

DAVID Y. IGE
GOVERNOR



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

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IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

ISSUANCE OF A GRANT OF NON-EXCLUSIVE EASEMENT AND
MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY FOR THE
NAWILIWILI - AHUKINI SHARED-USE PATH PROJECT
COUNTY OF KAUA'I, DEPARTMENT OF PUBLIC WORKS
LĪHU'E AIRPORT KAUA'I
TAX MAP KEY: (4) 3-5-001:005, 008, 009, 109, 128, 158, 160, 092 (PORTIONS)
AND (4) 3-7-002: 999 (PORTION).

APPLICANT:

County of Kaua'i, Department of Public Works (COK-DPW), whose business address is
4444 Rice Street, Līhu'e, Hawai'i 96766.

LEGAL REFERENCE:

Sections 171-11, 13 and 95, of the Hawai'i Revised Statutes (HRS), as amended.

LOCATION AND TAX MAP KEY:

Portions of Līhu'e Airport (LIH), Līhu'e, Island of Kaua'i, identified by Tax Map Key: 4th
Division, 3-5-001: 005, 008, 009, 109, 128, 158, 160, 092 (Portions), and 3-7-002: 999
(Portion).

AREAS:

Area/Space No. EAS-102, containing an area of approximately 79,886 square feet, and
Area/Space No. EAS-103, containing an area of approximately 39,147 square feet,
as shown and delineated on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Urban
County of Kaua'i: Industrial (IG-STP)

ITEM M-9

BLNR-ISSUANCE OF A GRANT OF NON-EXCLUSIVE EASEMENT AND MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY FOR THE NAWILIWILI - AHUKINI SHARED-USE PATH PROJECT TO THE COUNTY OF KAUA'I, DEPARTMENT OF PUBLIC WORKS
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LAND TITLE STATUS:

Section 5(a) lands of the Hawai'i Admission Act:	<u>Non-Ceded</u>
DHHL 30% entitlement lands pursuant to Hawai'i Admission Act	<u>No</u>

CURRENT USE STATUS:

Land presently encumbered by Governor's Executive Order No. 4614, dated October 28, 2019, setting aside 883.583 acres designated as Līhu'e Airport to be under the control and management of the State of Hawai'i, Department of Transportation for Airport Purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a bike and pedestrian shared-use path, under and across Airport-owned land for access (sidewalk and pathways) purposes for non-motorized modes of travel.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Director of Transportation at a later date.

CONSIDERATION:

Gratis.

CHAPTER 343, HRS - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessments for the subject project was published by the Office of Environmental Quality Control's Environmental Notice on February 8, 2018, for the Nawiliwili - Ahukini Shared-Use Path, with a finding of no significant impact (FONSI).

REMARKS:

In accordance with Section 171-11 HRS, relating to Public Purposes, Lands Set Aside by the Governor; Management, the Department of Transportation proposes to issue a Right-of-Entry to COK-DPW, for the purpose of land clearing activities in order to survey and construct a 10 to 12-foot-wide multi-use path for bicyclists, pedestrians, and other users.

BLNR-ISSUANCE OF A GRANT OF NON-EXCLUSIVE EASEMENT AND MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY FOR THE NAWILIWILI - AHUKINI SHARED-USE PATH PROJECT TO THE COUNTY OF KAUA'I, DEPARTMENT OF PUBLIC WORKS
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RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant's requirements listed above, authorize the issuance of a non-exclusive easement to COK-DPW covering the subject area for construction, use and maintenance purposes 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 term 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 interests of the State.

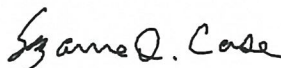
2. Grant an immediate right-of-entry to COK-DPW, its consultants, contractors, and/or persons acting for or on its behalf, over portions of TMK: (4) 3-5-001:005, (4) 3-5-001:008, (4) 3-5-001:009, (4) 3-5-001:109, (4) 3-5-001:128, (4) 3-5-001:158, (4) 3-5-001:160, (4) 3-5-001:092, and (4) 3-7-002:999 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 right-of-entry permit is effective upon due execution by the parties and shall terminate upon issuance of the grant of easement document; and
 - C. The Department of Land and Natural Resources reserves the right to impose additional terms and conditions at any time if it deems necessary while this right-of-entry is in force.

Respectfully submitted,

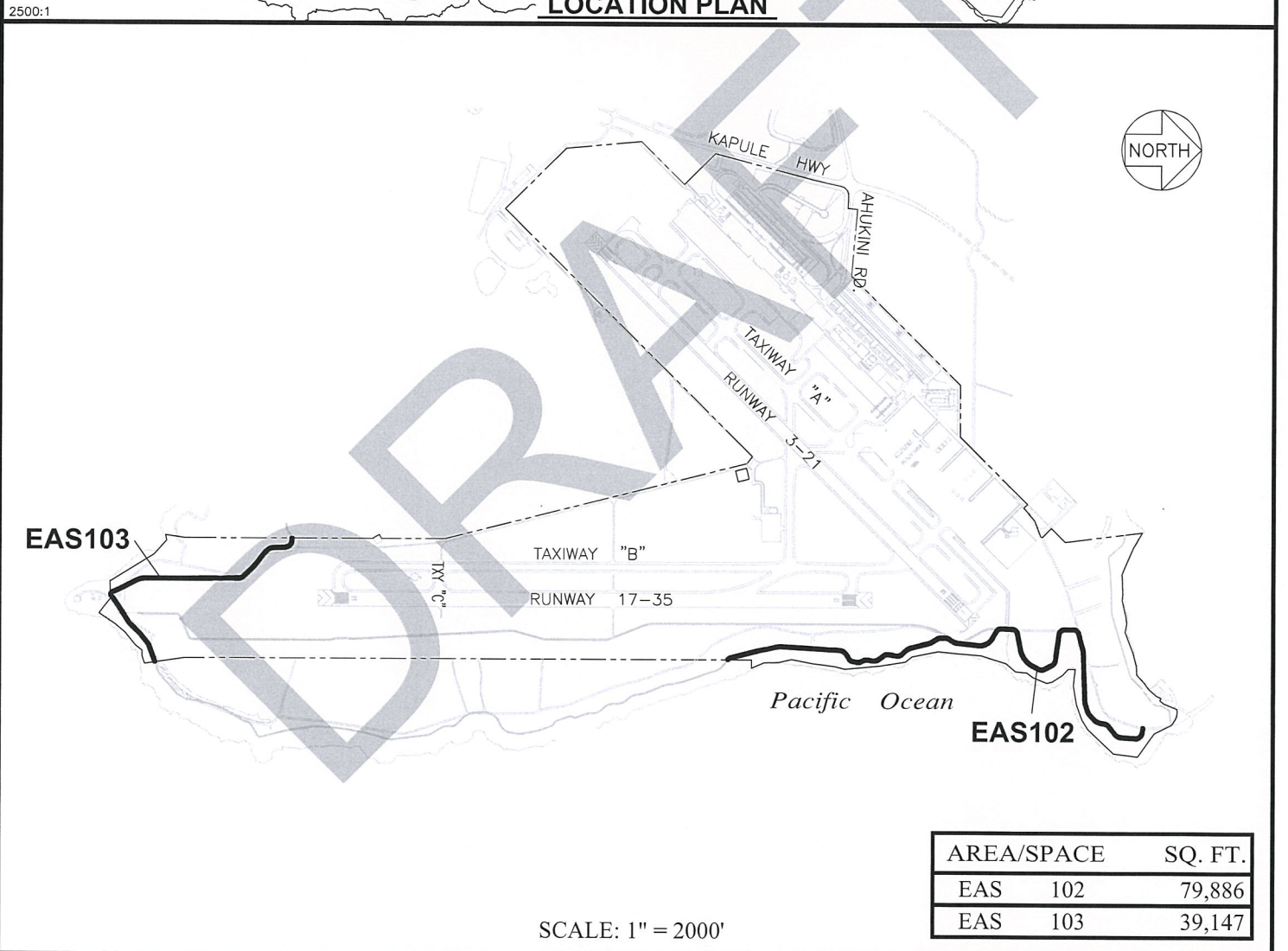
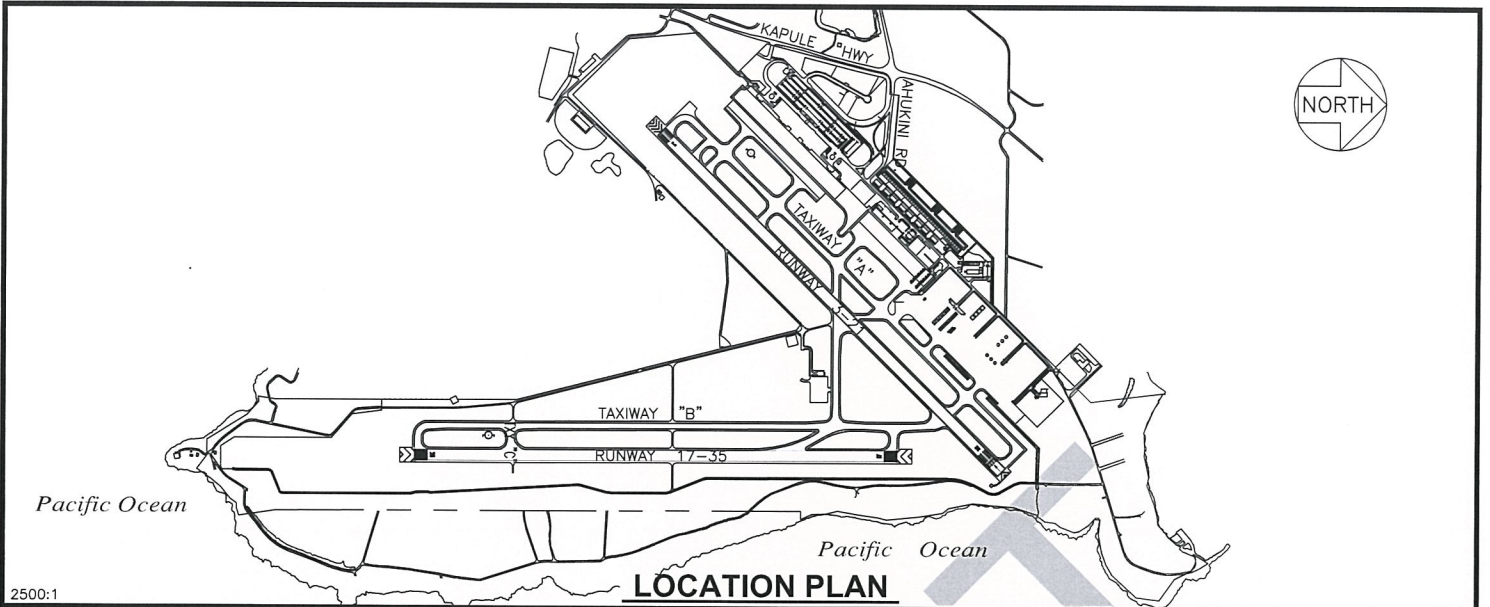


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member



RIGHT-OF-ENTRY (NAWILIWILI-AHUKINI)

DATE : FEBRUARY 2022

EXHIBIT: **A**



COUNTY OF KAUAI,
DEPARTMENT OF
PUBLIC WORKS

PROPOSED BIKE &
PEDESTRIAN PATH
GROUND LEVEL

EAS102
EAS103