



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

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

KAUAI

ISSUANCE OF A CONSTRUCTION RIGHT OF ENTRY TO THE U.S. ARMY
CORPS OF ENGINEERING (USACE) FOR USES RELATED TO DREDGING,
TEMPORARY DEWATERING AND STAGING AREAS, NAWILIWILI HARBOR,
KAUAI

LEGAL REFERENCE:

Sections 171-11, 171-13, and 171-55, Hawaii Revised Statutes, as amended.

APPLICANT:

U.S. Army Corps of Engineers, Honolulu District, ("Applicant"), an agency of the federal government of the United States.

CHARACTER OF USE:

To allow Applicant and its permitted agents (assignees, contractors, sub-contractors, and agents) the right to enter upon the premises to support construction of Nawiliwili Deep Draft Harbor Navigation Improvements, to construct temporary dewatering and staging areas for Nawiliwili Deep Draft Harbor as set forth in the plans and specifications held in the U.S. Army Corps of Engineers Honolulu District Office at Fort Shafter, Hawaii.

LOCATION:

Portion of government lands situated at 3242 Waapa Road, Lihue, Kauai, 96766, at Nawiliwili Harbor, Tax Map Key Nos. (4) 3-2-003:001, 002, 003, 023, 040 & (4) 3-2-004:002, 006, 018, 025, 026, 027, 028, 029, 030, 031, 032, 036, 037, 042, 043, 044, 048, 051, 052, 054, 057, 059, 061, 064, 065, 067, 072, and 074, as shown on the attached map labeled Exhibit "A".

AREA:

ITEM M-18

The total area is 30.84 acres, more or less

CONSIDERATION:

Gratis.

ZONING:

State Land Use District:	Urban
Kauai County	Industrial

TERM:

Thirty-six (36) months, with the option to extend the term in increments of ninety (90) days until the scope of the work as described herein are complete.

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

5 (a)

CURRENT USE STATUS:

Commercial harbor and cargo-handling areas

LAND TITLE STATUS:

Owned by State of Hawaii; management and control of the property was transferred to the DOT by Executive Orders 509, 1178, 1270, 1332, 1481, 1525, 2205, 2532, and 3959.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from Office of Environmental Quality Control requirements pursuant to Sub-Chapter 11-200-8 of the Hawaii Administrative Rules that exempts the "operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing."

A declaration of exemption from preparation of an environmental assessment has been made by the Director of Transportation for this proposed use.

APPLICANT REQUIREMENTS:

Applicant shall be required to comply with all permit terms, including all exhibits, addendums, and other lease documents, and specifically shall be required to:

1. At all times during the term of the revocable permit, comply with all applicable laws, statutes, ordinances, rules and regulations whether state, county, federal, which are now or hereafter may be in effect;
2. At its sole cost and expense, remove all property, tools, equipment, temporary improvements, machinery and unused or surplus materials, if any, and other property stored or placed upon the premises, and the ingress and egress thereto;
3. Use due care for public safety and shall be responsible for any damage or injury caused by its officers, employees and agents in the course and scope of their employment to the extent that its liability for such damage or injury has been determined by a court or otherwise agreed to. Permittee shall pay for such damage and injury to the extent permitted by law provided that an appropriation is enacted for that purpose;

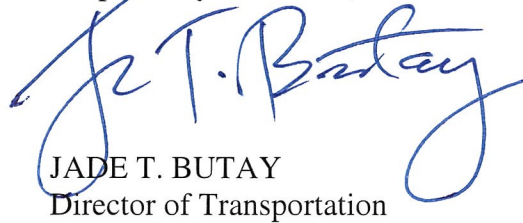
REMARKS:

The DOT owns and controls the Nawiliwili Deep Draft Harbor and it is used for the berthing commercial vessels, and the loading and unloading of cargo from these vessels. The commercial harbor facilities include three piers with a total of 1,800 linear feet of berthing space and 16 acres of paved cargo yard area. The commercial harbor is protected by a rock-faced jetty and a 2,150-foot-long breakwater. The entrance channel is 600 feet wide and 2,400 feet long with a controlling depth of 40-feet. The Applicant supports the maintenance of the harbor entrance and navigation improvements and requires access to the property to support its maintenance project and work to construct temporary dewatering and staging areas for Nawiliwili Deep Draft Harbor as set forth in the plans and specifications held in the U.S. Army Corps of Engineers Honolulu District Office.

RECOMMENDATION:

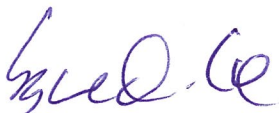
That the Board authorize the DOT to issue a construction right-of-entry to the Applicant for the above stated purposes, subject to the terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



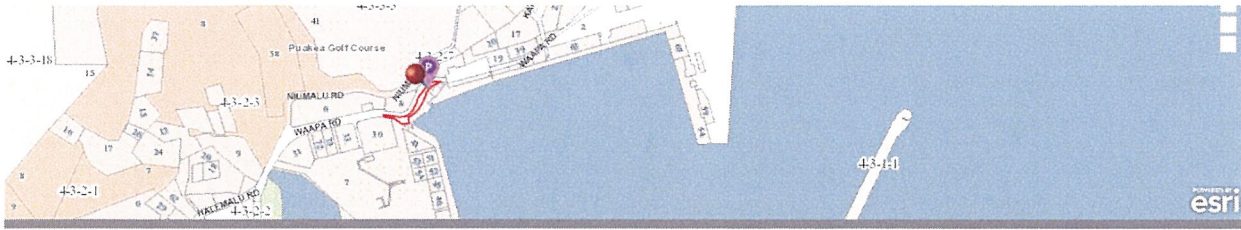
JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE CASE
Chairperson and Member
Board of Land and Natural Resources

EXHIBIT "A"



TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-3-1	Nawiliwili	G		96766	STATE OF HAWAII	0	0	15,606 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
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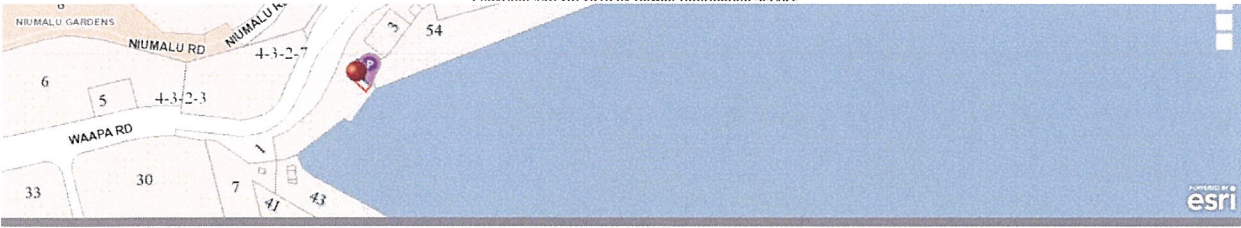
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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-3-3	Nawiliwili	G			STATE OF HAWAII	0	0	3,922 sqft	0			

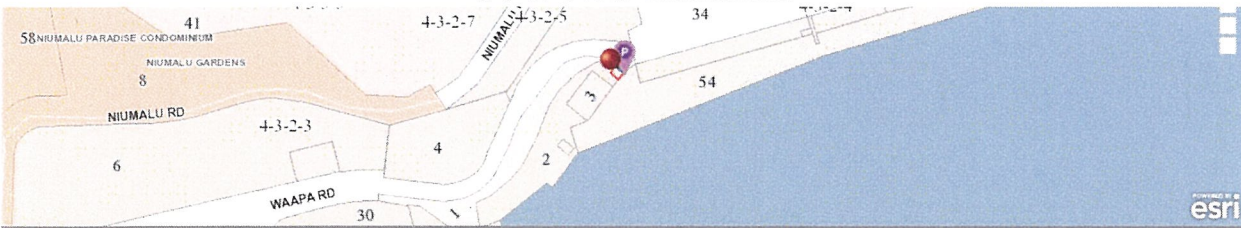
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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-3-23	Nawiliwili	G			STATE OF HAWAII	0	0	500 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-3-40	Nawiliwili	G			STATE OF HAWAII	0	0	400 sqft	0			

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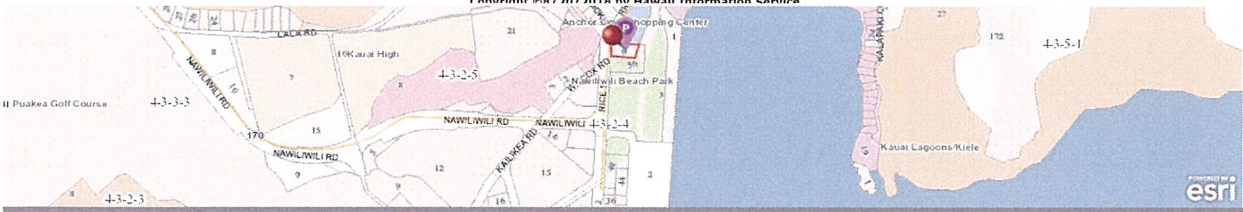


TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-2	Nawiliwili Harbor Lots	G	WAAPA RD	96766	STATE OF HAWAII	0	0	15.43 ac	0			

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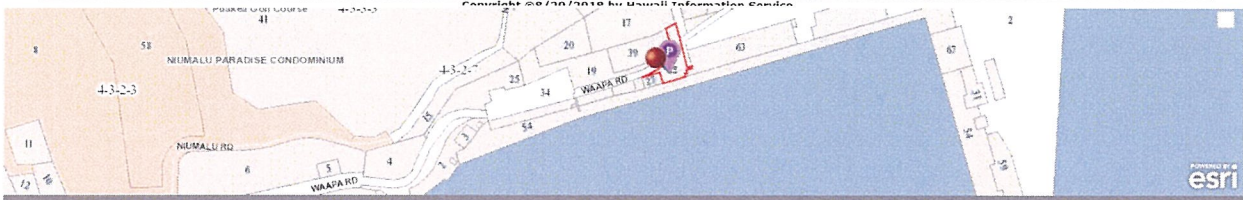


TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-6	Nawiliwili Harbor Lots	L	3366 WAAPA RD	96766	NESTUK, WILLIAM TR/METAL AINA-HOU DEVELOPMENT CORP	0	0	18.750 sqft	12,008	11/30/1989	L	1739300

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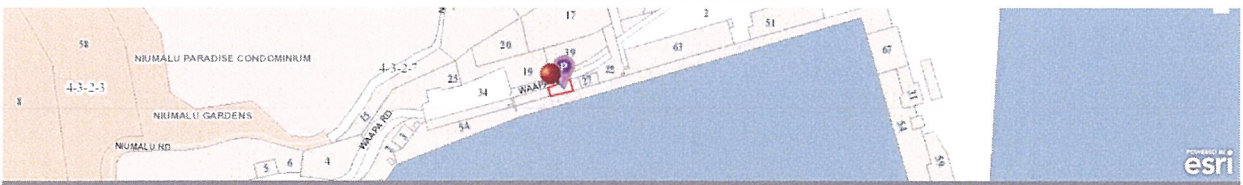


TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-18	Nawiliwili Harbor Lots	F			STATE OF HAWAII	0	0	20,909 sqft	0			
4-3-2-4-18-1		G			STATE OF HAWAII	0	0	21,413 sqft	0			
4-3-2-4-18-2		G			STATE OF HAWAII	0	0	193 sqft	0			

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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-25	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	1,699 sqft	0			

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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-26	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	871 sqft	0			

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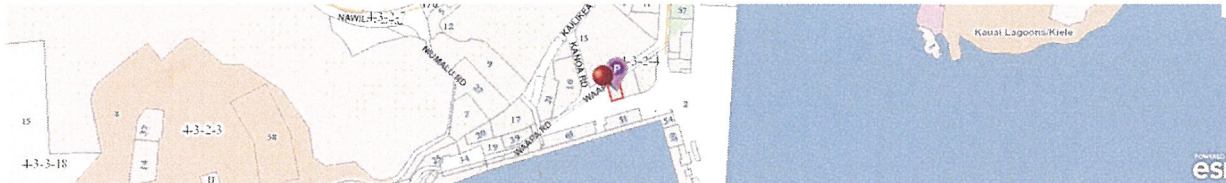
EXHIBIT "A"



TMK DATA

Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-27	Nawiliwili Harbor Lots	G	WAAPA RD	96766	STATE OF HAWAII	0	0	1,394 sqft	0			

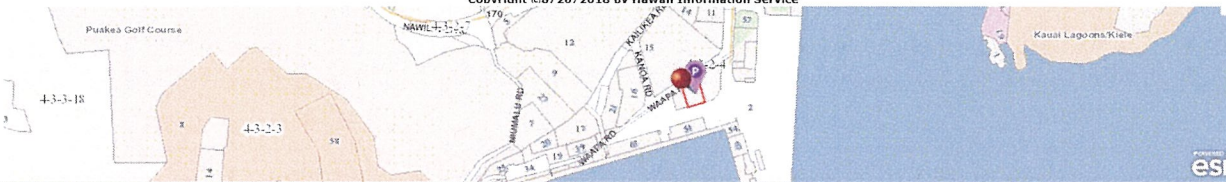
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TMK DATA

Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-28	Nawiliwili Harbor Lots	G	WAAPA RD	96766	STATE OF HAWAII	0	0	11,897 sqft	0			

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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-29	Nawiliwili Harbor Lots	F		96766	STATE OF HAWAII	0	0	22,486 sqft	0			
4-3-2-4-29-1		G	WAAPA RD	96766	STATE OF HAWAII	0	0	16,654 sqft	0			
4-3-2-4-29-2		F	WAAPA RD	96766	STATE OF HAWAII/ETAL	0	0	2,633 sqft	0			
4-3-2-4-29-3		G	WAAPA RD	96766	STATE OF HAWAII	0	0	3,200 sqft	0			

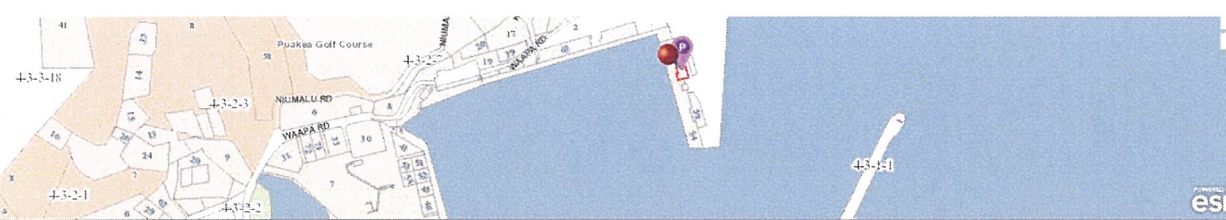
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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-30	Nawiliwili Harbor Lots	F		96766	STATE OF HAWAII	0	0	30,261 sqft	0			
4-3-2-4-30-1		G	WAAPA RD	96766	STATE OF HAWAII	0	0	2,080 sqft	0			
4-3-2-4-30-2		G	WAAPA RD	96766	STATE OF HAWAII	0	0	30,260 sqft	0			

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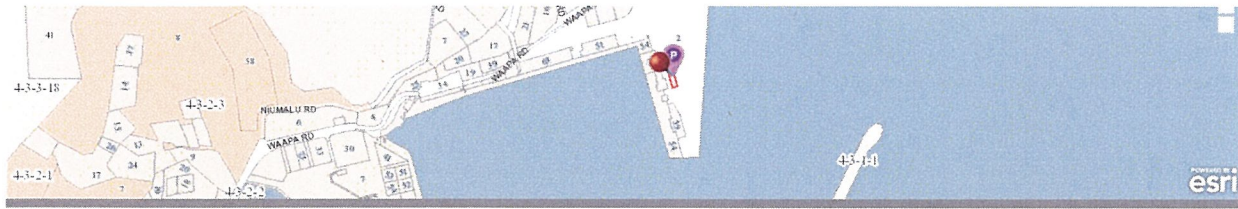


TMK DATA

Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-31	Nawiliwili Harbor Lots	G	OFF WAAPA RD	96766	STATE OF HAWAII	0	0	9,448 sqft	0			

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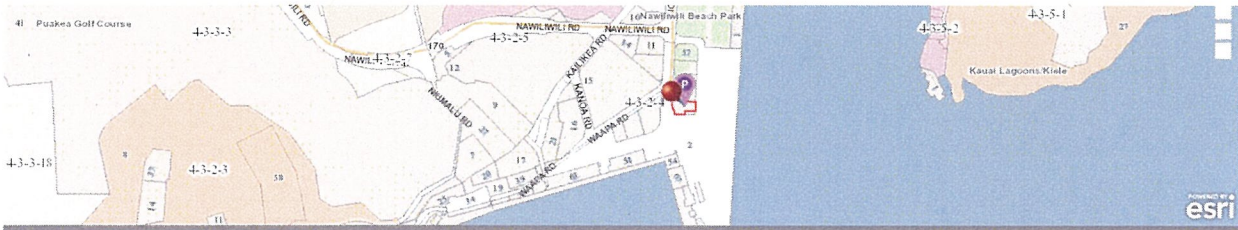


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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-32	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	6,000 sqft	0			

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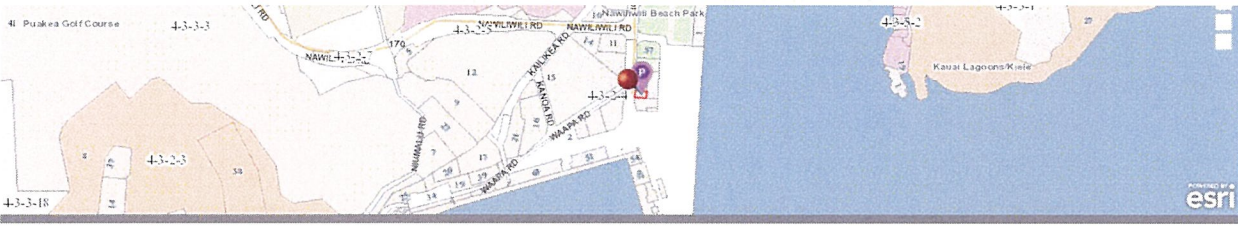


TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-36	Nawiliwili Harbor Lots	G	3242 WAAPA RD	96766	STATE OF HAWAII	0	0	14,686 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-37	Nawiliwili Harbor Lots	G	WAAPA RD		STATE OF HAWAII	0	0	4,250 sqft	3,000			

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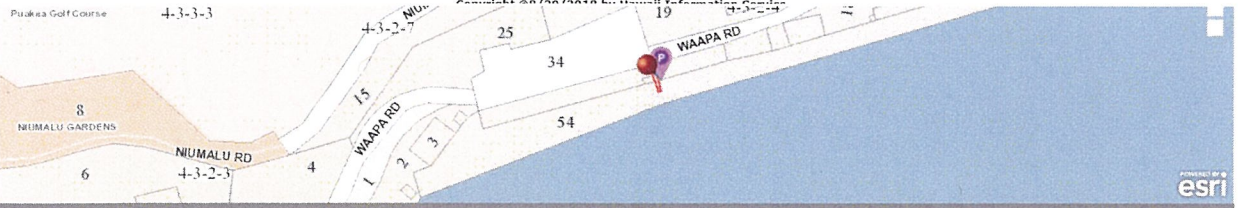
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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-42	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	6,752 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-43	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	1,886 sqft	0			

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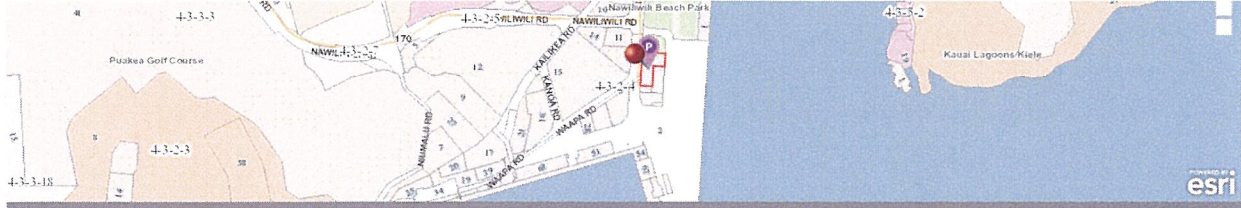


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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
<input type="checkbox"/> 4-3-2-4-44	Nawiliwili Harbor Lots	F			STATE OF HAWAII	0	0	17,001 sqft	0			
<input type="checkbox"/> 4-3-2-4-44.1		G		96766	STATE OF HAWAII	0	0	8,500 sqft	0			
<input type="checkbox"/> 4-3-2-4-44.2		G	WAAPA RD	96766	STATE OF HAWAII	0	0	8,500 sqft	0			

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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
<input type="checkbox"/> 4-3-2-4-48	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	29,750 sqft	0			

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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
<input type="checkbox"/> 4-3-2-4-51	Nawiliwili Harbor Lots	F			STATE OF HAWAII	0	0	24,651 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-1		G	WAAPA RD	96766	STATE OF HAWAII	0	0	550 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-2		G	WAAPA RD	96766	STATE OF HAWAII	0	0	772 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-3		F	WAAPA RD	96766	STATE OF HAWAII	0	0	18 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-4		F	WAAPA RD	96766	STATE OF HAWAII	0	0	18 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-5		G	WAAPA RD	96766	STATE OF HAWAII	0	0	178 sqft	0			
<input type="checkbox"/> 4-3-2-4-51-6		G	WAAPA RD	96766	STATE OF HAWAII	0	0	23,114 sqft	0			

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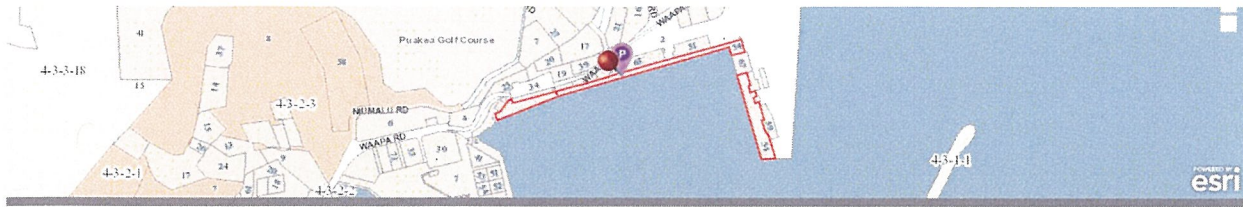
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Taxkey	Subdiv/Condo	Inr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
<input type="checkbox"/> 4-3-2-4-52	Nawiliwili Harbor Lots	G	WAAPA RD	96766	STATE OF HAWAII	0	0	1,500 sqft	0			

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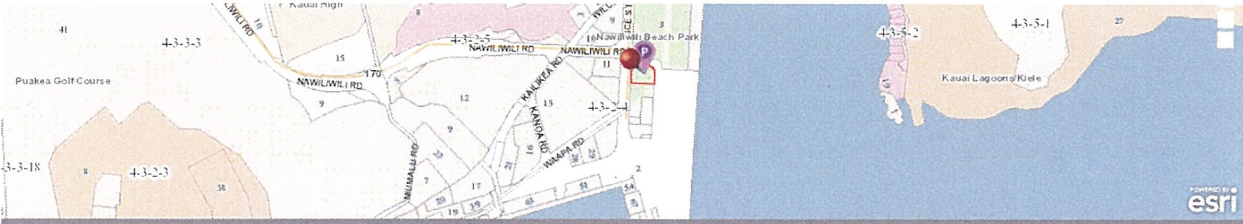


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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-54	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	3.76 ac	0			

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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-57	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	20,679 sqft	0			

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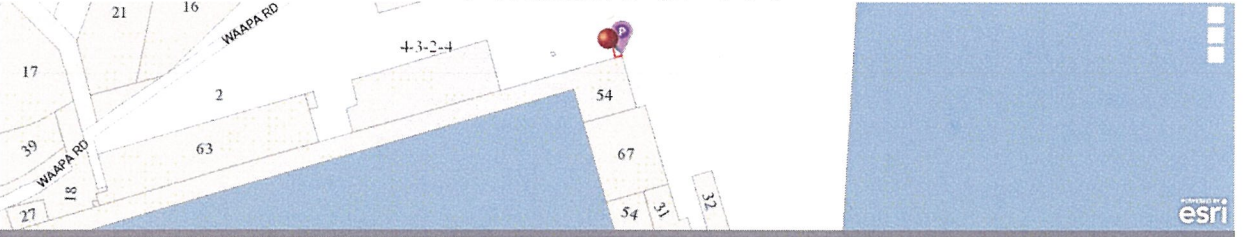
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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-59	Nawiliwili Harbor Lots	F			STATE OF HAWAII	0	0	18,112 sqft	0			
4-3-2-4-59-1		G		96766	STATE OF HAWAII	0	0	11,022 sqft	0			
4-3-2-4-59-2		G	WAAPA RD	96766	STATE OF HAWAII	0	0	7,090 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-61	Nawiliwili Harbor Lots	G	WAAPA RD	96766	STATE OF HAWAII	0	0	280 sqft	0			

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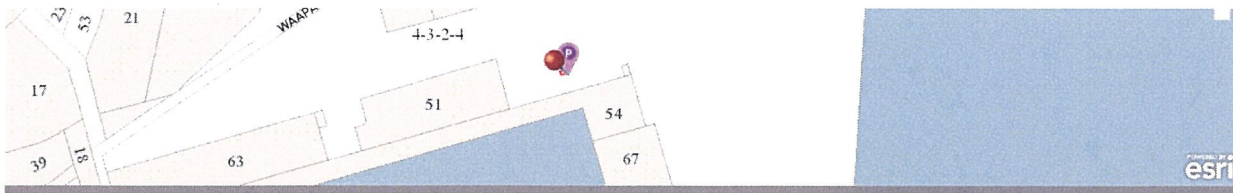
TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-64	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	200 sqft	0			

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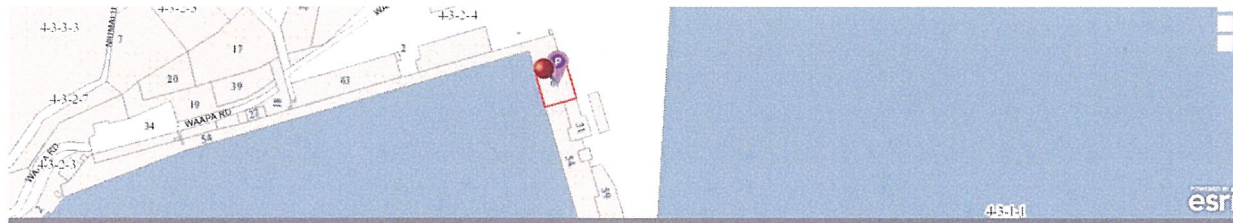


TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-65	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	50 sqft	0			

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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-67	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	17,335 sqft	0			

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Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-72	Nawiliwili Harbor Lots	G		96766	STATE OF HAWAII	0	0	2,024 sqft	0			

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TMK DATA

Taxkey	Subdiv/Condo	Tnr	Address	Zip	Owner/Lessee	Bds	Bths	Land area	Liv area	Last Sale	Instr	Price
4-3-2-4-74	Nawiliwili Harbor Lots	L	OFF WAAPA RD		STATE OF HAWAII MCCABE HAMILTON & RENNY CO	0	0	144 sqft	0			

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