

DAVID Y. IGE  
GOVERNOR



JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
PATRICK H. MCCAIN  
EDWIN H. SNIFFEN

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

IN REPLY REFER TO:

April 1, 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 No. (4) 5-8-06:31

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:

Tax Map Key No. (4) 5-8-06:31      Open

OWNERSHIP:

Tax Map Key No. (4) 5-8-06:31      Brian Kennelly Revocable Living Trust

**ITEM M-13**

Suzanne D. Case, Chairperson  
April 1, 2022  
Page 2

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:

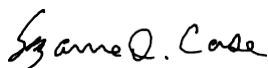
- A. Authorize the acquisition of the subject land to an appropriate conveyance document, as reviewed and approved by the Department of the Attorney General and by the Department of Transportation.
- B. Authorize the acquisition even in the event of a change in the ownership or tax map key number of land described herein and on the enclosed map 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