

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

July 13, 2012

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

PSF No: 10MD-162
Maui

Amend Prior Board Action of November 22, 2010, Item D-9, to Extend the Department of Transportation, Highways Divisions' Kawela Bridge Replacement Project Right of Entry Expiration Date from November 22, 2012 to January 31, 2014 and Increase the Area of Use from 277 sq. ft. to 19,863 sq. ft.; and Issuance of an Immediate Right-of-Entry to Maui Electric Company for Temporary Power Pole Installation to Service the Kawela Bridge Replacement Project, Kawela, Molokai, Tax Map Key: (2) 5-4-001: 102 por.

BACKGROUND:

At its meeting of November 22, 2010, under Item D-9, the Board approved the issuance of a Right-of-Entry permit to the State of Hawaii's Department of Transportation, Highways Division for the replacement of the Kawela Bridge which is located on Kamehameha V Highway on the island of Molokai. The intent of the project was to provide a wider bridge that would meet current seismic design criteria and present-day vehicular loadings. The approved Right-of-Entry was issued for a twenty four (24) month period with a start date of November 22, 2010. Due to unforeseen delays, the start of the construction project didn't begin until March 19, 2012. Therefore, a request has been submitted to extend the previously approved Right-of-Entry permit through January 31, 2014, the new anticipated project completion date.

In addition, the applicant is requesting the entire use of TMK: (2) 5-4-001:102, to be utilized as a construction field office site. Per the original request, the previously approved permit granted the use of only 277 square feet of this parcel. It has now been determined by the applicant that the entire use of this unencumbered parcel would be a great convenience and asset for this project. No permanent structures will be constructed on the subject property. Furthermore we note that the Final Environmental Assessment, which addressed use of parcel 102, conducted by the State DOT, was published in the July

23, 2009 issue of the OEQC's Environmental Notice and the Federal Highways Administration approved a categorical exclusion on August 12, 2009.

The applicant has also requested that the Board authorize Issuance of a Right of Entry to Maui Electric Company to place a temporary utility pole on the subject parcel to allow for utilities to service an onsite construction field office. All temporary improvements shall be removed upon completion of the bridge replacement project and the area restored to pre-construction conditions or better.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of November 22, 2010, under agenda item D-9.
 - a. By changing the right-of-entry permit's expiration date from November 22, 2012 to January 31, 2014;
 - b. Change the original area of use from 277 square feet, to the entire property further identified by TMK: (2) 5-4-001:102, (19,863 square feet).
2. Authorize issuance of an immediate Right of Entry to Maui Electric Company for the placement of a temporary utility pole on the subject property to allow for utilities to service the Department of Transportation, Highways Division, onsite construction field office.
3. All other terms and conditions listed in its November 22, 2010, Item D-9, approval to remain the same.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



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

November 22, 2010

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

PSF No.:10MD-162

Maui

Issuance of Immediate Right-of-Entry to State Department of Transportation, Highways Division for Kawela Bridge Replacement Purposes, Kawela, Molokai, Tax Map Key: (2) 5-4-001:102 por.

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kawela, Molokai, M.P. 5.110 to M.P. 5.118, Kamehameha V Highway further identified by Tax Map Key: (2) 5-4-001:102 por. as shown on the attached map labeled Exhibit A.

AREA:

Construction Parcel No. C1 = 0.006 acres or 277 sq. ft. more or less. See Exhibit B.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Vacant and unencumbered.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES *DM*
AT ITS MEETING HELD ON
November 22, 2010

TERM OF RIGHT-OF-ENTRY:

Effective immediately upon Board approval (for federal funding requirements); Construction duration 24 months beginning April, 2011.

CONSIDERATION:

Gratis.

PURPOSE:

Temporary work area for Kawela Bridge replacement.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

FEA acceptance by State DOT was published in the July 23, 2009 issue of OEQC's Environmental Notice.

The Federal Highways Administration approved a categorical exclusion on August 12, 2009.

REMARKS:

Kawela Bridge was constructed on Kamehameha V Highway on Molokai more than 60 years ago. The subject bridge replacement project will provide a wider bridge that meets current seismic design criteria and present-day vehicular loadings. It will also provide a walkway for pedestrians and a larger waterway opening to improve the hydraulic capacity of the bridge.

The subject vacant and unencumbered State parcel, further identified as Construction Parcel C1 will be used as a temporary work area for the duration of the project. Construction is estimated to begin April 2011 and continue for approximately 24 months. No permanent improvements will be constructed on the subject land.

Funding for the subject project is authorized by SLH 2002, Act 177 and is part of Federal Aid Project No. BR-0450(8).

FEA acceptance by State DOT was published in the 7-23-09 issue of the OEQC The Environmental Notice. A categorical exclusion was approved by the Federal Highways Administration on 8-12-09.

Special Management Area Permit No. SM1 2009/0002 approved on 9-28-09.

Conservation District Use Permit No. CDUA: MO-3537 approved on 5-13-10.

Department of Army Permit, Section 404 and Section 10, were submitted 2-1-10 and assigned Permit No. POH 2006-00500. Approved 9-3-10.

Section 401 Water Quality Certification was submitted 2-1-10. DOH will give review 2nd highest priority due to CIP strike force project.

November 22, 2010

Public Notice of Proposed Action scheduled to be published for solicitation of public comment by 11-8-10. After 30-day comment period, DOH Director is expected to issue Section 401 WQC and NPDES Permit by early January 2011.

Coastal Zone Management Consistency Review Approval Application submitted to DBEDT Office of Planning 2-4-10. On 10-14-10 DBEDT responded that due to 9-30-10 Dept. of Army authorization under Nationwide Permit (NWP) No. 14 Linear Transportation Projects, an individual CZM review of the project is not required.

Stream Channel Alteration Permit No. SCAP 2588.4 approved on 3-15-10.

Special Flood Hazard Area Use Permit; Stockpiling Permit; Construction Permit - to be submitted by winning contractor.

RECOMMENDATION: That the Board

Authorize the issuance of a right-of-entry permit to the State of Hawaii, Department of Transportation, Highways Division covering the subject area under the terms and conditions cited, which are by this reference incorporated herein and further subject to the following:

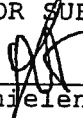
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

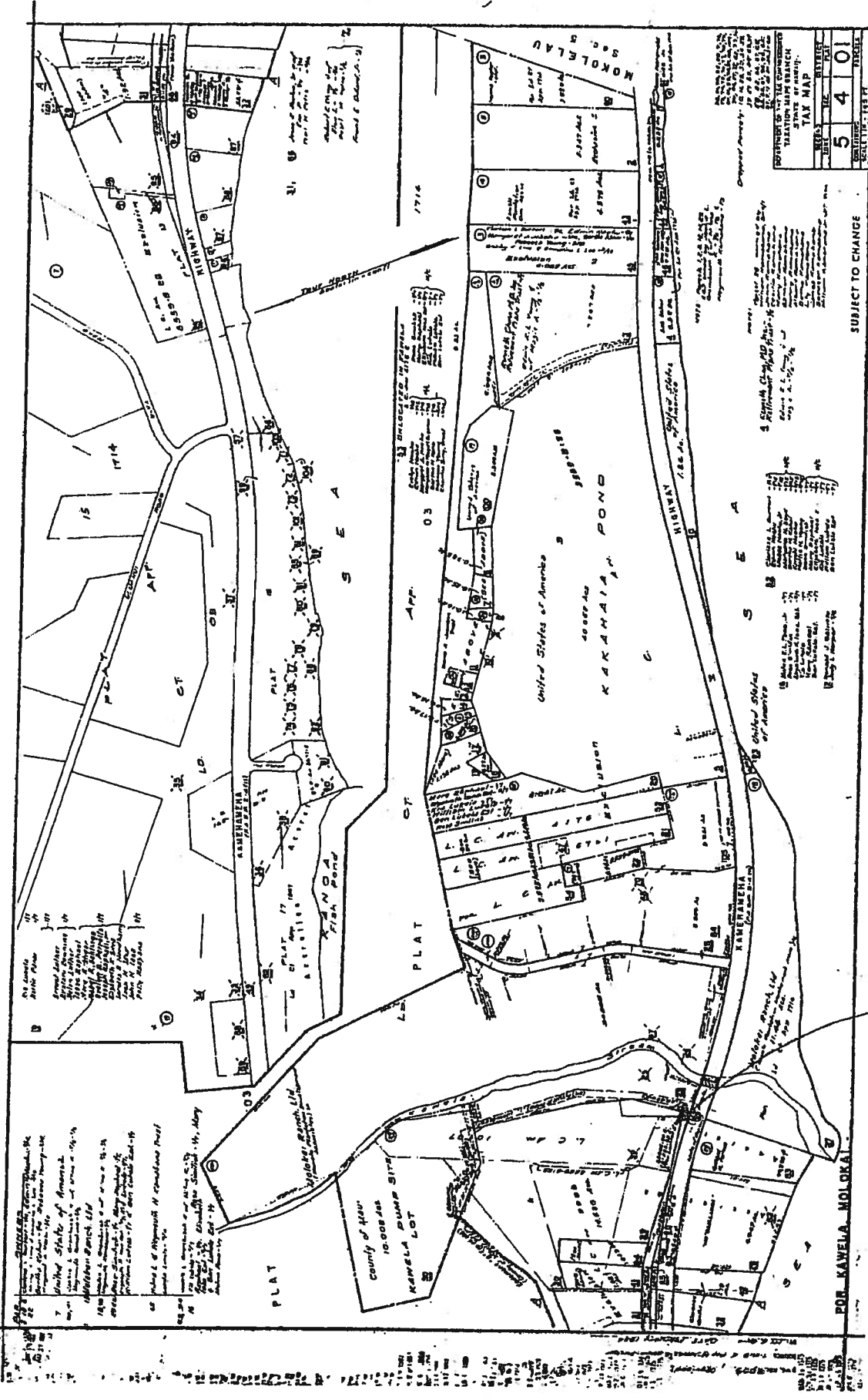


Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thijelen, Chairperson



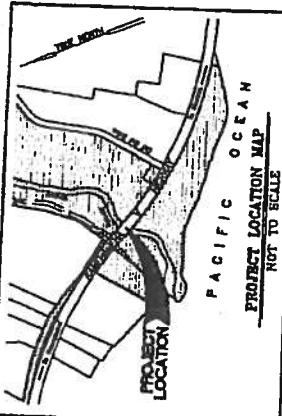
TAXATION MAP BRANCH	
TAX MAP	
SHEET NO.	5401
SECTION	1
DATE	
BY	
CHECKED BY	
APPROVED BY	

SUBJECT TO CHANGE

SUBJECT AREA

FOR KAWELA MOLOKAI

EXHIBIT A



OWNER LOT 13: FRED AND PAMELA PARKER
 343 NEWPORT ROAD
 UHUA, HAWAII 96748-7113 1001

OWNER LOT 211: KAWELA PALMATION DEVELOPMENT ASSOCIATION
 P.O. BOX 238
 UHUALOA, HAWAII 96770-0238 1003

OWNER REMAINT LOT R-4: STATE OF HAWAII

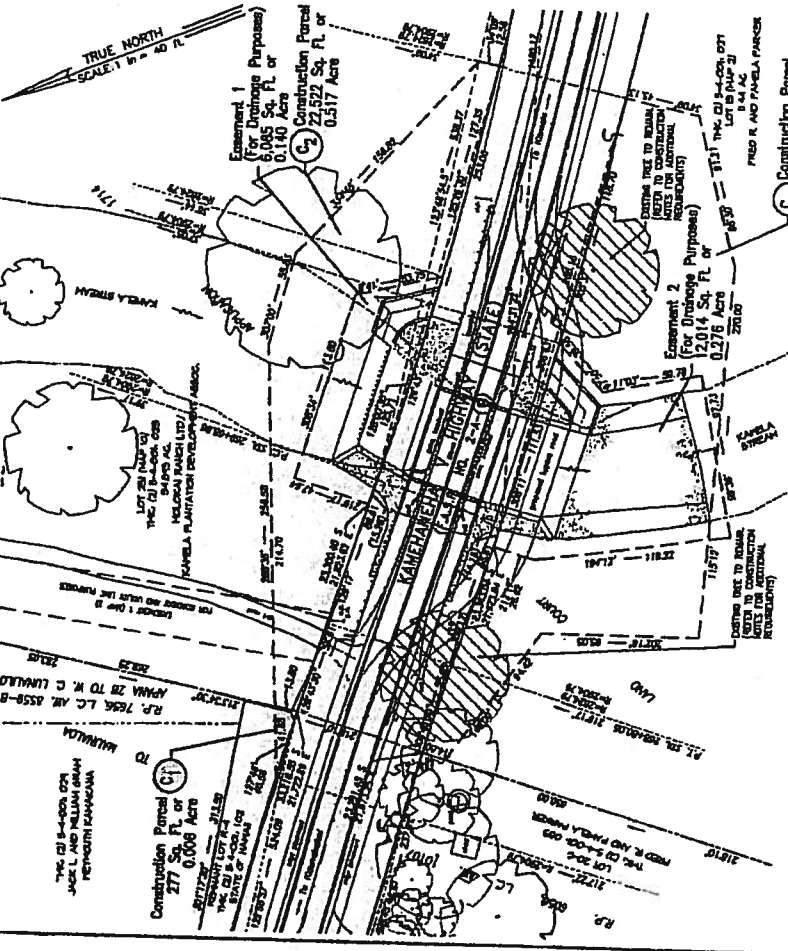
ALBERT TAYLOR & ASSOCIATES INC.
 1011 WEST PALM BLVD., SUITE 100
 HALLANDALE BEACH, FL 33489

THIS WORK WAS PROVIDED BY ME
 OR UNDER MY SUPERVISION
 AND I AM A LICENSED PROFESSIONAL
 ENGINEER IN THE STATE OF FLORIDA
 LICENSE NO. 12583
 CONTRACT NO. 1412



STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
**KAWELA BRIDGE REPLACEMENT
 RIGHT OF WAY MAP**
 FEDERAL AID PROJECT NO. 100-0-000001
 MAP SHOWING CONSTRUCTION PARCELS C1 TO C3
 AND EASEMENTS 1 AND 2
 AT KAWELA, UHUALOA, HAWAII

APPROVED: *East*
 FOR CONSTRUCTION PERMITTING DIVISION



NOTES:
 1. Origin of Ardenholme '940' (11/11/97).
 2. Coordinates referred to '940' (11/11/97).
 3. Contours of existing property shown taken from Road Property Tax Records.
 4. Construction Parcel C1, shaded.

DATE: 10/11/01

NOTES FOR CONSTRUCTION PARCELS C-3:
 Existing trees to remain shall be protected by the contractor for the duration of the construction.

PH. 14-2 CHECKED BY: