

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

January 9, 2009

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

PSF No.:08MD-137

(Maui)

Grant of Perpetual, Non-Exclusive Easement to State of Hawaii, Department of Transportation, Highways Division for Highway Rock Fall Mitigation and Fencing Facility, Access, and Utility Purposes; and Issuance of an Immediate Right-of-Entry for Construction Purposes, at Wailua-Nui, Koolau, Maui, Tax Map Keys: (2) 1-1-008:portion of 005 and (2) 1-1-002:portion of 002

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division, whose business and mailing address is Right-of-Way Branch, 601 Kamokila Boulevard, Room 691, Kapolei, Hawaii 96707.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Koolau, situated at Wailua-Nui, Koolau, Maui identified by Tax Map Keys: (2) 1-1-008:portion of 005 and (2) 1-1-002:portion of 002, as shown on the attached maps labeled Exhibit A & B.

AREA:

0.612 acres, more or less.

ZONING:

State Land Use District: Conservation (Sub zone: Resource)

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:

Encumbered by Government Proclamation dated June 12, 1907 for the Koolau Forest Reserve, TMK: (2) 1-1-002:002.

Encumbered by Revocable Permit S-7265, Alexander and Baldwin, Inc. for water purposes, TMK: (2) 1-1-002:002.

Encumbered by Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28227, Susan R. Graham for access purposes, TMK: (2) 1-1-008:portion of 005.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for highway rock fall mitigation and fencing facility, access, and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the Office of Environmental Quality Control's Environmental Notice on August 23, 2003 with a finding of no significant impact (FONSI).

Notice of Conservation District Use Application (CDUA) MA-3465 was published in the July 23, 2008 issue of the Environmental Notice.

The Board of Land and Natural Resources (BLNR) approved a Conservation District Use Permit (CDUP) with standard conditions on November 14, 2008.

APPLICANT REQUIREMENTS:

1. Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The DLNR Maui District Land Office received an application for use of State lands from the State Department of Transportation, Highways Division (DOT-Highways) dated July 21, 2008. DOT Highways is proposing to install a concrete barrier and shield fencing mauka of

Hana Highway between Milepost 19.18 and 19.52 situated at Tax Map Keys: (2) 1-1-002:portion of 002 and (2) 1-1-008:portion of 005 as part of the Phase II, Project No. 360AB-02-09, Hana Highway Rock Fall Mitigation Plan.

The rock fall mitigation plan systematically addresses 35 sites with potential for rock fall. The measures being utilized by the DOT-Highways are intended to significantly reduce or eliminate hazards associated with rock falls.

DOT-Highways is requesting an immediate right-of-entry for fencing facility construction purposes. The construction work is planned to commence in January 2009 and extend for about a ten (10) month period.

Agency and community comments related to the Rock fall Mitigation plans were solicited as part of the Conservation District Use Application process. There were no objections.

Maui District Land Office staff supports the proposed project and recommends issuance of the subject disposition in order to allow the State DOT-Highways to better enhance safe transit along Hana Highway.

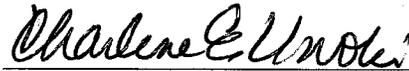
RECOMMENDATION: That the Board:

1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual, non-exclusive easement to the State of Hawaii, Department of Transportation, Highways Division covering the subject area for highway rock fall mitigation and fencing facility, access, and utility 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 perpetual 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.
  - D. Compliance with CDUP MA-3465 approved on November 14, 2008.
2. Authorize the issuance of an immediate construction right-of-entry to the State of Hawaii, Department of Transportation, Highways Division and their contractors 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,



for Daniel Ornellas  
District Land Agent

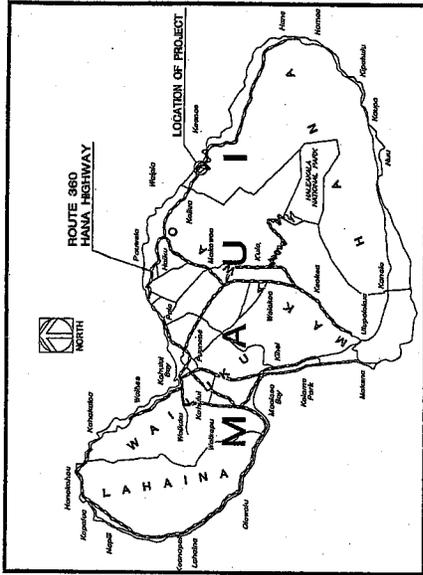
APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson 

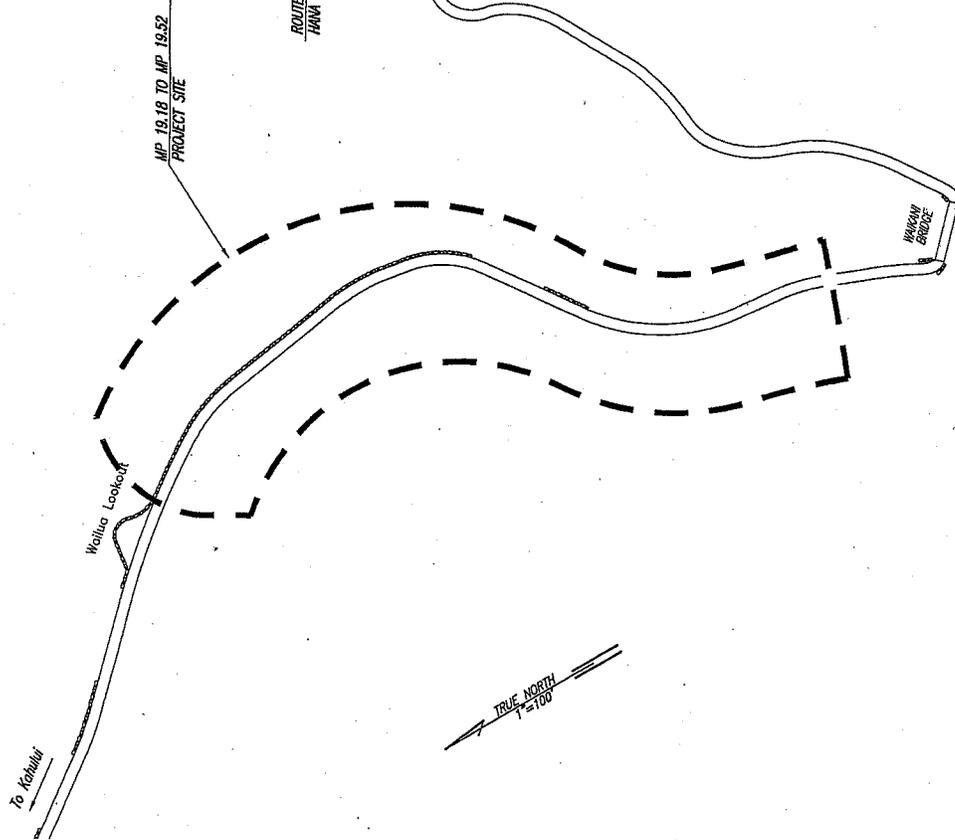




FED. ROAD DIST. NO.	STATE	PROG. NO.	FISCAL YEAR	TOTAL SHEETS
HAWAII	HAW.	360AB-02-98	2008	5
				16



LOCATION MAP  
Scale: Not To Scale



GENERAL PLAN  
Scale: 1"=100'

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
**GENERAL PLAN**  
ROUTE 360 HANA HIGHWAY  
ROCKFALL MITIGATION PHASE 2  
MILE POST 19.18 TO 19.52  
Project No. 360AB-02-98  
Date: June 2008  
Scale: 1"=100'



THE ENGINEER HAS EXAMINED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE HAWAIIAN BRIDGE ACT.

SHEET No. 1 OF 1 SHEETS

DATE	BY	REVISION