

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

August 14, 2015

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

PSF No.:15MD-118

MAUI

Grant of 65-Year Term, Non-Exclusive Easement to Department of Transportation, Highways Division; and Issuance of an Immediate Management and Construction Right-of-Entry onto State Lands for Honoapiilani Highway Shoreline Protection Improvements, Vicinity of Olowalu, Maui Project No. 30C-02-04 and Federal Aid Project No. NH-030-1(052), Olowalu, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-8-003: Seaward of 006.

APPLICANT:

Department of Transportation, Highways Division (DOT-Highways).

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.
Section 171-53(c), Hawaii Revised Statutes, as amended.
Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of situated at Olowalu, Lahaina, Maui, identified by Tax Map Key: (2) 4-8-003: seaward of 006, as shown on the attached map labeled Exhibit A.

AREA:

28,244 square feet more, or less

ZONING:

State Land Use District: Conservation Use
County of Maui: Country

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ___ NO X

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, maintain, repair, and replace shoreline protection improvements over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

EASEMENT TERM:

65 years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice in July 2010 with a finding of no significant impact (FONSI).

On April 11, 2014, the Board of Land and Natural Resources approved the DOT's Conservation District Application (CDUA) MA-3708 for the subject project. Special Management Area (SMA) Use Permit and Shoreline Setback Variance (SSV) as approved by the Maui Planning Commission on April 26, 2011.

DCCA VERIFICATION:

Not applicable. The Applicant as a government agency is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 2) Obtain all necessary permits and approvals for the project; and
- 3) Obtain a title report to ascertain ownership, where necessary, at the Applicant's own cost and subject to review and approval by the Department.

REMARKS:

During a shoreline survey and certification process, the Department of Transportation, Highways Division (DOT-Highways), discovered erosion impacting the Honoapiilani Highway in Lahaina. DOT-Highways requested an easement on unencumbered State lands adjacent to the highway to allow for the construction and maintenance of the proposed shoreline protection measure (boulder fill) along an approximately 900-foot segment of the highway.

As indicated above, on April 11, 2014, the Board of Land and Natural Resources approved DOT-Highways' Conservation District Use Application MA-3708 for the subject project. Special Management Area Use Permit and Shoreline Setback Variance as approved by the Maui Planning Commission on April 26, 2011.

Easement 1 has no liens and/or encumbrances.

Staff is recommending that the easement be granted on a gratis basis, as the project is government related.

RECOMMENDATION:

That the Board,

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a 65-year term, non-exclusive easement to the State Department of Transportation, Highways Division, covering the subject area for shoreline protection improvement 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 term easement document form, as may be amended from time to time;

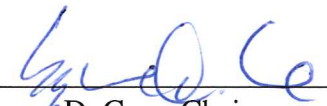
- B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of an immediate construction and management right-of-entry permit to State Department of Transportation, Highways Division 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; and
 - C. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to the subject shoreline improvements described above.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson


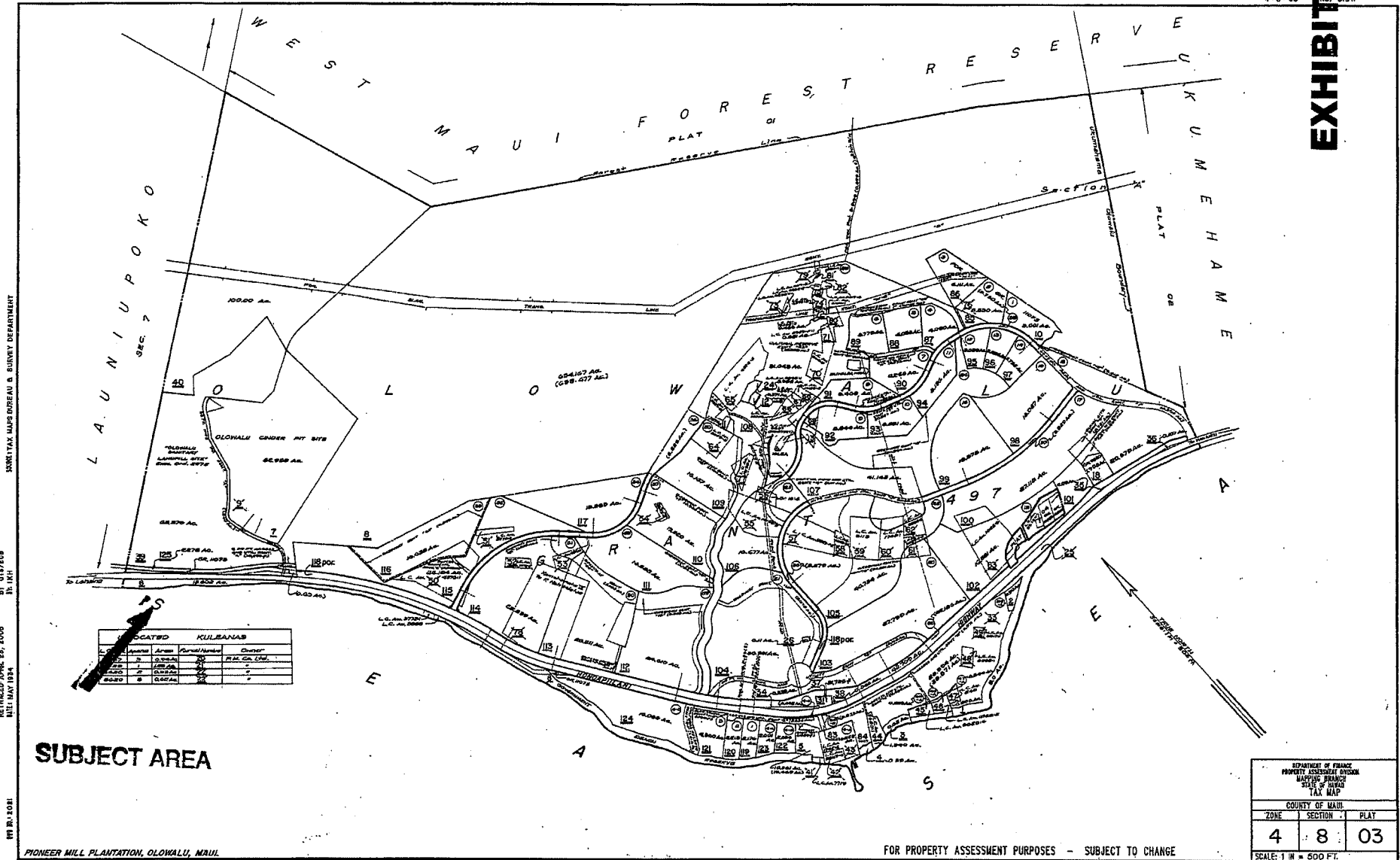


EXHIBIT A



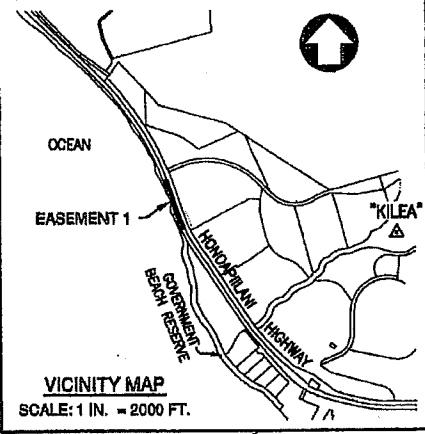
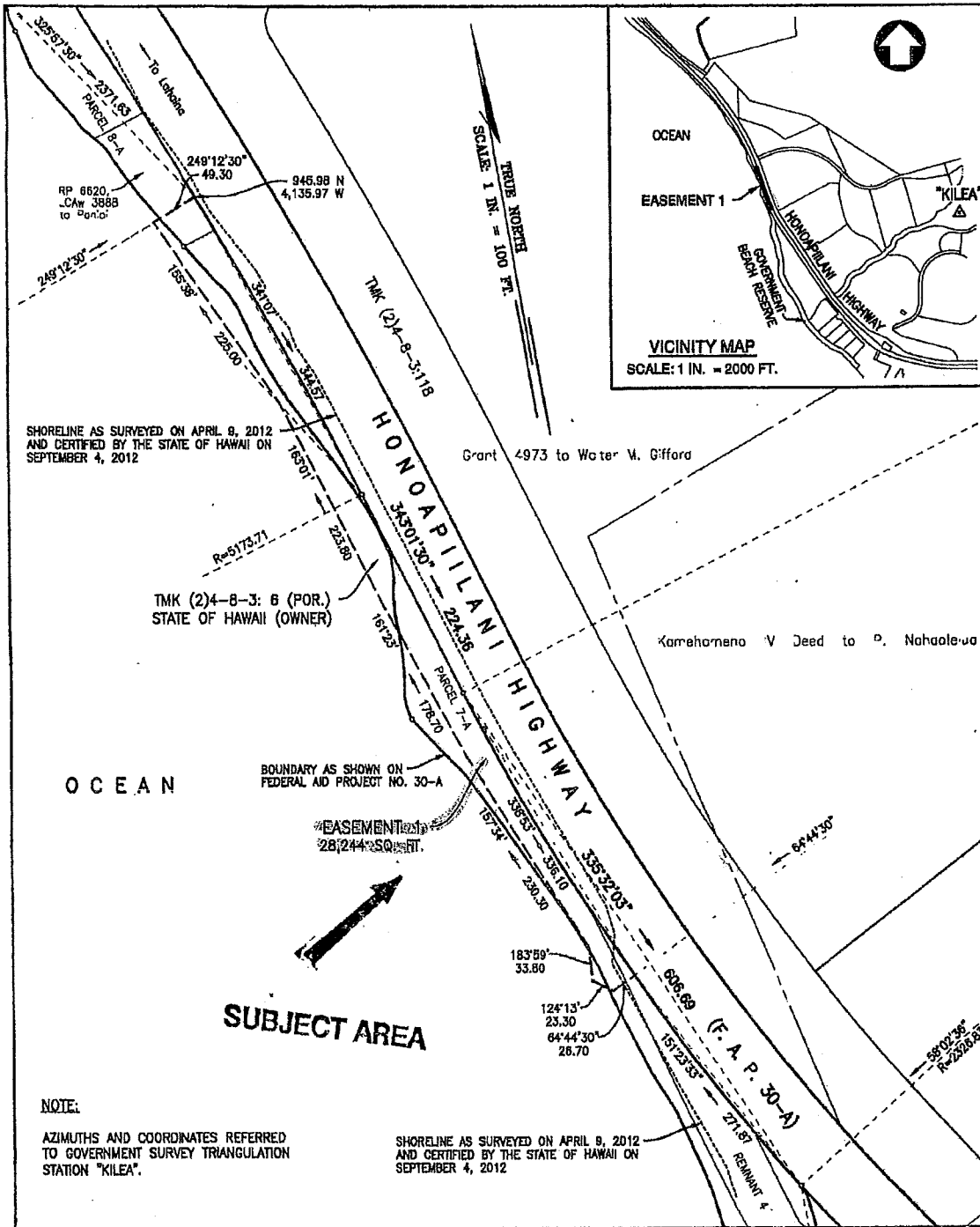
LOCATED KULEANAS			
Lot	Area	Original Name	Owner
1	0.0000	00	R.L. CO. (M)
2	0.0000	00	?
3	0.0000	00	?
4	0.0000	00	?

DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION MAPPING BRANCH STATE OF HAWAII TAX MAP		
COUNTY OF MAUI		
ZONE	SECTION	PLAT
4	8	03
SCALE: 1 IN. = 500 FT.		

REFINISHED APRIL 29, 2005
 BY GUY/EGS
 D.P. KH
 DRAFT MAPS DIVISION & SURVEY DEPARTMENT
 HAWAII

PIONEER MILL PLANTATION, OLOWALU, MAUI.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE



SHORELINE AS SURVEYED ON APRIL 9, 2012 AND CERTIFIED BY THE STATE OF HAWAII ON SEPTEMBER 4, 2012

Grant 4973 to Water M. Gifford

TMK (2)4-8-3-6 (POR.) STATE OF HAWAII (OWNER)

Karahomono V Deed to P. Nahaoleua

OCEAN

BOUNDARY AS SHOWN ON FEDERAL AID PROJECT NO. 30-A

EASEMENT 1
28' 24" SQ. FT.

SUBJECT AREA

NOTE:

AZIMUTHS AND COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KILEA".

SHORELINE AS SURVEYED ON APRIL 9, 2012 AND CERTIFIED BY THE STATE OF HAWAII ON SEPTEMBER 4, 2012



This map was prepared by me or under my supervision
Norman K. Murakami
Licensed Professional Land Surveyor
Certificate Number LS-6824
Expiration Date of License: 4/30/18

T.M.K.: (2) 4-8-3: Par. 6

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
RIGHT OF WAY MAP
HONOPIILANI HIGHWAY
SHORELINE IMPROVEMENTS
VICINITY OF OLOWALLU
FEDERAL AID PROJECT NO. NH-030-1(052)
MAP SHOWING EASEMENT 1
AT OLOWALLU, LAHAINA, MAUI, HAWAII

HONOLULU, HAWAII
March 5, 2016

SCALE: 1" = 100'

APPROVED: *Norman K. Murakami*
FOR: ADMINISTRATOR, HIGHWAYS DIVISION

JN: 08001-100

ControlPoint Surveying, Inc.
1123 Lower Main Street, Suite 105
Hailu, Maui, Hawaii 96783

P.H. 126 11" X 17" = 1.80 Sq. Ft.

Exhibit B

DAVID Y. IGE
GOVERNOR



FORD N. FUCHIGAMI
DIRECTOR

HIGHWAY DESIGN BRANCH, ROOM 888A
BRIDGE DESIGN SECTION, ROOM 811
CADASTRAL DESIGN SECTION, ROOM 800
HIGHWAY DESIGN SECTION, ROOM 809
HYDRAULIC DESIGN SECTION, ROOM 636
TECHNICAL DESIGN SERVICE, ROOM 688
LANDSCAPE DESIGN SECTION, ROOM 609

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

RIGHT-OF-WAY BRANCH, ROOM 691

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION AT KAPOLEI
601 KAMOKILA BOULEVARD, ROOM 691
KAPOLEI, HAWAII 96707

IN REPLY REFER TO:
HWY-RL 3.91936

TRAFFIC BRANCH, ROOM 602

MOTOR VEHICLE SAFETY OFFICE, ROOM 511

July 21, 2015

TO: RUSSELL Y. TSUJI, ADMINISTRATOR
LAND MANAGEMENT DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: CHRIS M. YAMAMOTO
RIGHT-OF-WAY MANAGER

SUBJECT: HONOAPIILANI HIGHWAY SHORELINE IMPROVEMENTS
VICINITY OF OLOWALU, PROJECT NO. 30C-02-04
AND FEDERAL AID PROJECT NO. NH-030-1(052)
AT OLOWALU, LAHAINA, MAUI, HAWAII
TMK NO. (2) 4-8-3-6(PORTION)/4-8-3-SEA

In connection with the subject project, The State of Hawaii, Department of Transportation, Highways Division (DOT) proposes to acquire as a permanent easement (Easement 1) for construction and maintenance (i.e., after construction) on Honoapiilani Highway Shoreline situated at Olowalu, District of Lahaina, Maui, Hawaii for the purpose of protecting an eroding shoreline along a portion of Honoapiilani Highway. The project generally consists of placement of boulders ranging in size between 1.5 tons to 2.5 tons to stabilize and restore approximately 900 feet of shoreline. The boulders will be underlain by smaller rocks and geotextile fabric.

We request the Board of Land and Natural Resources (BLNR) approve a set-aside, grant of perpetual, non-exclusive access easement, and issuance of temporary construction right-of-entry to the DOT for highways purposes for the following:

<u>Easement</u>	<u>Tax Map Key No.</u>	<u>Area</u>
1	4-8-3-6 (Portion)	28,244 sq. ft.

There are no liens and/or encumbrances as to Easement 1.

Construction funding appropriation is to be requested for state fiscal year 2016 and federal fiscal year 2015 is planned. Construction is anticipated to commence in 2015 and continue for a duration of thirteen (13) months.

EXHIBIT "C"

Russell Y. Tsuji, Administrator
July 21, 2015
Page 2

HWY-RL 3.91936

If BLNR approves our request, we request BLNR to grant the DOT immediate right-of-entry and possession for the above easement in order that the project may proceed without delay.

Final Environmental Assessment was published in the July 23, 2010 issue of the OEQC's The Environmental Notice. Per Project Engineer, Sharen Cho-Ibanez, environmental clearances are pending for the following Section 106, EFH and CatEx (NEPA) and currently awaiting responses.

Enclosed is a completed Request for State Lands Application Form with project right-of-way map and tax map for your information and reference.

We request your expeditious efforts in approving our request. Thank you for your cooperation and attention to this matter.

If there are any questions, please contact Right-of-Way Agent AnnaMarie Alfiler-Wilson at 692-7321 or by email to annamarie.l.alfiler-wilson@hawaii.gov.

AAW:aw

4 Enclosures

1. Right-of-Way Map dated March 5, 2015
2. Tax Map
3. Request for State Lands – Application Form (Government Agencies)
4. Certificate of Search for Easement 1 dated April 30, 2015

bc: HWY-DS (S. Cho-Ibanez)