

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

May 26, 2017

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

PSF No.: 17HD-048

Hawaii

Issuance of Right-of-Entry Permit to United States Department of the Interior, National Park Service, Ala Kahakai National Historic Trail on Lands Encumbered by Revocable Permit Nos. S-7786 & S-7820, Volcano Island Honey Company, LLC, Permittee; and General Lease No. S-5162, Mauna Lani Resort, Inc., Lessee for the Purposes of Conducting Research and Archaeological Site Documentation of the Ala Loa and Puako-Waimea Trails, Lalamilo, South Kohala, Hawaii, Tax Map Keys: (3) 6-9-001:015 & 017.

APPLICANT:

United States Department of the Interior, National Park Service, Ala Kahakai National Historic Trail, a governmental agency.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Lalamilo situated at South Kohala, Hawaii identified by Tax Map Keys: (3) 6-9-001:015 & 017, as shown on the attached map labeled Exhibit A.

AREA:

775.092 acres, more or less.

ZONING:

State Land Use District:	Conservation
County of Hawaii CZO:	A-5a (Agriculture, 5 acre minimum); Open

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 Revocable Permit Nos. S-7786 & S-7820, Volcano Island Honey Company, LLC, Lessee, for apiary operation purposes; and

Encumbered by General Lease No. S-5162, Mauna Lani Resort, Inc., Lessee, for all of the following purposes: an archaeological park; a public beach park; public access roadway to the archaeological park and public beach park; and commercial recreational use, including but not limited to golf course. Lease to expire on July 23, 2042.

CHARACTER OF USE:

Conducting research and archaeological site documentation of the Ala Loa and Puako-Waimea Trails purposes.

TERM OF RIGHT-OF-ENTRY:

May 26, 2017 to October 31, 2017

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on June 5, 2015," the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, Item No. 6 which states "Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions"; Exemption Class 5, No. 2, that states "Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping" and Exemption Class 5, No. 12, that states "Conduct terrestrial and marine archaeological surveys." See attached Exhibit B.

DCCA VERIFICATION:

Applicant is a governmental agency and not required to register with the DCCA.

REMARKS:

The applicant, Ala Kahakai National Historic Trail (Ala Kahakai NHT), has secured funding and contracted with International Archaeology, LLC. to conduct research and archaeological site documentation of historic trails in South Kohala. The subject parcels are traversed by portions of the Ala Loa and Puako-Waimea trails. The archaeological work will result in detailed maps, photos, GIS data, and a report of these trails which will be provided to DLNR (Land Division, State Parks, Historic Preservation & Na Ala Hele).

The trails are located in areas prone to periodic wildfires and therefore necessary fire suppression activities that could damage or destroy these significant cultural features. The planned documentation will serve to preserve the historic record of these two trails, associated petroglyphs, and other important archaeological features.

The Ala Loa trail is an extension or forerunner trail associated with the National Register Site named the "Kiholo-Puako Trail" and traverses State lands mauka of the community of Puako. It was the main north-south trail in South Kohala and used to delineate the inland/coastal lateral boundary between Waikoloa and Lalamilo. The discernible sections of this trail are foot-worn sections located on pahoe-hoe lava highlighted by numerous petroglyphs and ahu.

The makai portion of the Puako-Waimea trail is also in Lalamilo, located on State land mauka of the Puako Boat ramp. This trail is a curb-lined and connects Puako Bay with the Lalamilo Farm Lots in Waimea.

As part of this same project, archaeological documentation of the Ala Loa and Puako-Waimea trails will be conducted on adjacent Hapuna Beach State Park lands. Ala Kahakai NHT has obtained a Special Use Permit pursuant to §13-146-50(a)(4) HAR from the Division of State Parks for the work on Park lands.

The project activities include taking photographic documentation, recording tape and compass measurements and gathering GPS waypoints. Additionally, Ala Kahakai NHT will be clearing some burnt tree debris/deadfall from the petroglyph areas. The clearing activities will be done by National Park Service personnel using hand tools and chainsaw.

The southernmost parcel (017) is currently leased to Mauna Lani Resort, Inc., for an archaeological park, a public beach park, access roadway to both parks and commercial recreational use, including a golf course. Ala Kahakai NHT has received written permission from the lessee to perform the work as described (attached Exhibit C). The parcel is located within the general conservation subzone with the small area of the archaeological park in the protected subzone. Consultation with OCCL indicated that a CDUP was not required for this project.

Portions of the northern parcel (015) are encumbered by two revocable permits (5 acres


& 4 acres) to Volcano Island Honey Company, LLC for apiary operations purposes. The area to be surveyed does not include the areas under permit for the apiary operation. However, the applicant has made contact with the permittee and will work with them if the need arises. This parcel is located in the general conservation subzone and consultation with OCCL indicated that a CDUP was not required for this project.

Staff is recommending issuing the right-of-entry at gratis consideration. The project is being performed by a governmental agency and the fruits of the project benefit the public trust by aiding in protection of cultural assets.

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 United States Department of the Interior, National Park Service, Ala Kahakai National Historic Trail 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;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:

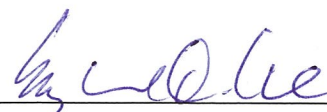
N 
Suzanne D. Case, Chairperson

EXHIBIT A



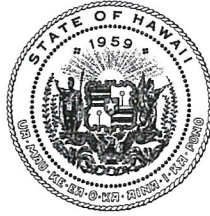


EXHIBIT B

SUZANNE B. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 5, 2017

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 to United States Department of the Interior, National Park Service, Ala Kahakai National Historic Trail on Lands Encumbered by Revocable Permit Nos. S-7786 & S-7820, Volcano Island Honey Company, LLC, Permittee; and General Lease No. S-5162, Mauna Lani Resort, Inc., Lessee for the Purposes of Conducting Research and Archaeological Site Documentation of the Ala Loa and Puako-Waimea Trails.

Project / Reference No.: PSF 17HD-048

Project Location: Lalamilo, South Kohala, Hawaii, Tax Map Keys: (3) 6-9-001:015 & 017.

Project Description: The National Park Service, Ala Kahakai National Historic Trail will conduct research and site documentation activities on a 35 foot wide corridor over State lands which include the ancient Ala Loa trail and Puako-Waimea trail, mauka-makai trail crossings, associated petroglyphs and other associated archaeological sites along the trail route with minimal clearing of dead/burnt tree debris on the trail route and covering petroglyphs using chainsaws and/or hand tools.

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

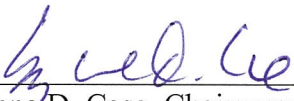
Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, Item No. 6 which states "Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions"; Exemption Class 5, No. 2,

that states "Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping" and Exemption Class 5, No. 12, that states "Conduct terrestrial and marine archaeological surveys."


Authorization: The Board, at its meeting of September 25, 2015, under agenda item D-17, delegated authority to the Chairperson to declare exempt those actions that are included in the Department-wide exemption list.

Consulted Parties: Office of Conservation and Coastal Lands

Recommendation: That the Chairperson 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 5/5/17



MAUNA LANI RESORT

Mauna Lani Resort (Operation), Inc.

March 16, 2017

Mr. Rick Gmirkin
Archaeologist
NATIONAL PARK SERVICE
Ala Kahakai National Historic Trail
73-4786 Kanalani St., #14
Kailua-Kona, HI 96740

Re: Right of Entry onto State Leased Lands at Lalamilo, South Kohala, Hawaii,
Tax Map Key: (3) 6-9-001:017 por

Dear Mr. Gmirkin:

The National Park Service, Ala Kahakai National Historic Trail Ala Loa archaeological documentation project in South Kohala on State Lands in Lalamilo which extends onto a portion of State lands currently leased to Mauna Lani Resort (Operation), Inc. (MLRO), as referenced on the attached Ala Loa Project Location map, was brought to my attention by Momi Shoemaker.

It is our understanding that Ala Kahakai NHT contracted International Archaeology, LLC (IARII) to conduct the research and archaeological site documentation of trails in South Kohala.

A right of entry is approved for NPS, Ala Kahakai NHT to access State lands affecting Tax Map Key: (3) 6-9-001:017 under the following conditions:

1. Right of Entry shall be effective from March 1, 2017 thru October 31, 2017.
2. Ala Kahakai NHT, its consultants, contractors and/or persons acting for or on its behalf will document a 35 foot corridor which includes the ancient Ala Loa trail, mauka-makai trail crossings, associated petroglyphs, and other associated archaeological sites along the trail route.
3. NPS staff will conduct minimal vegetation clearing of the existing Ala Loa trail for archaeological documentation using chainsaws and/or hand tools.
4. Ala Kahakai NHT, its consultants, contractors and/or persons acting for or on its behalf shall be responsible for obtaining all required permits and/or approvals from applicable government agencies.
5. Ala Kahakai NHT, its consultants, contractors and/or persons acting for or on its behalf shall indemnify, defend and hold harmless MLRO and Tokyu Corporation from any damages and claims resulting from accessing the right of entry area to conduct and/or complete the Ala Loa archaeological documentation project.

6. Ala Kahakai NHT shall ensure that its consultants, contractors and/or persons acting for or on its behalf procure, at their own expense, and maintain during the entire period of the Right of Entry, from an insurance company or companies licensed to do business in the State of Hawaii, industry standard liability insurance(s) including but not limited to worker's compensation and employer's liability insurance, commercial general liability insurance, automobile liability insurance, etc. All such insurance shall specifically name MLRO and Tokyu Corporation as additional insureds and provide a Certificate of Liability Insurance to same.
7. Ala Kahakai NHT will coordinate scheduling of the archaeological documentation between IARII, State Lands Division and MLRO.

Please don't hesitate to contact Momi Shoemaker if have any questions, concerns or require further assistance regarding the subject matter.

Sincerely,

MAUNA LANI RESORT (OPERATION), INC.



Takashi Yamakawa
President

Attachment

cc: Aric Arakaki, Superintendent
NPS, Ala Kahakai National Historic Trail

Ala Kahakai NHT - Ala Loa Project Locations

