

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

June 12, 2026

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

PSF No.: 22KD-097
Kauai

Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation, Highways Division for Access and Maintenance Purposes, Waikoko-Waipā, Hanalei, Kauai, Tax Map Keys: (4) 5-6-003: Seaward of 002 and (4) 5-6-004: Seaward of 023.

APPLICANT:

Department of Transportation, Highways Division (DOT)

LEGAL REFERENCE:

Section 171-13 and 95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portions of Government land of Waikoko-Waipā, Hanalei, Kauai, identified by Tax Map Keys: (4) 5-6-003: seaward of 002 and (4)-5-6-004: seaward of 023. The easement area is south of the Waikoko Bridge, makai of Kuhio Highway¹.

AREA:

9,976 square feet, more or less.

ZONING:

State Land Use District: Conservation
County of Kauai CZO: Ocean

TRUST LAND STATUS:

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

¹ [Approximate location of the easement area on Google Maps](#)

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Access and maintenance purposes.

TERM:

Perpetual.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to:

General Exemption Type 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.

Part 1, Item 39: Creation or termination of easement, covenants, or other rights in structures or land.

DOT is requesting the proposed easement to access the Waikoko bridge for potential future repair, maintenance and staging needs. No maintenance work or new construction will occur at this time nor is any work anticipated in the near future thus the issuance of the proposed easement is anticipated to have no adverse impacts on the surrounding environment. However, for any future repair, maintenance or construction work, DOT will be responsible for compliance with Chapter 343, HRS, and Chapter 11-200.1, HAR.

As the subject request is not anticipated to have significant adverse effects on the environment, it is recommended that this action be declared exempt from the

preparation of an environmental assessment and the requirements of 11-200.1-17, HAR.

DCCA VERIFICATION:

The applicant is a government entity and is not required to register with DCCA.

APPLICANT REQUIREMENTS:

DOT shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Beginning April 14, 2018, heavy rains and flooding resulted in significant damage and losses on the Island of Kauai. In order to expedited emergency response and recovery, on April 15, 2018, the Governor signed an emergency proclamation declaring the County of Kauai a disaster area for the purposes of implementing the State's emergency management functions, authorizing the expenditure of State moneys, and suspending of a number of State statutes for emergency relief.

At its meeting on April 27, 2018, under item D-8, the Board delegated to the Chairperson the authority to approve rights-of-entry for the use of State lands to assist in the ongoing emergency relief efforts on the island of Kauai, consistent with the Governor's Proclamation dated April 15, 2018.

DOT undertook repair and rehabilitation work on Waikoko Bridge beginning July 2018 and completed March 2020. Work completed included removing the old bridge deck, installing new micropile foundations for the new bridge abutment, installing a new precast paneled concrete bridge, and installing a new rock revetment to protect the bridge abutments and surrounding area upstream of the bridge from potential ocean surge impacts. All funding for the repair work undertaken was secured through the Federal Highway Administration Emergency Relief Program.

In a letter dated October 28, 2022, DOT originally requested a set aside of the requested area via a Governor's Executive Order for highway purposes. However, upon further review of the request, staff is recommending the Board approve a grant of perpetual, non-exclusive easement for access and maintenance purposes. The easement would allow DOT to access the bridge when repairs and maintenance are necessary but still allow for unobstructed public shoreline access.

Staff consulted with the Office of Conservation and Coastal Lands (OCCL) who had no concerns or objections to the proposed action.

RECOMMENDATION:

That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the Department of Transportation, Highways Division, covering the subject area for access 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.

Respectfully Submitted,

Steven Domingo Jr

Steven Domingo
Supervising Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson