March 4, 2022

Suzanne D. Case, Chairperson
c/o Board of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Chair Case and Board Members:

Subject: Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 5-6-03:002, (4) 5-7-03:003, (4) 5-8-02:002, and (4) 5-8-06:030

KAUAI

APPLICANT:

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

LEGAL REFERENCE:

Sections 107-10, 171-30, and Chapter 264, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of land relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, as shown and described on the enclosed draft map labeled as Exhibit A.

ZONING:

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<th>Tax Map Key No.</th>
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<td>(4) 5-7-03:003</td>
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<td>(4) 5-8-02:002</td>
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<td>(4) 5-8-06:030</td>
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Item M-6
OWNERSHIP:

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<th>Tax Map Key No. (4)</th>
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<th>Tax Map Key No. (4)</th>
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<td>(5-8-06)</td>
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COMPENSATION:

The acquisition of any parcels, easements, and/or temporary construction parcels' fair market value will be determined by an independent appraiser (contracted for by the State of Hawaii). Compensation to the landowners may exceed the appraisal to the extent allowed by §171-30 (e), Hawaii Revised Statutes.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Chapter 343, Hawaii Revised Statutes Environmental Impact Statement requirement for the proposed action is exempt by memorandum dated February 18, 2022 as shown in Exhibit B.

REMARKS:

The proposed project include, but are not limited to, acquiring an easement to maintain the slope as needed to address hillside stability abutting the state highway.

As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain board approval for all acquisitions in accordance with §171-30, Hawaii Revised Statutes.
RECOMMENDATION:

That the board:

A. Authorize the acquisition of the subject lands subject to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.

B. Authorize the acquisition even in the event of a change in the ownership or tax map key number of those lands described herein and on the enclosed maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,

JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:

SUZANNE D. CASE, Chairperson

Enclosures
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HONOLULU, HAWAII
RIGHT OF WAY MAP
KUHIO HIGHWAY
KAUAI EMERGENCY FLOOD REPAIRS AND
CLEANUP AT VARIOUS LOCATIONS APRIL 2018, ROUTE 560
PROJECT NO. ER-18(002)
DISTRICT OF HANALEI, ISLAND OF KAUAI, HAWAII

EXHIBIT A
TO: JADE T. BUTAY, DIR
THRU: EDWIN H. SNIFFEN, DEP-HWY
THRU: SERGIO GEORGE G. ABCEDE, HWY
THRU: FAWN YAMADA, HWY-R
FROM: LAWRENCE J. DILL, HWY-K

SUBJECT: HAWAII REVISED STATUTES (HRS), CHAPTER 343, EXEMPTION NOTICE FOR ACQUISITION OF PERMANENT EASEMENTS KUHIO HIGHWAY (ROUTE 560), EMERGENCY FLOOD REPAIRS AND CLEANUP AT VARIOUS LOCATIONS, APRIL 2018, ROUTE 560 FED-AID PROJECT NO. ER-19(002)
TAX MAP KEYS: (4) 5-7-03:003, (4) 5-8-02:002, AND (4) 5-8-06:030

Pursuant to HRS, Chapter 343, and Hawaii Administrative Rules (HAR), Section 11-200.1-15, there are 10 types of actions that shall generally be exempt from the preparation of an environmental assessment. Pursuant to HAR, Section 11-200.1-16(b), the below action is deemed as de minimus and exempts it from the preparation of an exemption notice.

Exemption Type:
The action described below is eligible for the exemption under Section 11-200.1-15(c)(8), Continuing administrative activities, HAR.

The exemption for the action described below is further supported by the Comprehensive Exemption List for the State of Hawaii, Department of Transportation, amended February 1, 2022, and reviewed and concurred to by the Environmental Council on February 1, 2022, under Exemption Type 8, Part 1, Paragraph 8. Real estate and land tenure actions, Subparagraph g. Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing.
Description of Action:
The acquisition of permanent maintenance easements over portions of the subject tax map key properties adjacent to Kuhio Highway Route 560. The purpose of the maintenance easements is to provide the department jurisdiction to maintain the hillside that was stabilized through the subject project.

JADE T. BUTAY
Director of Transportation

Feb 25, 2022 Date