

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

April 13, 2017

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

PSF No.: 16OD-178

OAHU

Amend Prior Board Action of March 10, 2017, Item D-7; Issuance of Right-of-Entry Permit to Department of Transportation on Both Encumbered and Unencumbered Lands for Due Diligence Purposes, Kaaawa to Hauula, Koolauloa, Oahu, Tax Map Key: (1) 5-1, 5-2, 5-3, 5-4. See map attached as Exhibit A for location of the requested areas.

The purpose of the amendment is to add portions of State lands located makai of the highway located in Kualoa, Koolaupoko, Oahu and shown on Tax Map Key (1) 4-9-007, 4-9-008, and 4-9-009 into the right-of-entry permit area.

BACKGROUND:

At its meeting on March 10, 2017, under agenda item D-7, the Board approved the issuance of a right-of-entry permit to Department of Transportation, Highways Division (DOT) to assess any erosion that has occurred to the section of Kamehameha Highway between Kaaawa and Hauula, and to develop possible mitigation measures. A copy of the approved submittal is attached as **Exhibit 1**.

Subsequent to the March 2017 meeting, DOT obtained the authorization from the Federal Highway Administration to expand the same study to the section of Kamehameha Highway in Kualoa, further identified as tax map key (1) 4-9-007 to (1) 4-9-009 and shown on the map attached as **Exhibit 2**.

For the Board's information, the proposed field work is related to historic sites, geotechnical borings, water quality tests, endangered species, and topographic surveys. No improvements will be constructed at the site pursuant to the requested right-of-entry permit. The data collected will be utilized to obtain environmental clearance for the ensuing construction activities. The environmental assessment is anticipated to be completed around mid-2018.

There are five (5) shoreline encroachment easements¹ authorized by the Board in the

¹ LOD27784, GL5729, GL5969, GL5970, and GL6060

requested area. DOT will work with the staff if any access to the easement areas described above is required.

There are no other pertinent issues or concerns, and staff has no objection to the subject request.


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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 which states "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)." See **Exhibit 3**.

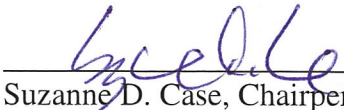
RECOMMENDATION: That the Board

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. Amend its prior action of March 10, 2017, item D-7 by including portions of State lands located makai of the highway shown on tax map key (1) 4-9-007, 4-9-008, and 4-9-009 and depicted on Exhibit 2 herein into the right-of-entry permit area.
3. All other terms and conditions in March 10, 2017 approval shall remain in full force and effect.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

N 
Suzanne D. Case, Chairperson

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

March 10, 2017

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

PSF No.: 16OD-178

OAHU

Issuance of Right-of-Entry Permit to Department of Transportation on Both Encumbered and Unencumbered Lands for Due Diligence Purposes, Kaaawa to Hauula, Koolauloa, Oahu, Tax Map Key: (1) 5-1, 5-2, 5-3, 5-4. See map attached as Exhibit A for location of the requested areas.

APPLICANT:

Department of Transportation, Highways Division

LEGAL REFERENCE:

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

LOCATION and CURRENT USE STATUS:

Portion of Government lands, including unencumbered submerged lands, situated makai of Kamehameha Highway situated at Kaaawa to Hauula, Koolauloa, Oahu, Tax Map Key: (1) 5-1, 5-2, 5-3, 5-4, as shown on the table below and map attached as **Exhibit A**.

TMK	Encumbrance	Agency	Character of Use
(1) 5-1-012:012	LOD15169, LOD23605	USA	Perpetual, non-exclusive easement for utility purposes
(1) 5-2-005:001	EO3518	State Parks	Kahana Valley State Park
(1) 5-2-005:003	EO3765	State Parks	Kahana Bay Beach Park
(1) 5-2-005:003	EO4376	DOBOR	Kahana Bay Boat Ramp
(1) 5-2-005:020	EO3518	State Parks	Kahana Valley State Park
(1) 5-2-005:021	EO3518	State Parks	Kahana Valley State Park
(1) 5-3-002:031	EO385, 1702	City	Punaluu Beach Park
(1) 5-3-014:009	EO4356	DOT	Shoreline Protection
(1) 5-4-001:032	EO721	City	Hauula Beach Park
(1) 5-4-002:022	EO721	City	Hauula Beach Park

Note: The above table only shows the encumbrances over State owned parcels.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
March 10, 2017 Go.

EXHIBIT "1"

D-7

ZONING:

State Land Use District: Conservation/Urban

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

Due Diligence Purposes.

TERM OF RIGHT-OF-ENTRY:

Two (2) years.

CONSIDERATION:

Gratis. Government agency.

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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 which states "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)." See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Government agency.

APPLICANT REQUIREMENTS:

Applicant shall obtain written concurrence from all users of the subject lands.

REMARKS:

Department of Transportation, Highways Division (DOT) plans to conduct studies to assess any erosion that has occurred to the section of Kamehameha Highway between Kaaawa and Hauula, and to develop possible mitigation measures.

Therefore, DOT requests a right-of-entry permit for field work to be conducted on the ocean side of the highway, including submerged lands, over the area covered by this submittal. According to DOT, the field work is related to historic sites, geotechnical borings, water quality tests, endangered species, and topographic surveys. No improvements will be constructed at the site pursuant to the requested right-of-entry permit. The data collected will be utilized to obtain environmental clearance for the ensuing construction activities. The environmental assessment is anticipated to be completed around mid-2018.

Both Department of Health and Division of Forestry and Wildlife have no comments/objections to the request.

Other State and county agencies have not responded to the solicitation for comment before the deadline. Since the subject request is only pertaining to basic data collection and DOT will coordinate with the respective agencies during the due diligence period, staff does not have objection to the request.

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. Authorize the issuance of a right-of-entry permit to Department of Transportation 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; and
 - C. Authorize the Chairperson to issue future right-of-entries to the Applicant for good causes.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit for Due Diligence Purposes on Both Encumbered and Unencumbered Lands

Project / Reference No.: PSF 16OD-178

Project Location: Kaaawa to Hauula, Koolauloa, Oahu, TMK: (1) 5-1, 5-2, 5-3, 5-4.

Project Description: Due diligence purposes relating to the highway improvement project.

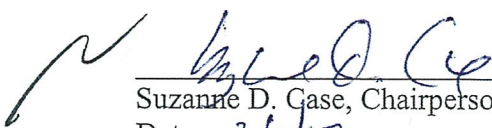
Chap. 343 Trigger(s): Use of State Land

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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 which states "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)."

The subject request only pertains to collection of data in anticipation of the forthcoming environmental assessment process, and no improvements will be constructed pursuant to the requested right-of-entry. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

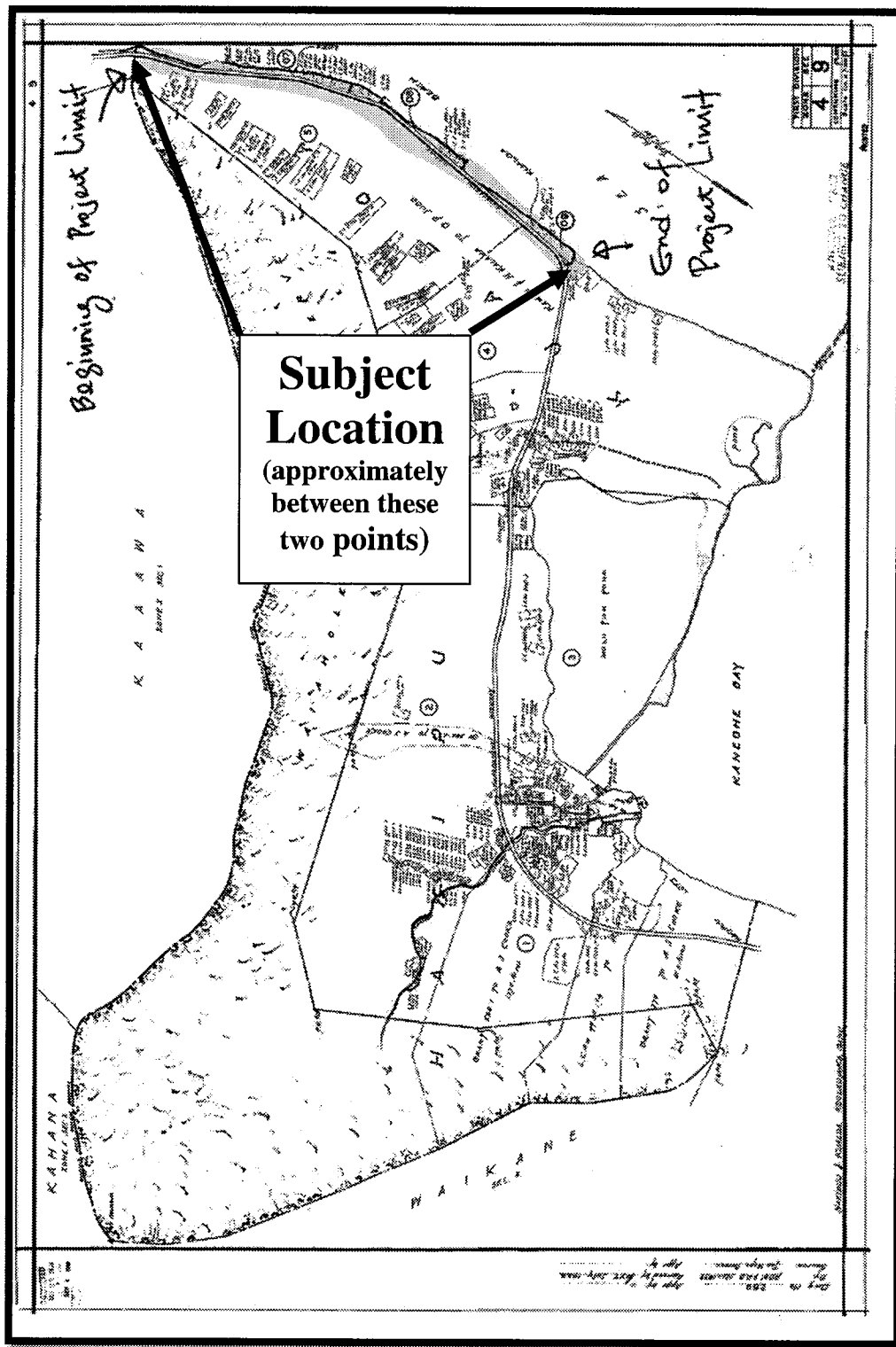
Consulted Parties: Agencies as noted in the submittal.

Recommendation: It is recommended that the Board find that 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 3/1/17

EXHIBIT B



TMK (1) 4-9-007, 4-9-008, and 4-9-009

EXHIBIT 2

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit for Due Diligence Purposes on Both Encumbered and Unencumbered Lands

Project / Reference No.: PSF 16OD-178

Project Location: Kualoa, Koolaupoko, Oahu, TMK: (1) 4-9-007, 4-9-008, and 4-9-009

Project Description: Due diligence purposes relating to the highway improvement project.

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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 which states "conduct surveys or collect data on existing environmental conditions (e.g. noise, air quality, water flow, water quality, etc.)."

The subject request only pertains to collection of data in anticipation of the forthcoming environmental assessment process, and no improvements will be constructed pursuant to the requested right-of-entry. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Agencies as noted in the March 10, 2017 submittal.

Recommendation: It is recommended that the Board find that 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 3/21/17

EXHIBIT 3