

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

February 9, 2018

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

PSF No.: 17MD-145
Maui

Authorize the Issuance of Two Perpetual, Non-Exclusive Easements to the County of Maui for Bus Stop Shelters and Appurtenant Purposes; Issuance of Immediate Construction Right-of-Entry, Wailuku Town, Wailuku, Maui, Tax Map Key: (2) 3-4-013:013 (pors.)

APPLICANTS:

Department of Accounting and General Services and the County of Maui, Department of Transportation.

LEGAL REFERENCE:

Sections 171-11, 13, 55 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government land located at Wailuku Town, Wailuku, Maui, identified by Tax Map Key: (2) 3-4-013:013, as shown on the attached maps labeled **Exhibit A-1 & A-2**.

AREA:

Easement 1 – 420.00 square feet, more or less (see **Exhibit A-3**)

Easement 2 – 203.00 square feet, more or less (see **Exhibit A-4**)

TOTAL: 623.00 square feet, more or less

ZONING:

State Land Use District: Urban
County of Maui CZO: B-3 Business – Central District

TRUST LAND STATUS:

Acquired after August 1959, non-ceded.

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

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3327 ("GEO No. 3327") dated March 7, 1986, to the Department of Accounting and General Services ("DAGS") for the Wailuku Civic Center purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove two bus stop shelters and appurtenant purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 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, Items 46 and 51, and Class No. 6, Item 13. See **Exhibit B**.

DCCA VERIFICATION:

Not applicable. Applicants are government agencies.

APPLICANT REQUIREMENTS:

Applicants shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

On November 9, 2017, the Department of Land and Natural Resources, Land Division received a request from DAGS to assist with creating two (2) separate non-exclusive easements to the County of Maui ("COM") within Tax Map Key: (2) 3-4-013:013 ("Parcel 13") for the Wailuku Civic Center. These easements are for the construction, operation and maintenance of bus stop shelters and appurtenances.

DAGS has had control and management of Parcel 13 under GEO No. 3327 since March 7, 1986, and has no objections to the issuance of the easements to COM. Also, DAGS is requesting an immediate right-of-entry permit to COM to allow access to construct, operate, and maintain the bus stop shelters and appurtenances, pending the execution of the easement document(s).

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

Agency	Comment
DLNR – SHPD	See Exhibit C .
DLNR – Engineering	See Exhibit D .
DLNR – DOFAW	No objections.
County of Maui – Planning	Bus stop needs to be well lit for safety and security.
County of Maui – Public Works	No comments.
Office of Hawaiian Affairs	No response by suspense date.

The Exemption List for the Department of Land and Natural Resources dated June 5, 2015 expressly exempts bus shelters from the preparation of an environmental assessment. See **Exhibit B**. Staff believes that the construction and operation of the bus shelters on Parcel 13 would involve negligible or no expansion or change in use of the subject area beyond that previously existing and is also consistent with the purpose of the set-aside to DAGS under GEO No. 3327.

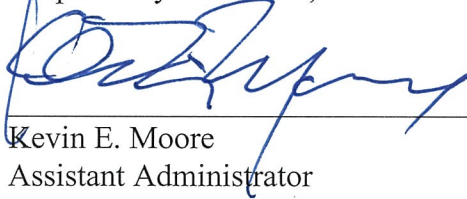
RECOMMENDATION: That the Board:

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. Subject to the Applicant fulfilling the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the County of Maui covering the subject area for bus shelter and appurtenant purposes under the

terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

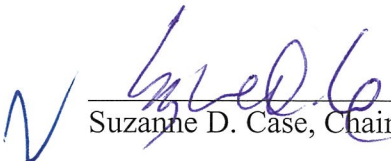
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of an immediate construction right-of-entry permit to the County of Maui 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Kevin E. Moore
Assistant Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

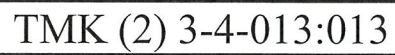
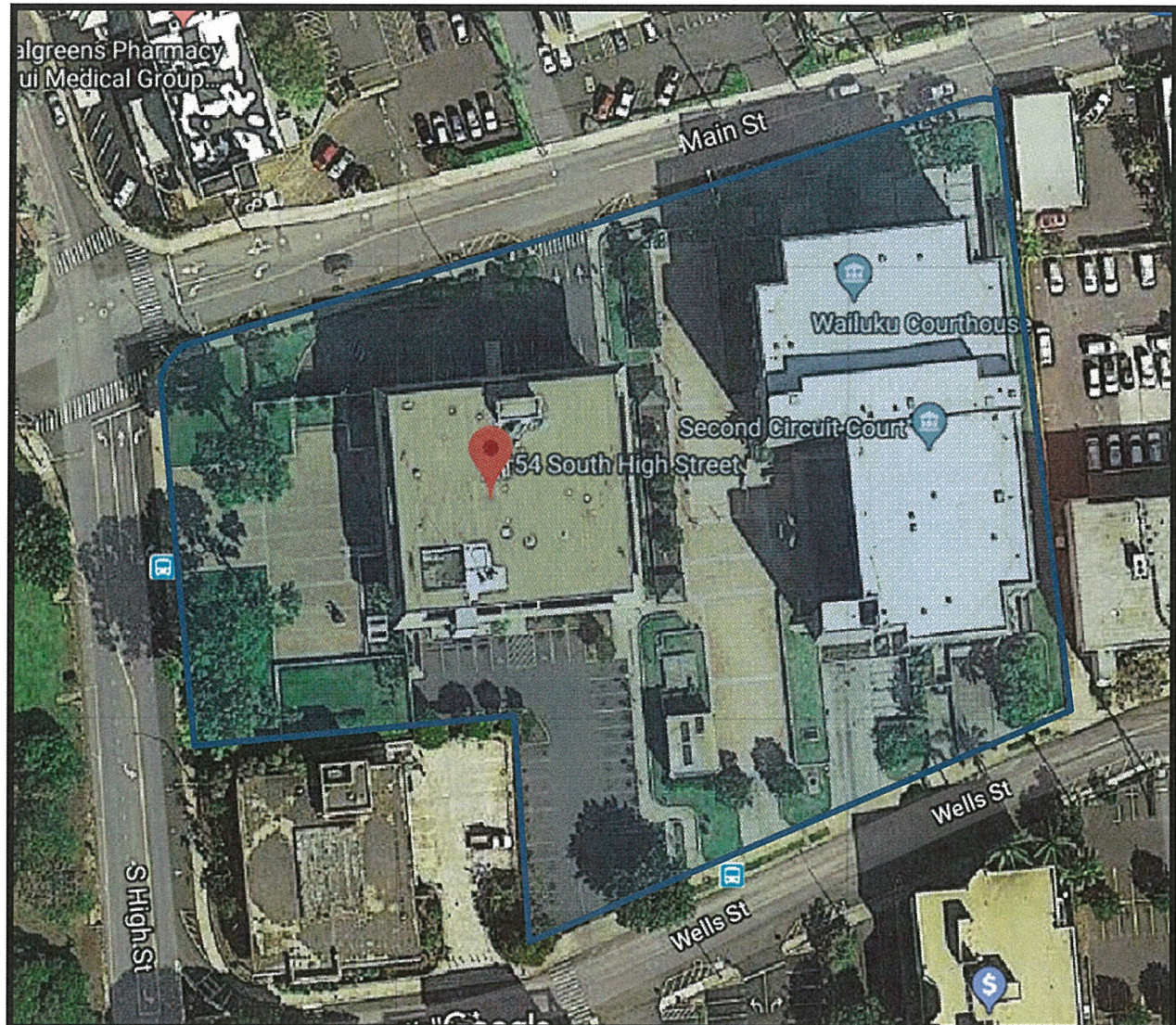


Exhibit A-1

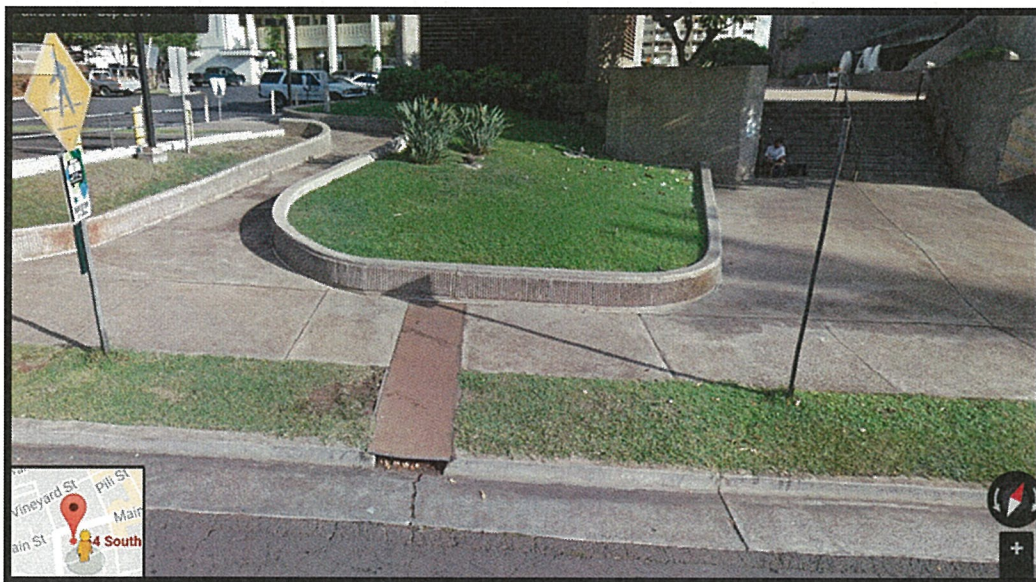


TMK: (2) 3-4-013:013

Exhibit A-2



54 South High Street (entrance of State Building)



Wells Street

Exhibit A-2

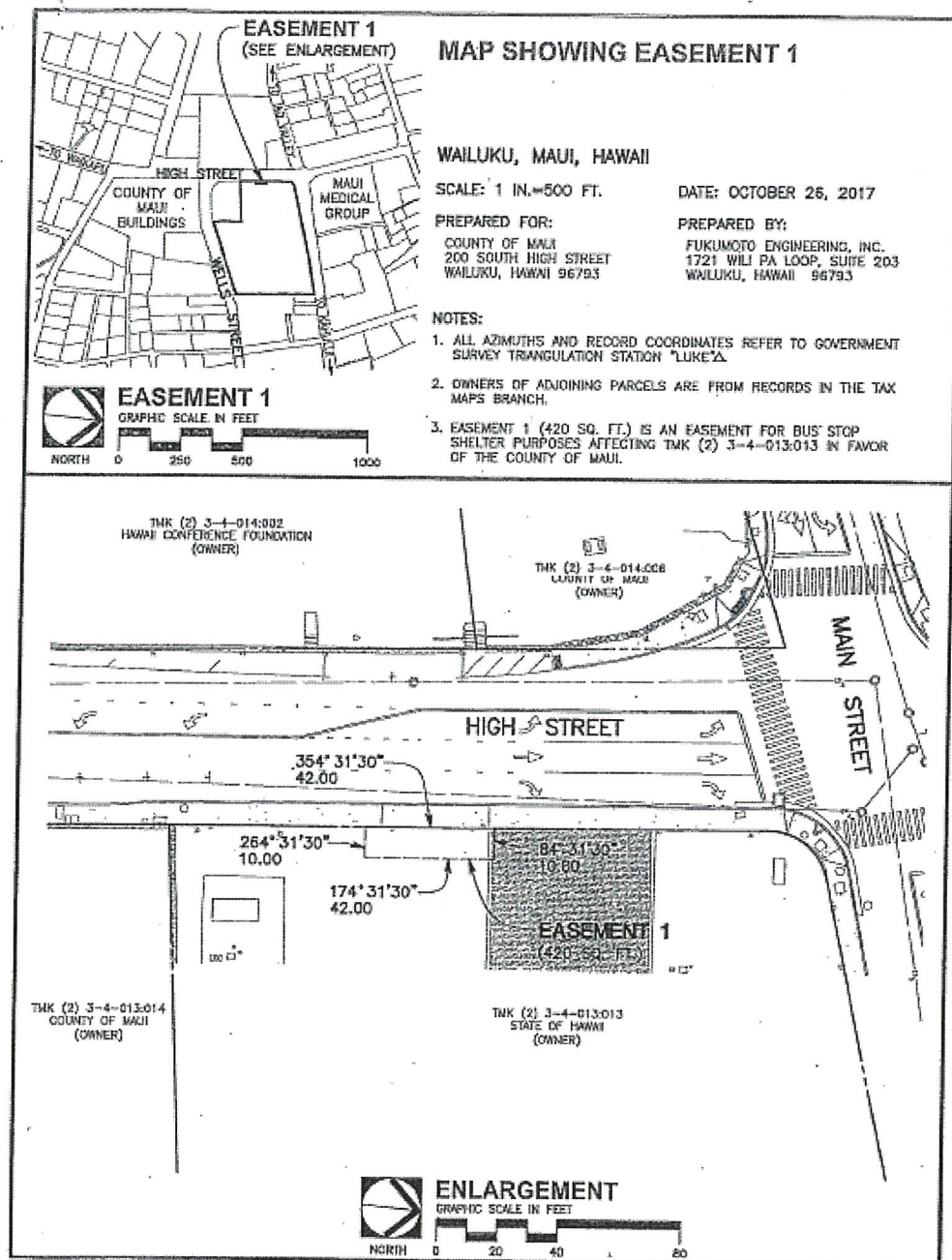


Exhibit A-3

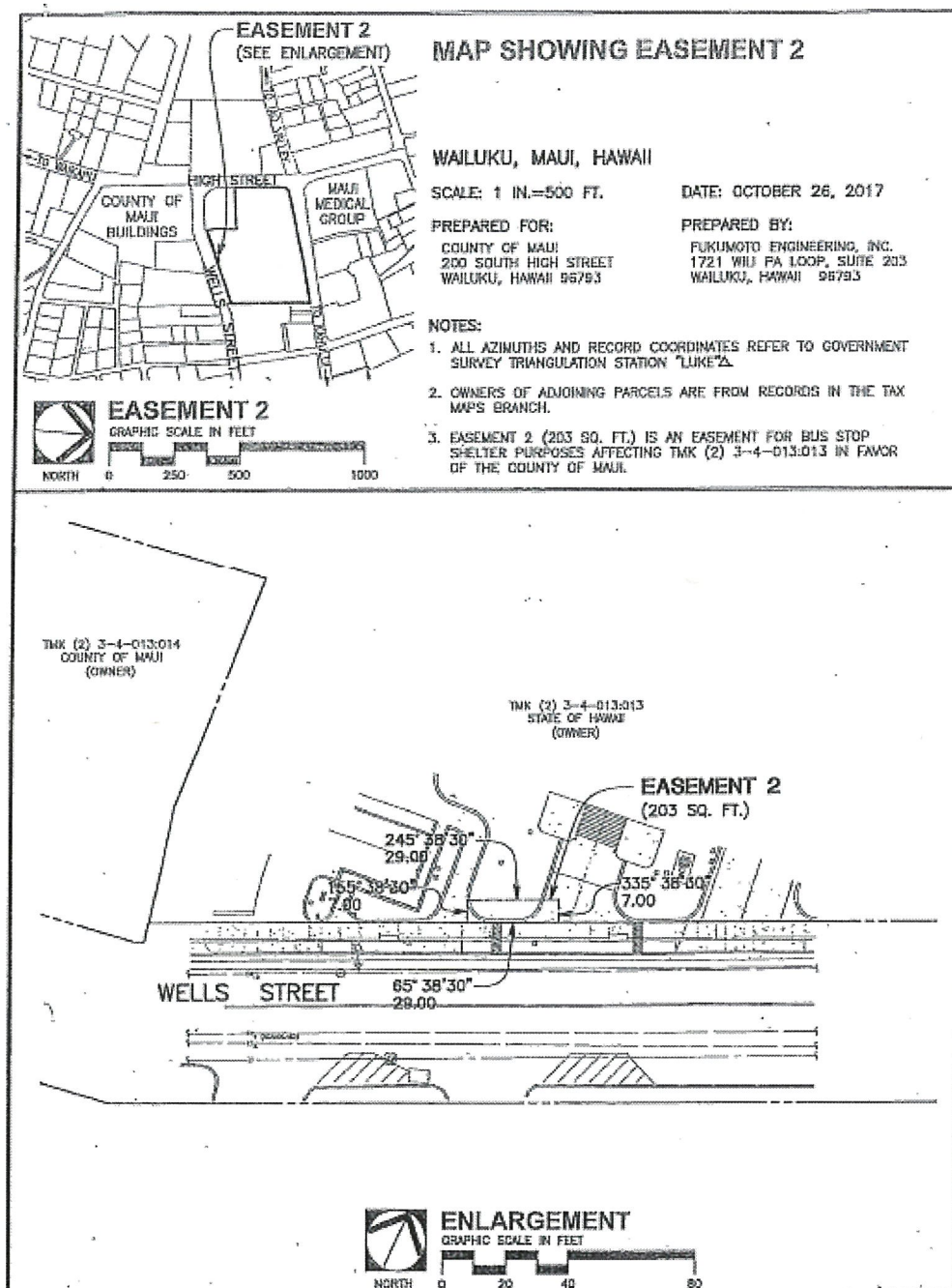


Exhibit A-4

EXEMPTION NOTIFICATION

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

Project Title:	Authorize the Issuance of Two Perpetual, Non-Exclusive Easements to the County of Maui for Bus Stop Shelters and Appurtenant Purposes; Issuance of Immediate Construction Right-of-Entry
Project / Reference No.:	PSF No. 17MD-145
Project Location:	Wailuku Town, Wailuku, Maui, Tax Map Key: (2) 3-4-013:013
Project Description:	Issuance of Two Term, Non-Exclusive Easements and the Issuance of an Immediate Right-of-Entry for the Construction, Operation and Maintenance of Two Bus Stops and Appurtenances Purposes
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 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. 46, that states "Creation or termination of easement, covenants, or other rights in structures or land," 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. 6, that states "Construction or placement of minor structures accessory to existing facilities." And Item No. 13, that states "Placement or construction of accessory structures such as utility sheds, storage or maintenance sheds, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic shelters, parking and fee collection facilities, checking stations, interpretive kiosks and displays, dock boxes, mooring cleats, bumpers, and mooring buoys, blocks and piles, and other similar structures accessory to existing facilities on state lands and waters."
Consulted Parties:	As noted in the submittal

Exhibit B

Recommendation: That the Board find 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.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707
JANUARY 19, 2018
REPLY TO: 2017.02675
DOC NO. 1801GC07
ARCHAEOLOGY

January 19, 2018

Ms. Lydia M. Morikawa
Special Projects and Development Specialist
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

IN REPLY REFER TO:
Log No. 2017.02675
Doc No. 1801GC07
Archaeology

Dear Ms. Morikawa:

SUBJECT: **Chapter 6E-8 Historic Preservation Review –
Request for Comments – Authorize the Issuance of Two Perpetual, Non-Exclusive
Easements to the County of Maui for Bus Stop and Shelter, Issuance of Immediate
Construction Right-of-Entry – PSF No. 17MD-145
Waihuku Ahupua'a, Waihuku District, Island of Maui
TMK: (2) 3-4-013:013**

This letter provides the State Historic Preservation Division's (SHPD's) review comments to *Authorize the Issuance of Two Perpetual, Non-Exclusive Easements to the County of Maui for Bus Stop and Shelter and appurtenant Purposes; Issuance of Immediate Construction Right-of-Entry*, on a 605-ft² portion of 3.1-acre Government land located in Waihuku Town identified as TMK: (2) 3-4-013:013. SHPD received this submittal on December 4, 2017.

The applicant, Department of Accounting and General Services (DAGS) proposes to construct, operate, and maintain bus stop shelters and appurtenances. The subject parcel is encumbered by Governor's Executive Order No. 3327, dated March 7, 1986 to DAGS. On November 9, 2017 DAGS requested assistance with creating two (2) separate non-exclusive easements to the County of Maui for the Waihuku Civic Center.

A review of SHPD records indicate that on September 13, 2017, SHPD accepted an archaeological inventory survey (AIS) (McElroy et al., September 2015), which was conducted on the adjacent parcel identified as TMK: (2) 3-4-013:013 (Log No. 2015.03469, Doc No. 1709MBF08). The AIS identified more than one Land Commission Award (LCA) and several historic buildings near the project area, although only one LCA directly overlaps with the project area. The pedestrian survey re-identified a known historic wall. The vacant parcel once housed the Waihuku Post Office/Federal Building, which was recommended for listing on the National Register of Historic Places. Our division determined an "adverse impact with agreed upon mitigation" with respect to the deconstruction of the building, and that SHPD accepts the HABS II documentation and informal interior photographs as mitigation (November 18, 2012; Log No. 2012.0677, Doc. No. 1211MG15).

Based on our review of the historic resources inventory documents, the building was decommissioned in 1990 and demolished in 2012 through 2013 (Log No. 2013.1570, Doc No. 1301LS18). Associated rock walls still border the perimeter of the parcel. The walls are no longer considered significant because they lack integrity of association, as the post office is no longer present. Archaeological monitoring is recommended for ground disturbance on the property, including demolition of remaining portions of the wall. The SHPD concurred with this recommendation.

Exhibit C

Ms. Monikawa
January 19, 2018
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Based on the information provided, **SHPD has no objections to:**

- Issuance of Two Perpetual, Non-Exclusive Easements to DAGS and the County of Maui for Bus Stop Shelter and appurtenant Purposes; and
- Issuance of an Immediate Construction Right-of-Entry.

Also, **SHPD requests archaeological monitoring** for identification purposes during project improvements due to the potential of encountering subsurface historic properties, including human skeletal remains. Pursuant to HAR §13-279-4(b), "an archaeological monitoring plan shall be reviewed and approved by the SHPD prior to the monitoring project, unless otherwise agreed to by the SHPD". SHPD stipulates that an accepted archaeological monitoring plan is not required and that archaeological monitoring for the subject project shall be guided by the following provisions:

- Following selection of the archaeological firm, the DAGS and County of Maui project manager and the archaeological principal investigator and the archaeological monitor shall consult with our office regarding the monitoring provisions to ensure proper implementation;
- The County of Maui shall provide to SHPD and the selected archaeological consultant, a detailed description of the project scope of work and project maps showing the project area and proposed ground disturbing work;
- The archaeological principal investigator shall meet the professional qualifications specified in HAR §13-281-3 and, per HAR §13-279-5, shall prepare the archaeological monitoring report;
- The archaeological monitor shall conduct a pre-construction coordination briefing with all project personnel (County of Maui, contractors, etc.);
- On-site archaeological monitoring shall be conducted during all ground disturbing activities;
- Photographic documentation shall be completed throughout the project work and will include both overviews and documentation of trench stratigraphy, with scales and N arrow;
- Field documentation shall include completion of GPS mapping, including the areal extent of the ground disturbing work (trenches, grading, etc.); recordation of representative trenches showing stratigraphy with profiles being a minimum of 2 m in length;
- In the event that non-burial historic properties are identified, SHPD shall be notified of the find and consulted regarding documentation, assessment of significance, and treatment. Documentation shall include recording stratigraphy using USDA soil descriptions, recordation of feature contents through excavation or sampling of features, representative scaled profile drawings, photo documentation, and appropriate laboratory analysis of collected samples and artifacts. Laboratory analysis may include but not be limited to wood taxa identification, radiocarbon dating, pollen analysis, invertebrate and vertebrate identification. Charcoal samples shall be submitted for wood taxa identification prior to radiocarbon dating.
- If human remains are identified, work will cease in the vicinity, SHPD shall be notified, and compliance with procedures outlined in HRS 6E-43, HAR §13-300-40, and SHPD directives shall be followed;
- An archaeological monitoring letter report meeting the reporting requirements of HAR §13-279-5 shall be prepared and submitted to SHPD for review within 30 days of completion of archaeological monitoring;
- Final curation and archiving of any collections shall be determined in consultation with the SHPD and the landowner; and
- Departure from these provisions shall occur only in consultation with and written concurrence from SHPD.

The SHPD website at: <http://dlmr.hawaii.gov/shpd/about/branches/archaeology> provides a list of archaeological consultants permitted to conduct archaeological services.

SHPD looks forward to consulting with DAGS and the County of Maui project manager and the archaeological principal investigator and archaeological monitor prior to initiation of the project.

Ms. Monikawa
January 19, 2018
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You may contact Dr. Susan A. Lebo at _____ for any questions regarding
this letter, and Dr. Matthew Barker Fariss at _____ regarding
consultation on and implementation of the stipulated archaeological monitoring provisions.

Aloha,

A handwritten signature in black ink, appearing to read "Alan S. Downer", followed by a long horizontal line extending to the right.

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc.

County of Maui

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

Ref: Request for Comments re: Draft Board Submittal – Authorize the Issuance of Two Perpetual, Non-Exclusive Easements to the County of Maui for Bus Stop Shelter and Appurtenant Purposes; Issuance of Immediate Construction Right-of-Entry, Wailuku Town, Wailuku, Maui; TMK No. (2) 3-4-013:013 (pors.)

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4846.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 
12/12/17

Exhibit D