

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

June 23, 2017

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

PSF No.: 17MD-067

Maui

Issuance of Right-of-Entry Permit to Trustees of the Estate of Bernice Pauahi
Bishop for Removal of Shoreline Encroachment, Keawanui, Molokai, Tax Map
Key: (2) 5-6-006: seaward of 008.

APPLICANT:

Trustees of the Estate of Bernice Pauahi Bishop.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Keawanui, Molokai, identified by Tax Map Key: (2) 5-6-006: seaward of 008, as shown on the attached map labeled Exhibit A.

AREA:

2,500 sq. ft., more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Vacant & unencumbered

CHARACTER OF USE:

Clean-up of material (gravel, concrete, asphalt) deposits.

TERM OF RIGHT-OF-ENTRY:

One year from date of Board approval: June 23, 2017 to June 22, 2018

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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 December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," Item No. 38, that states "Removal and disposal of rubbish and debris from state lands and waters."

DCCA VERIFICATION:

As a trust, the Trustees of the Estate of Bernice Pauahi Bishop are not required to register with the Department of Commerce and Consumer Affairs.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Employ best management practices throughout permit term,
- 2) Provide General Commercial Liability insurance naming the State of Hawaii as additional insured.

REMARKS:

Tax Map Key parcels (2) 5-6-006: 008, 024 and 034 are owned by the Trustees of the Estate of Bernice Pauahi Bishop (Bishop Estate). Over the years, Bishop Estate has been working to address After-The-Fact (ATF) permitting requirements for an aquaculture facility in Keawanui, Molokai that was developed in the 1980's without permits by Bishop Estate's previous tenant, Ohia Shrimp Farm Corporation, and later improved by subsequent tenant, D&J Ocean Farm. Through the permitting process, concerns were raised about gravel deposits that had been placed by a previous tenant at

some point in the past to facilitate vehicular access along the shoreline on the east side of the loko ia at Keawanui. Bishop Estate is asking to remove gravel deposits from government lands pursuant to condition No. 6 of a recent Special Management Area (SMA) Minor Permit issued by the Molokai Planning Commission (MoPC). Condition No. 6 states:

6. *That the Applicant shall work with the State of Hawaii DLNR and the County of Maui to obtain necessary permits for the removal of gravel, concrete, and any other asphalt material that were placed along the section of the shoreline of Tax Map Key [TMK]: (2)5-6-006:008.*

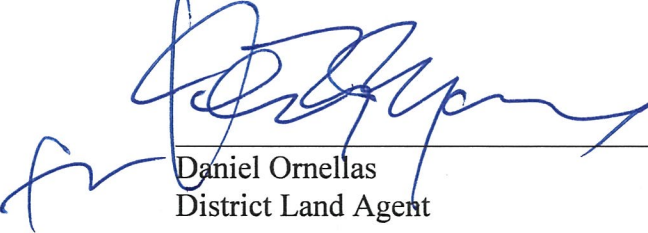
On March 14, 2014, Mr. Russell Tsuji, DLNR Land Division Administrator, met with Kalani Fronda of Bishop Estate to discuss options for removal of small pockets of non-natural gravel and other material deposits (collectively referred to herein as ‘gravel deposits’) from the shoreline seaward of parcel 008. At the meeting, it was recommended that Bishop Estate approach the removal through a two-phase process because the depth and quantity of the gravel deposits were unknown at the time. Once the depth and quantity of the gravel deposits have been estimated, Bishop Estate would then apply for a Right-of-Entry for the actual removal work by a licensed contractor.

On November 4, 2016, Bishop Estate’s environmental consultant AECOS, Inc. (AECOS) completed Phase I testing work at the subject location. AECOS observed “coarse gravel (crushed basalt) and some larger pieces of asphalt and concrete” onsite along 3 different sections of an abandoned roadway. Material appeared to lie from the surface to a depth of up to 2 feet. Material deposits cover an area of about 8 feet wide by 150 feet long in section 1, 100 feet long in section 2, and 260 feet long in section 3. Deposited material is to be removed and disposed off-site according to industry standard best management practices.

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 Trustees of the Estate of Bernice Pauahi Bishop 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.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

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UNLOCATED KULEANAS					
Parcel No.	Owner	Area ± ac.	C. Amnd S.D.	Ap #	Location
283	Charlotte Randall	± 0.22	S.D.	2	Manawai
284	William Mui	± 0.22	S.D.	2	Manawai

[illegible]

15 State of Hawaii
(Michael De Gite &
James M. Lindsay)
Per Rev. Prot 3-5177

16 State of Hawaii
(Michael De Gite & James M.
Lindsay)
Per Rev. Prot 3-5177

Dwg No. 2096
 Dy: P.K. July 1934
 Source: Taxation Maps & Survey Dept.

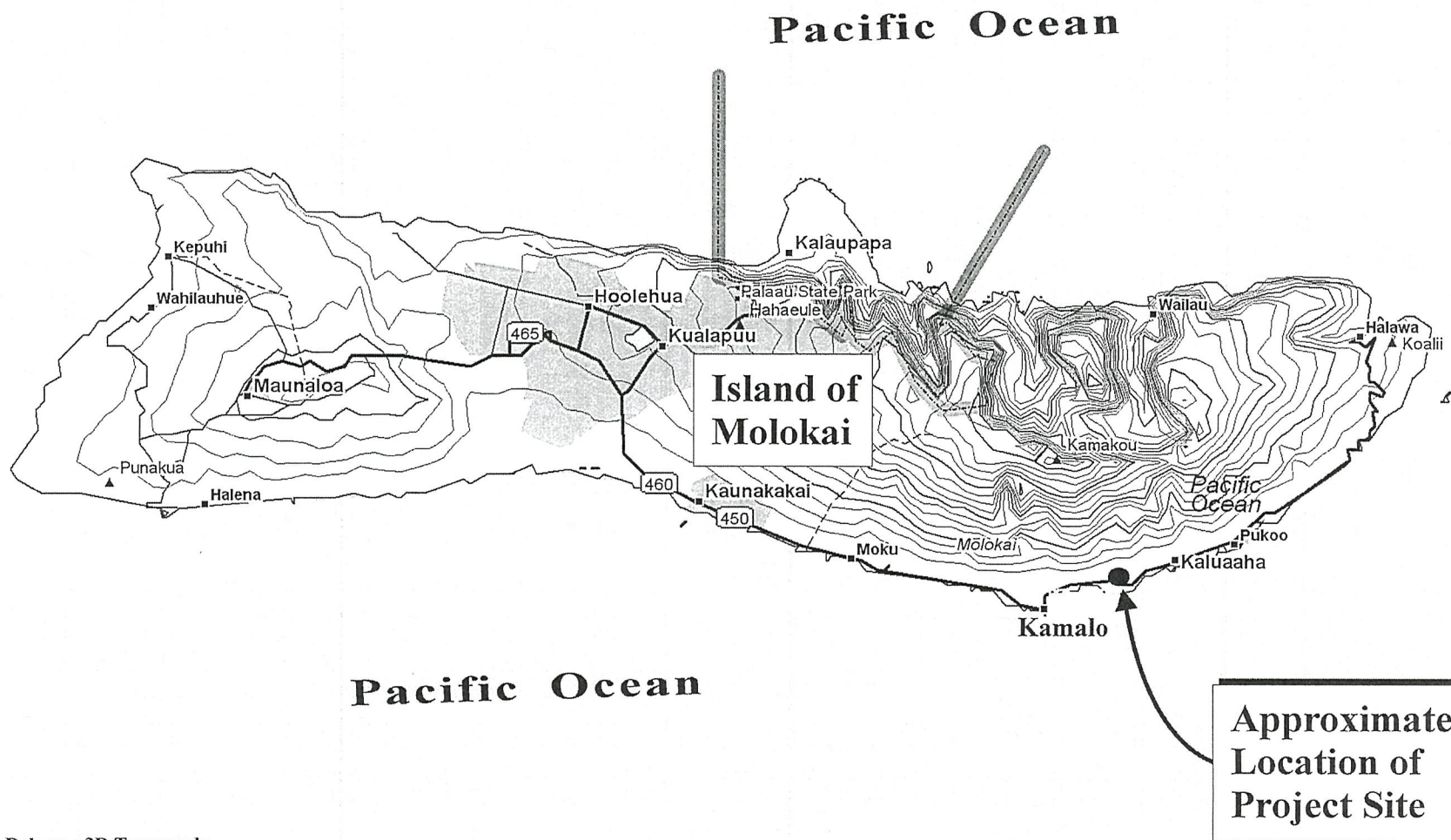
EXHIBIT A

UALAPUE - KAPUALEI. MOLOKAI.

ADVANCE SHEET
SUBJECT TO CHANG

SECOND DIVISION		
ZONE	SEC.	PLAT
5	6	06
CONTAINING PARCELS		
Scale - 1 in. = 1000 ft.		

PRINTED



Source: Delorme 3D Topoquads

Figure 1 Proposed Removal of Non-Natural Gravel Deposits
 Located Along the Shoreline of TMK (2)5-6-006:008 (por.)
 Regional Location Map

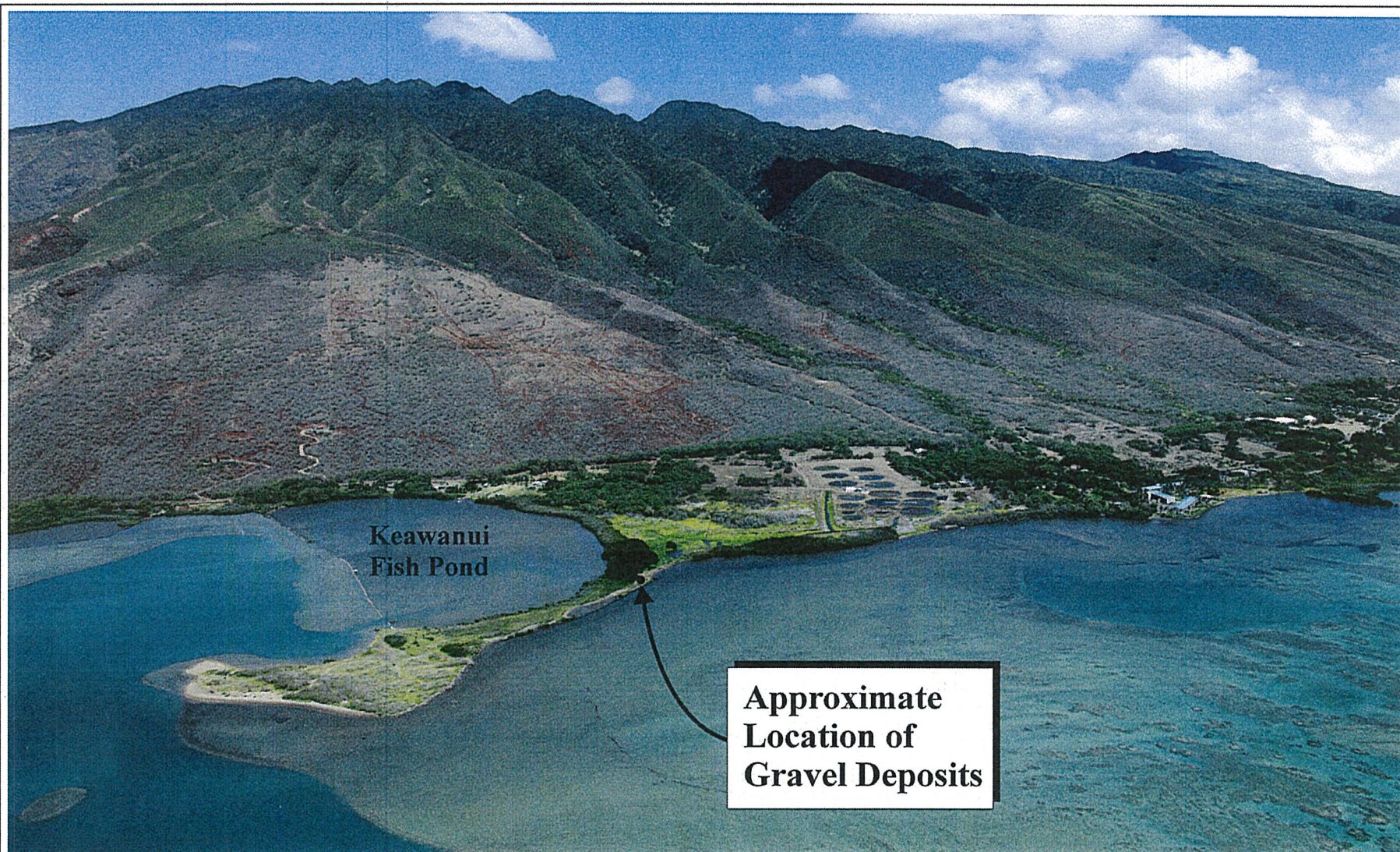
NOT TO SCALE



Prepared for: Kamehameha Schools

MUNEKIYO & HIRAGA, INC.

KS/SMA Conditions Compl Right of Entry/REGIONAL LOCATION MAP



Source: Kamehameha Schools

Figure 3 Proposed Removal of Non-Natural Gravel Deposits
 Located Along the Shoreline of TMK (2)5-6-006:008 (por.)
 Aerial Photo

NOT TO SCALE



Prepared for: Kamehameha Schools

MUNEKIYO & HIRAGA, INC.

KS/SMA Conditions Compl Right of Entry/Aerial Photo



Source: Munekiyo & Hiraga, Inc.

Figure 5 Proposed Removal of Non-Natural Gravel Deposits Located Along the Shoreline of TMK (2)5-6-006:008 (por.)
Photo of Main Area of Gravel Deposits

NOT TO SCALE



Prepared for: Kamehameha Schools

MUNEKIYO & HIRAGA, INC.

KS/SMA Conditions Compl/Right of Entry/gravel deposits

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 23, 2017

SUZANNE D. 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

EXEMPTION NOTIFICATION

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

Project Title: Right-of-Entry Permit to Trustees of the Estate of Bernice Pauahi Bishop

Project / Reference No.: PSF 17MD-067

Project Location: Keawanui, Molokai TMK (2) 5-6-006 seaward of 008

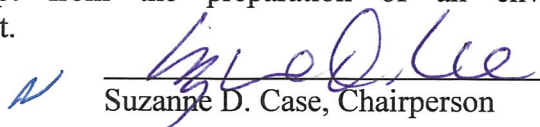
Project Description: Removal of encroaching gravel deposits along the shoreline.

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

Exemption Class No. and Description: 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. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Item No. 38 that states: "Removal and disposal of rubbish and debris from state lands and waters."

Consulted Parties: DLNR Office of Conservation and Coastal Lands and the State Historic Preservation Division

Recommendation: It is anticipated that this easement 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