

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

August 23, 2013

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

PSF No.: 13kd-111
Kauai

Issuance of Right-of-Entry Permit to The Rotary Club of West Kauai on
Unencumbered Lands for a Community Service Project to Remove Stairs that are
Functionally Obsolete and Clean the Area; Waimea Valley, Waimea, Kauai, Tax
Map Key: (4) 1-6-003:056 (portion)

APPLICANT:

Rotary Club of West Kauai, a Domestic Non-profit Association

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Unencumbered land of Waimea Valley, Waimea, Kauai, identified as TMK (4) 1-6-003:056 (portion), as shown on the attached map labeled Exhibit A. The approximate location of the staircase at issue is shown in yellow highlighting on Exhibit A.

AREA:

0.25 acre, more or less

ZONING:

State Land Use District: Conservation, sub-zone General
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:

There is an existing stair structure that is functionally obsolete on the property that needs to be removed.

CHARACTER OF USE:

The Rotary Club of West Kauai is organizing a community service project to remove the stairs and clean the area.

TERM OF RIGHT-OF-ENTRY:

One month

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(4) 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. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Also see Exhibit B attached

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Comply with requirements of the DLNR State Historic Preservation Division

(SHPD), Office of Conservation and Coastal Lands (OCCL), and County of Kauai
Department of Public Works (DPW).

REMARKS:

The Rotary Club of West Kauai (RCWK) is a non-profit, service oriented community group that is involved in projects on the west side of the Island of Kauai. RCWK has done clean up and beautification projects in Waimea at the Division of State Parks' Russian Fort Elizabeth State Historic Park, Waimea State Recreation Pier and the County of Kauai's Hoffgard Park.

Some of the members of the RCWK are local business people and some are involved with the local high school, Waimea High, in varying capacities. The high school sits on a bluff above a portion of the business district, and the parcel of land in question is crossed by students on a regular basis before, after and sometimes during school.

Staff believes that sometime in the early 1950's a wooden stairway was built as part of an Eagle Scout project. The wooden stairs were built to allow easier pedestrian foot traffic from the Waimea Valley to the school on the bluff. According to staff's research, no permit was ever given for the construction of the stairs.

After Hurricane Iwa in 1982, a community service project was conducted to repair the stairs. In the past 31 years there has been no maintenance or repairs done to the stairs and the steep hillside that the stairs are on is starting to erode and crumble, causing the support structure to fail. The stairs are not connected to any building and there is now a paved foot path adjacent to the stairs that allows similar pedestrian access.

The issue of the failing stairs was brought to the attention of the Kauai District Land Office (KDLO) in September of 2012 by the County of Kauai's, Department of Public Works. The KDLO has been in discussion with the County and local community leaders about the stairs and how to remediate them. At the request of the local community, the KDLO began investigating the removal and possible replacement of the stairs. After considering the existence of the paved foot path and the unstable condition of the cliff face that the stairs are on, the County and KDLO concluded that the stairs should be removed and that it would not be cost effective to replace the stairs since there is another existing access.

During discussion with community leaders, Dave Walker from the RCWK suggested that they might be interested in doing a community service project to remove the existing stairs and clean the area. The RCWK is familiar with DLNR requirements for indemnity, maintains a general liability insurance policy, and will add the State of Hawaii to its policy at our instruction. In addition to insurance requirements, RCWK member and licensed General Contractor #CT-25742, Mike Liberatore, will be the operations project manager for RCWK and retired Kauai Fire Department Battalion Chief, Dave Walker,

will act as the safety manager.

Comments were received from DLNR SHPD "We believe no historic properties will be affected by the proposed removal of the staircase and rockfall mitigation work." OCCL has "no objections" and DPW notes that the property is in a Zone X flood zone and that the applicant shall maintain existing storm water runoff and shall use Best Management Practices at all times. According to engineering contractor AECOM, the stairs are located outside of the proposed rockfall mitigation project area.

RCWK is a non-profit organization that does public service projects in West Kauai. We are recommending that the right-of-entry permit be provided gratis because RCWK is doing a community service project for the benefit of the public.

Staff recommends below that the Board of Land and Natural Resources approve the issuance of a one month right-of-entry permit for the removal of the stairs and cleaning of the property, and authorize the Chairperson to extend the right-of-entry permit for additional one-month periods, if necessary.

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. Authorize the issuance of a right-of-entry permit to Rotary Club of West Kauai covering the subject area 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 permit form, as may be amended from time to time;
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
 - c. Authorize the Chairperson to approve one month extensions of the right-of-entry permit in his discretion;

- d. Compliance with any special terms and conditions required by SHPD, OCCL or the County of Kauai Department of Public Works.

Respectfully Submitted,


Milo Spindt
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson



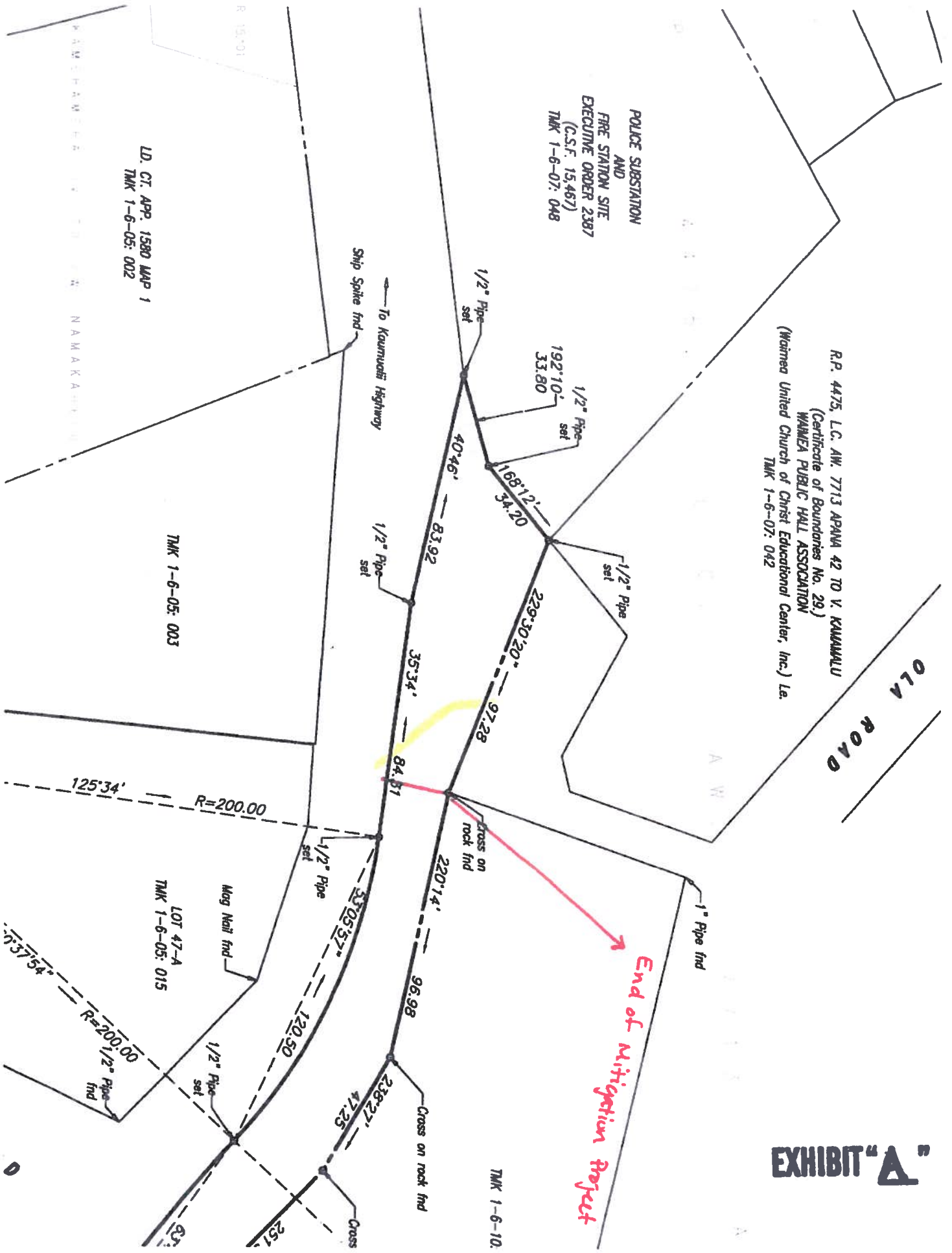
R.P. 4475, L.C. AW. 7713 APAMA 42 TO V. KAWAIAU
 (Certificate of Boundaries No. 29)
 WAIHEA PUBLIC HALL ASSOCIATION
 (Waimea United Church of Christ Educational Center, Inc.) Le.
 TMK 1-6-07: 042

POLICE SUBSTATION
 AND
 FIRE STATION SITE
 EXECUTE ORDER 2387
 (C.S.F. 15,467)
 TMK 1-6-07: 048

LD. CT. APP. 1580 MAP 1
 TMK 1-6-05: 002

TMK 1-6-05: 003

LOT 47-A
 TMK 1-6-05: 015



01A ROAD

EXHIBIT "A"



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 23, 2013

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit to The Rotary Club of West Kauai on Unencumbered Lands for a Community Service Project to Remove Stairs that are Functionally Obsolete and Clean the area. Portion of Waimea Valley, Waimea, Kauai. Identified as TMK (4) 1-6-003:056

Project / Reference No.: PSF No. 13KD-111

Project Location: Unencumbered land of Waimea Valley, Waimea, Kauai. Identified as TMK (4) 1-6-003:056

Project Description: Issuance of Right-of-Entry Permit to The Rotary Club of West Kauai on Unencumbered Lands for a Community Service Project to Remove Stairs that are Functionally Obsolete and Clean the area.


Consulted Parties: State of Hawaii Department of Land and Natural Resources (State Historic Preservation Division, Office of Conservation and Coastal Lands) and County of Kauai Department of Public Works.

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(4) 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. 4, that states "Minor alteration in the conditions of land, water, or vegetation."


Exhibit B

Exemption Item Description: The proposed exemption is appropriate because the Applicant is requesting a right-of-entry permit to remove a functionally obsolete wooden staircase and clean the area. According to the Applicant, the proposed project maintains the existing topography and is a minor alteration of the condition of the land and vegetation and should result in no material change or significant impact to the environment. If further actions are taken that result in a material change, Applicant will be required to be in compliance with Chapter 343.

Recommendation: It is recommended that the Board find that the issuance of an access easement to Applicant 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



8/6/13
Date