

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

March 28, 2014

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

PSF No.: 13KD-030

Kauai

Request for Set Aside to County of Kauai for Drainage Purposes; Issuance of Immediate Construction and Management Right-of-Entry to the County of Kauai, Wiliko Homes Tract, Unit I, Hanamaulu, Lihue, Kauai, Tax Map Keys: (4) 3-7-008:023.

APPLICANT:

County of Kauai, Division of Public Works

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government land located at Wiliko Homes Tract, Unit I, situated at Hanamaulu, Lihue Kauai, identified by Tax Map Keys: (4) 3-7-008:023, as shown on the attached map labeled Exhibits A & B.

AREA:

1,023 square feet, more or less

ZONING:

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

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Drainage purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

With respect to the set-aside of the subject lands to the County of Kauai, this action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

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:

The 10 feet drainage right-of-way is identified on File Plan 537 "Hanamaulu Town Tract Block "C" as Lot 110, created by Lihue Plantation Company, Limited. The File Plan was approved by the Board of Supervisors, County of Kauai on October 6, 1954.

This parcel was conveyed by the Lihue Plantation Company, Limited to the Territory of Hawaii by Deed dated March 14, 1958 and recorded in Book 3412, Page 359.

This parcel is a drainage ditch connecting a County of Kauai culvert at Hoohana Street to a drain inlet at easement 'B' on Tax Map Key: (4) 3-7-008:016.

This set-aside request is for the County of Kauai to better maintain the drainage system in the Wiliko Home Tracts Subdivision of Hanamaulu Town.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
Historic Preservation	No historic properties will be affected
OHA	No response by suspense date

County Agencies

County Planning	No objections
Public Works Dept.	No comments
Dept. of Water	No response by suspense date

Staff recommends approval of this set-aside to the County of Kauai as their Department of Public Works has the necessary equipment and labor to maintain this drainage system.

RECOMMENDATION: That the Board,

Subject to Applicant fulfilling the Applicant Requirements above:

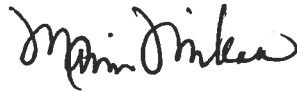
1. Authorize the issuance of an immediate construction and management right-of-entry permit to the County of Kauai covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions 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.

2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai 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 executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special

session next following the date of the setting aside;

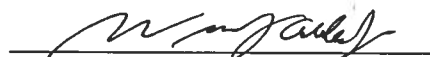
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Acting District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



