

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

March 13, 2015

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

SP1504WRSP01

Kaua'i

Grant of Perpetual, Non Exclusive, Slope Maintenance Easement and Issuance of an Immediate Construction and Management Right-of-Entry Permit to the Department of Transportation, Highways Division, for Rockfall Mitigation Purposes, Wailua River State Park, Tax Map Keys: (4) 4-1-002:003 (por.), and (4) 4-1-003:008

APPLICANT:

Department of Transportation, Highways Division

LEGAL REFERENCE:

Section 171-13, 55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailua situated at Kawaihau (Puna), Kaua'i, identified by Tax Map Keys: (4) 4-1-002:003 (por.) (hereinafter the "Easement Parcel"), and (4) 4-1-002:003 and (4) 4-1-003:008), (hereinafter the "Right-of-Entry Parcels"), as shown on the attached maps labeled Exhibit A.

AREA:

1.44 acres, more or less, subject to confirmation by the Department of Accounting and General Services, Survey Division for the Easement Parcel and an additional .712 acres for the Right-of-Entry Parcels.

ZONING:

State Land Use District:	Conservation
County of Kaua'i	Conservation

ITEM E-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act with respect to the Easement Parcel.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

The Easement Parcel is encumbered by Governor's Executive Order Nos. 2022 and 2927 to be under the control of the Department of Land and Natural Resources, Division of State Parks for addition to Poliahu Park. The Right-of-Entry Parcels are also encumbered by Governor's Executive Order Nos. 2022 and 2927 for addition to Poliahu Park.

PURPOSE/CHARACTER OF USE:

The Department of Transportation is requesting a perpetual slope maintenance easement to mitigate rockfall risks to Kuamoo Road and seeks to construct, use, and maintain such easement over and across the State-owned lands adjacent to Kuamoo Road. In addition, the Department of Transportation requests an immediate construction and management Right-of-Entry permit covering the Easement Parcel and to stage equipment and materials for the initial construction and maintenance of the rockfall improvements on a separate parcel, across Kuamoo Road from the Easement Parcel TMK: (4) 4-1-003:008.

CONSIDERATION FOR EASEMENT AND RIGHT-OF-ENTRY:

Gratis.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit C.

REMARKS:

The Department of Transportation, Highways Division (DOT), proposes emergency slope stabilization measures along Kuamoo Road on land part of the Poliahu Park, part of the Wailua River State Park, under the jurisdiction of the Division of State Parks (State Parks). A map depicting the location of the Easement Parcel is attached as Exhibit B. In addition,

TMK: (4) 4-1-002:003 and (4) 4-1-003:008

the DOT seeks approval for a Right-of-Entry permit to stage equipment and materials on a site across Kuamoo Road from the Easement Parcel in addition to obtaining access to the Easement Parcel to commence the work.

Applicant has received authorization from the Office of Conservation and Coastal Lands (see Exhibit D). Applicant has also received a Special Management Area Emergency Permit from the Kaua'i County Planning Department which is attached as Exhibit E. Detailed discussion regarding the scope of the mitigation work is described in these exhibits. Applicant has been working with DLNR/State Historic Preservation Division on Chapter 6E compliance and will have a monitor on site observing the work.

State Parks recommends approval of the easement and right-of-entry permit as described in this submittal.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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-Highways Division covering the subject area for slope 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 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 permit to the Department of Transportation, Highways Division, its consultants, contractors, and/or persons acting for or on its behalf, onto the subject land 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 right-of-entry document form, as may be amended from time to time;
 - b. This right-of-entry permit is effective upon the Land Board's 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.

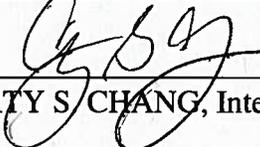
Respectfully Submitted,



DANIEL S. QUINN

PER Administrator

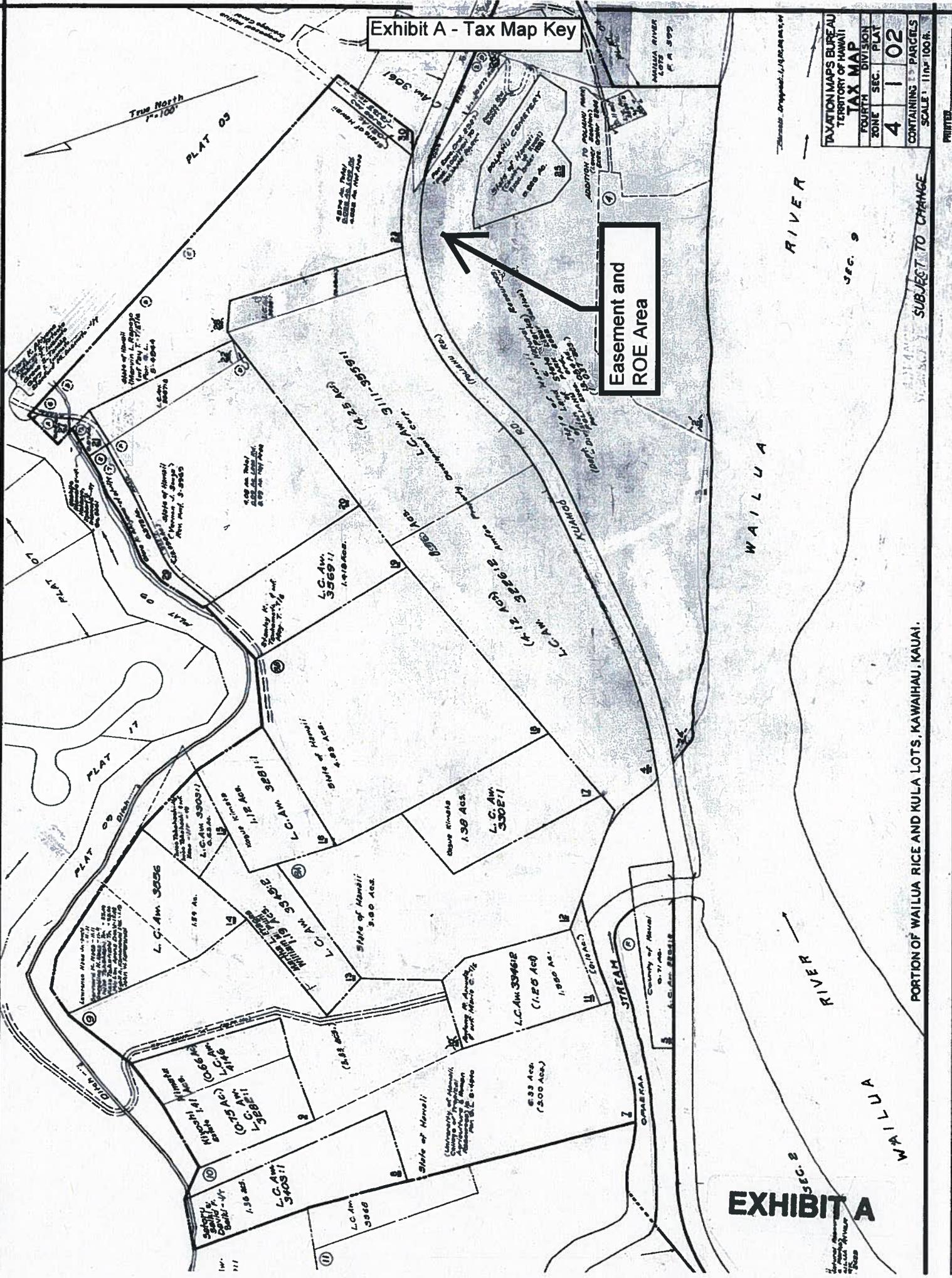
APPROVED FOR SUBMITTAL:



CARTY S. CHANG, Interim Chairperson

Exhibit A - Tax Map Key

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION	SECTION	PLAT
4	1	02	
CONTAINING PARCELS			
SCALE: 1" = 100' ±			



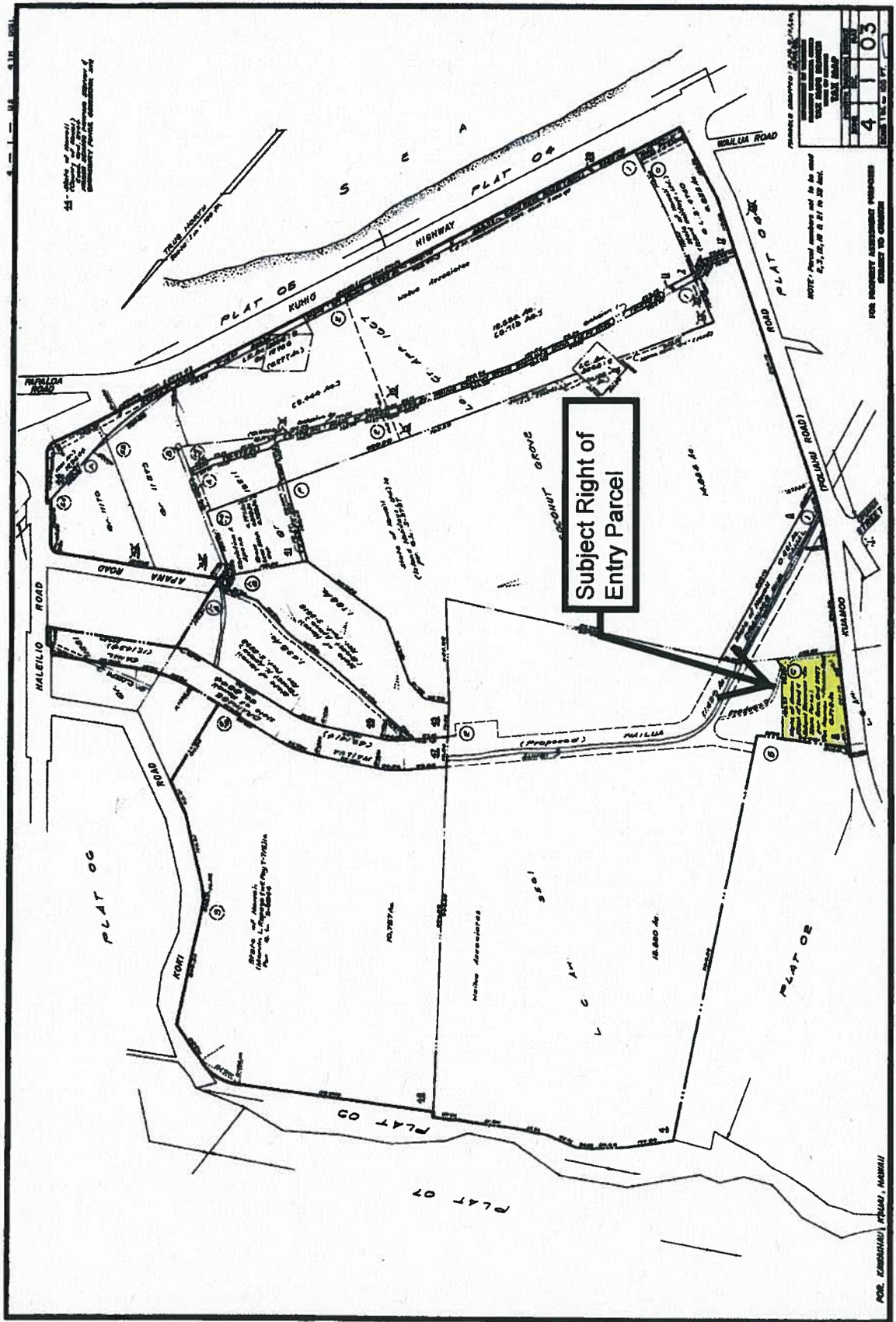
Easement and ROE Area

EXHIBIT A

PORTION OF WAILUA RICE AND KULA LOTS, KAWAIHAU, KAUAI.

SECTION 9

SECTION 2



Subject Right of
Entry Parcel

4 4 1 0 3

FOR PROPERTY ADDRESS PURPOSES
SEE MAP TO CORNER

NOTE: Parcel numbers and lot numbers
shown on this map are for reference only.
They do not constitute a warranty of
accuracy or a guarantee of title.
DATE: 11/10/03

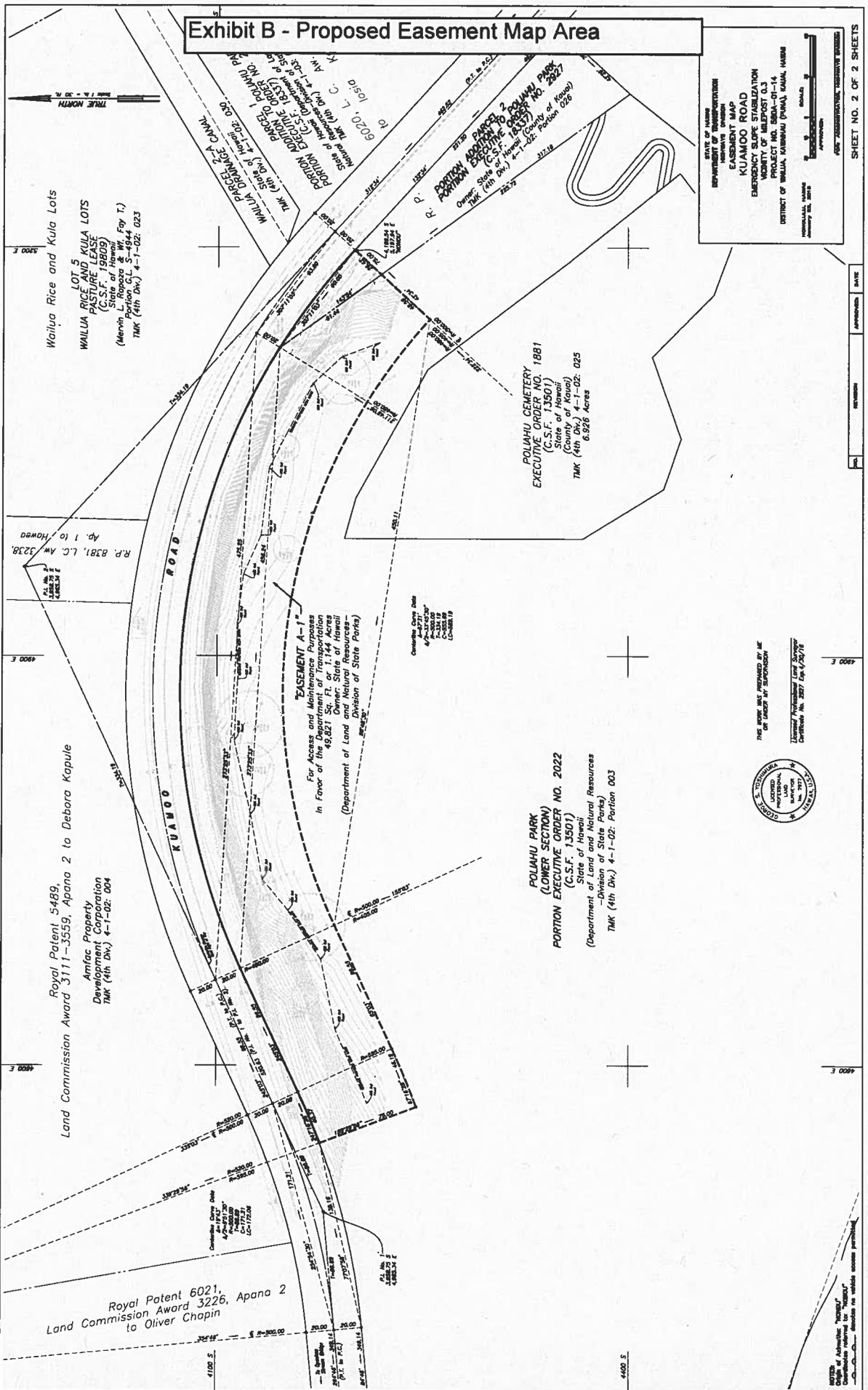
PLAT 01
PLAT 02
PLAT 03
PLAT 04
PLAT 05
PLAT 06
PLAT 07

44 - (Public Use)
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97 - (Public Use)
98 - (Public Use)
99 - (Public Use)
100 - (Public Use)

DATE: 11/10/03
BY: [Signature]
SCALE: AS SHOWN
DRAWN BY: [Signature]

ROC, KAMAHANUI (PLANS), HAWAII

Exhibit B - Proposed Easement Map Area



Wailua Rice and Kula Lots
 LOT 5
 WAILUA RICE AND KULA LOTS
 PASTURE LEASE
 (C.S.F. 19809)
 (Mervin L. Raposa & W. Fay T.)
 Partition G.L.S. 4944
 TMK (4th Div.) 4-1-02: 023

R.P. 8381, L.C. AM 3238
 Ap. 1 to Howoa

Royal Patent 5489,
 Land Commission Award 3111-5559, Apana 2 to Debara Kapule
 Amfac Property
 Development Corporation
 TMK (4th Div.) 4-1-02: 004

Royal Patent 6021,
 Land Commission Award 3226, Apana 2
 to Oliver Chapin

EASEMENT A-1
 For Access and Maintenance Purposes
 In Favor of the Department of Public Works
 49,821 Sq. Ft. or 1.144 Acres
 Owner: State of Hawaii
 (Department of Land and Natural Resources -
 Division of State Parks)

POLIAHU CEMETERY
 EXECUTIVE ORDER NO. 1881
 (C.S.F. 13501)
 State of Hawaii
 (County of Kauai)
 TMK (4th Div.) 4-1-02: 025
 6,326 Acres

**POLIAHU PARK
 (LOWER SECTION)**
 PORTION EXECUTIVE ORDER NO. 2022
 (C.S.F. 13501)
 State of Hawaii
 (Division of State Parks)
 TMK (4th Div.) 4-1-02: Portion 003

STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
EASEMENT MAP
KUAMOO ROAD
 EMERGENCY SLOPE STABILIZATION
 VICINITY OF MILEPOST 0.3
 PROJECT NO. 2007-01-01
 DISTRICT OF WAILUA, HAWAII (PART), KAUAI, HAWAII
 INDIVIDUAL NAME
 DATE

THIS MAP WAS PREPARED BY ME
 ON 10/27/10 BY SUPERVISOR
 License/Registration No. 5076
 Certificate No. 2007-01-01-01



SHEET NO. 2 OF 2 SHEETS
 P.M. 7

THIS MAP IS A PART OF THE
 MAP OF ADJACENT "WAILUA"
 DISTRICTS IN THE COUNTY OF WAILUA,
 DISTRICT OF WAILUA, HAWAII
 THE MAP IS SUBJECT TO THE
 REVISIONS AND AMENDMENTS
 THEREON

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20

EXHIBIT B

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title: Grant of Perpetual, Non Exclusive, Slope Maintenance Easement and Issuance of an Immediate Construction and Management Right-of-Entry Permit to the Department of Transportation, Highways Division, for Rockfall Mitigation Purposes, Wailua River State Park, Tax Map Keys: (4) 4-1-002:003 (por.), and (4) 4-1-003:008

Project / Reference No.: SP1504WRSP01

Project Location: Wailua River State Park (Poliahu)

Project Description: DOT Slope Maintenance Easement and Right-of-Entry

Chap. 343 Trigger(s): Use of State Land

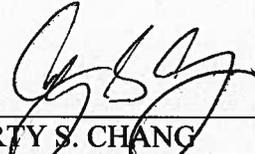
Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(A), and the exemption list for the Department of Land and Natural Resources, as reviewed and concurred upon by the Environmental Council on July 13, 2011, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 which exempts, **"Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare or public trust resources"**.

Consulted Parties: DLNR – Land Division, DOT – Highways Division.

EXHIBIT C

Recommendation:

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



CARY S. CHANG
Interim Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AJR

Julie Zimmerman
c/o AECOM
1001 Bishop St., Suite 1600
Honolulu, HI 96813-3698

SUBJECT: EMERGENCY ROCKFALL MITIGATION
Kuamo'o Road, Kawaihau District, Island of Kaua'i
TMK: (4) 4-1-002:003

EM: KA-14-09

JUN 10 2014



Dear Ms. Zimmerman,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your correspondence regarding a proposal by the Hawaii Department of Transportation (HDOT) – Kaua'i Division to conduct rockfall mitigation along a section of Kuamo'o Road (*Route 580*) on the Island of Kaua'i (**Exhibit 1**). The proposed mitigation project site is located within the State Land Use Conservation District Resource Subzone.

ANALYSIS:

A Rockfall Hazards Assessment (RHA) was conducted in 2013 to assess potential rockfall hazards in this area. The geologic condition of the hillside was investigated and a proposed mitigation methodology was recommended to address potential short and long-term rockfall hazards. A recent rockfall mitigation project in this area was completed; however further mitigation efforts were deemed necessary after the RHA was completed. Emergency State funds have been released in order to complete the proposed work due to an apparent immediate need regarding safety for life and property. In order to complete this work a new segment to the existing Kuamo'o Road right-of-way (ROW) is being created; the new ROW segment will be set back 75-feet from the edge of the existing ROW.

The project site includes a 675 linear foot section of Kuamo'o Road which is flanked to the south by a steep, rocky cliff face and to the north by open lands situated at a lower elevation than the existing road surface. The typical character of the steep, rocky cliff face reflects a history of mechanical and chemical weathering which includes spalling, loose rock segments, overhanging rock precipices and the presence of large fractures, cavities and in-filled joints (**Exhibit 2, 2a, 2b, 2c**). While some of the existing rock face had been previously scaled back during past rock fall mitigation activities, above the steep plane a layer of overburden has formed as a result of the continued weathering of the rock face that requires attention. Additionally, a large tension crack has formed along the cliff face and is open to the top surface of the cliff. This tension crack has the potential to allow the overburden to fail and be deposited on the roadway below. Additional

EXHIBIT D

tension cracks have formed throughout the cliff face although most are in-filled with weathered soils and loose rock; however, all have the potential for future failure during heavy rain events.

Due to an immediate need for rockfall mitigation the HDOT – Kaua'i Division is proposing to emplace a heavy-duty, draped mesh system consisting of wire mesh laid over a metal ring-net material along the affected section of Kuamo'o Road (**Exhibit 3, 3a, 3b**). The draped mesh system will be approximately 675 linear feet measured along Kuamo'o Road and will extend just beyond the top of the slope (i.e., top of the cliff face). Wire rope anchors will be drilled and installed at the top and bottom of the cliff face to support this system. No scaling, digging, or excavation work will be required for this proposed project. This specific mitigation method was proposed due to construction costs, ease of implementation, shorter installation time, and included the least amount of impact to the nearby cultural sites so that this urgent safety condition could be addressed.

Construction equipment and material necessary for this project includes chainsaws for clearing trees and vegetation, pneumatic hand-drills for anchor installation, an air compressor, and a power generator for the various equipment uses. Access to the site will be off Kūhiō Highway along Kuamo'o Road with staging areas for contractors and construction equipment to be coordinated with the State of Hawaii and the on-site engineers during construction; the time to complete construction is estimated to take approximately four (4) months.

In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and the Hawaii Administrative Rules (HAR), §11-200-8(a)(1) *Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or expansion or change of use beyond that previously existing*; therefore the proposed use is exempt from the filing of an Environmental Assessment (EA).

EMERGENCY PERMITS:

Pursuant to the Conservation District rules and regulations, HAR, §13-5-35 Emergency Permits (a) *The chairperson or deputy director of the department in the absence of the chairperson may authorize through an emergency permit any land use deemed to be essential to alleviate any emergency that is a threat to public health, safety, and welfare, including natural resources, and for any land use that is imminently threatened by natural hazards. These actions shall be temporary in nature to the extent that the threat to public health, safety and welfare, including natural resources is alleviated (e.g. erosion control, rockfall mitigation).*

TERMS AND CONDITIONS:

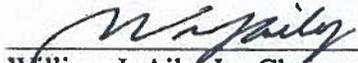
The Department has no objections to granting this emergency permit for rockfall mitigation located along Kuamo'o Road, Kawaihau District, Island of Kaua'i, on TMK: (4) 4-1-002:003. Authorization is granted on the basis of protecting the public health, safety and welfare subject to the following terms and conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee shall comply with all applicable department of health administrative rules;

3. All representations relative to mitigation set forth in the submitted material for the proposed use are incorporated as conditions of the permit;
4. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
5. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
6. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
7. **Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;**
8. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
9. Cleared areas shall be re-vegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
10. Staging areas used for construction shall be returned to their natural state, including re-vegetation of the area, after construction activities have been completed;
11. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
12. The permittee shall contact the Office of Conservation and Coastal Lands (OCCL) at the start and end of the proposed project;
13. Other terms and conditions as prescribed by the chairperson; and
14. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

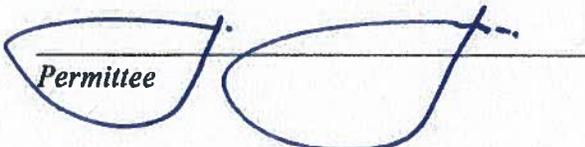
Please acknowledge receipt of this authorization, with the above noted conditions, in the space provided below. **Please sign two copies. Retain one and return the other to: DLNR - Office of Conservation and Coastal Lands, PO Box 621, Honolulu, HI, 96809.** Should you have any questions, contact Alex J. Roy of the OCCL at 808-587-0316.

Sincerely,



William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

I concur with the conditions of this authorization:



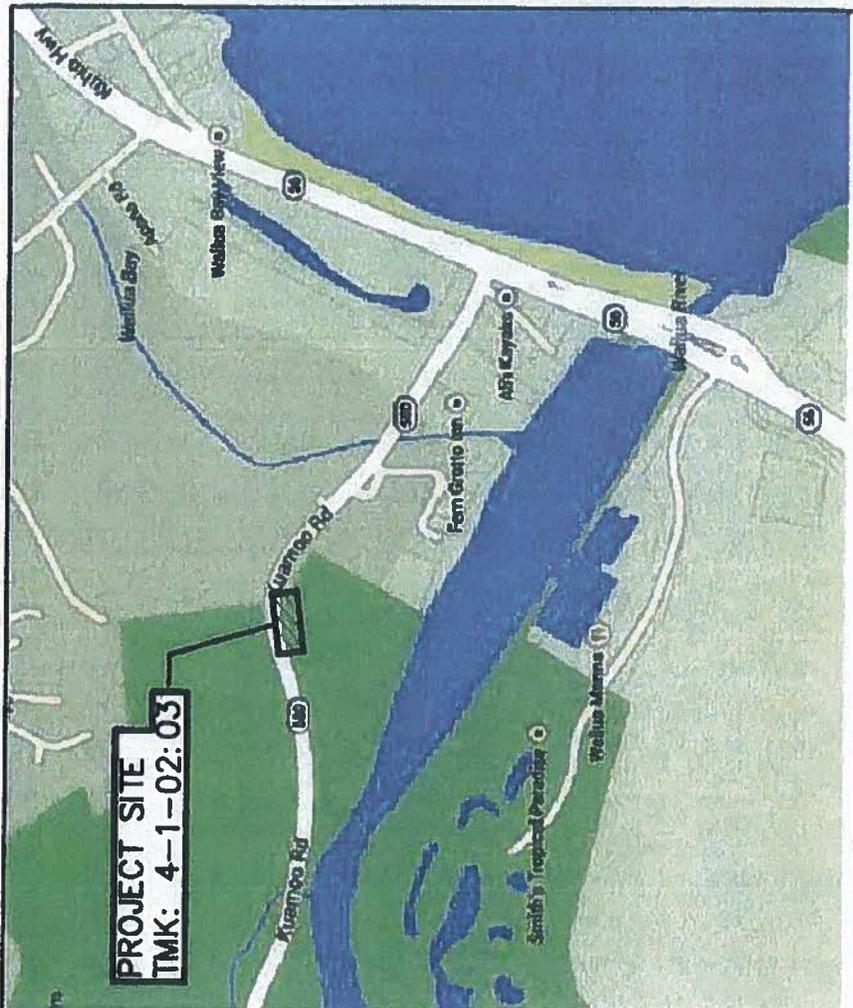
Permittee

6.13.14

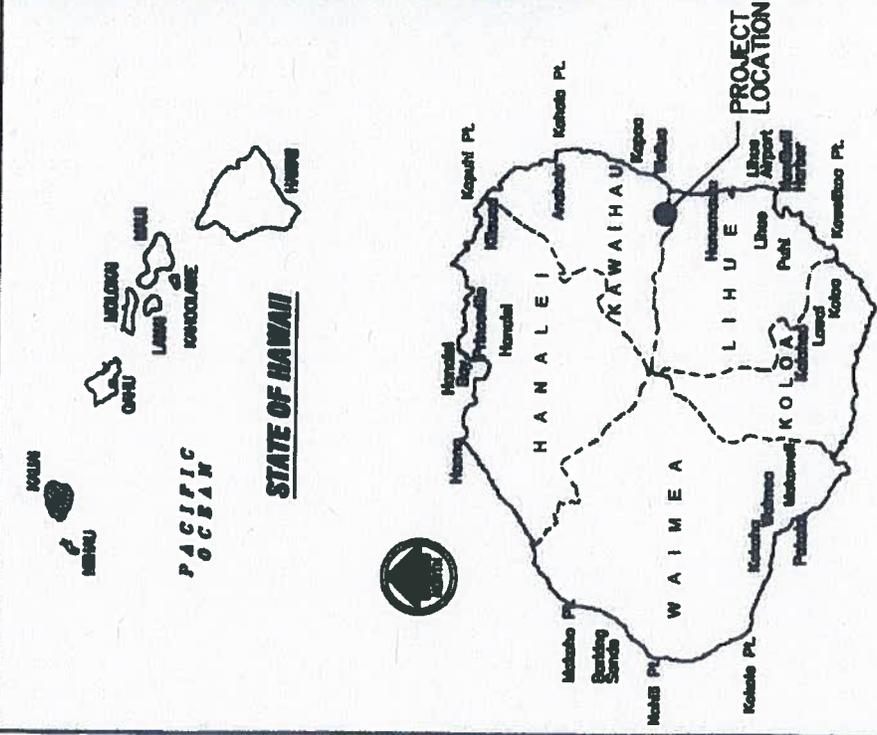
Date

CC: *KDLO*
DLNR – Engineering
HDOT – Highways Division
County of Kaua'i Department of Planning
County of Kaua'i Department of Public Works

Attachments: *Exhibits 1, 2, 2a, 2b, 2c, 3, 3a, 3b*



LOCATION MAP
NOT TO SCALE



ISLAND OF KAUAI
VICINITY MAP
NOT TO SCALE

EXHIBIT I

EMG: KA-14-09

AECOM

KUAMOO ROAD ROCKFALL VICINITY & LOCATION MAPS

SCALE: NONE

DATE: MAY 2014

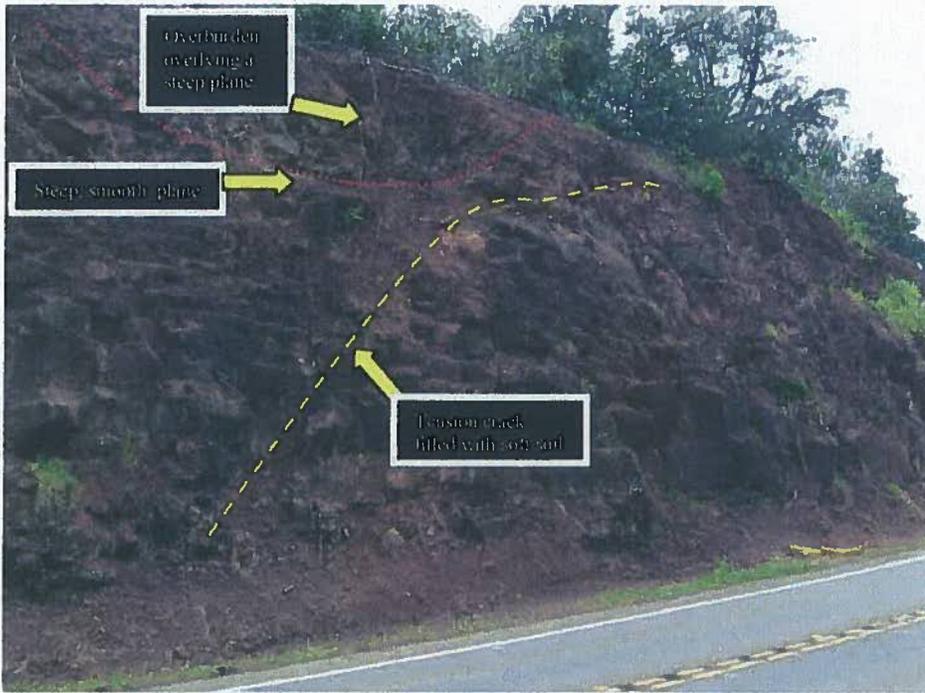


Photo 1. Note presence of a relatively steep plane and the overlying overburden.



Photo 2. Close up view of steep and smooth plane (yellow arrow), softer overburden above (blue arrow), and a soil filled tension crack (red arrows).

EXHIBIT 2
EMG : KA-14-09



Photo 3. Another view of unstable features of the cliff and its proximity to the traffic.

EXHIBIT 2A

EMG: KA-14-09

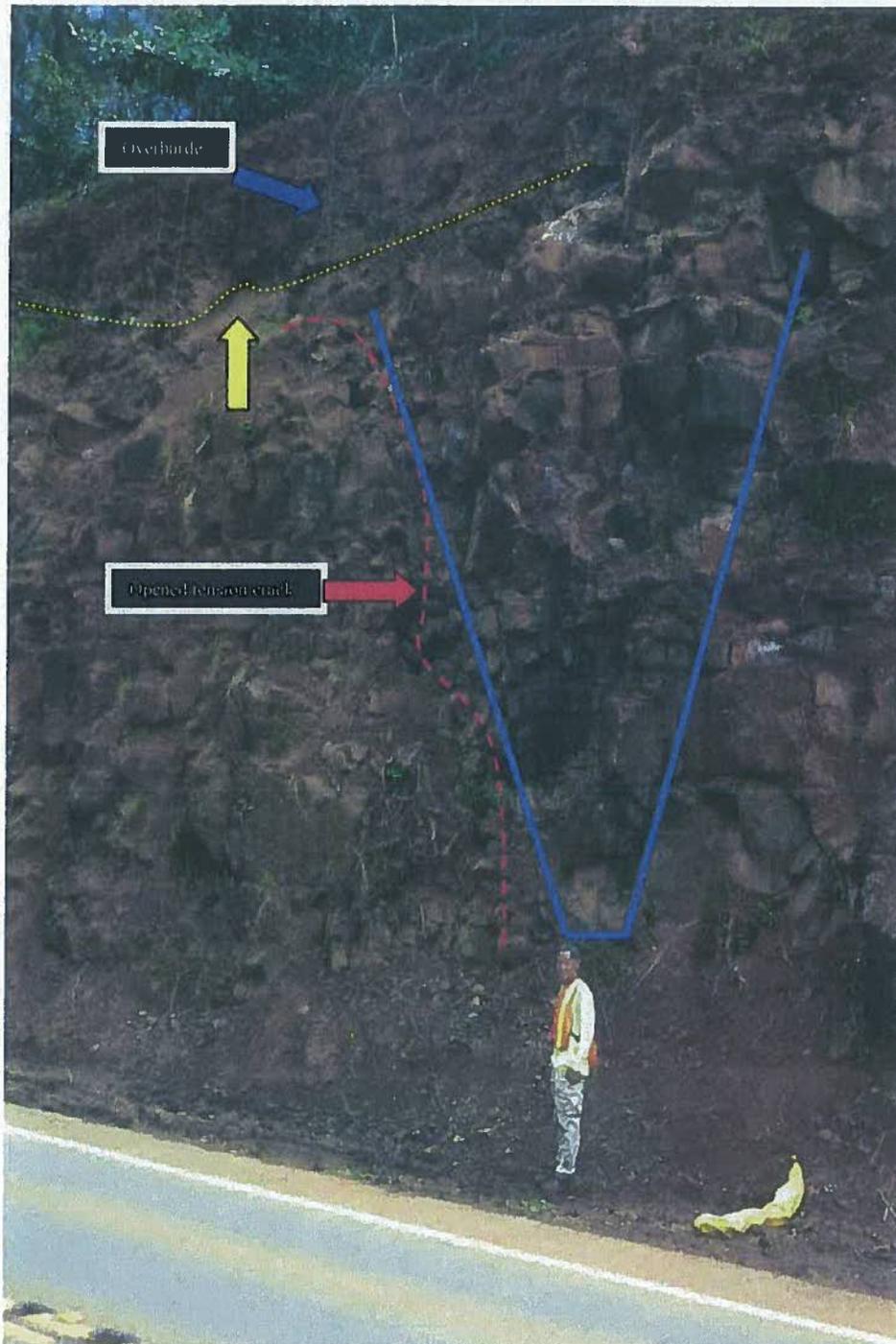


Photo 4. Note the very steep plane (yellow arrow), the overlying overburden (blue arrow), opened tension crack (red arrow), and a massive wedge with little bottom support (solid blue lines).

EXHIBIT 2B
EMG: KA-14-09

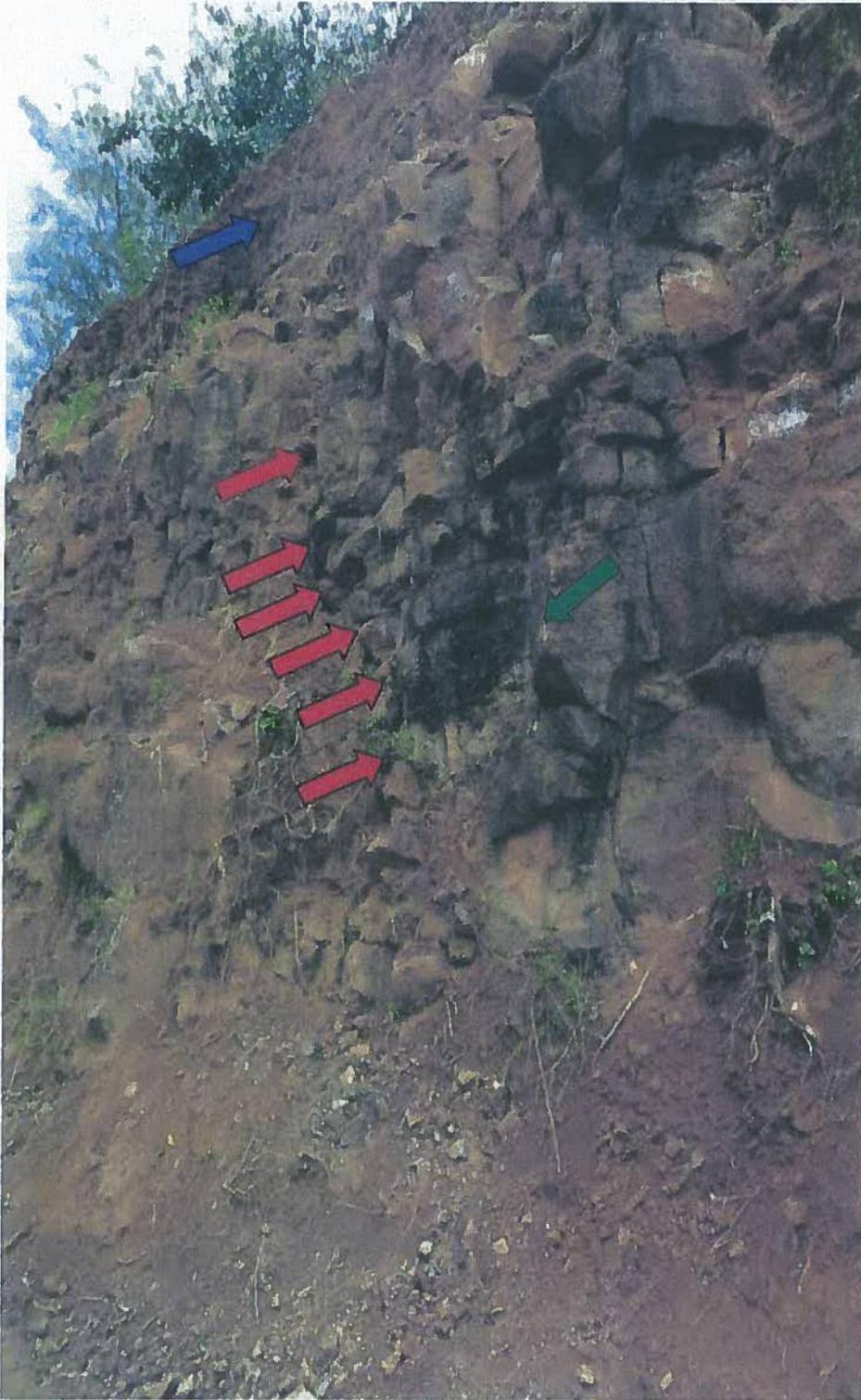
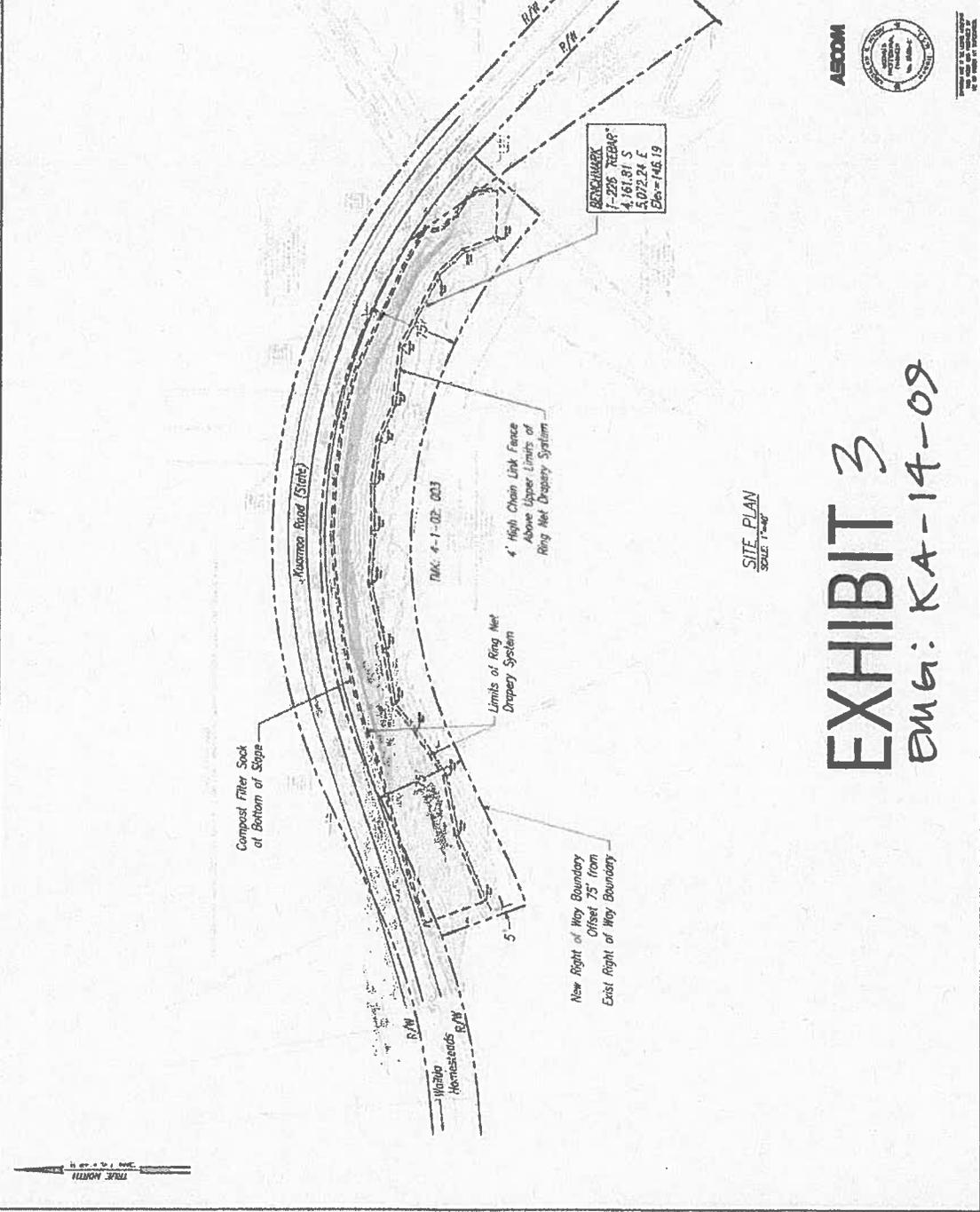


Photo 5. Another view of the cliff face at station 00+530. Note the overburden material (blue arrow); the steep plane not in view), tension crack (red arrows), and the massive wedge feature with little bottom support (green arrow).

EXHIBIT 2c
EMG: KA-14-09

STATE	PROJ. NO.	ISSUE NO.	SHEET NO.	TOTAL SHEETS
MINN.	580A-01-14	2014	B	15
DATE				



0 40 80 120
Scale: 1" = 40' Feet

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
SITE PLAN
KUMHO ROAD
EMERGENCY SLOPE STABILIZATION
VICINITY OF INTEREST 0.3
PROJECT NO. 580A-01-14
Scale: As Shown Date: June 2014



THIS PLAN IS THE PROPERTY OF THE STATE OF MINNESOTA. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFIED HEREON. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE STATE OF MINNESOTA.

SITE PLAN
SCALE: 1"=40'

EXHIBIT 3

ENG: KA-14-09

DATE	BY	REVISION

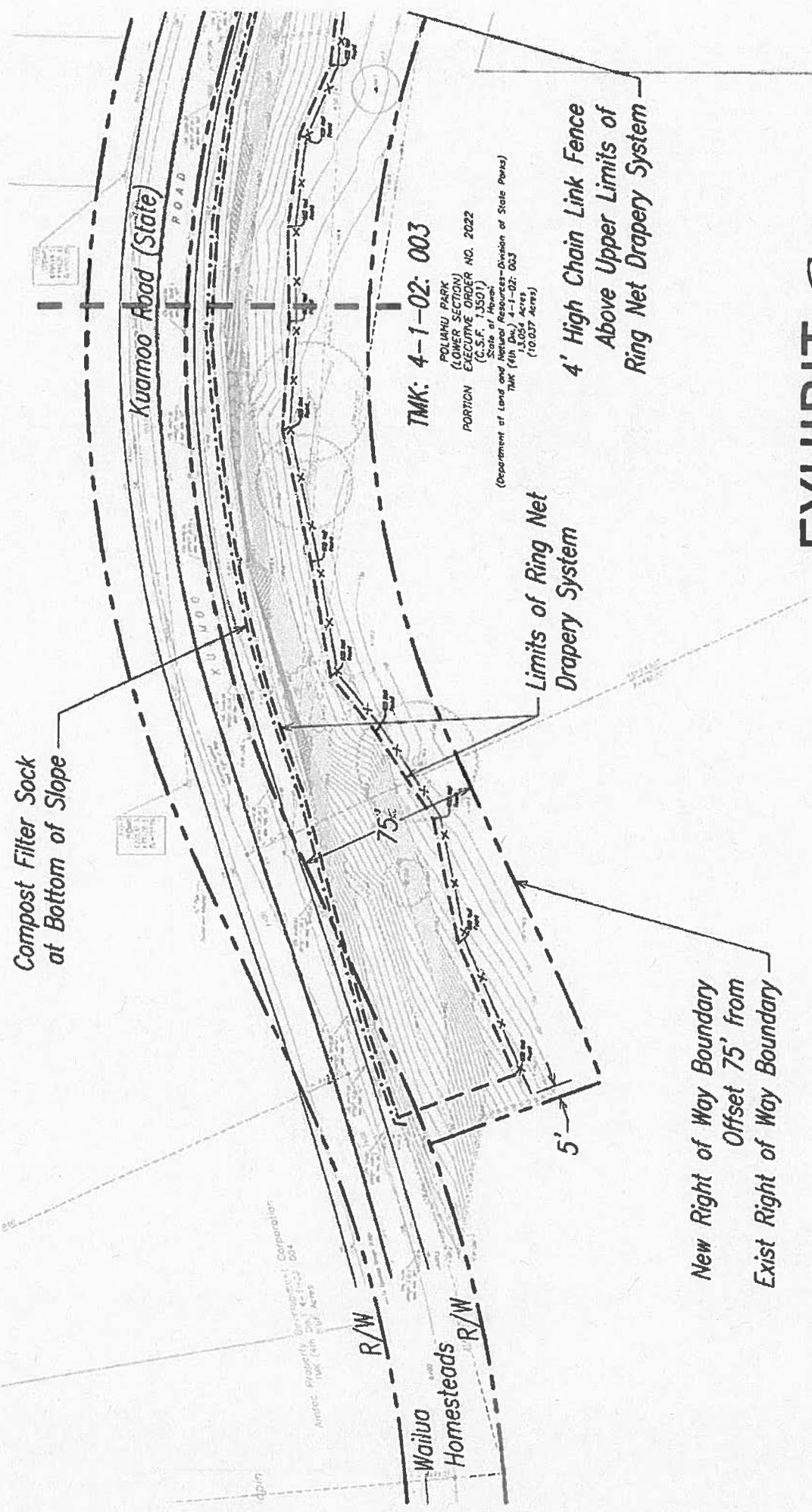
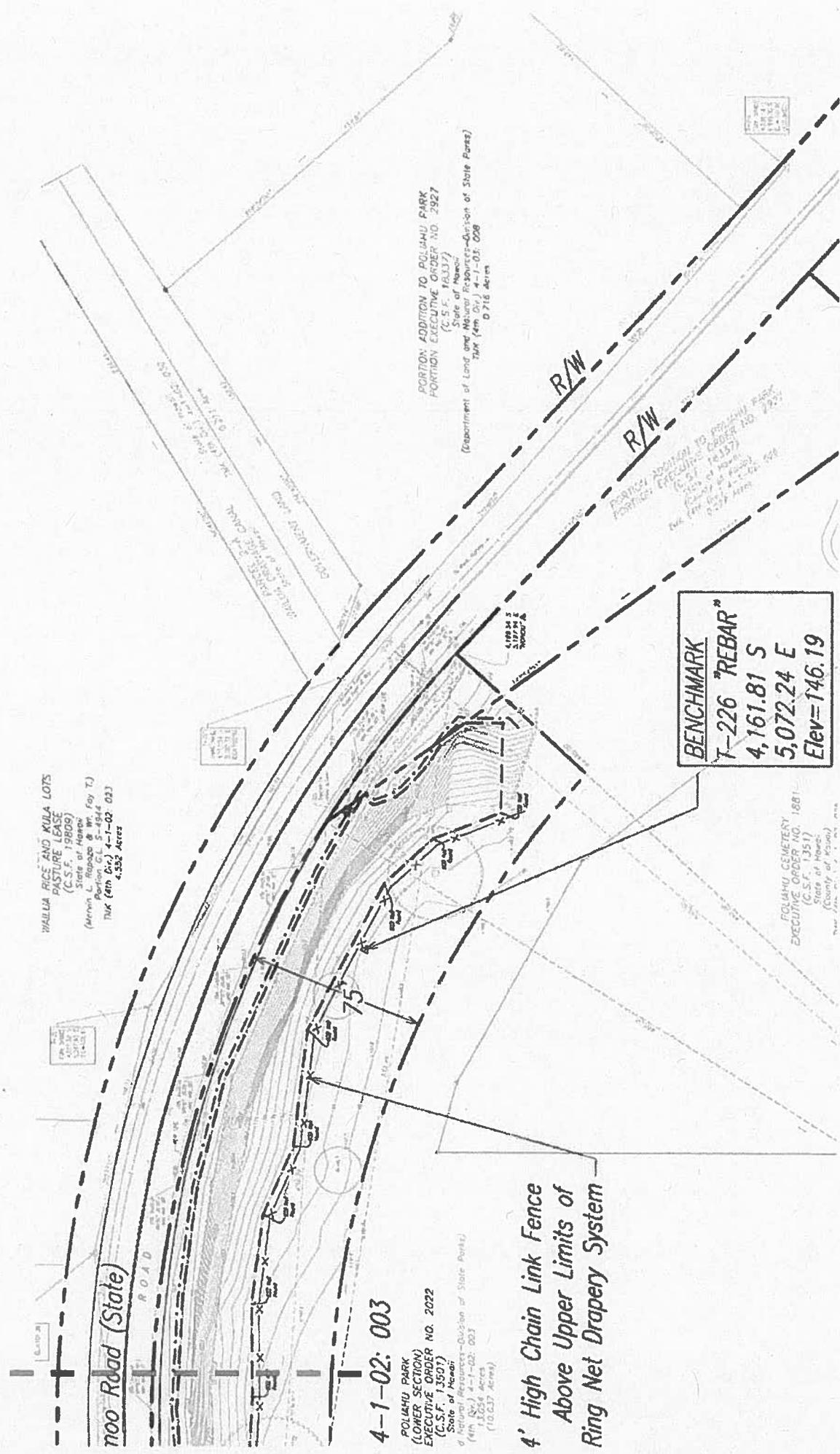


EXHIBIT 3A

EMG: KA-14-09



WALLUA RICE AND KULA LOTS
 PASTURE LEASE
 (C.S.F. 19808)
 (Merion, State of Hawaii)
 Parcel No. 5-48344
 TMA (4th Div.) 4-1-02 023
 4,352 Acres

PORTION ADDITION TO POLIHAU PARK
 PORTION EXECUTIVE ORDER NO. 2927
 (C.S.F. 18337)
 State of Hawaii
 (Department of Land and Natural Resources—Division of State Parks)
 TMA (4th Div.) 4-1-02 028
 0.716 Acres

PORTION ADDITION TO POLIHAU PARK
 PORTION EXECUTIVE ORDER NO. 2927
 (C.S.F. 18337)
 State of Hawaii
 (Department of Land and Natural Resources—Division of State Parks)
 TMA (4th Div.) 4-1-02 028
 0.716 Acres

BENCHMARK
 T-226 "REBAR"
 4,161.81 S
 5,072.24 E
 Elev=146.19

POLIHAU CEMETERY
 EXECUTIVE ORDER NO. 1881
 (C.S.F. 13517)
 State of Hawaii
 (County of Kauai)
 TMA (4th Div.) 4-1-02 023

4-1-02: 003
 POLIHAU PARK
 (LOWER SECTION)
 EXECUTIVE ORDER NO. 2022
 (C.S.F. 13507)
 State of Hawaii
 (Department of Land and Natural Resources—Division of State Parks)
 TMA (4th Div.) 4-1-02 023
 13,056 Acres
 (10,037 Acres)

4' High Chain Link Fence
 Above Upper Limits of
 Ring Net Drapery System

EXHIBIT 3B
 EM 61: KA-14-09

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

PLANNING DEPARTMENT

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

JUL 23 2014

Julie Zimmerman
AECOM
100 Pauahi Street, Suite 206
Hilo, HI 96720

Subject: Special Management Area Emergency Permit SMA(E)-2015-1
Kuamoo Road Rockfall Mitigation
Applicant: AECOM/State DOT
Tax Map Key: (4) 4-1-002:003, Wailua, Kaua'i

REQUEST

Pursuant to Section 11 of the County's Special Management Area Rules and Regulations (as amended), entitled "Emergency Permits," which was adopted by the County on October 26, 2011, the subject application is being considered.

The Applicant is requesting an SMA Emergency Permit pursuant to Section 11 of the SMA Rules and Regulations since the proposal requires "*immediate action to prevent physical harm to person or property, and is for the reconstruction for the reconstruction of structures damaged by natural hazards to their original form.*"

EVALUATION

According to Section 11 of the SMA Rules and Regulations, an Emergency Permit may be issued for a "development," as defined in Section 1.4 H, in cases of emergency requiring immediate action to prevent substantial physical harm to property. The proposed rockfall mitigation is considered "development" by definition, and the Applicant has demonstrated that removal and mitigation of the boulders along Kuamoo Road is such that immediate action is required to prevent substantial physical harm to the users of the roadway.

DETERMINATION

Based on the information submitted and the foregoing evaluation, it is concluded that the subject request is in conformance with Section 11 of the County's SMA Rules and Regulations. Therefore, a Special Management Area Emergency Permit is hereby issued authorizing rockfall mitigation along Kuamoo Road further identified as a portion of Tax Map Key : (4) 4-1-002:003, Wailua, Kauai, in order to prevent an immediate threat to the users of the roadway.

The Applicant should institute the "Best Management Practices" during the construction phase of the proposed development in order to insure that the project does not generate impacts that may affect the health, safety, and welfare of those in the surrounding area of the proposal.

However, the Applicant is advised that approval of the application is subject to the following conditions:

1. The proposed rockfall mitigation measures shall be constructed as represented. Any changes to said structures and/or facilities shall be reviewed by the Planning Department to whether it requires an amendment to the SMA Emergency Permit or whether a new SMA Permit is warranted.
2. This Emergency Permit shall be subject to periodic review by the Planning Department, but in no event shall such review be conducted less than one (1) year from the date of issuance of this permit.
3. Pursuant to Section 11 of the County's SMA Rules and Regulations, this Emergency Permit shall be valid for a period of two (2) years, beginning from the date of issuance.
4. The Applicant shall develop and utilize Best Management Practices (BMP's) during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.
5. The Applicant is advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the Applicant shall contact the State Department of Land and Natural Resources – Historic Preservation Division at (808) 692-8015 and the Planning Department at (808) 241-4050.
6. Applicant shall discuss and resolve any comments and recommendations of the Department of Public Works-Engineering, and Army Corps of Engineers prior to the start of construction of this project.

Also be informed that other permits or requirements from other reviewing government agencies may be required prior to construction. The Applicant is responsible for resolving these requirements with the other respective agency(ies).



DEE M. CROWELL
Deputy Director of Planning

cc: DPW-Engineering Division

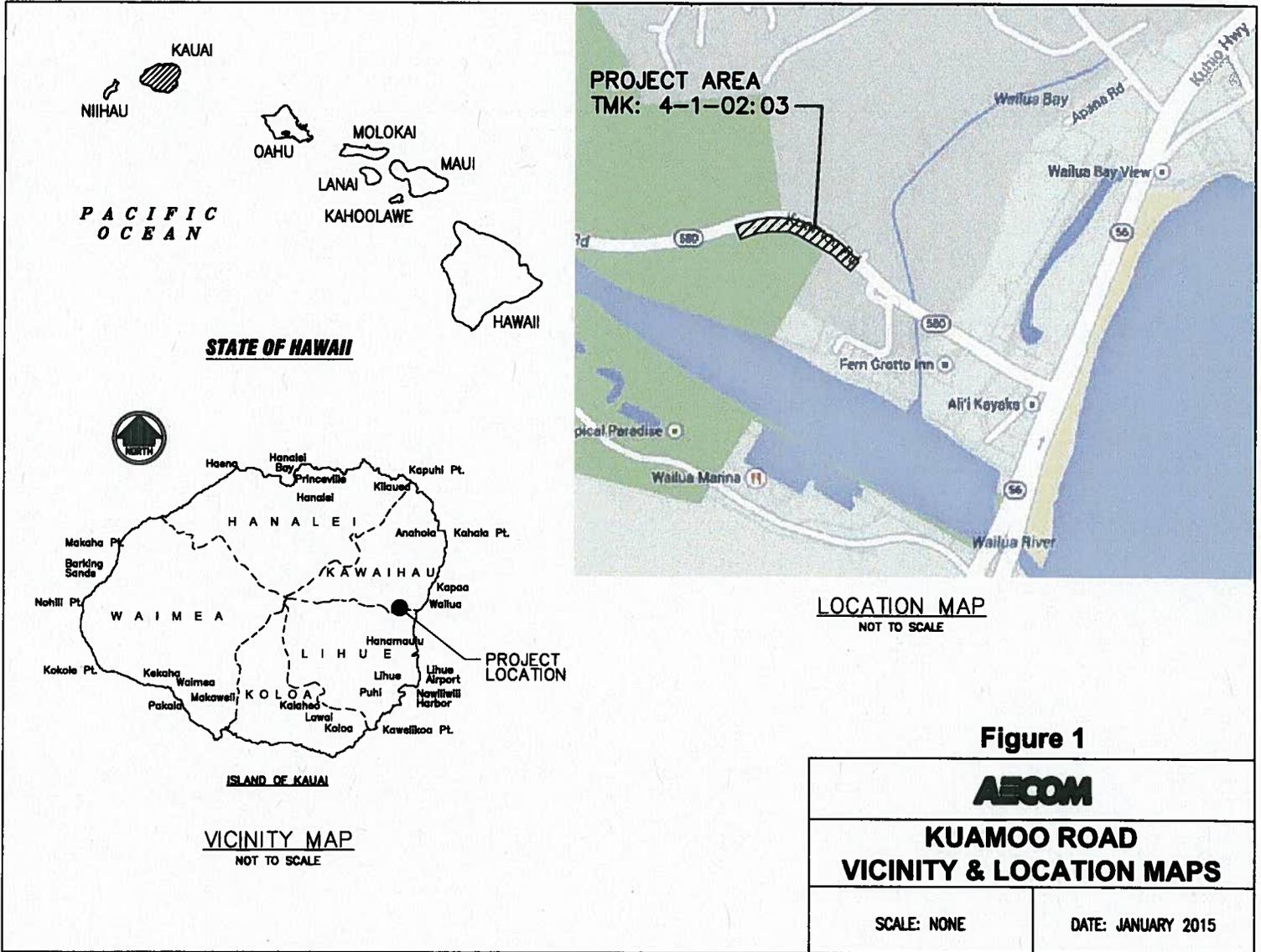




Figure 2

LEGEND:

----- PROJECT AREA (TMK: 4-1-02:03)

Note: The final location of the staging area will be dependent based on negotiations with the landowner.

SITE MAP
NOT TO SCALE



AECOM	
KUAMOO ROAD SITE MAP	
SCALE: NONE	DATE: JANUARY 2015

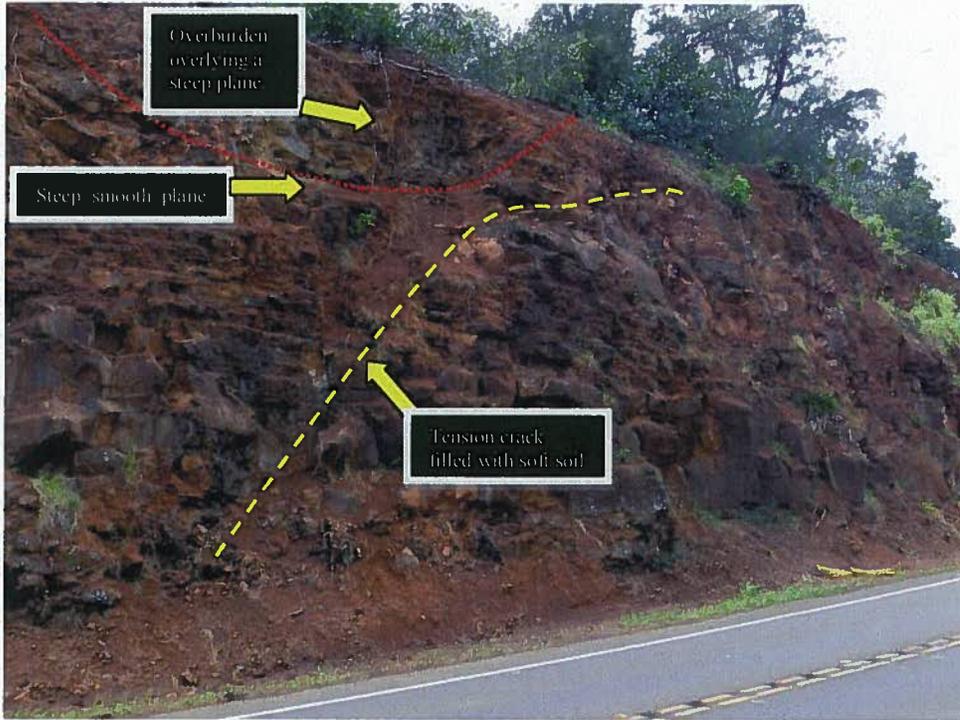


Photo 1. Note presence of a relatively steep plane and the overlying overburden.



Photo 2. Close up view of steep and smooth plane (yellow arrow), softer overburden above (blue arrow), and a soil filled tension crack (red arrows).



Photo 3. Another view of unstable features of the cliff and its proximity to the traffic.

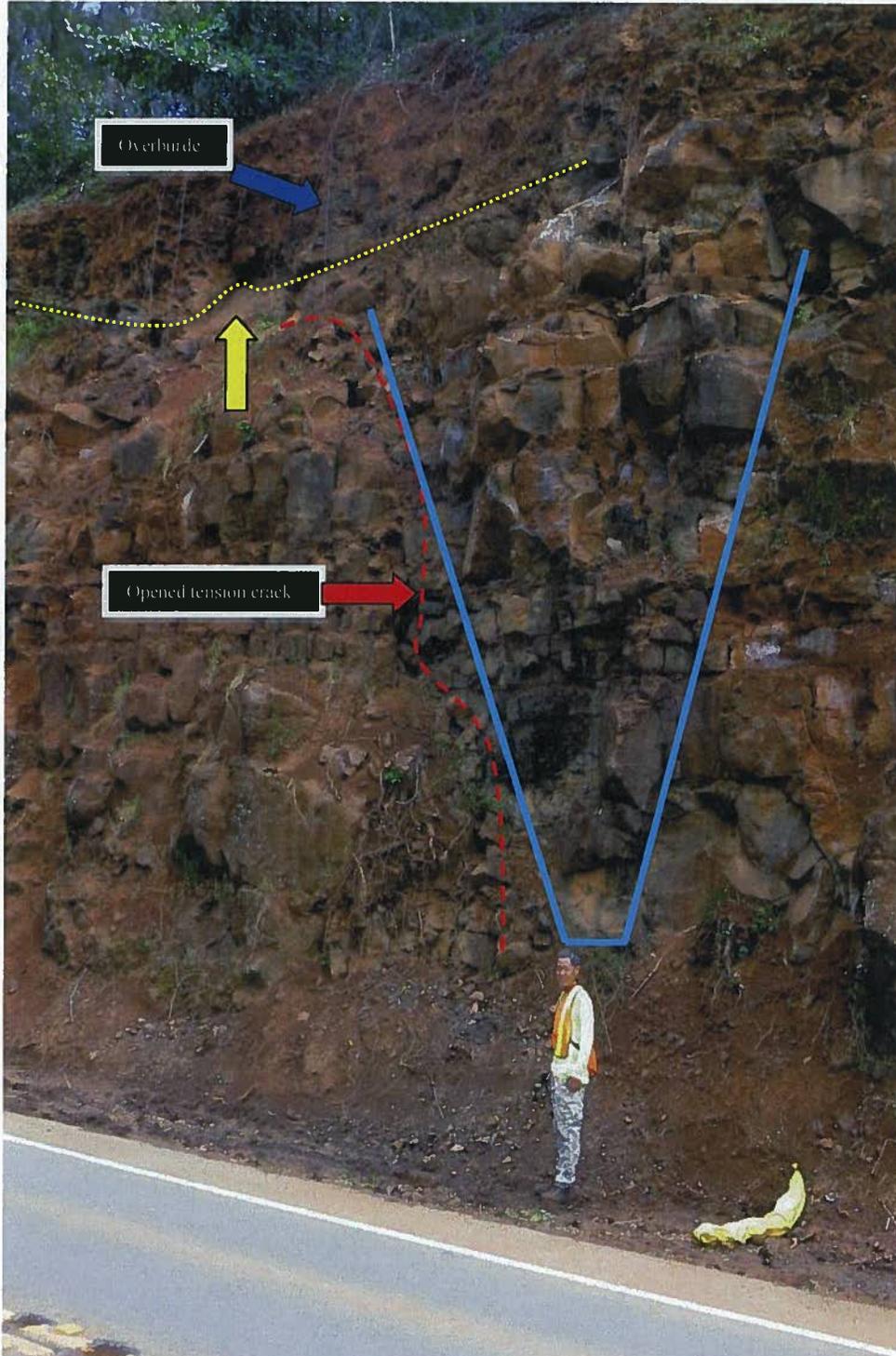


Photo 4. Note the very steep plane (yellow arrow), the overlying overburden (blue arrow), opened tension crack (red arrow), and a massive wedge with little bottom support (solid blue lines).



Photo 5. Another view of the cliff face at station 00+550. Note the overburden material (blue arrow); the steep plane not in view), tension crack (red arrows), and the massive wedge feature with little bottom support (green arrow).



Photo 6: Example of a similar mesh system installed along Honoapiilani Highway, Maui (Kahului to Lahaina).



Photo 7: Example of a similar mesh system installed along Honoapiilani Highway, Maui (Kahului to Lahaina).



Photo 8: Example of a similar mesh system installed along Honoapiilani Highway, Maui (Kahului to Lahaina).

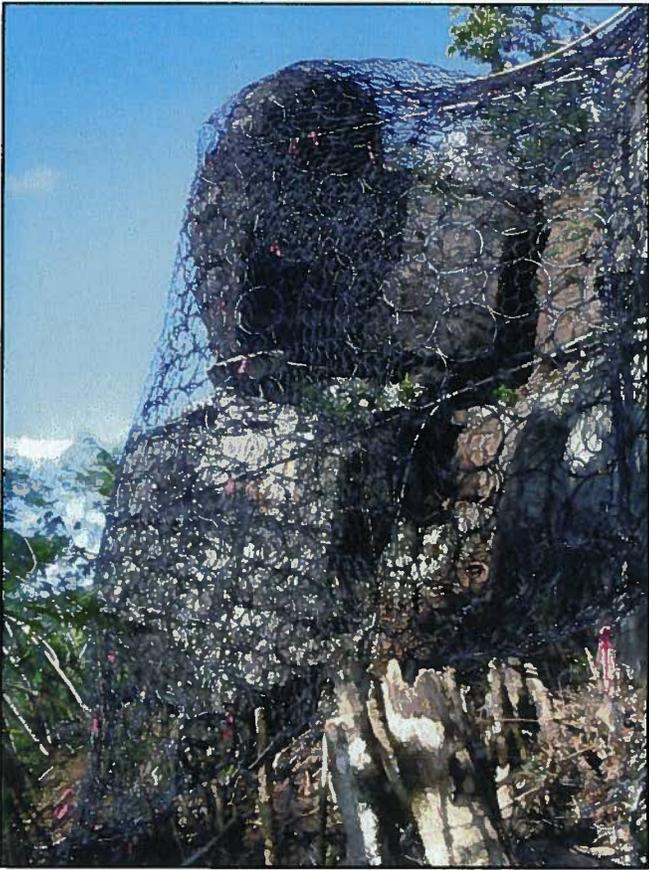


Photo 9: Similar cable lashing system that was previously installed in Wailua, Kauai adjacent to the Wailua River.