

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

March 9, 2018

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

PSF No.: 18MD-005

Maui

Issuance of Right-of-Entry Permit to Akamai Land Surveying, Inc., for Survey of Road and Adjacent Property Boundary Purposes, Wahikuli, Lahaina, Maui, Tax Map Key: (2) 4-5-021:023.

APPLICANT:

Akamai Land Surveying, Inc. a domestic profit corporation registered in the State of Hawaii.

LEGAL REFERENCE:

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

LOCATION:

Government lands situated at Wahikuli, Lahaina, Maui, identified by Tax Map Key: (2) 4-5-021:023, as shown on the attached map labeled Exhibit A.

AREA:

303.972 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Maui CZO:	Agriculture

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 Land Office Deed No. 28473 for a perpetual easement to Maui Electric Company, Limited, for utility easement purposes.

CHARACTER OF USE:

Surveying purposes.

TERM OF RIGHT-OF-ENTRY:

Ninety (90) days commencing shortly after date of issuance of right-of-entry permit.

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 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, Item No. 1, that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," and 5(1) conduct surveys or collect data on existing environmental conditions. See Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

- 1) Obtain and execute a Right-of-Entry permit from the DLNR Maui District Land Office upon Board approval of the subject recommendation;

- 2) Provide proof of Commercial General Liability Insurance for the subject property naming the State of Hawaii as additional insured prior to entering subject property.

REMARKS:

Applicant is requesting a right-of-entry to conduct a survey to determine the location of a road and related property boundaries. Applicant was hired by an attorney who is suing the State of Hawaii on behalf of a client because attorney's client was injured during an all-terrain vehicle (ATV) tour in the area. They are trying to determine if the accident occurred on State land.

The County of Maui Department of Planning was consulted regarding the project and staff's recommendation for an exemption from an environmental assessment. The County had no objections/comments. See Exhibit B attached.


With regard to the consideration, staff recommends gratis because applicant will only be conducting a boundary survey.

Staff recommends that the Chairperson issue a right-of-entry to applicant because of the pending lawsuit against the State.

RECOMMENDATION: That the Board

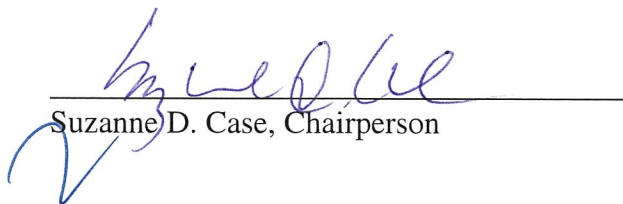
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Akamai Land Surveying, Inc. 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,

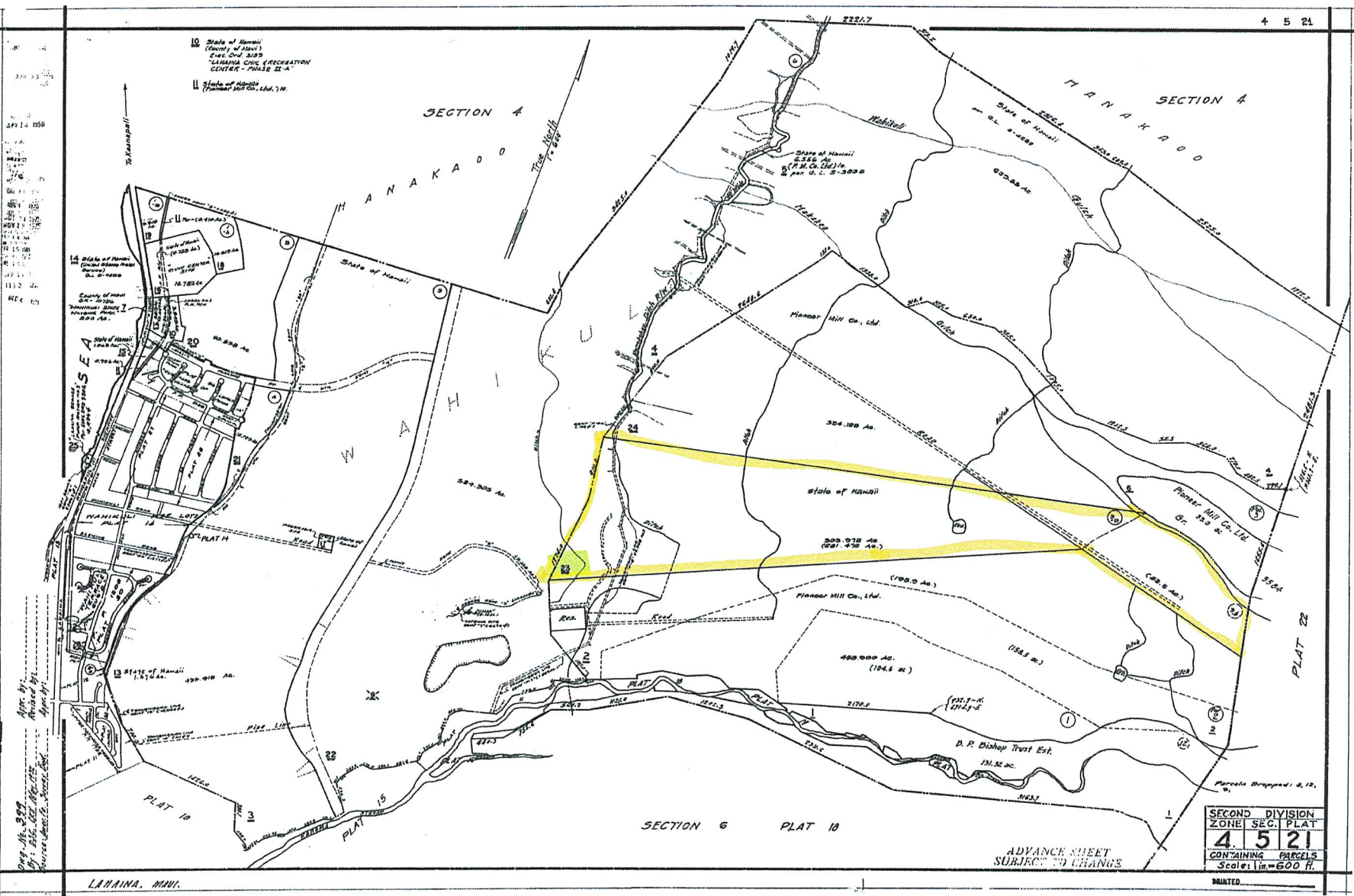


Seiko Machida
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





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

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March 9, 2018

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 Akamai Land Surveying, Inc., for Survey of Road and Adjacent Property Boundary Purposes.

Project / Reference No.: PSF No.: 18MD-005

Project Location: Wahikuli, Lahaina, Maui, Tax Map Key: (2) 4-5-021:023

Project Description: Applicant is requesting right-of-entry (ROE) to conduct a survey to determine the location of a road and related property boundaries.

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 5, and Item No. 1, that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource," and 5(1) conduct surveys or collect data on existing environmental conditions.

Applicant is a professional surveyor who will be determining the location of a dirt road in order to identify the owner of the land where an accident occurred. Applicant should not disturb the environment in any significant way while conducting the survey.

Consulted Parties: The County of Maui Planning Department was consulted regarding the project and staff's recommendation for an exemption from an environmental assessment. Staff received a written response from the Deputy Director of the County of Maui Department of Planning,

EXHIBIT B

stating that the County has no objection to the project and has no comment in regards to the staff recommendation for exemption of the project from HRS Chapter 343 for basic data collection activities that do not alter existing conditions on government lands.

Recommendation:

That the Board find this project to have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.