

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

August 9, 2024

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

Ref No. 24OD-052

Oahu

Set-Aside to the Department of Transportation for Highways Related Purposes;
Issuance of a Construction Right-of-Entry; Unencumbered Portions of Waiahole
Stream, Waiahole, Koolaupoko, Oahu, TMK: (1) 4-8-008: seaward of 018.

APPLICANT:

Department of Transportation (“DOT”).

LEGAL REFERENCE:

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

LOCATION:

Unencumbered Portions of Waiahole Stream, Waiahole, Koolaupoko, Oahu, Tax Map
Key: (1) 4-8-008:seaward of 018 (**Exhibit A1 to A3**).

AREA:

Set-Aside: 2,919 square feet, more or less, (Parcel 2).
Right-of-Entry: 756 square feet, more or less (Parcel C2).

ZONING:

State Land Use District: Agricultural
City and County of Honolulu LUO: AG-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Unencumbered land.

PURPOSES OF SET-ASIDE:

Highways Related Purposes.

CHAPTER 343- ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project, Waiahole Bridge Replacement was published in the Office of Environmental Quality Control's Environmental Notice on March 23, 2024 with a Finding of No Significant Impact (FONSI).¹

APPLICANT REQUIREMENTS: Applicant shall be required to:

Provide survey maps with metes and bounds description according to State DAGS Survey standards and at Applicant's own cost.

REMARKS:

The Department of Transportation through the Highways Division ("HDOT") has sent in a request for the set aside of a 2,919 square-foot portion of Waiahole Stream. HDOT proposes to construct a new bridge to realign Kamehameha Highway near the current Waiahole Stream bridge. The existing bridge was built in 1922 and is not able to sustain the current volume of traffic. The replacement bridge will meet current State and Federal design guidelines, address bridge maintenance concerns, improve traffic safety for motorists, cyclists and pedestrians as well as meet projected travel demands on Kamehameha Highway.

A secondary purpose of the project is to reduce the occurrence of stream water overtopping the bridge when Waiahole Stream floods. Water flow in the stream often overtops the embankments because of debris clogging the opening beneath the bridge, and because of the insufficient hydraulic capacity of the stream at the bridge. The center piles often cause timber debris that is being washed downstream to become lodged against the piles, causing an eventual dam effect.

The project includes highway realignment, construction of a new bridge, demolition of the existing bridge, utility relocations, stream channel alterations, temporary business access, and use of a temporary staging area during construction.

¹ The Final Environmental Assessment and Finding of No Significant Impact (FEA_FONSI) can be found at https://files.hawaii.gov/dbedt/erp/Doc_Library/2024-03-23-OA-FEA-Waiahole-Bridge-Replacement.pdf

HDOT anticipates construction to begin in the spring of 2026 through the end of 2028. HDOT is seeking a construction right-of-entry (“ROE”) over the 2,919 square-foot area of the proposed set-aside and an additional 756 square feet (approximately) over the Waiahole Stream to be temporarily utilized for construction access to staging area (which is located on the abutting parcel owned by the City and County of Honolulu), making the total ROE area requested to 3,675 square feet. The construction right-of-entry permit shall expire in one year, but staff is including a recommendation below to delegate authority to the Chairperson to extend the right-of-entry for additional one-year periods for good cause shown.

During the pre-consultation and the draft environmental assessment stages, government agencies and communities were solicited for comments. Comments received have been incorporated in the Final Environmental Assessment. Therefore, staff did not solicit comments on the subject request.

Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. There are no pertinent issues or concerns, and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject State land to the Department of Transportation, Highways Division, 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.
2. Authorize the issuance of a construction right-of-entry permit to the Department of Transportation, Highways Division over the subject area, 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 right-of-entry form, as may be amended from time to time;

- B. The right-of-entry permit shall expire after one year; provided that the Chairperson is authorized to extend the right-of-entry for additional one-year periods for good cause shown; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:



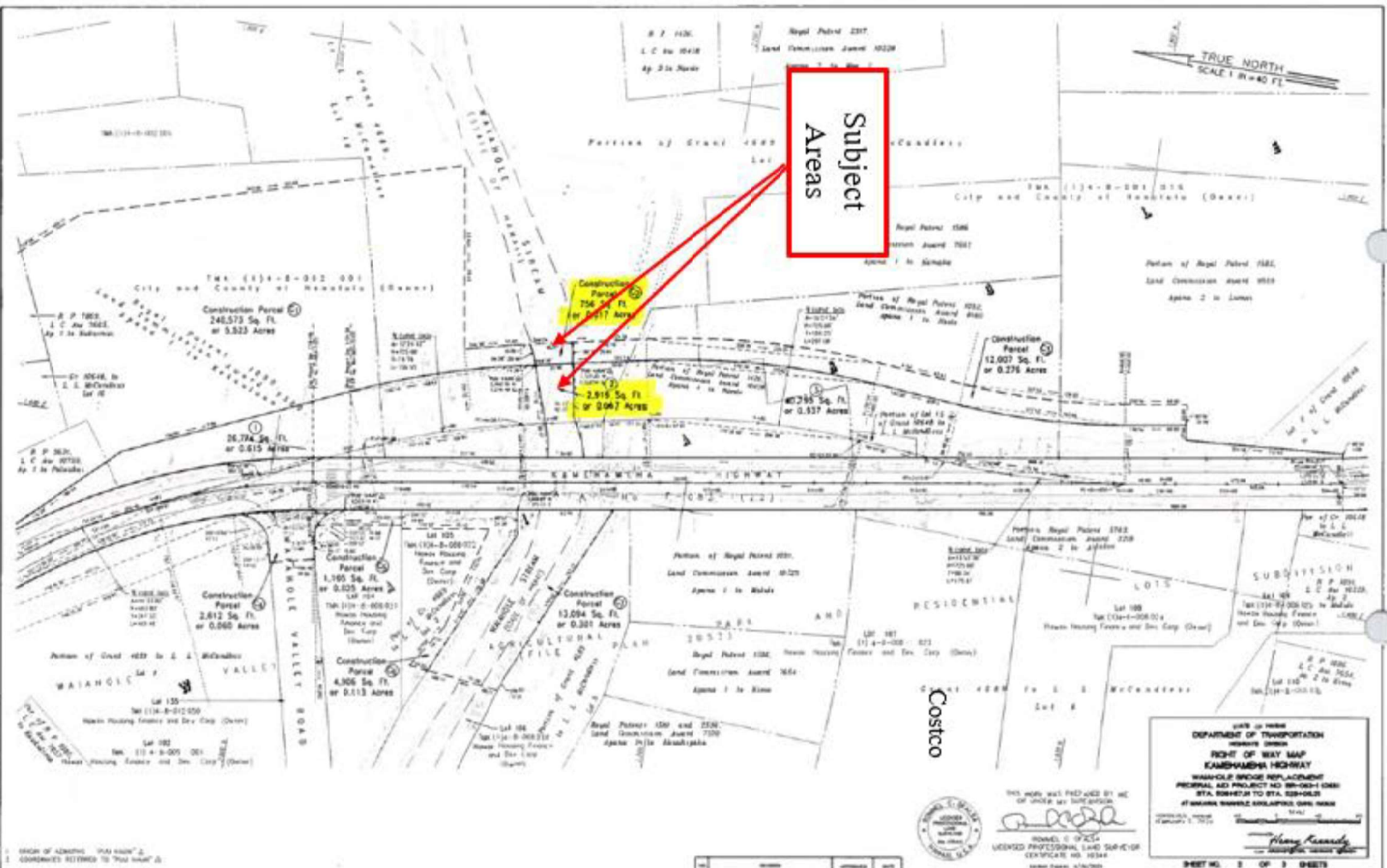
Dawn N.S. Chang, Chairperson

RT *KEM*



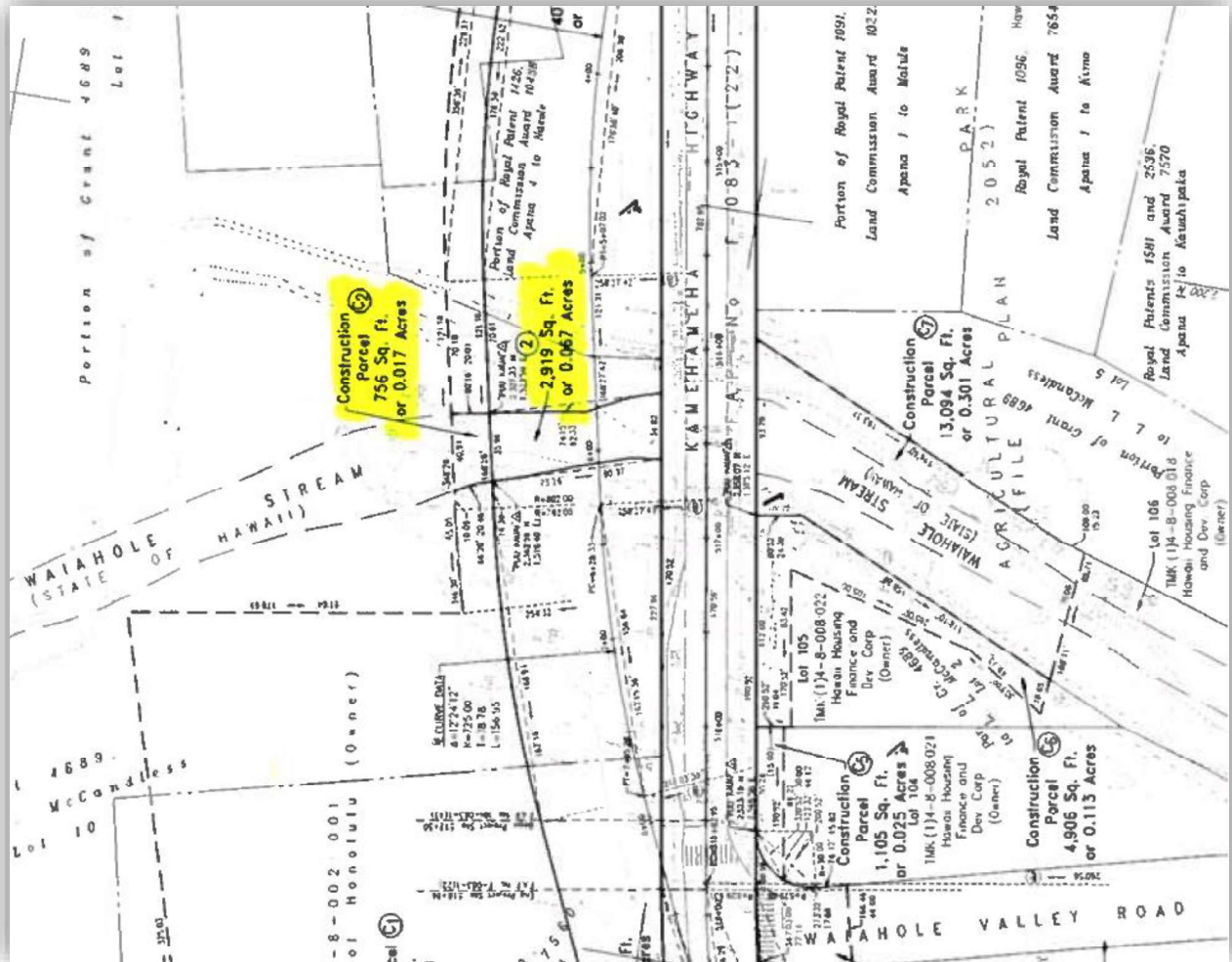
Waiahole Project Area

EXHIBIT 1A



Unencumbered area of Waiahole Stream

EXHIBIT 1B



Enlargement of Exhibit 1A showing Set-Aside: 2,919 square feet (Parcel 2)
Right-of-Entry: 756 square feet, more or less (Parcel C2).

EXHIBIT 1C