

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

September 22, 2017

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

PSF No.: 17HD-082

HAWAII

Issuance of Right-of-Entry Permit to United States Geological Survey, Hawaiian  
Volcano Observatory for Survey of Kapapala 1949 Benchmark on Lands  
Encumbered by General Lease No. S-6103 to Ernie M. Mattos for Pasture  
Purposes, Kapapala, Ka`u, Hawaii, Tax Map Key: (3) 9-8-001:002.

APPLICANT:

United States Geological Survey, Hawaiian Volcano Observatory

LEGAL REFERENCE:

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

LOCATION:

Portion of Government (Crown) lands of Kapapala situated at Ka`u, Hawaii, identified by  
Tax Map Key: (3) 9-8-001:002, as shown on the attached map labeled Exhibit A.

AREA:

5,820.96 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: A-20A

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_ NO X

CURRENT USE STATUS:

Encumbered by General Lease No. S-6103, Ernie M. Mattos, Lessee, for Pasture purposes. Lease to expire on February 28, 2047.

CHARACTER OF USE:

GL S-6103: Pasture purposes.

ROE Request: Temporary placement of a GPS Monitoring Station on State the subject land.

TERM OF RIGHT-OF-ENTRY:

Commencing upon date of acceptance and shall terminate after one year from acceptance date.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, 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 5, No. 1, that states "Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)."

DCCA VERIFICATION:

The Applicant, as a government agency, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

The United States Geological Survey (USGS) Hawaiian Volcano Observatory (HVO) conducts periodic measurements using GPS monitors at specific locations, called benchmarks, to assess magnetic and tectonic activity caused by the volcano or other

geological circumstances. The monitors will be installed on a tripod mounted antenna with a data-logging receiver and will take repeated measurements for at least two days. Once the data has been collected the monitor is taken down and removed from the area.

The specific location that this operation will take place is called the "Kapapala 1949" and is located on the subject State property at the approximate coordinates of -155.4472, 19.2378. This location is approximately 150 meters from the highway closest to pole #87 and the 48-mile marker. There are no plans to drive onto the State property. Personnel will be parking their government vehicle near pole #87 and walking into the State property to install the monitoring apparatus. The apparatus is very low profile and will have very little to no impact on the environment. The term of the Right-Of-Entry (ROE) will be for the duration of one year so personnel may periodically enter the State property to conduct additional benchmark measurements throughout the year.

The subject State property is currently encumbered by General Lease No. S-6103 (GLS-6103), to Ernest M. Mattos, commencing on March 1, 2017 and ending February 28, 2047. The Applicant must receive written concurrence from the current Lessee prior to entering the subject State property.

DLNR Division Of Forestry And Wildlife (DOFAW) was contacted requesting any comments or concerns regarding the subject request and their response was that there are previous cases of Ceratocystis Wilt of Ohia (aka Rapid Ohia Death, or ROD) so preventative measure should be considered when entering the area. Staff is recommending that these preventative measures, provided by DOFAW, will be required as part of the terms and conditions in this right-of-entry permit. These terms and conditions include, but may not be limited to:

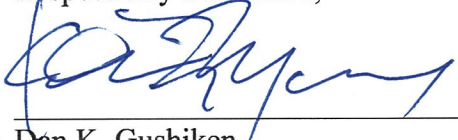
- Do not move any wood or soil from areas where ROD is present.
- Clean all tools and equipment with a 70% rubbing alcohol solution after using in ROD infected areas and before using in uninfected areas.
- All field vehicles should carry a spray bottle of 70% rubbing alcohol solution.
- Designate certain tools to be only used in ROD infection areas instead of contaminating all tools.
- Shoes, clothing, backpacks, field gear, etc. should be thoroughly cleaned before being worn in uninfected area and immediately after working in a ROD infected area. Shoes soles should be sprayed with alcohol solution after removing mud and dirt.
- Vehicles that have been in ROD infected areas should be thoroughly cleaned especially underneath to prevent moving contaminated soil.

waive any fees associated with this ROE.

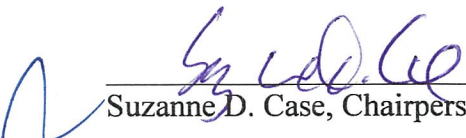
RECOMMENDATION: That the Board

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 Geological Survey Hawaiian Volcano Observatory 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.
  - C. Authorize the Chairperson to issue future rights-of-entry to the Applicant for the temporary placement of a GPS Monitoring Station on the subject land.

Respectfully Submitted,

  
\_\_\_\_\_  
Dan K. Gushiken  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



## EXHIBIT A





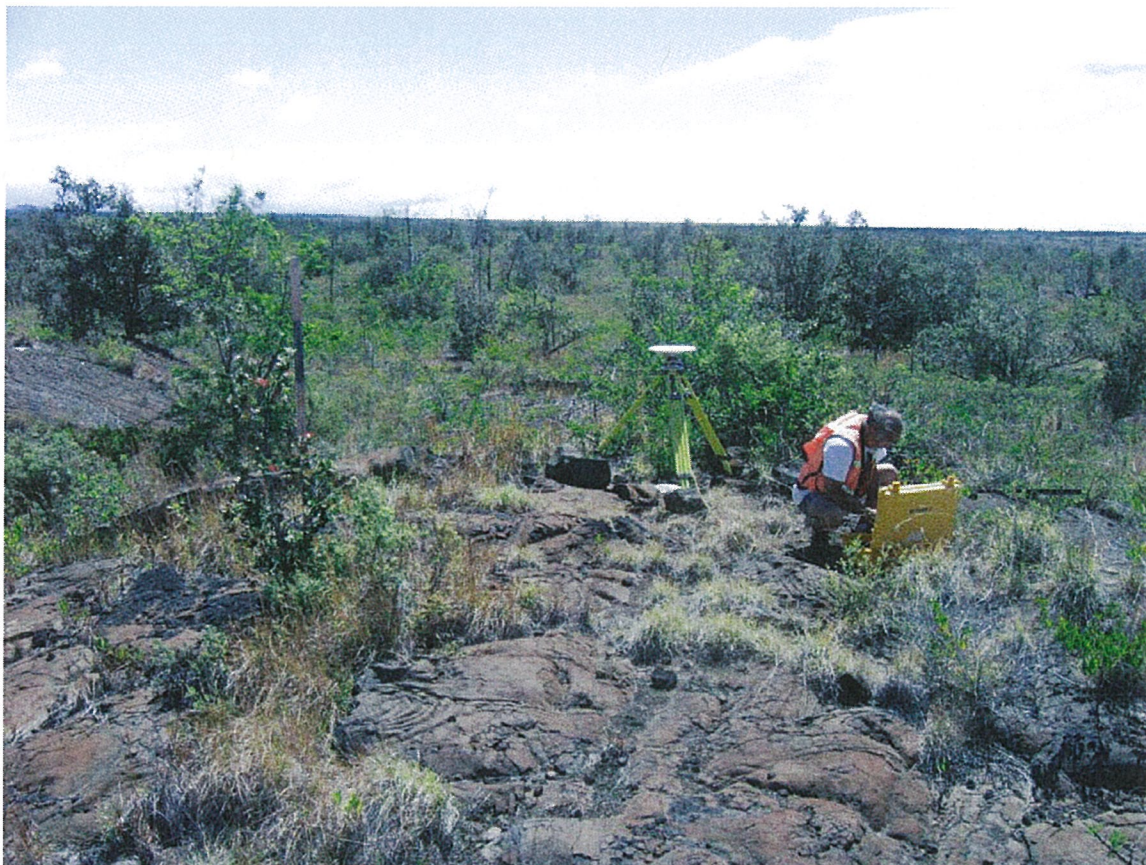
**Kapapala 1949 Benchmark**  
**United States Geological Survey Hawai'i Volcano Observatory**  
Ka'u, Hawai'i; TMK: (3) 9-8-001:002

**EXHIBIT A**



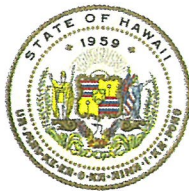


# USGS Hawaiian Volcano Observatory Kapapala 1949 Benchmark





DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA  
FIRST DEPUTY

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

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**EXEMPTION NOTIFICATION**

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Issuance of Right-Of-Entry Permit to United States Geological Survey, Hawaiian Volcano Observatory

**Project Number:** PSF No. 17HD-082

**Project Location:** Kapapala, Ka'u, Hawaii, Tax Map Key: (3) 9-8-001:002por

**Project Description:** Right-Of-Entry Permit to United States Geological Survey (USGS), Hawaiian Volcano Observatory (HVO).

**Exemption Class No.:** In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (approved on June 5, 2015), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.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. [HAR § 11-200-8(a)(5)]."

**Consulted Parties:** DLNR Division of Forestry and Wildlife

**Exemption Item No. And Description:** Item No.1: "Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)."

This exemption is appropriate because the permittee, USGS HVO has requested the use of a small area for a GPS antenna and data logging station to monitor magnetic and tectonic activity around that specific benchmark. The location has been used for such surveys in recent years without significant impact on the environment.



The grant of a right-of-entry permit for the limited purpose will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, USGS HVO will be required to be in compliance with Chapter 343.

**Recommendation:**

It is recommended that the Board find that the issuance of a Right-Of-Entry permit to USGS HVO will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.