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

March 28, 2008

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

PSF No.:08KD-060

KAUAI

Issuance of Right-of-Entry Permit to Department of Agriculture on State Encumbered Lands, Waters and Water Distribution Systems in the Drainage Basins of Hanamaulu, North Wailua and Kapaa, Kauai; Tax Map Keys: (4) 3-9-1:2; 3-9-2:1, 9, 20; 4-2-1:4; 4-6-7:11; 4-6-5:6, 20; and 4-6-7:12

APPLICANT:

State Department of Agriculture (DOA) whose business and mailing address is 1428 South King Street, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands, waters and water distribution systems in the drainage basins of Hanamaulu, Wailua and Kapaa, Kauai; Tax Map Key: (4) 3-9-1:2, 3-9-2:1, 9, 20, 4-2-1:4, 4-6-7:11, 4-6-5:6, 20, and 4-6-7:12, as shown on the attached map labeled Exhibit A.

AREA:

10,719.143 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: Agriculture/Open/Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.

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

CURRENT USE STATUS:

	Document:	Tenant:	Purpose:
TMK: 3-9-1:2	GL 3911	KIUC	Electrical transmission lines
	GL 3940	KIUC	Electrical transmission lines
	RP 7333*	Ching, Milton & Melanie	Ag/pasture
	RP 7336*	Rapozo, Derek	Pasture
TMK: 3-9-2:1	RP 7274	Saiva Siddhanta Church	Ag/pasture
	RP 7275	Milnes, Leslie	Pasture
	RP 7335	Bray, Kenneth	Ag/pasture
	RP 7334	G.E. Farms, Inc.	Pasture
	RP 7333*	Ching, Milton & Melanie	Ag/pasture
	RP 7336*	Rapozo, Derek	Pasture
TMK: 3-9-2:9	RP 7160	Calipjo, Elesther	Ag/pasture
TMK: 3-9-2:20	RP 7278	Sanchez, William & Alison	Pasture
	RP 7282	Butler, Lara	Pasture
	RP 7280	Bunao, Rodolfo & Aurora	Ag/pasture
	RP 7279	Calipjo, Elesther	Ag/pasture
	RP 7289	Gooding, Kelly	Intensive agriculture
	RP 7341	Reis, Antone	Pasture
	RP 7399*	Kapaa Banana Co.	Agriculture
TMK: 4-2 and 4-6	RP 7310	East Kauai Water Users Cooperative	Operation, repair & maintenance of irrigation water diversions & transportation infrastructure system including the right to divert, store, take, including the right to divert, store, take, draw off, conduct away & dispose thereof government owned water from streams & rivers in the drainage area for irrigation purposes
TMK: 4-2-1:4	GEO 1389	DOFAW	Public hunting ground & upland game bird reserve
TMK: 4-6-7:11			
TMK: 4-6-5:6			
TMK: 4-6-5:20			
TMK: 4-6-7:12	LOD 28303	Arruda, Antone	Access & utility

	GL 5696	Aiwohi, Nathan & Leah	Access & utility
	GL 5725	Riley, Carrie & Shaw	Access & utility

*RP document covers multiple parcels

CHARACTER OF USE:

Capital improvement purposes.

TERM OF RIGHT-OF-ENTRY:

Two (2) years

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 No. 1, Item No. 5 that states "Routine and emergency repair and restoration of existing structures and facilities on state lands involving negligible or no expansion or change of use beyond that previously existing", Item No. 9 that states "Maintenance and repair of state-owned bridges and flumes", and Item No. 10 that states "Maintenance of waters (canal, auwai, ditches) and drainage."

DCCA VERIFICATION:

Government agency. Not applicable.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1) Obtain written concurrence from tenants prior to any activity on the subject lands.

REMARKS:

DOA is requesting a right-of-entry to start CIP projects (totaling $2.336 million) for the East Kauai Irrigation System, including but not limited to replacement of flumes, reservoir catwalks, control valves, pipelines, ditches, and eroded embankments. To complete the design and construction of these capital improvements, the DOA is requesting a right-of-entry for 2-years. Exhibit B

Cooperative.

Staff recommends gratis consideration for the issuance of the requested right-of-entry permit since the applicant is a government agency.

There are no pertinent issues or concerns.

Staff is recommending authorizing the Chairperson to extend the right-of-entry beyond the 2-year term, in the event the DOA project experiences unanticipated delays.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the Department of Agriculture covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;

2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

3. In the event the project experiences unanticipated delays authorize the Chairperson to extend the right-of-entry.

Respectfully Submitted,

Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson

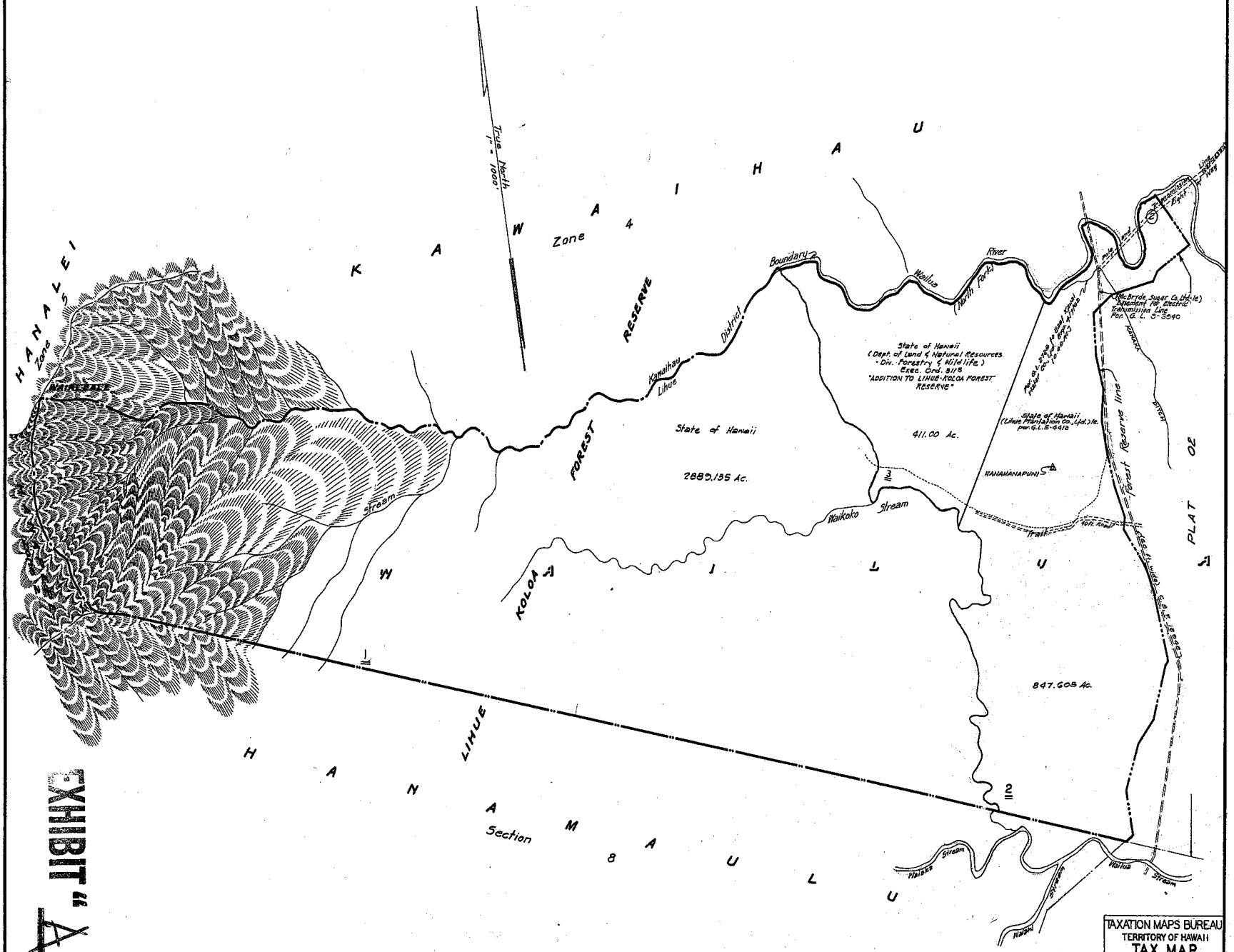


EXHIBIT "A"

POR. OF LIHUE-KOLOA FOR. RES. (WAILUA SEC.) WAILUA, LIHUE, KAUAI.

SUBJECT TO CHANGE

Orig. No. 2883
Source: Tax Maps Bureau & Survey Dept.
By: H.N. Sept. 1956

TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
FOURTH DIVISION

ZONE	SEC.	PLAT
3	9	01

CONTAINING PARCELS

SCALE: 1in.=1000 Ft.

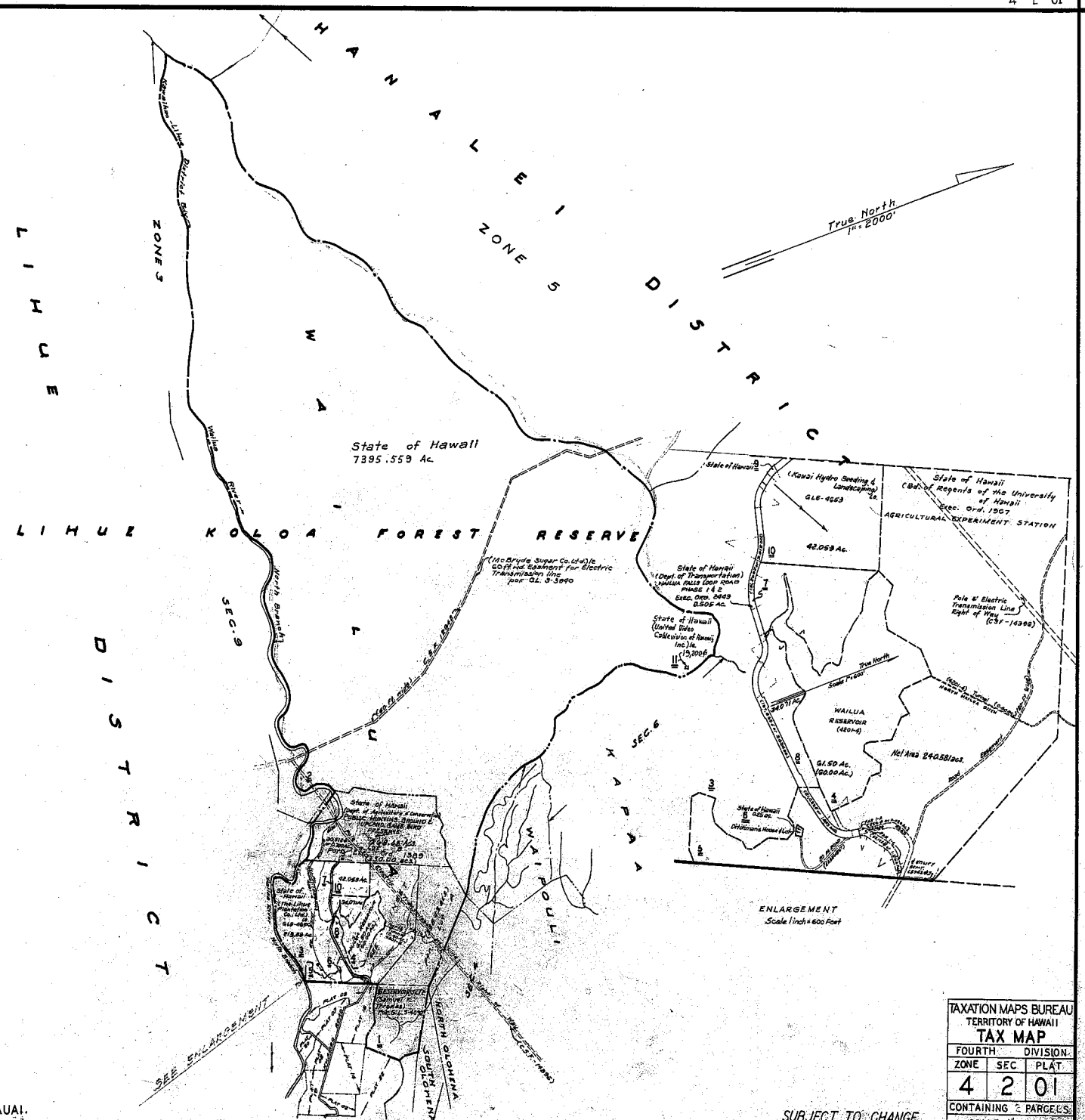
PRINTED

16

3 - 9 - 02
4th Div.
KAWAIHAU
ZONE 4
SEC. 2
DISTRICT
ZONE 4 SEC. 1
PARCEL 21:
State of Hawaii
(Board of Agriculture & Forestry)
Exec. Ord. 1771
(Por. State Park System)
WAILUA RIVER RESERVE
297.40 Acs.
TRUE NORTH
SCALE: 1 in. = 1000 ft.
29 State of Hawaii 10.0 Acs.±
State of Hawaii
(Lihue Plantation Co., Ltd.) le.
Por. G.L. S-4412
3055.418 Acs. ±
NORTH FORK
WAILUA RIVER
KULA LOTS PLAT 04
(See Above)
RICE PLAT 04
State of Hawaii
HEIAU
2.21 Ac.
State of Hawaii
(Lihue Plantation Co., Ltd.) le.
Por. G.L.S-4412
1.0 Ac.±
State of Hawaii
(Lihue Plantation Co., Ltd.) le.
Por. G.L.S-4412
30 Dept. of Land & Natural Resources
Division of State Parks
WAILUA STATE PARK ADDN.
Por. Exec. Order 2485
State of Hawaii
678.39 Acs.
ROADWAY
320.192 Acs.
PLAT 06
WAILUA RESORT SITE
AAHOAKA
WAILUA PLAT 03
PLAT 03
State of Hawaii
(Dept. of Agriculture & Forestry)
Por. Exec. Ord. 1771
(Por. STATE PARK SYSTEM)
WAILUA FERN GROTTO
6.81 Acs.
KALEPA FOREST RESERVE
Governor's Proclamation dated June 19, 1944
15 State of Hawaii
(McBryde Sugar Co., Ltd.) le.
Easement for Electric Transmission Line
Por. G.L. S-3940
16.6 Acs.
LIHUE - KOLOA FOREST RESERVE
PLAT 01
31 State of Hawaii 68.00 Ac.
SOUTH FORK
WAILUA FALLS
33 por.
387.228 Acs.
State of Hawaii
(Lihue Plantation Co., Ltd.) le.
G.L. S-3680
5.43 Acs.
(950.00 Acs.)
State of Hawaii
(Lihue Plantation Co., Ltd.) le.
Por. G.L.S-4412
2180.75 Acs. ±
(1230.75 Acs.)
William H. Rice, Ltd.
36.17 Acs.
G.R. 10779
PLAT 05
LIHUE JAIL SITE
Lihue Pltn. Co. Ltd.
6.05 Acs.
G.R. 8027
RESERVOIR
HANAMAULU
ZONE 3 SEC. 8 PLAT 02
PLAT 05
PARCELS DROPPED:
7, 8, 11, 16, 23, 19, 22
35 State of Hawaii
(County of Kauai)
"PUMP & WELL SITE"
Exec. Ord. 2994
15,410 #
32 County of Kauai 0.061 Ac.
5 (Mike Dietz) le.
Pro Shop (1,184#)
Golf Cart Storage (3,192#)
Total 4,876#
6 (Wailua Country Club, Inc.) le.
Dining Room, etc. (1,792#)
Storage (600#)
Total 2,392#
17 State of Hawaii
(Walter S. Palmeira)
Rev. Pmt. S-5031
AREA:
10.15 Acs. - GROSS
- 0.19 Ac. - DITCH
9.96 Acs. - NET
FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE
DEPARTMENT OF TAXATION
PROPERTY ASSESSMENT DIVISION
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP
FOURTH TAXATION DIVISION
ZONE 3 SEC. 9 PLAT 02
SCALE: 1 IN. = 1000 FT.
POR. OF WAILUA, LIHUE, KAUAI.
DWG. NO. 2071 Released - R.Y. May 13, 1969
SOURCE: Tax Maps Branch & Survey Office Plat Map 2046-A
BY: K.H. & R.L.C. DATE: Sept. 1936
HANAMAULU

EXHIBIT "A"

CORRECTED
JUL 11 1939
JUL 19 1944
MAY 2 1951
JUN 6 1951
JUL 26 1951
FEB 26 1952
APR 13 1961
JUN 25 1964
DEC 21 1971
NOV 20 1972
JUN 26 1973
JUL 1 1974
NOV 2 1976
MAY 24 1972
JUN 24 1975
OCT 20 1975
DEC 15 1975
NOV 7 1977
FEB 11 1981
MAR 30 1984

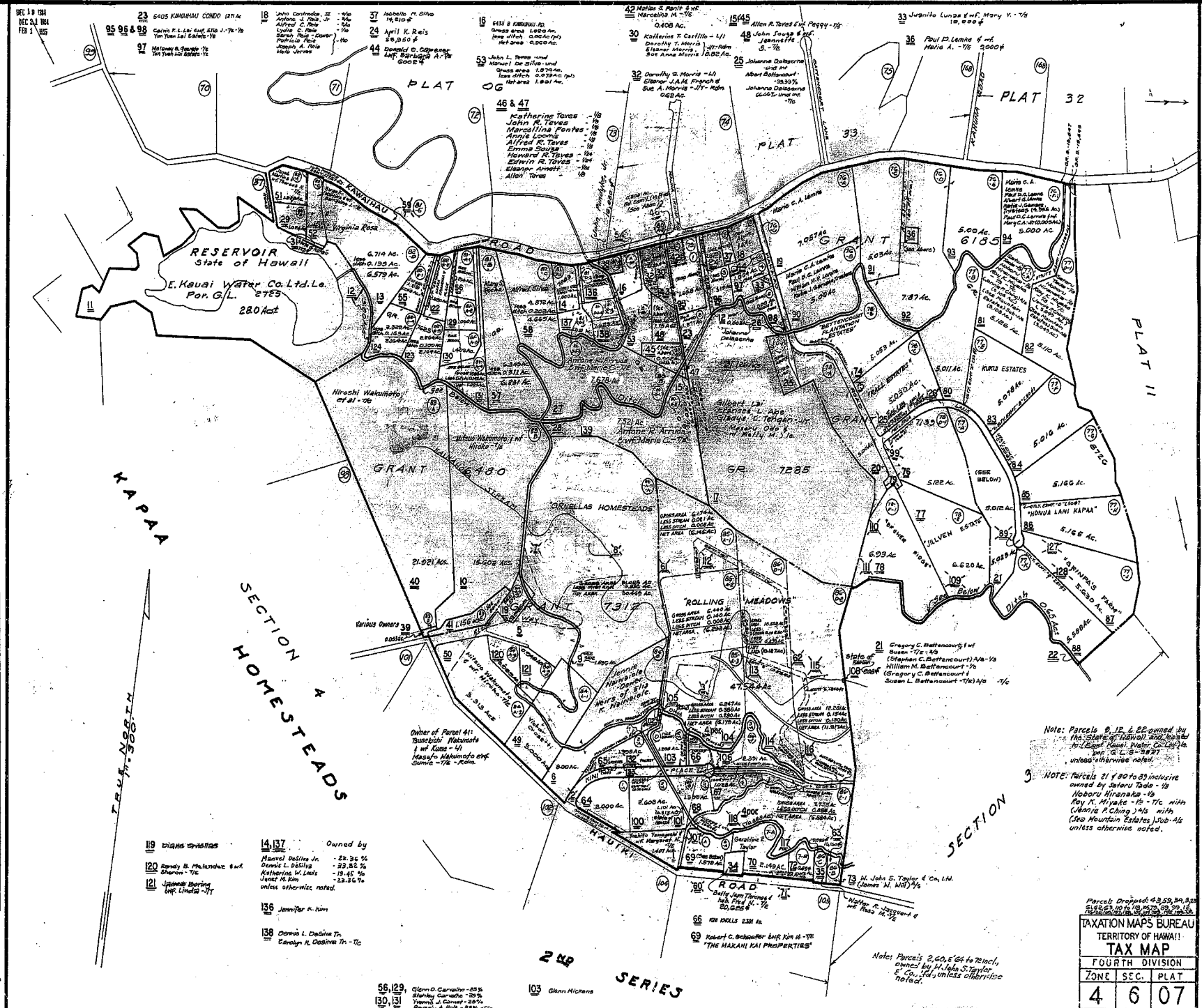


Dwg. No. : 2911
Source : Tax Maps Bureau & Survey Dept.
By : I. K. H. & R.S.G. August, 1936.

EXHIBIT "A"

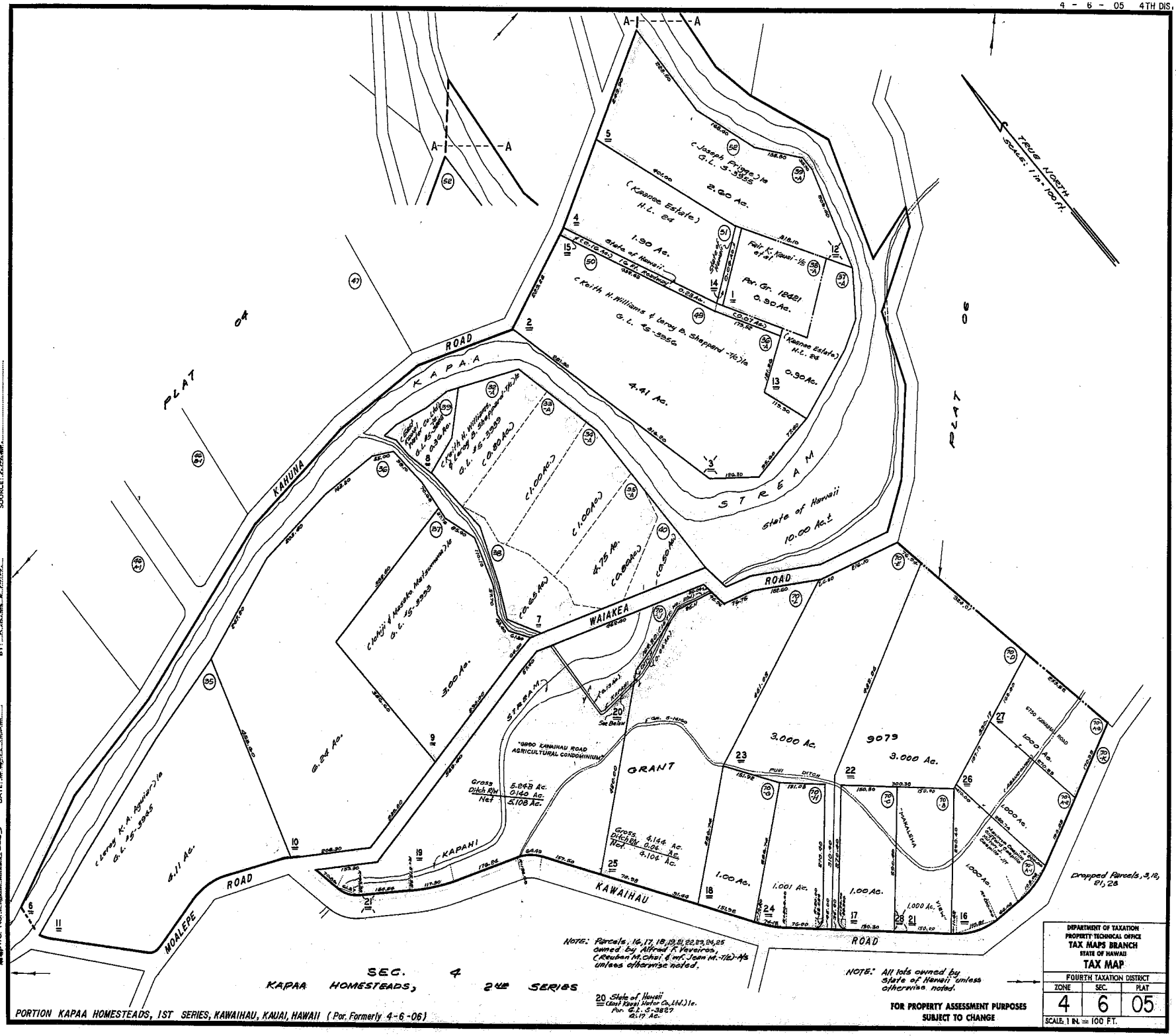
PORTION OF WAILUA, KAWAIHAU, KAUAI.

SUBJECT TO CHANGE



Dwg. No: 2973
Source: Tax Maps Bureau & Reg. Map 2449
By: R.K.B. & R.S.Q. Sept. 1936

EXHIBIT "A"



NOTE: Parcels 16, 17, 18, 19, 21, 22, 23, 24, 25 owned by Alfred K. Veveiros, (Reuben M. Choi & wf. Jean M. -1/2)-Alt's unless otherwise noted.

NOTE: All lots owned by State of Hawaii unless otherwise noted.

SEC. 4
KAPAA HOMESTEADS, 2ND SERIES

PORTION KAPAA HOMESTEADS, 1ST SERIES, KAWAIHAU, KAUAI, HAWAII (Por. Formerly 4-6-06)

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION
PROPERTY TECHNICAL OFFICE
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
4	6	05

SCALE: 1 IN. = 100 FT.

EXHIBIT A

DWG. NO. ... SCALE: ... DATE: August 1, 1977 BY: R.K. JR. BY: ... SOURCE: T.M.K. ...

(12) Assist in the development of adult and continuing education programs in vocational agriculture; and

(13) Establish an advisory task force of agriculturists, who represent the diverse areas of the agricultural industry in the state, that shall make annual recommendations on the development of curriculum, staffing, and strategies to establish a source of trained and qualified individuals in agriculture and strategies for developing the state program in vocational agriculture education, including youth leadership throughout the public schools.

(c) The department may adopt rules pursuant to chapter 91 to effectuate this section."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $1,500,000 or so much thereof as may be necessary for fiscal year 2006-2007 to be deposited into the irrigation repair and maintenance special fund and used for the repair and maintenance of the irrigation systems specified under section 167- (b), Hawaii Revised Statutes; provided that $1,500,000 in federal matching funds are also deposited into the irrigation repair and maintenance special fund.

The sum appropriated shall be expended by the department of budget and finance for the purposes of this Act.

SECTION 4. There is appropriated out of the irrigation repair and maintenance special fund the sum of $3,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to be expended for the repair and maintenance of the irrigation systems specified under section 167- (b), Hawaii Revised Statutes.

The sum appropriated shall be expended by the board of agriculture for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $11,886,000 or so much thereof as may be necessary for fiscal year 2006-2007 for repair and maintenance of irrigation systems as follows:

(1) $2,336,000 for the East Kauai irrigation system;
(2) $500,000 for the Waimanalo irrigation system;
(3) $2,500,000 for the Molokai irrigation system;
(4) $4,850,000 for the Waimea irrigation system; and
(5) $1,700,000 for the Lower Hamakua irrigation system.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $100,000 or so much thereof as may be necessary for fiscal year 2006-2007 to carry out the purposes of section 2 of this Act.

The sum appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 7. The appropriations made for the capital improvement irrigation repair and maintenance projects authorized in this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all moneys from the appropriations unencumbered as of June 30, 2008, shall lapse as of that date.

SECTION 8. New statutory material is underscored.[1]

'ide for the use of, all lands owned or controlled
served by the water produced by the irrigation
l production.
ocesses, policies, standards, and criteria for se-
eceive funding and the amount of such funding,
esses, policies, standards, and criteria for deter-
ded to irrigation systems in subsection (b) owned

ıeans agricultural operations that produce diver-
ng flowers, nursery products, vegetables, herbs,
ts, aquaculture, coffee, milk, cattle, eggs, hogs,

the agricultural system of intakes, diversions,
ervoirs, and accessory facilities established to
ıction.
'ate entity that:
d, formerly used as a sugarcane or pineapple
ıs a privately-owned irrigation system that is
ned production of diversified agriculture on the
gation system; or
s, an irrigation system listed in subsection (b)(1)

Hawaii Revised Statutes, is amended by adding
esignated and to read as follows:

iculture education program. (a) The depart-
vocational agriculture education program. The
ing of individuals trained or experienced in the
dinate the program and to provide assistance to
of the activities of student agricultural organiza-

e education program shall be administered by a

needs of the state and devise methods of
h the vocational agriculture education program;
establishing vocational agriculture programs;
pplications for approval of vocational agricul-

ıms;
s for the improvement of curriculum materials
ocational agriculture;
ds and criteria developed under this section
federally-assisted vocational education;
rams for teachers and administrators of voca-

vocational agriculture teacher certification;
ment and placement in vocational agriculture

ıe Future Farmers of America, representatives
ıpropriate public agencies, and institutions of
litate dissemination of information;
f vocational agriculture programs;

EXHIBIT "B"

EXHIBIT 22

TABLE R (8/02)

CAPITAL PROJECT INFORMATION AND JUSTIFICATION SHEET

EXPENDING AGENCY:		
USER PROGRAM ID		CAPITAL PROJECT
DEPT	NUMBER	NUMBER
AGR	141	

PROJECT TITLE:
CIP Repair and Maintenance of Irrigation Systems
PROJECT DESCRIPTION:
CIP Repair and Maintenance of Irrigation Systems

TOTAL ESTIMATED PROJECT COST (In Thousands of Dollars)

COST ELEMENT	PRIOR APPROPRIATIONS (Including MOF)																		APPROPRIATIONS (including MOF)			TOTAL PROJECT COST
	ACT	YR	ITEM	ACT	YR	ITEM	ACT	YR	ITEM	ACT	YR	ITEM	ACT	YR	ITEM	ACT	YR	ITEM	FY 2006	FY 2007 Act 233/06	FUTURE YEARS	
PLANS																				250		250
LAND																				0		0
DESIGN																				1,586		1,586
CONSTRUCT																				10,050		10,050
EQUIPMENT																				0		0
TOTALS																				11,886		11,886

PROJECT INFORMATION AND JUSTIFICATION (use back if necessary):

a. Total Scope of Project.

Plans, design, and construction for improvements to the East Kauai, Waimanalo, Molokai, Waimea, and Lower Hamakua Irrigation Systems. Improvements to the systems may include but not be limited to the following: reconstruction and/or replacement of flumes, ditch lining, and aging distribution lines; installation of Supervisory Control and Data Acquisition (SCADA) systems,effluent pump station,security fencing, and new distribution pipelines; access road improvements, electrical and mechanical upgrades.

b. Identification of Need and Evaluation of Existing Situation.

Flumes, ditches, distributions lines and other appurtenances of the various irrigation systems are severely worn and dilapidated. Seepage loss and costly emergency repairs continue to hamper the farming community's ability to maximize productivity.

c. Alternatives Considered and Impact if Project is Deferred.

Do nothing and continue to make expensive emergency repairs as they occur. Catastrophic system failures may lead to the loss of irrigation water to farmers. Loss of irrigation water may lead to widespread crop losses, farm bankruptcies, and a decline in the economy throughout the State.

d. Discuss What Improvements Will Take Place When Project Completed (including benefits to be derived and/or deficiencies this project intends to correct).

When the project is completed, farmers of the improved irrigation systems will have a more reliable supply of irrigation water. Emergency repairs and the risk of the whole irrigation system being shutdown due to a catastrophic infrastructure failure will be greatly reduced. With this assurance, farming in these irrigation systems may increase as irrigation water becomes more reliable.

e. Impact Upon Future Operating Requirements (show initial and ongoing funding requirements by cost element, including position count, means of financing, fiscal year).

Future operating requirements are expected to decrease after this project because the improved infrastructure should need less repair and maintenance.

f. Additional Information:

None.