

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

December 12, 2014

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

PSF No.:14KD-141

Kauai

Grant of Perpetual, Non-Exclusive Easement to State of Hawaii, Department of Transportation, Airports Division (DOT – Airports Division) for Access and Utility Purposes, por. of Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:032.

Issuance of Immediate Construction and Management Right-of-Entry to State of Hawaii, Department of Transportation, Airports Division (DOT – Airports Division), por. of Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:032.

APPLICANT:

State of Hawaii, Department of Transportation – Airports Division.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimea situated at por. of Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-8-008:032, as shown on the attached maps labeled Exhibit A & A-1.

AREA:

399 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

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:

Encumbered by Land Office Deed No. S-27762, Kauai Island Utility Cooperative, Lessee, Grantee for right, privilege and authority to construct, reconstruct, install, use, maintain and repair electrical transmission and distribution lines and poles, including the right to trim and keep trimmed any trees in the way of its appliances and equipment purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION FOR EASEMENT:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(3)(d) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, that states "Construction and location of single, new small facilities or structures and the alteration and modification of the same and installation of new, small equipment and facilities and the alteration and modification of same, including, but not limited to:
d. Water, sewage. Electrical, gas, telephone, and other essential public utility services extensions to serve such structures including garages, carports, patios, swimming pools, and fences; acquisition of utility easements." and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." See Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

Applicant is proposing to install electrical and telephone wiring underground from utility pole located on State lands to an automatic dependent-surveillance broadcast radio station building located at the Port Allen Airfield on the east end of Kauai. This project is for the DOT – Airports to have a satellite and communications system to track aircraft at smaller airports. See Exhibits C & D.

This easement request will not impact existing Land Office Deed No. S-27762, Kauai Island Utility Cooperative, as requested easement is for underground cables and the existing easement is for overhead cables.

A construction and management right-of-entry is also requested to facilitate the start of this project to bring power and communications to the building. The applicant is under a tight time frame set by the Federal Aviation Administration to complete this project.

The subject parcel was used for a pasture purposes under Revocable Permit No. S-7393 to Shawn Grace from November, 2004 until June, 2009.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from:

State Agencies:

DOH	No comments
DOT – Airports Division	No response by suspense date
Historic Preservation	No response by suspense date
OHA	No response by suspense date

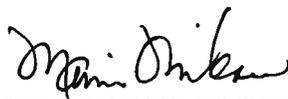
County Agencies

County Planning	No response by suspense date
Public Works	No response by suspense date

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, 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 of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to DOT – Airports Division covering the subject area for access and utility 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 perpetual 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.
3. Grant an immediate construction and management right-of-entry to the DOT - Airports Division, its consultants, contractors, contractors, and/or persons acting for or on behalf, onto the subject land 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 construction and management right of-entry form, as may be amended from time to time;
 - B. This right-of-entry is effective upon Land Board approval and shall continue until the grant of perpetual easement document is executed; 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,



Marvin Mikasa
Acting District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



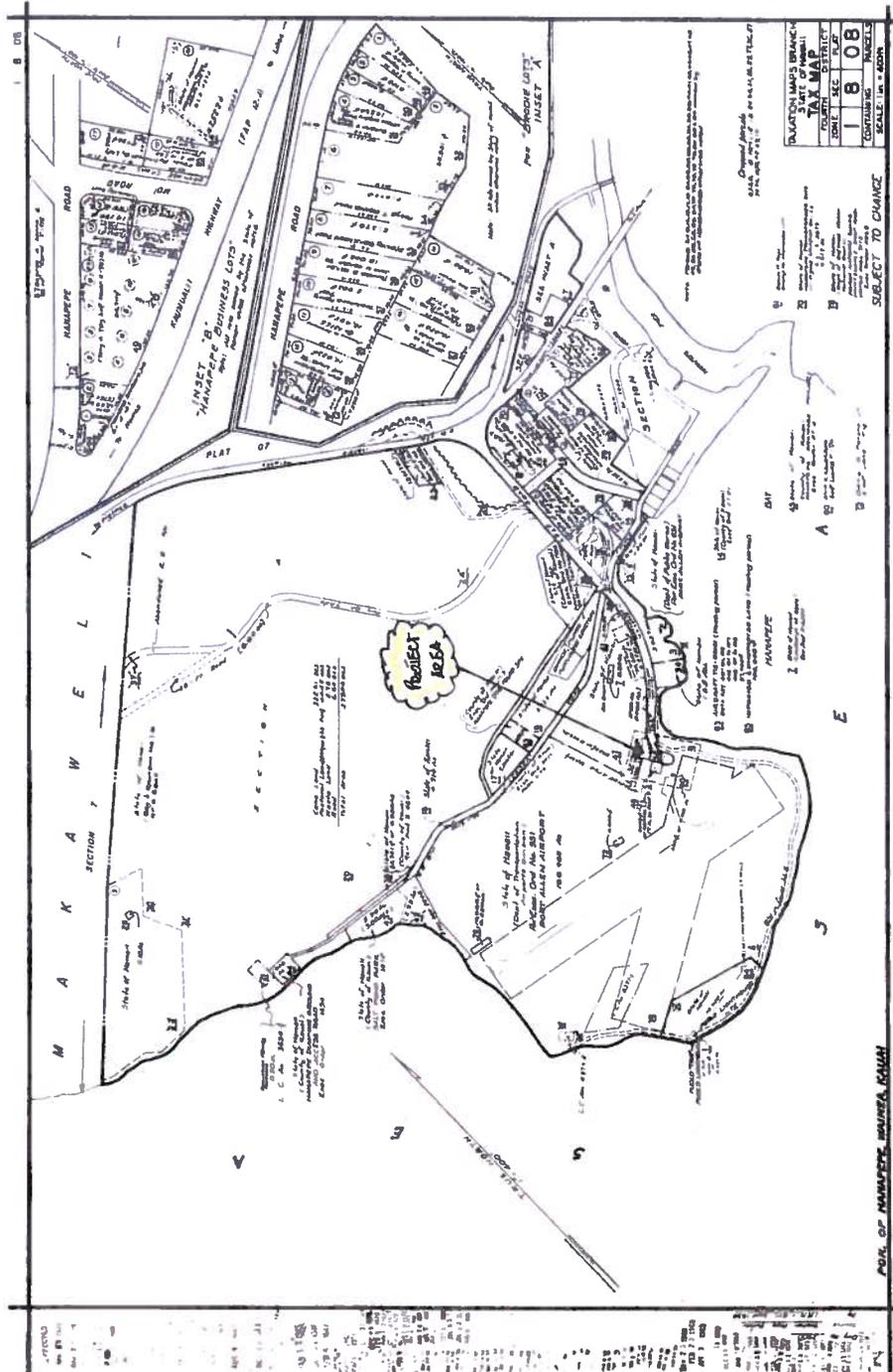


EXHIBIT "A"

Kauai County Parcel Maps

Page 1 of

Reports

Parcel: **17-53**

View as: **Google Earth | Deeds List | Google Maps & Street View**

Selected Parcel

Parcel Class/Category	17-53	Non-Residential
APN	17-53	
PARCEL ADDRESS	STATE OF HAWAII	
LEGAL PARCEL VALUE	1,179,400	
LEGAL INTEREST VALUE	1,179,400	
LEGAL ENCUMBRANCE VALUE	1,179,400	
LEGAL ENCUMBRANCE VALUE	1,179,400	
Legal Improvement Area (sq)	0	
Date	Last 2014 Update: 12/01/14	

Parcel List
Legend
Measure

Available Layers
 Parcels
 Parcel Numbers
 Address #
 Zoning
 Buildings
 Streets (Google)
 Satellite (Google)
 Hybrid (Google)
 Physical (Google)

Shim Scott

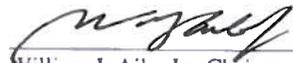
Kauai County makes every effort to produce the most accurate information possible. No warranty, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is then the last certified taxroll. All data is subject to change before the next certified taxroll.

EXHIBIT "A-1"

http://qpublic9.qpublic.net/qmap4/map.php?county=hi_kauai&layers=parcels+gbybrid&mapmode

Recommendation:

It is anticipated that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Chairperson





Date

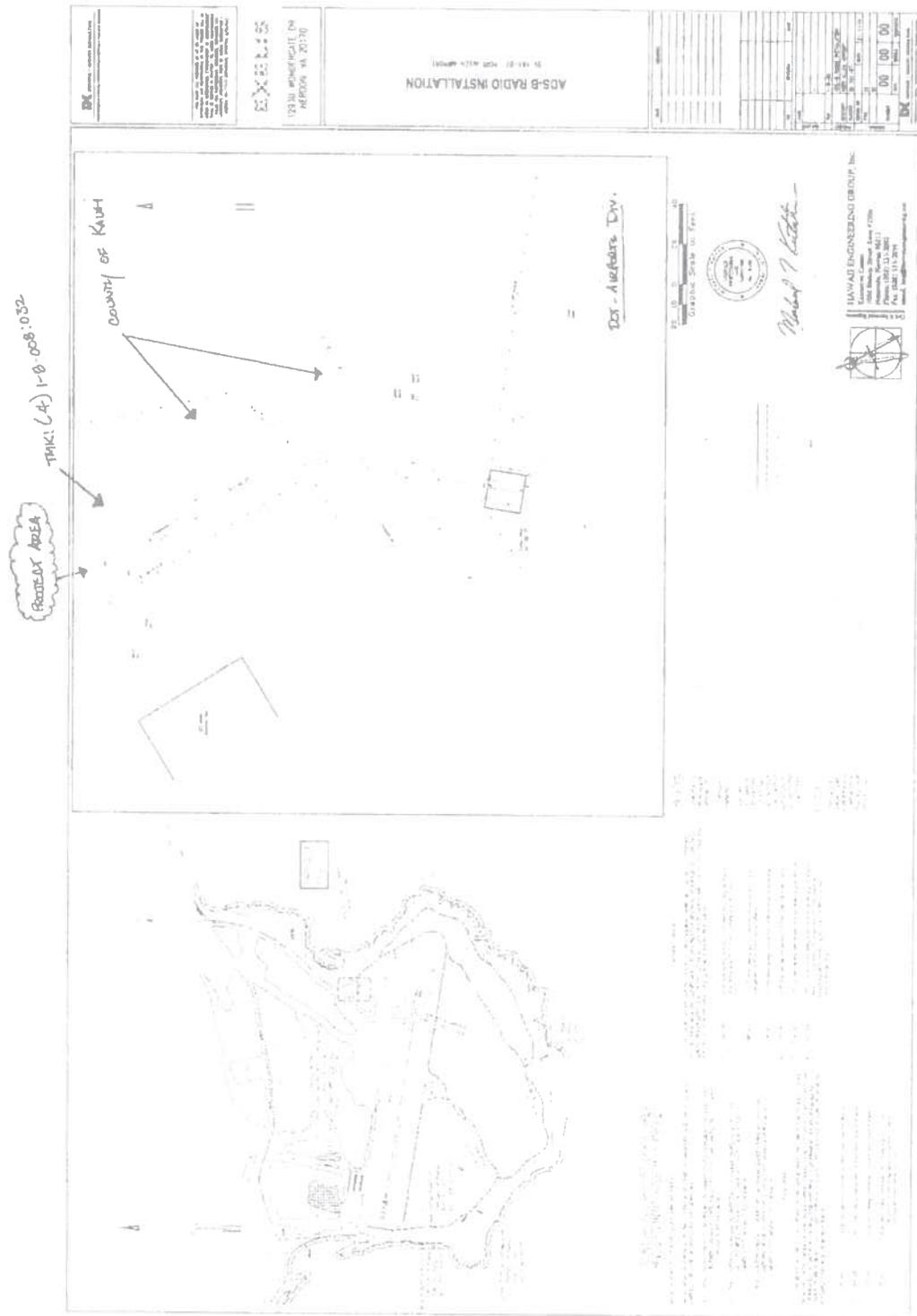


EXHIBIT "C"

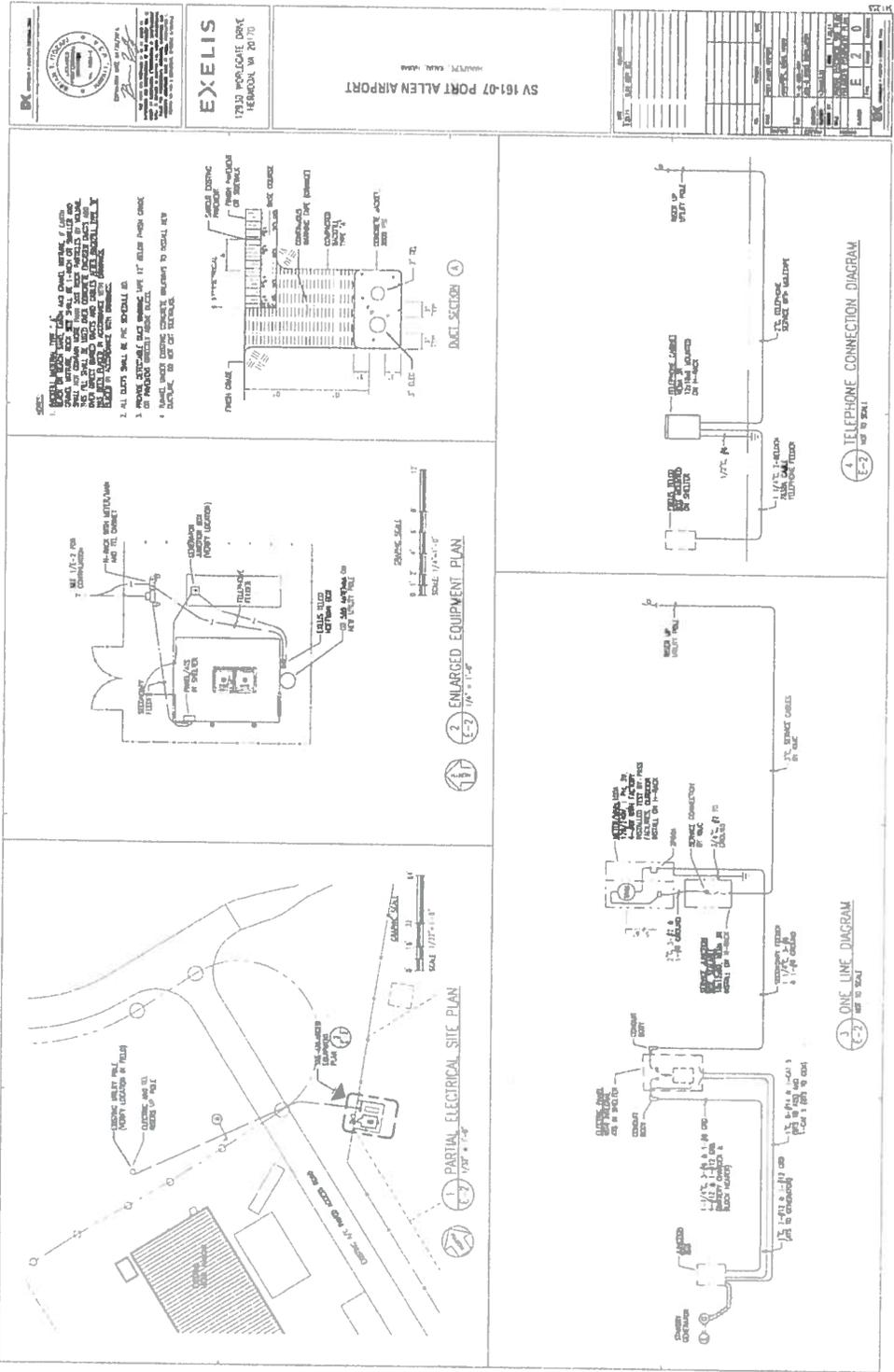


EXHIBIT "D"