

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

October 28, 2016

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

OAHU

Issuance of Right-of-Entry Permit to Malama Honua Public Charter School Foundation for Due Diligence Purpose; Waimanalo, Koolaupoko, Oahu, TMK (1) 4-1-013:019.

APPLICANT:

Malama Honua Public Charter School Foundation, a domestic nonprofit corporation (Applicant).

LEGAL REFERENCE:

Section 171- 55 Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-013:019, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

5.000 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: AG-2

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:

Vacant and unencumbered.

CHARACTER OF USE:

Due diligence purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item 1. See exemption declaration attached as **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u> X </u>	NO	<u> </u>
Registered business name confirmed:	YES	<u> X </u>	NO	<u> </u>
Good standing confirmed:	YES	<u> X </u>	NO	<u> </u>

APPLICANT REQUIREMENTS:

None.

REMARKS:

Applicant is currently operating the charter school on a church property in Waimanalo pursuant to a lease. In view of the forthcoming expiration of the lease and the need for expansion, the Applicant is actively in pursuit of a new location for the school. The present location is also restricted in size and creates more hurdles for the planned expansion. Therefore, Applicant is desirous to relocate the school to a bigger parcel in the same community.

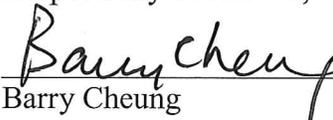
Applicant is aware of the requirement for Chapter 343, HRS requirement relating to the environmental assessment before the Board will consider a request for lease. From a preliminary site search, the requested parcel appears to be a candidate for the future school location. Applicant requests for a right-of-entry permit for due diligence purposes. Applicant understands that no improvement/structure is allowed on the requested location during the right-of-entry permit period. Upon completion of the environmental assessment process, the Applicant will request a long term direct lease for public school purposes at a later date.

Staff recommends the Board authorize the issuance of a 24-month [or expire upon completion of the project, whichever is the earlier] right-of-entry permit to the Applicant for due diligence purposes.

RECOMMENDATION: That the Board:

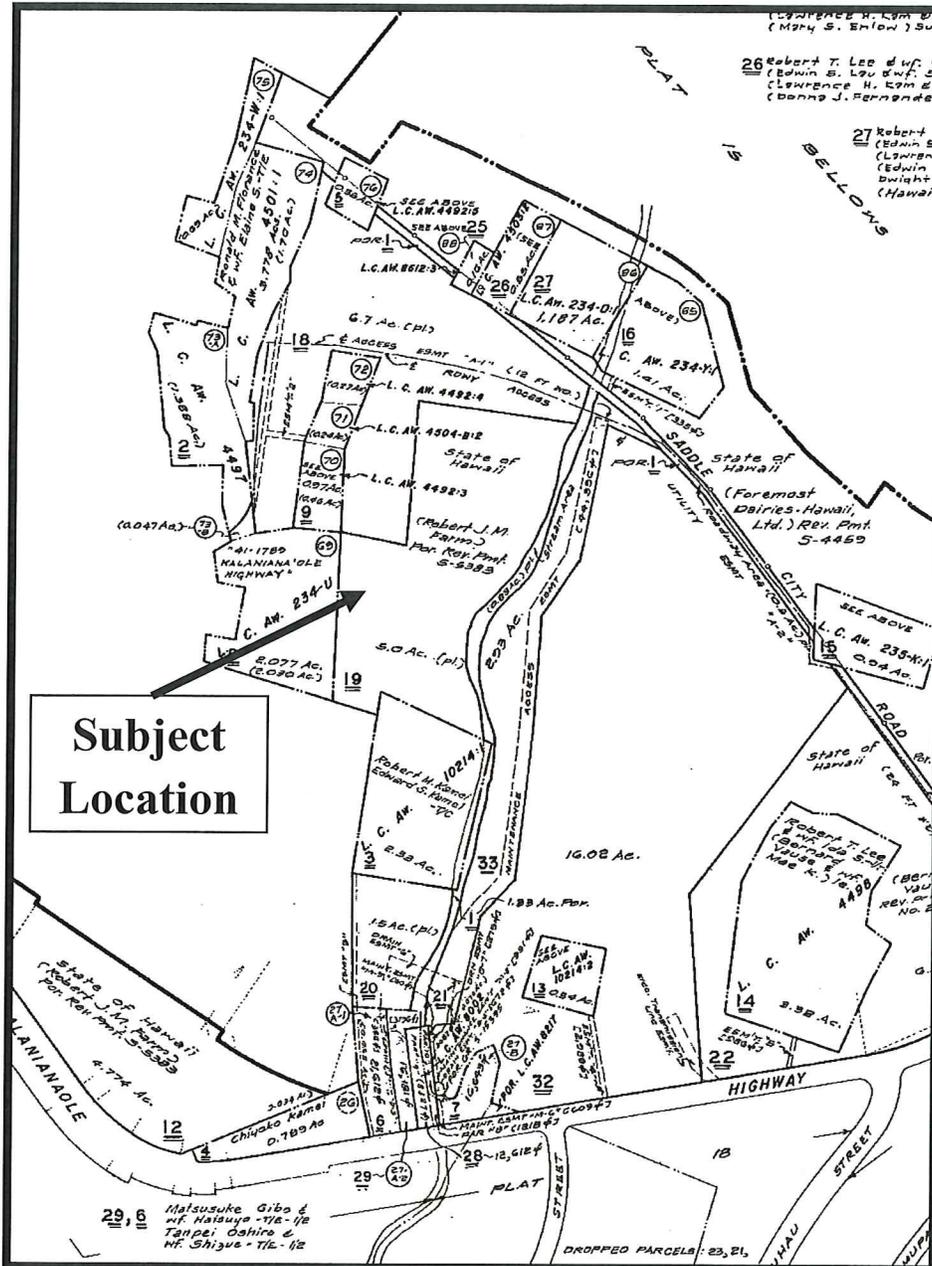
1. Declare that, after considering the potential effects of the requested right-of-entry as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the Malama Honua Public Charter School Foundation for conducting due diligence pertaining to environmental assessment compliance 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,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 4-1-013:019

EXHIBIT A1



TMK (1) 4-1-013:019

EXHIBIT A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Right-of-Entry for Due Diligence Purposes

Project / Reference No.: Not applicable

Project Location: Waimanalo, Koolaupoko, Oahu Tax Map Key: (1) 4-1-013:019

Project Description: Due diligence in anticipation of a long term lease for charter school purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item 1, that states "Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

The request is for due diligence purpose in anticipation for a proposed direct lease for charter school purpose. Staff does not expect there will be major alteration in the conditions of the land, water or vegetation at the location.

Consulted Parties Department of Agriculture

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



 Suzanne D. Case, Chairperson
 Date 10/13/16

EXHIBIT B