exhibit A.

**AREA:**

0.094 acre or 4,095 square feet, more or less.

**ZONING:**

State Land Use District:	Urban
County of Kauai CZO:	Residential/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 ☒

CURRENT USE STATUS:

A portion of Tax Map Key: (4) 1-2-006:018 is encumbered by Revocable Permit No. S-7872 to Keith A. Silva, for pasture purposes. However, the location of the subject well site is outside of the revocable permit premises, and there will be no reduction of land area under the revocable permit or other impact to the permittee.

PURPOSE:

For water well site purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See attached. (Exhibit B)

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at its own cost;
- 2) Provide survey maps and descriptions according to State DAGS standards and at its own cost; and
- 3) Obtain a title report to ascertain ownership, where necessary, at its own cost and subject to review and approval by the Department.

REMARKS:

The subject State parcel consists of a total 59.013 acres, more or less, with portions being encumbered under: 1) DOT Highways, Project No. G-3328-01-63 for its Kokee-Waimea Heights Road, 5.868 acres, more or less, 2) Revocable Permit No. 7872, to Keith A. Silva for pasture purposes, 50.264 acres, more or less, 3) existing Huluhulunui water tank site, 2.291 acres, and 4) Proposed set aside, .094 acre, more or less, to County of Kauai, Board of Water Supply for Well A site.

At its meeting of September 25, 1987, Item F-4, the Board of Land and Natural Resources approved a set-aside of State lands to the County of Kauai, Board of Water Supply. The set-aside area, identified as TMK: (4) 1-2-006: portion of 018, is located off Waimea Canyon Drive, and consists of a 0.5 MG water storage tank. The water tank referred to as the Waimea Huluhulunui Tank was constructed in 1948. An executive order has not yet been executed for the set-aside of the water tank site, pending receipt of a certified survey map with metes and bounds description. Staff is currently working on obtaining the required survey to finalize the executive order document.

By letter dated May 29, 2014, Oceanit, on behalf of the County of Kauai, requested a set-aside of an additional approximately 10,000 square feet (now reduced to 4,095 square feet after survey) of State land for its Waimea Well-A (No. 2-5840-01), which was drilled

by the DLNR Division of Water and Land Development in 1966 for the County of Kauai. Staff was not able to locate a disposition or file regarding the well site.

The County of Kauai, Board of Water Supply is the appropriate agency to manage and operate the existing water facility. At this time, there are no higher or better uses for the subject area. The lands being requested for the set aside will be fully utilized for the proposed use.

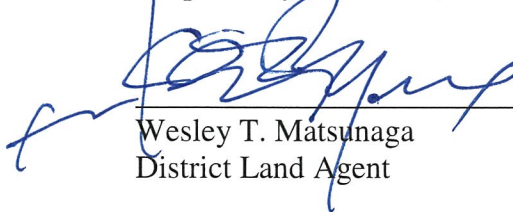
Comments were solicited and the only respondents were the County of Kauai, Board of Water Supply, the Department of Transportation-Highways Division, and Mr. Keith Silva, an adjacent State Permittee. All had no objections to the request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant Requirements above, approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Kauai, Board of Water Supply, 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 executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of an immediate management right-of-entry to the County of Kauai, Board of Water Supply, its consultants, contractors and/or persons acting for or on its behalf, for the management and operations of the well site, 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 term of this management right-of-entry shall commence upon date of this Land Board action and shall expire upon the issuance of the subject set-aside document; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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Wesley T. Matsunaga  
District Land Agent

APPROVED FOR SUBMITTAL:

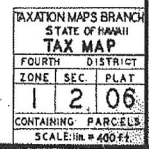


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Suzanne D. Case, Chairperson



SUBJECT



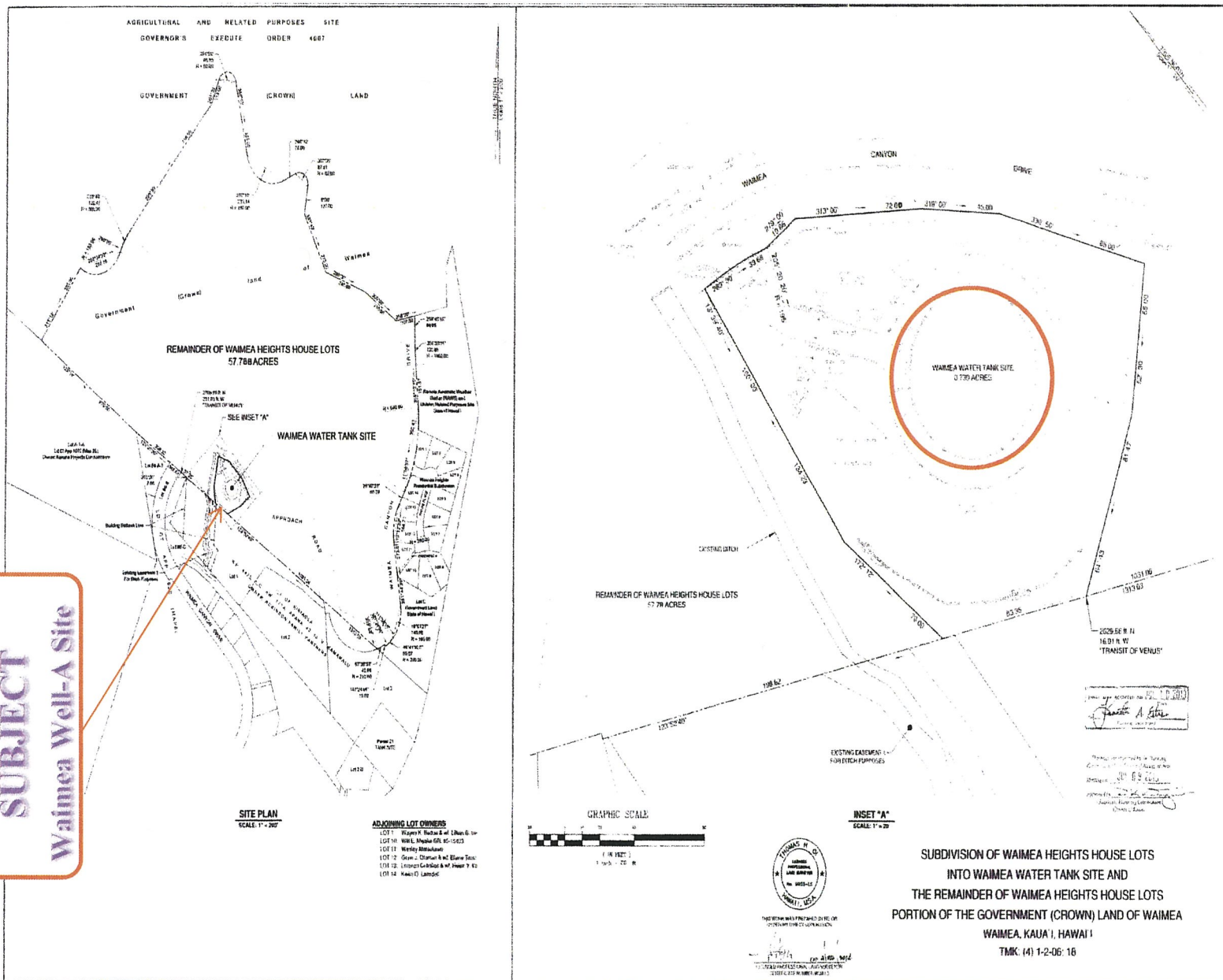
# EXHIBIT A

Dwg. No. 2663  
Source: Survey Dept. & Tex. Meas. Bureau  
By: H.N. & A.L. March 1936

Por. 111 OF KIKIAOLA, WAIMEA KAUAI, HAWAII.

*SUBJECT TO CHANGE*

# EXHIBIT A

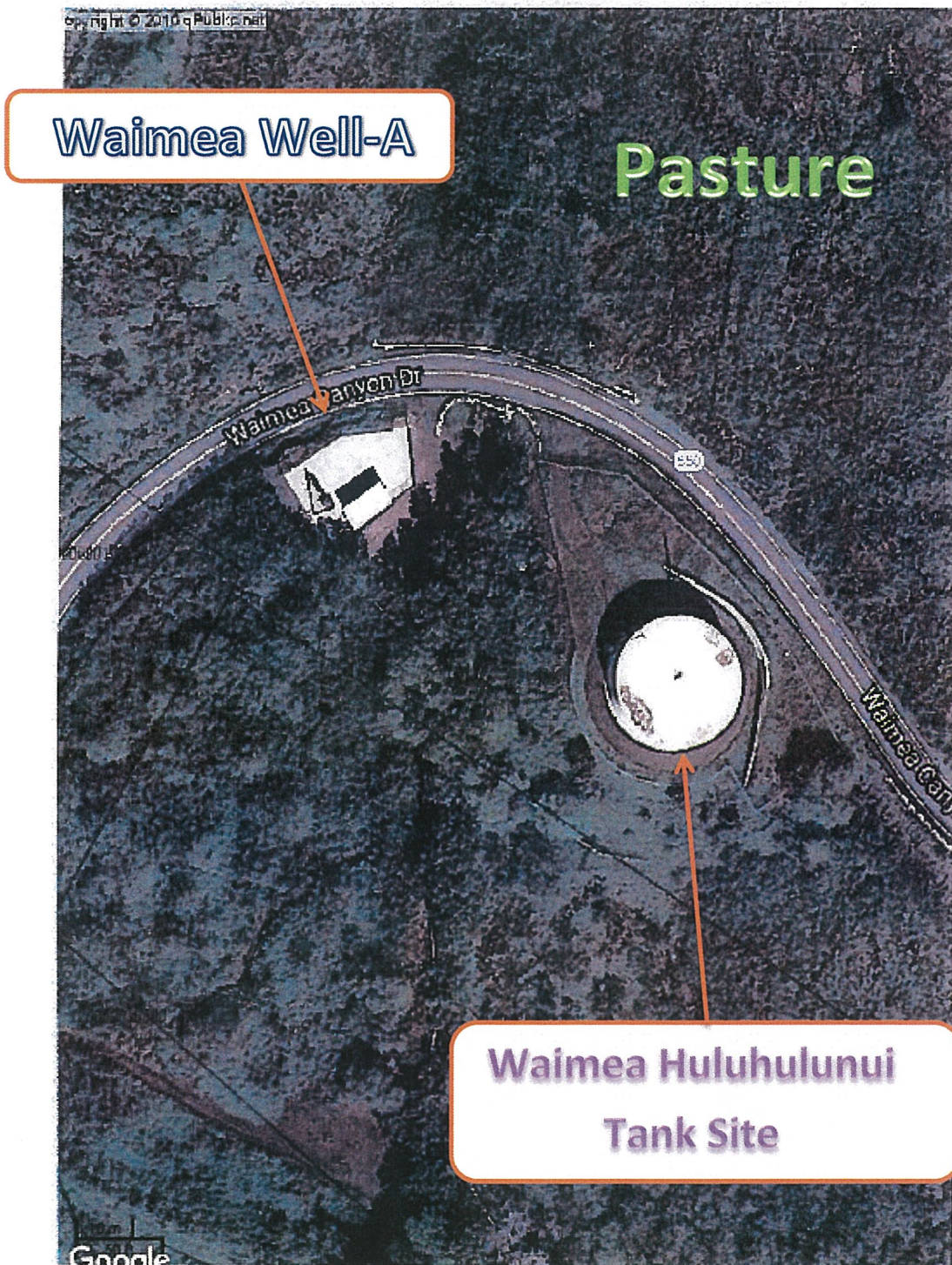






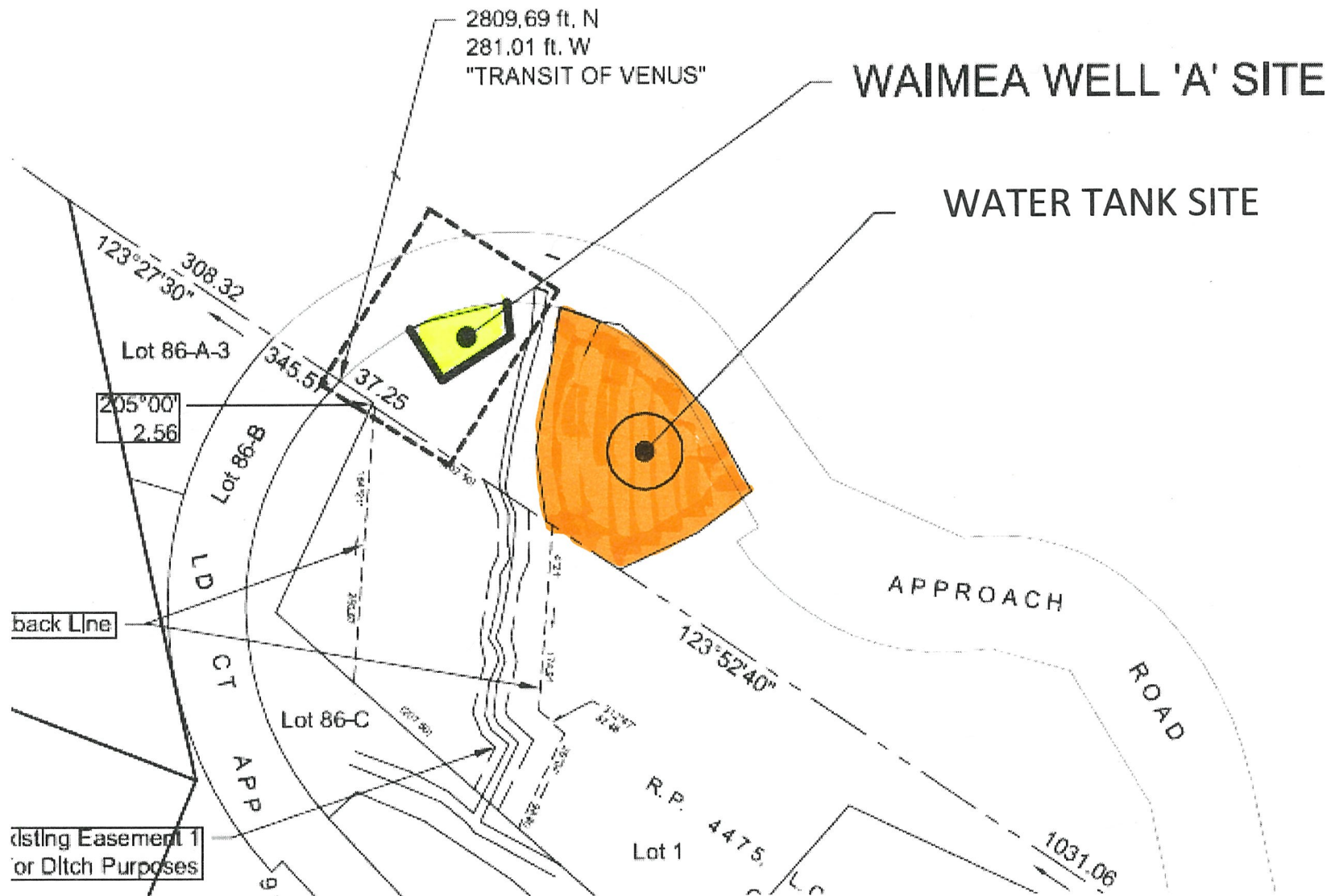
**EXHIBIT A**

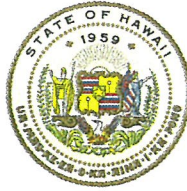




**EXHIBIT A**







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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

February 9, 2018

**EXEMPTION NOTIFICATION**

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

Project Title:	Set Aside to the County of Kauai, Board of Water Supply for Well Site Purposes; Issuance of Immediate Management Right-of-Entry.
Project Location:	Waimea Heights House Lots, Lot E-1, Kikiaola, Waimea, Kauai, TMK: (4) 1-2-006:018 por.
Project Description:	Set-aside and management right-of-entry to County of Kauai, Board of Water Supply for Well-A site.
Chap. 343 Trigger(s):	Use of State Lands.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) 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 1, "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."
Exemption Item Description from Agency Exemption List:	Item 43, "Transfer of management authority over state-owned land to or from other government agencies through a Governor's executive order."
Agencies Consulted:	County Board of Water Supply and Department of Accounting and General Services.
Recommendation:	The set-aside of the existing well site by executive order and issuance of an interim management right-of-entry will, in itself, have minimal or no significant effect on the environment. It is recommended that the Board of Land and Natural Resources find that the proposed action is exempt from the preparation of an environmental assessment.

**EXHIBIT B**