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

November 12, 2010

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

PSF No.:01od-431

OAHU

Set Aside to Department of Transportation for Shoreline Protection Purposes; Issuance of Construction and Management Right-of-Entry; Kapaka, Koolauloa, Oahu, Tax Map Key: (1) 5-3-014:009

APPLICANT:

Department of Transportation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kapaka, Koolauloa, Oahu, identified by Tax Map Key: (1) 5-3-014:009, as shown on the attached map labeled Exhibit A.

AREA:

1,357 square feet, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-5

TRUST LAND STATUS:

Non-ceded, acquired after statehood
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE:

Shoreline Protection purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on November 23, 1998 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

None. [Lot 37, Land Court Application 124, Map 3]

REMARKS:

The subject parcel was acquired by the State in 1998 (Land Office Deed 28345). Department of Transportation (DOT) had placed rocks on the parcel for temporary shoreline protection. Subsequently, DOT requested the Board recommend the issuance of an executive order for the subject parcel. Staff had requested additional information before the request could be processed.

DOT is still in the process of acquiring the neighboring parcels for the same shoreline protection project. There is no anticipated date of completing the acquisition process at the time of writing this submittal.

Upon the completion of the acquisition process, DOT plans to construct improvement, which will protect the shoreline from erosion thus enhancing the integrity of the Abutting highway.

DOT understands that a conservation district use permit is required prior to any construction work. DOT will file the required an application when the design phase is ready to commence. Staff has discussed the approach with the Office of Conservation and Coastal Lands, and they have no objection.

Staff did not solicit comments from other government agencies as such process had been performed during the environment assessment stage.

DOT also requests a construction and management right-of-entry prior to the issuance of the executive order to facilitate the subject project.

There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Transportation 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.

2. Authorize the issuance of a construction and management right-of-entry to the Department of Transportation, subject to the following:

   A. The standard terms and conditions of the most current right-of-entry 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.

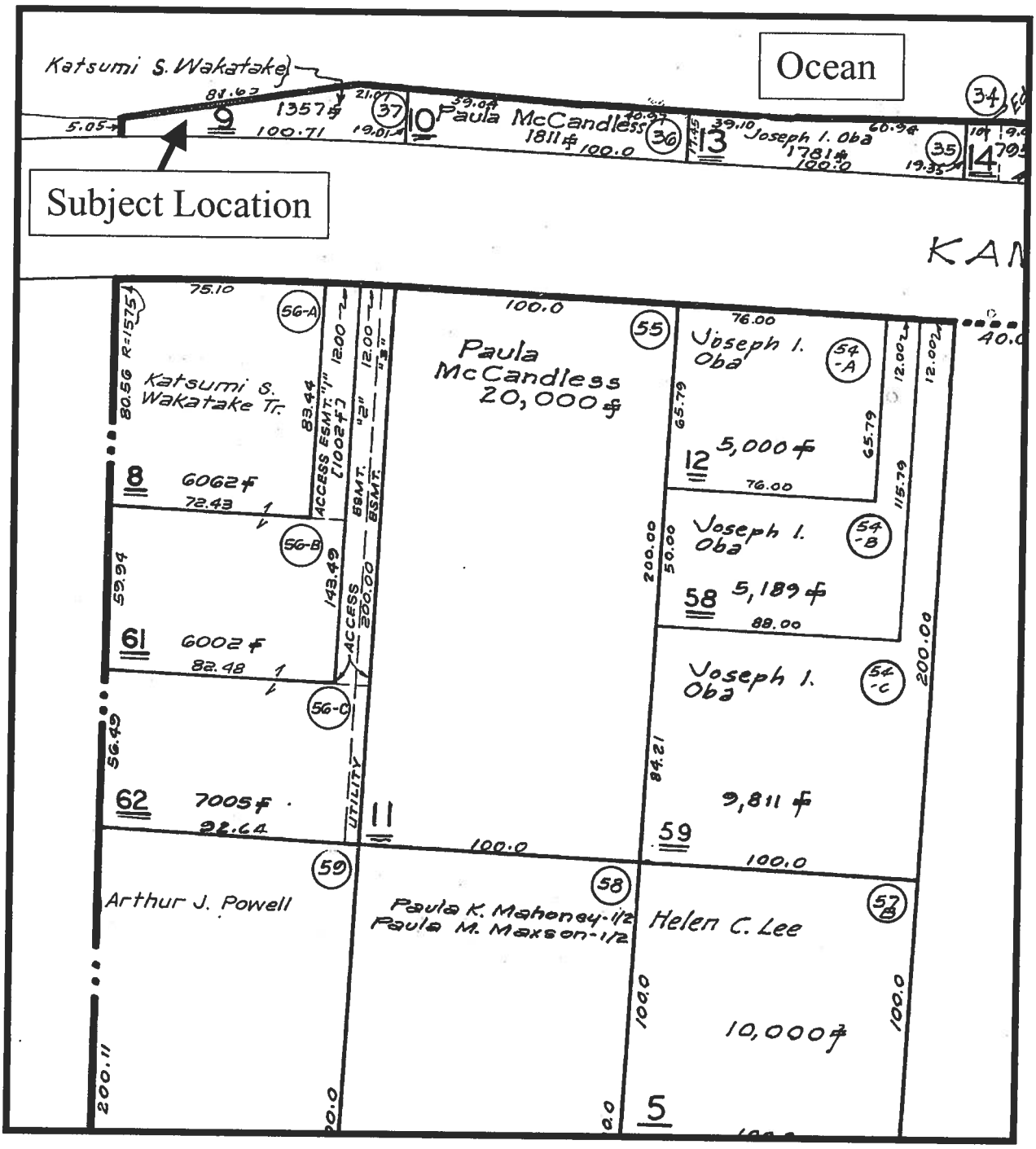
Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen, Chairperson



TMK (1) 5-3-014:009

EXHIBIT A