

NEIL ABERCROMBIE
GOVERNOR



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

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

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KAUAI

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

Issuance of Right-of-Entry Permit to Gay & Robinson, Inc, at Nawiliwili Harbor,
Lihue, Island of Kauai, Tax Map Key: 3rd/3-2-04: Portions of 02, 17, 18, 19, 22,
27, 36, 39, 54, and 74

APPLICANT:

Gay & Robinson, Inc., whose mailing address is P. O. Box 156, Kaumakani,
Hawaii 96747-0156

LEGAL REFERENCE:

Sections 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Nawiliwili Harbor, Lihue, Island of Kauai, identified by Tax Map
Key: 3rd/3-2-04: Portions of 02, 17, 18, 19, 22, 27, 36, 39, 54, and 74, as
shown on the attached map labeled Exhibit A.

AREA:

2.50 acres, more or less.

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

ITEM M-3

CURRENT USE STATUS:

Encumbered by Governor's Executive Order Nos. 509, 1270, 1332, and 2532 to the Department of Transportation for Nawiliwili Harbor Front purposes.

CHARACTER OF USE:

Demolition and removal of Bulk Sugar Conveyor System, Molasses Storage Tanks and Pipeline and Other Associated Equipment together with Environmental Testing and Clean-Up purposes.

TERM OF RIGHT-OF-ENTRY:

One (1) year

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Pending Department of Transportation's approval of the Applicant's request for an Exemption from Chapter 343, HRS requirements.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Comply with Chapter 343, Environmental Assessment;
2. Obtain necessary permits required for the demolition and removal of improvements; and
3. Submit and obtain Harbors' approval of the Nawiliwili Bulk Sugar Facilities Demolition Workplan.

REMARKS:

Gay & Robinson, Inc. (G&R) has notified the Harbors Division of their intent to terminate Revocable Permit No. H-01-2299 for premises utilized for their bulk sugar facilities situated in Nawiliwili Harbor. In addition to removing all improvements constructed and installed on the Harbors property, G&R shall, upon termination of the subject revocable permit, decontaminate the premises and make the soil free and clear of all contaminants and hazardous materials at their own cost and expense.

G&R has been working the Harbors' staff in preparation of the demolition of their Nawiliwili Bulk Sugar Facilities and have submitted a work plan for review and approval. G&R is current in their rental payments and anticipates completing the demolition and removal of its improvements associated with their bulk sugar facilities situated on Harbors' property within one (1) year.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to Gay & Robinson, Inc., together with its consultants, contractors, and sub-contractors, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. Comply with all environmental regulations and requirements related to the demolition and removal of improvements.
2. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time.
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Review and approval of the Department of the Attorney General as to the right-of-entry form and content.

Respectfully Submitted,


GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Attachment

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member
Board of Land and Natural Resources

— Rev Permit Boundary
— ROE Boundary

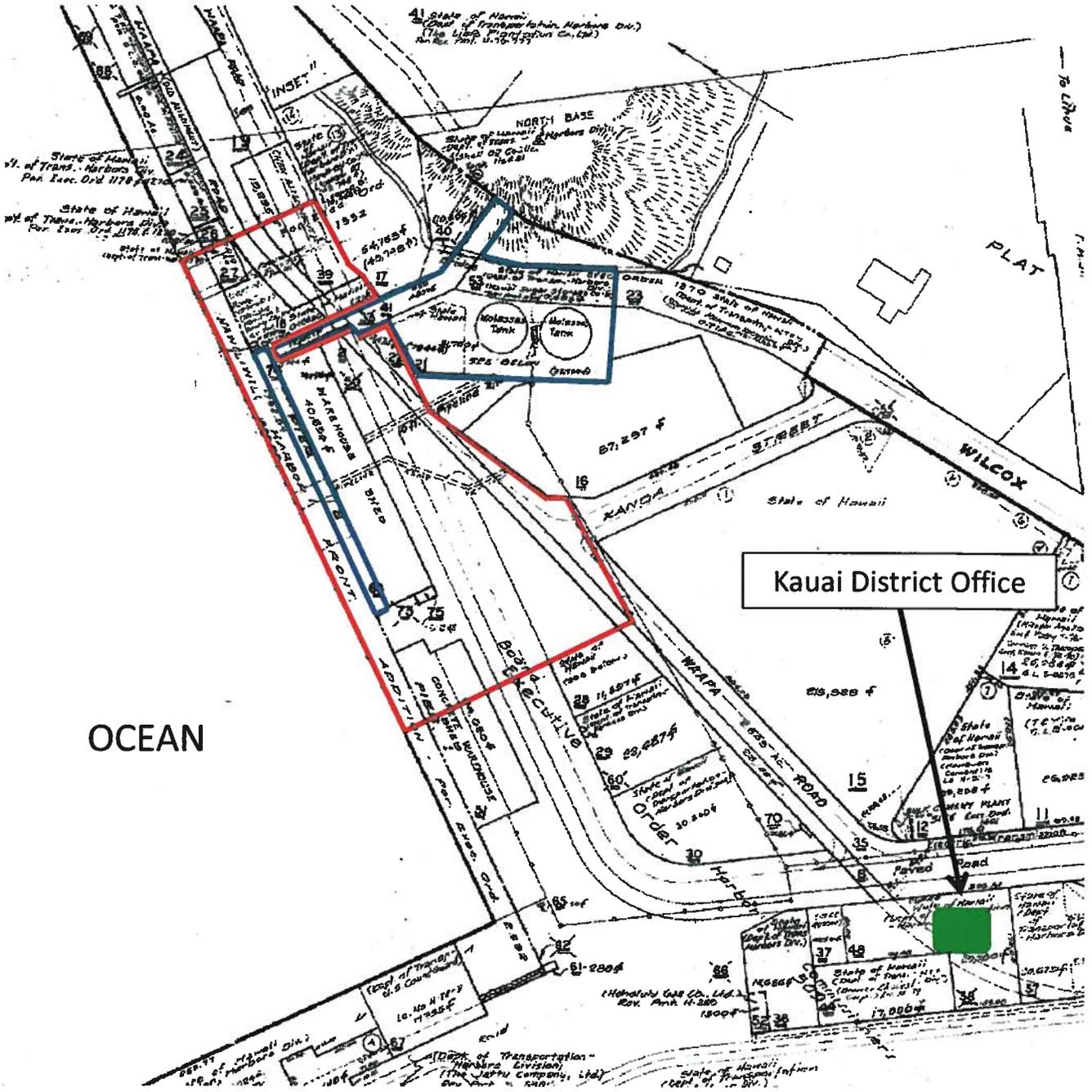


EXHIBIT "A"