

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

March 27, 2009

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

PSF No.:08KD-091

KAUAI

Grant of Perpetual, Non-Exclusive Easement to the County of Kauai, Board of Water Supply for Waterline Purposes and Issuance of a Right-of-Entry Permit, Kapaa, Kawaihau, Kauai, Tax Map Key:(4) 4-6-14:111.

APPLICANT:

County of Kauai, Board of Water Supply, whose business and mailing address is 4398 Pua Loke Street, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Section 171-13 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of government land situated at Kapaa, Kawaihau, Kauai identified by Tax Map Key: (4) 4-6-14:111, as shown on the attached map labeled Exhibit A.

AREA:

4,087 square feet more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open/Special Treatment-Public

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 Governor's Executive Order No. 3806, Department of Health for community mental health facility purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove water transmission pipeline over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Office of Environmental Quality on August 29, 2008 opined as follows: "The change in location would still remain within the area zoned and documented in the original Environmental Assessment, which found no negative environmental or cultural impacts. See Exhibit B.

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:

During the design of the new County Kapaa Fire Station, the State Department of Transportation, Highways Division informed the County that the 12" waterline cannot be installed in the travel way of the highway and should instead be installed outside of the pavement area of Kuhio Highway. See Exhibit C.

The County's new construction plan is to place the 12" waterline within tax map key: 4-6-14:111, following the alignment of Kuhio Highway.

The following agencies were solicited for comments:

County of Kauai:

Public Works and Department of Water: No Comments were received.

Planning Department: No objections.

State of Hawaii:

Department of Health, Historic Preservation and Department of Health, Community Mental Health Center: No comments were received.

Department of Transportation-Highway Division: No objections.

Office of Hawaiian Affairs: Should cultural or traditional deposits be found during installation, work must cease, and the appropriate agencies should be immediately contacted.

Mr. Douglas Haigh, Chief, Building Division, County of Kauai, did write to Mr. Sam Tumbaga, Public Health Administrative Officer, Department of Health of the County of Kauai's plans to install a 12 inch water main for the new County of Kauai Fire Station within the Friendship House facility covered under Executive Order No. 3806 to the Department of Health. Mr. Sam Tumbaga did acknowledge the County of Kauai request.

The Department of Water is requesting a right-of-entry permit for planning and construction purposes. It is necessary to start this phase for the new County Kapaa Fires Station.

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. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to County of Kauai, Board of Water Supply covering the subject area for waterline 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.

2. Authorize the issuance of a right-of-entry permit to the County of Kauai, Department of Water and its employee, agents and/or 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



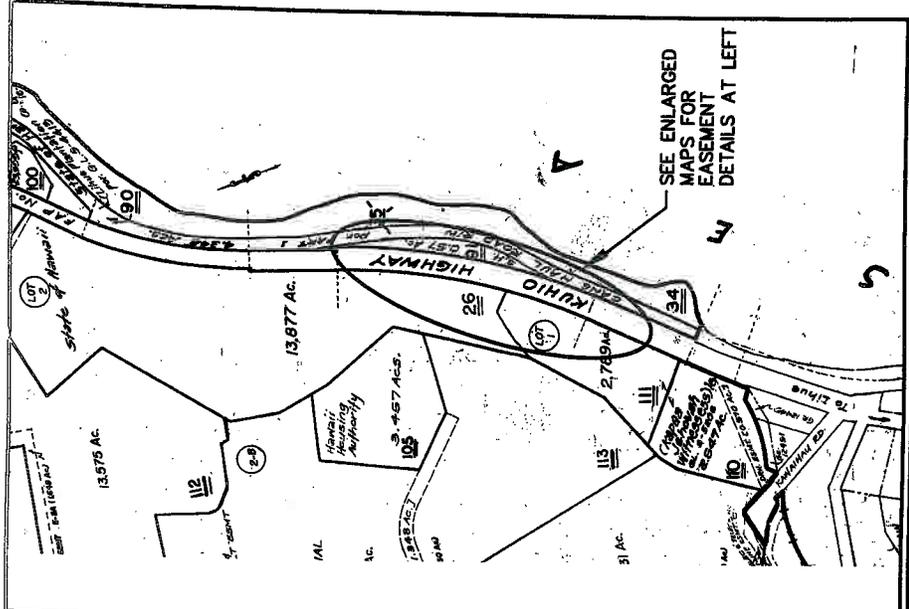
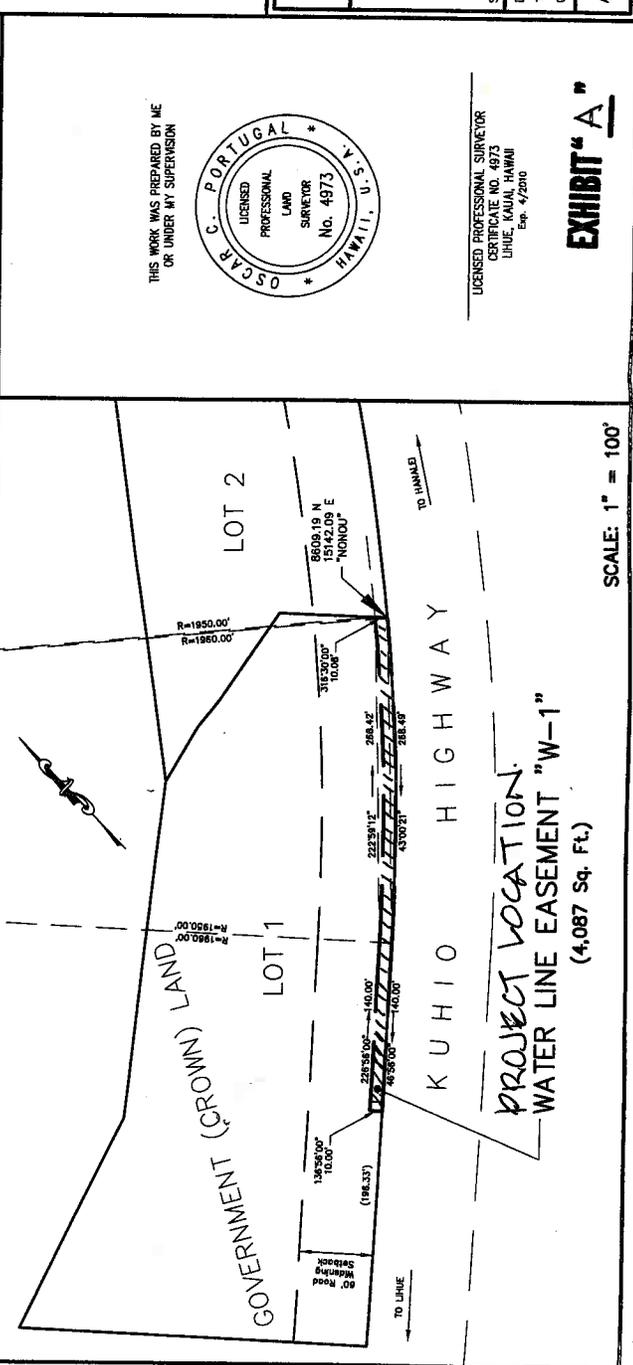
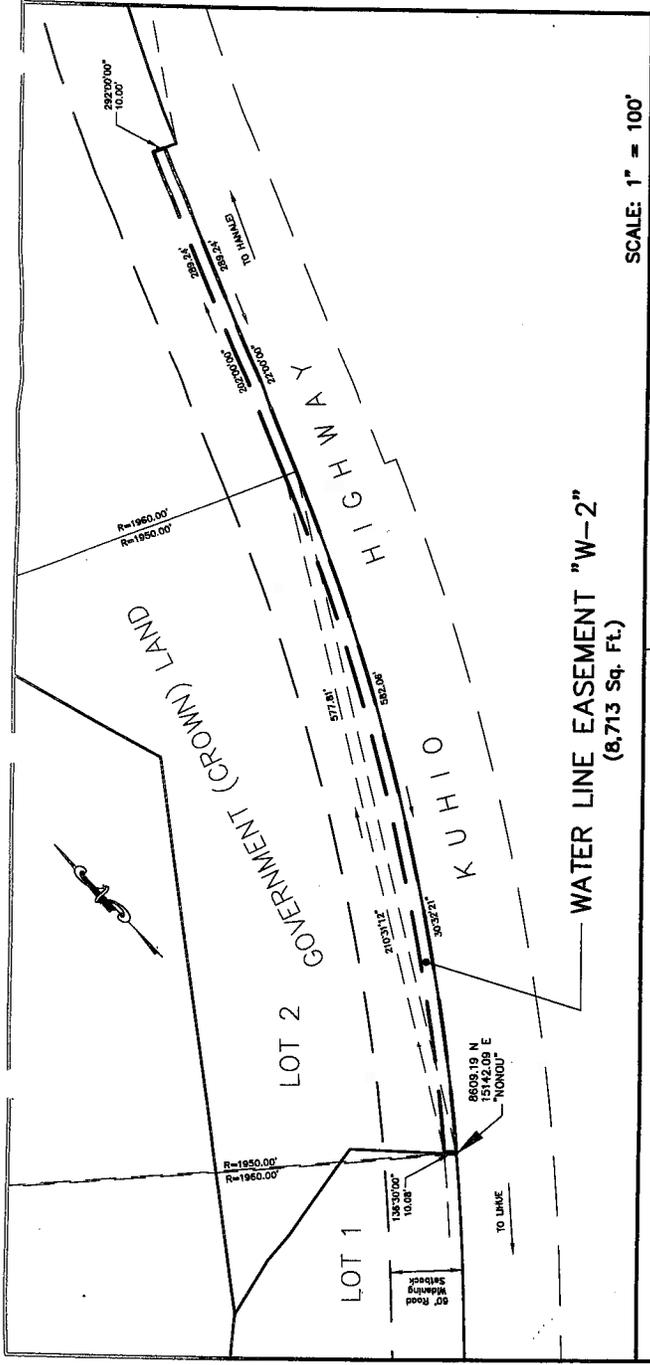
Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





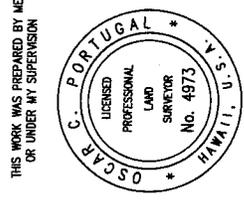
COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS

MAP SHOWING EASEMENTS "W-1" & "W-2"
within Lots 1 & 2
Portions of Government (Crown) Land
Kapaa, Kauai, Hawaii

SCALE: as Noted DATE: Nov. 21, 2008
DRAWN BY: DTRM
TRACED BY: OP
CHECKED BY: OP

F.B. C.B. MAP NO. SHEET NO. OF SHEETS

APPROVED _____ COUNTY ENGINEER



LICENSED PROFESSIONAL SURVEYOR
CERTIFICATE NO. 4973
LIHUE, KAUAI, HAWAII
Exp. 4/2010

EXHIBIT "A"

LINDA LINGLE
Governor of Hawai'i



KATHERINE PUANA KEALOHA, ESQ.
Director

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Department of Health
235 South Beretania Street
Leiopapa A Kamehameha, Suite 702
Honolulu, Hawai'i 96813

Telephone (808) 586-4185

Facsimile (808) 586-4186

Electronic Mail: oeqc@doh.hawaii.gov

VIA E-MAIL TRANSMITTAL

To: Ken Tatsuguchi, P.E.
Engineering Program Manager, Highways Division

Fr: Katherine Puana Kealoha, Esq.

Dt: August 29, 2008

Re: Kealia Firestation, Kauai County; Waterline installation
Kapaa; Tax Map Key: 4-6-14: 26 and 111
Consultation: Kauai Planning, DLNR, DOT, BOW, KECOR, DOH, Kauai County
Department of Water, and a Cultural Analyst.

The above-entitled project has been reviewed by the Office of Environmental Quality Control, and we would recommend that the action be approved. We have completed a comprehensive review of the project, and our findings have determined that the impact of this action would be negligible. Our review found the action to have no significant impact on overall environmental, natural, cultural, historical or other sensitive resources. A cumulative and secondary impact review has indicated the same finding. Therefore, the OEQC would agree that this project is in compliance with the Hawaii Revised Statutes Chapter 343 requirements.

This project action is a 1,100 foot-long pipeline, approximately 12 inches in diameter, which was originally intended to be placed within the State ROW; due to conflicting utilities within that ROW, the location has been changed to outside of the ROW, on the mauka side of the highway. Reference pictures 3 and 4 shows the measurement extension and the initial setting location. Reference pictures 5-9 show the current location to be used, with site measurement points in red.

In discussions with the utility coordinators, any placement of this pipeline within the State ROW would cause potential harm/damage to the existing utilities, which would then impact several hundreds or thousands of people who rely on these utilities. The change in location would still remain within the area zoned and documented in the original Environmental Assessment, which found no negative Environmental or cultural impacts. Our review confirms that finding and extends the analysis with a review of the cumulative and secondary impacts, to which we found none. Furthermore, the area does not touch upon any historical, cultural or natural resources.

EXHIBIT "B"

Kaua'i Notices

APRIL 23, 2006

Kapaa Fire Station (HRS 343 FEA-FONSI)

District: Kawaihau
TMK: (4)4-6-14:26 (por.)
Proposing Agency: County of Kauai, Public Works Department
4444 Rice St., Lihue, HI 96766
Contact: Douglas Haigh (241-6650)

Determination Agency: Same as above.
Consultant: Belt Collins Hawaii Ltd.
2153 S King St., Ste. 200, Honolulu, HI 96819
Contact: Glen Koyama (521-5361)

Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: Class IV Zoning Permit, Use Permit, & SMA Use Permit, NPDES Permit may be required.

The proposed building will be constructed of concrete masonry units with a stucco-like exterior finish and asphalt shingle roofing. The architectural style will be similar to the fire station in Koloa, Kaua'i.

The new station, preliminarily, will require a Use Permit and Special Management Area Use Permit from the County of Kaua'i. It may require an NPDES permit.

The estimated cost of construction is approximately \$5.0 million, exclusive of planning, permitting, and design work. County funds are expected to be used to finance the project.

Construction could begin in 2006 once all government permits and approvals are secured. Construction is projected to take approximately 12 months to complete.

The County of Kaua'i, Public Works Department, is proposing to construct a new fire station in northern Kapa'a to supplement and improve existing services for the Kapa'a district. The new station would add to services currently provided by the Waipouli Station. The need for the new station is to support the higher volume of calls arising from the overall growth of population in the district and residents locating to the outlying areas.

The new station will be a full-service facility consisting of an engine and rescue company capable of handling structure fires, wild land fires, emergency medical calls, and rescue calls.

The new station will have pumper trucks, wild land tank trucks, and emergency medical/rescue truck. A staff of 15 firefighters would operate the station on a rotational shift with 3 to 5 firefighters manning the station at any one time.



Aerial photo (2000) showing the location of the project area.



LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
INTERIM DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
1720 HALEUKANA STREET
LIHUE, HAWAII 96766

IN REPLY REFER TO:

HWY-K 4.080157

February 21, 2008

Mr. Patrick Kaihara
Building Division
Department of Public Works
County of Kauai
4444 Rice Street, Suite 175
Lihue, Hawaii 96766

Subject: Kapaa Fire Station
Kapaa, Kauai, Hawaii
TMK (4) 4-6-014: 026

Dear Mr. Kaihara:

Please find enclosed a set of the final construction plans and the drainage report for the subject project. We have annotated our comments onto that set of plans and the report. I would like to list our major comments below:

1. The 12" waterline shall be installed outside of the pavement area of Kuhio Highway. The construction plans currently call for the waterline to be installed in the travelway of the highway.
2. The detention basin for the project shall be designed based on a 50-year storm. This is in accordance with the Drainage Standards of the Department of Transportation.
3. Off-site storm water is collected in a concrete channel that runs around the perimeter of the Fire Station facilities then is discharged directly toward the State Highway Right-Of-Way. We are concerned that the discharge of this collected flow in this manner and direction will lead to erosion problems or may lead to runoff overshooting the drain inlets and flowing directly onto the highway.

We have not reviewed the specifications for the project. Please note that although these plans are labeled the 100% construction drawings, the proposed location for the waterline is a completely new location and that this is our first opportunity to review the drainage report.

EXHIBIT "C"