

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

March 14, 2014

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

PSF No.: 14KD-006

Kauai

Issuance of Right-of-Entry Permit to County of Kauai, Department of Public Works
on Lands Encumbered by Revocable Permit No. S-7466, por. of Kapaa Rice & Kula
Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-015:030.

APPLICANT:

County of Kauai, Department of Public Works

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapaa situated at por. of Kapaa Rice & Kula Lots,
Kawaihau, Kauai identified by Tax Map Key: (4) 4-5-015:030, as shown on the attached
maps labeled Exhibits A & B.

AREA:

1,200 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 Revocable Permit (RP) No. S-7466, Richard Abigania, Permittee, for pasture purposes. The RP is on a month-to-month basis.

CHARACTER OF USE:

Pasture purposes.

TERM OF RIGHT-OF-ENTRY:

Sixty (60) days, from issuance.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, No. 1, that states " Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes." Refer to attached Exhibit C.

DCCA VERIFICATION:

Applicant is a government agency and not subject to registration with the DCCA.

APPLICANT REQUIREMENTS:

- 1) Obtain written concurrence from Richard Abigania, permittee under RP No. S-7466.

REMARKS:

The County of Kauai, Department of Public Works is requesting a right-of-entry permit to access a portion of State lands encumbered by RP No. S-7466 to Richard Abigania to conduct a field survey for the project to reconstruct the northern end of Kanaele Road. The field survey will generate a topographic survey map used by the design consultants to identify the necessary roadway improvements.

This right-of-entry permit should take no longer than sixty (60) days to complete within the State encumbered lands.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
Historic Preservation	No comments received by suspense date
OHA	No comments received by suspense date

County Agencies


County Planning	No objections
Parks & Recreation	No comments received by suspense date
Public Works	No objections

Staff is recommending issuance of the right-of-entry permit at gratis. Public Works Division is a part of the County of Kauai, a government agency.

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 County of 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.

Respectfully Submitted,



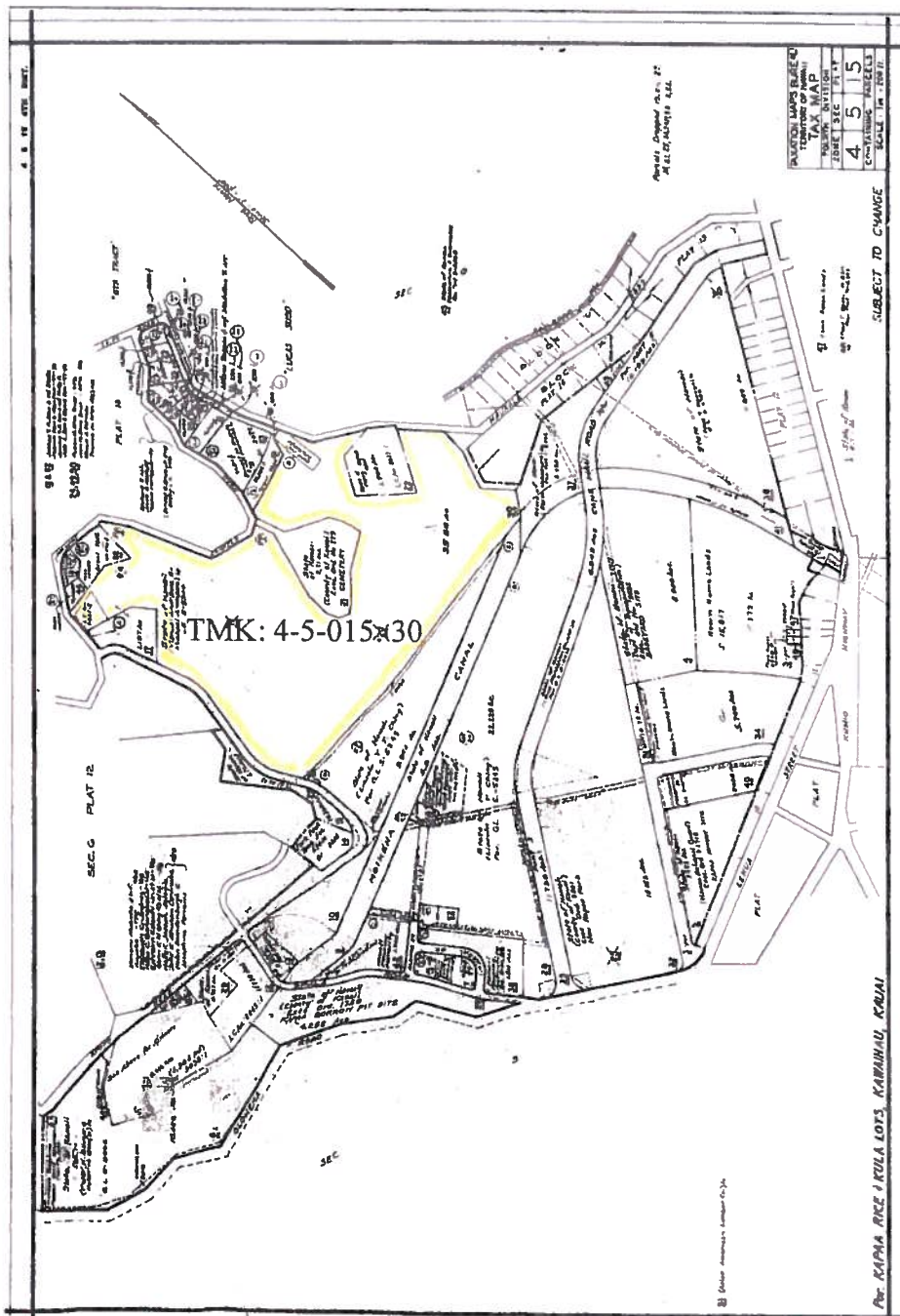
Marvin Mikasa
Acting District Land Agent

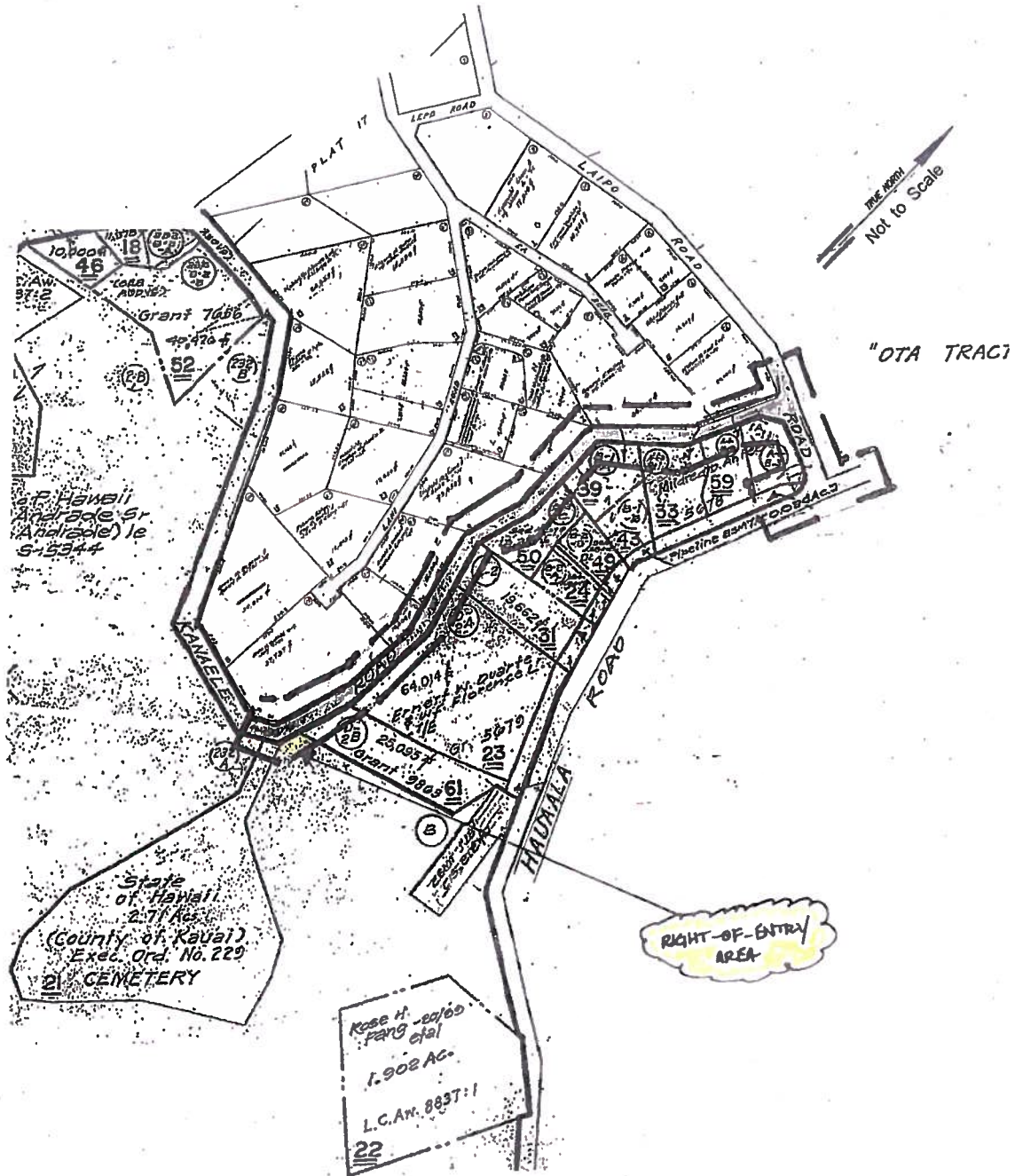
APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

EXHIBIT "A"





**KANAHELE ROAD SHOULDER RECONSTRUCTION
& SLOPE STABILIZATION PROJECT**

EXHIBIT "8"

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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CORRECTION AND REVENUE DEPARTMENT
ENGLISH BIRD
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KADUNA IAWI ISLAND RESERVE (WAIANAIAN
LANDS
STATE PARKS

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to County of Kauai, Department of Public Works for Field Survey purposes.

Project / Reference No.: PSF 14KD-006

Project Location: por. of Kapaa Rice & Kula Lots, Kawaihau, Kauai

Project Description: The County of Kauai, Department of Public Works is requesting a right-of-entry permit to access a portion of State lands leased to Richard Abigania to conduct a field survey for the project to reconstruct the northern end of Kanaele Road. The field survey will generate a topographic survey map used by the design consultants to identify the necessary roadway improvements.

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

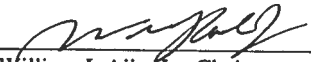
Exemption Class No.: In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(1)]." Exemption Class No. 4, which states, "Minor alterations in the conditions of land, water or vegetation [HAR § 11-200-8(a)(4)]"

Exemption Item Description
From Agency Exemption List: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

EXHIBIT C

Recommendation:

That the Board find this project 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

