

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

February 23, 2018

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

PSF No: 17MD-151  
Maui

Issuance of Right-of-Entry Permit to Terri A. Williams for Environmental Survey and Studies Purposes at Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-003:005 (portion).

APPLICANT:

Terri A. Williams.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kahakuloa, Wailuku, Maui, identified by Tax Map Key: (2) 3-1-003:005 (portion), as shown on the attached maps labeled **Exhibit A1 & A2**.

AREA:

395.40 acres, more or less.

ZONING:

State Land Use District:	Conservation
County of Maui CZO:	Interim

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3648, under the control and management of the Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW") for the purpose of Kahakuloa Game Management Area ("Kahakuloa GMA").

CHARACTER OF USE:

For purposes of conducting environmental surveys and studies for a future request for easement from Kahekili Highway to applicant's private property.

TERM OF RIGHT-OF-ENTRY:

One year.

CONSIDERATION:

Gratis.

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 No. 1, Item No. 51 and Exemption Class No. 5, Item Nos. 1-3. See **Exhibit B**.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Obtain written concurrence of DOFAW to enter the Kahakuloa GMA to conduct the necessary surveys and studies; and
2. Consult with the Office of Conservation & Coastal Lands to determine if the scope of work for the proposed environmental survey and studies would require further authorization in the Conservation District.

REMARKS:

On July 24, 2017, the Maui District Land Office received a Request for State Lands Application Form for a right-of-entry permit for environmental survey and studies purposes from the applicant. Prior to the construction of Kahekili Highway, the applicant's parcel, TMK No. (2) 3-2-003:004 (Parcel 4) abutted a Government Road as showed in **Exhibit A-2**. With the realignment of the highway, the applicant's property is now physically landlocked and surrounded by Parcel 5 owned by the State for the Kahakuloa GMA. Parcels 4 and 5 are both located in the State Land Use Conservation District. Applicant intends to enter parcel 5 to conduct environmental surveys and studies to support a future application for a Conservation District Use Permit ("CDUP") for an access easement from Kahekili Highways across parcel 5 to applicant's parcel 4. See **Exhibit A-2**.

A draft of the submittal was disseminated to agencies listed below with the results indicated:

Agency	Comment
DLNR – SHPD	No response by suspense date
DLNR – Engineering	No comment
DLNR – DOFAW	No objections
DLNR – OCCL	Consult with the OCCL to determine if the scope of work for the proposed environmental survey and studies would require further authorization in the Conservation District
Department of Transportation – Highways	No response by suspense date
County of Maui – Planning	No objections
County of Maui – Public Works	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date

Staff is recommending this right-of-entry permit be at gratis, with authorization to the Chairperson to grant extensions if necessary. If a CDUP is approved and the Board grants an easement, the applicant will be required to pay fair market value for the easement at that time. No access road shall be constructed under the right-of-entry permit.

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 Terri A. Williams, 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 grant up to two (2) one-year extensions of the right of entry permit.

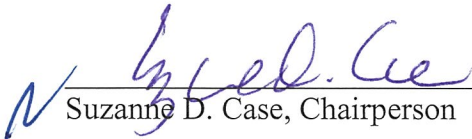
Respectfully Submitted,



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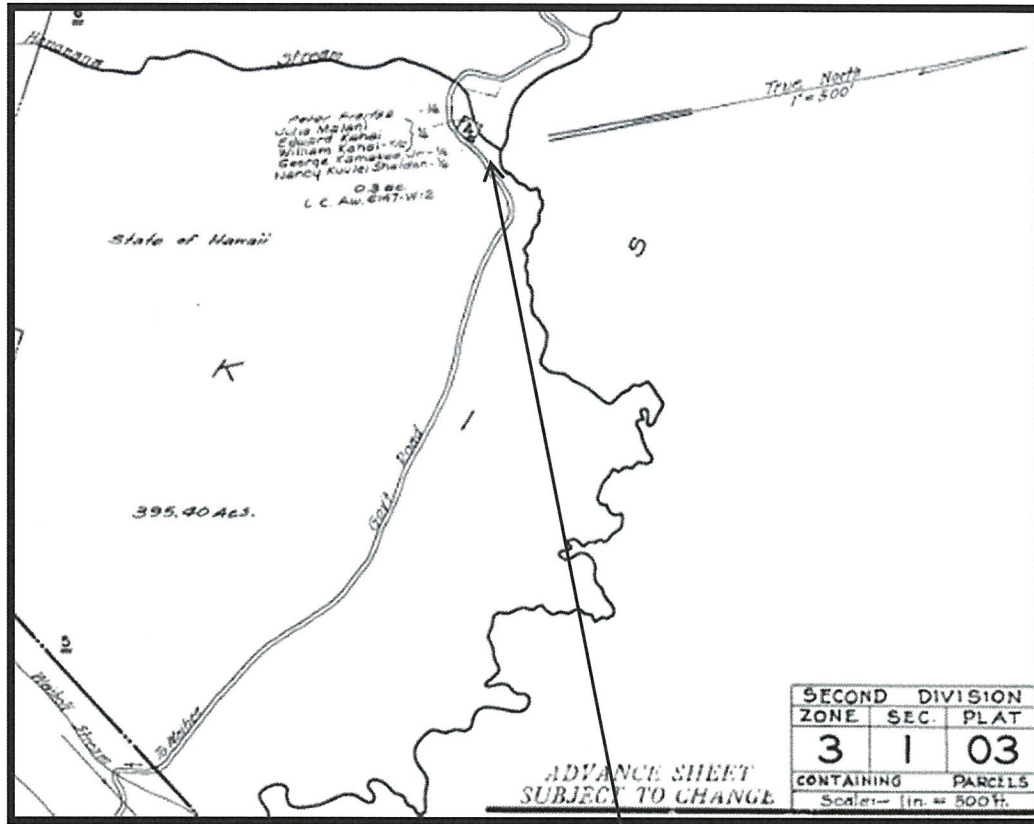
Kevin E. Moore  
Assistant Administrator

APPROVED FOR SUBMITTAL:



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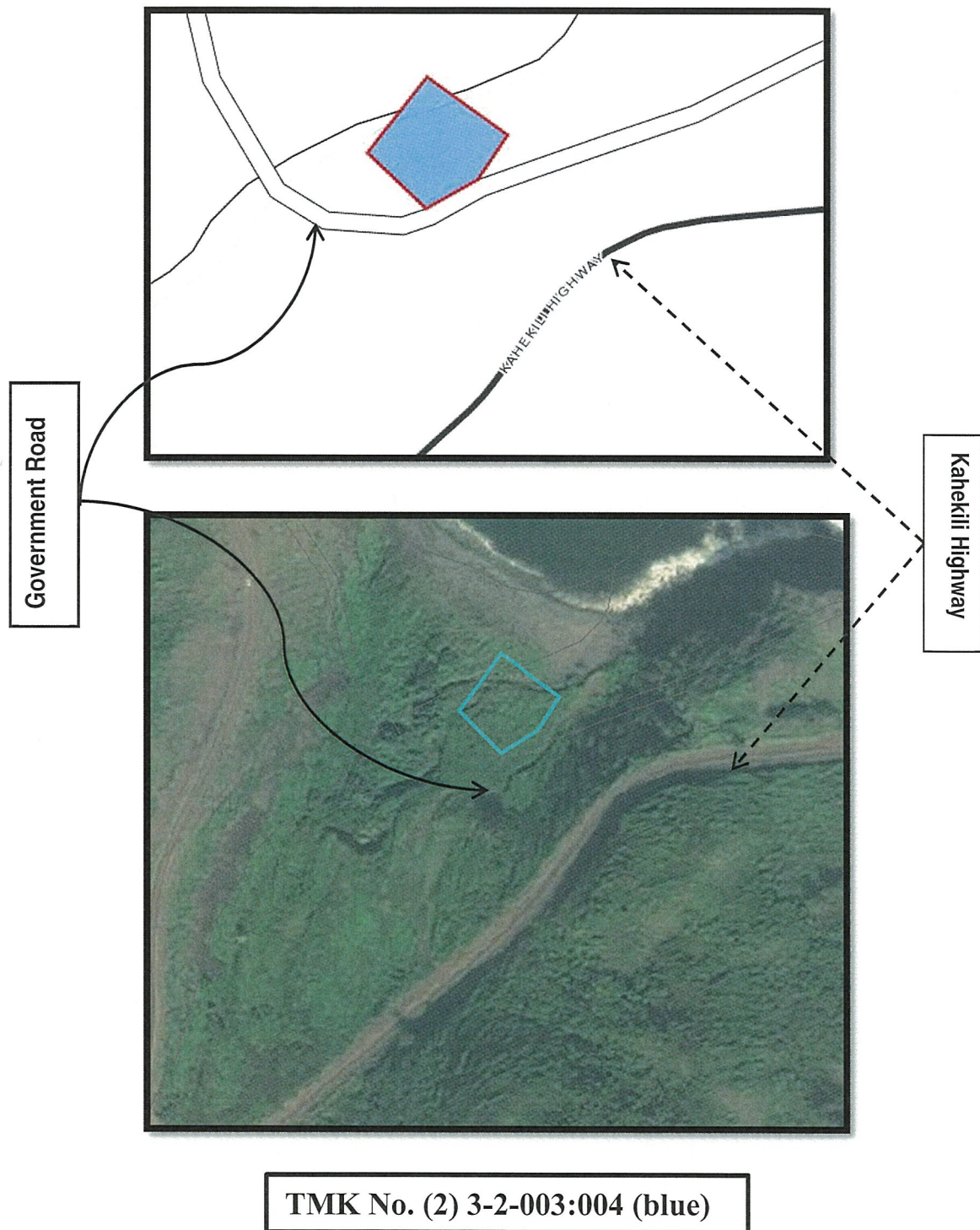
Suzanne D. Case, Chairperson



TMK Nos. (2) 3-1-003:004 (Williams) & 005 (State)

**Exhibit A**





## Exhibit A2

### 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 Terri A. Williams for Environmental Survey and Studies Purposes
Project / Reference No.:	PSF No. 17MD-151
Project Location:	Kahakuloa, Wailuku, Maui; Tax Map Key No: (2) 3-2-003:005 (portion)
Project Description:	Issuance of Right-of-Entry Permit to Terri A. Williams for Environmental Survey and Studies Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Item 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. 51, that states "Permits, Licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing," and Exemption Class No. 5, 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 resources, and Item Nos. 1 – 3 that state, "1. Conduct survey or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.); 2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping; 3. Conduct topographic, sounding, wave, littoral transport, bathymetric, and location surveys."
Consulted Parties:	As noted in the submittal.
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.

## Exhibit B