

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

April 13, 2018

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

PSF No.: 16SD-160

STATEWIDE

Amend Prior Board Action of February 09, 2018, Item D-15, Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Molokai. See Exhibit A for List of Subject Properties.

The purpose of the amendment is to 1) correct Exhibit A with addition of seven parcels totaling 11.565 acres, 2) update a location map as Exhibit D by adding the seven parcel numbers, and 3) correct the requested total land area on page 1 to 9,319.6211 acres.

BACKGROUND:

An oversight during sorting of the long list of requested State lands led to the unintended omission of seven (7) small parcels from the Exhibit A table of requested State lands, including Tax Map Keys: (2) 3-8-001:213, 215, 216, 217, 218, & 220, and (2) 3-8-003:010 (por.) totaling 11.565 acres within the former Kahului Naval Air Station project site. A location map in Exhibit D also needs correction with addition of the seven parcel numbers, and the total land area on page 1 should be corrected from 9308.0561 acres to a new total of 9,319.6211 acres.

The corrections for prior Exhibits A and D are attached hereto as Exhibit 1 and incorporated by reference. The prior Board action is attached in its entirety as Exhibit 2.

RECOMMENDATION: That the Board

Amend its prior Board action of February 09, 2018, under agenda item D-15 by

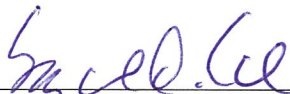
1. Correcting the omission of seven (7) parcels, Tax Map Keys: (2) (2) 3-8-001:213, 215, 216, 217, 218, & 220, and TMK: (2) 3-8-003:010 (por.) to Exhibit A and also to a location map in Exhibit D; and
2. Correcting the AREA on page 1 to the new total of 9,319.6211 acres.

Respectfully Submitted,



Barbara J. Lee, Project Development Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

AMENDMENT OF PRIOR BOARD APPROVAL OF FEBRUARY 09, 2018

CORRECTIONS TO EXHIBIT A BY ADDITION OF SEVEN (7) TMK PARCELS:

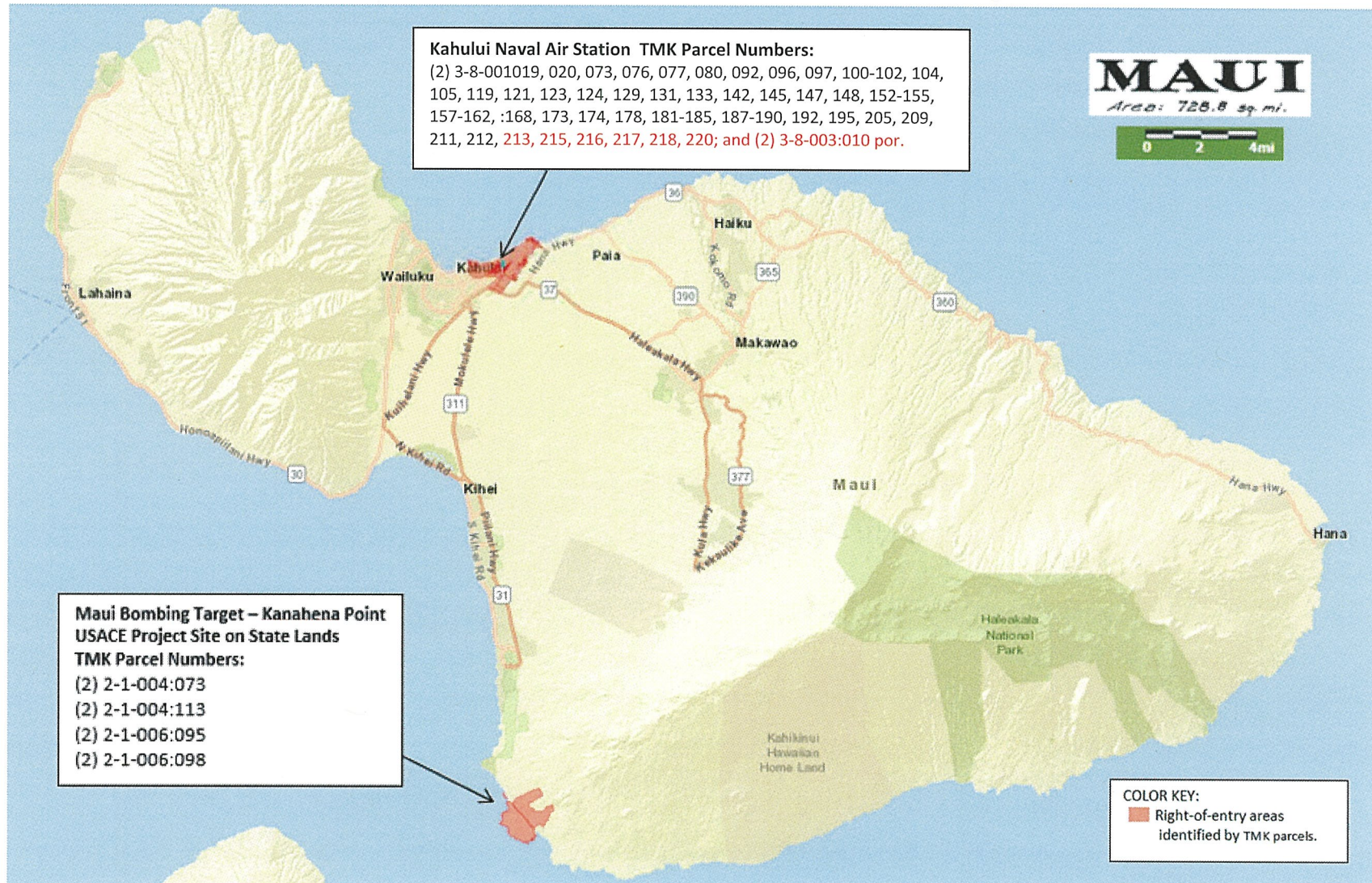
SUBJECT PROPERTIES FOR USACE RIGHT-OF-ENTRY—PROJECTS SCHEDULED TO COMMENCE DURING 2018-2019*

| TMK PARCEL # (SORTED BY ISLAND & USACE PROJECT) | TRUST LAND STATUS | AREA (ACRES) | LOCATION | ENCUMBRANCES | STATE LAND USE DISTRICT | COUNTY ZONING | DERP PROGRAM | CERCLA PHASE |
|---|-------------------------|-----------------|---------------|------------------------------------|----------------------------|------------------|-----------------|-----------------|
| Kahului Naval Air Station | | | | | | | | |
| (2) 3-8-001:213 | 5(a) | 0.3720 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | NA | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:215 | 5(a) | 2.2470 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:216 | 5(a) | 0.3710 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:217 | 5(a) | 0.0570 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:218 | 5(a) | 0.0480 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:220 | 5(a) | 0.1160 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-003:010 por. | 5(a) | 8.354 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Agriculture | Agriculture | FUDS | RmA-C |

*Data from SLIMS & PLTIS electronic databases as of 01/22/2018

EXHIBIT 1

CORRECTION OF EXHIBIT D BY ADDITION OF SEVEN (7) TMK PARCEL NUMBERS (indicated by red text):



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.: 16SD-160

STATEWIDE

Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Molokai. See Exhibit A for List of Subject Properties.

APPLICANT:

The United States through its Army Corps of Engineers, Honolulu District, Department of the Army.

LEGAL REFERENCE:

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

LOCATION:

Portions of Government lands on the islands of Oahu, Maui, Molokai, and Hawaii, as identified in the attachments labeled Exhibit A, B, C and D, attached hereto.

AREA:

9308.0561 acres, more or less.

ZONING:

State Land Use District: Various (refer to Exhibit A)
County of Hawaii CZO: Various (refer to Exhibit A)

TRUST LAND STATUS:

Of the subject properties, 7938.36 acres are categorized as Section 5(b) lands of the Hawaii Admission Act (refer to Exhibit A).

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

February 9, 2018

D-15

EXHIBIT 2

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

CURRENT USE STATUS:

All of the subject properties are categorized as encumbered for various uses (refer to summary in Exhibit A).

CHARACTER OF USE:

Environmental remediation purposes.

TERM OF RIGHT-OF-ENTRY:

Five years (60 months) from date of execution.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with §11-200-8A of the Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:

Exemption Class 1: 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;

Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation;

Exemption Class 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;

Exemption Class 6: Construction or placement of minor structures accessory to existing facilities;

These exemptions and relevant class items are summarized in more detail in Land Division's Exemption Notification form, attached hereto as Exhibit E, and incorporated herein.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from lessees and permittees of the subject lands regarding the Applicant's planned activities;
- 2) Provide to easement holders written notification of the Applicant's planned activities;
- 3) Consult with the Division of Aquatic Resources should any disturbance of coral resources be found necessary in the implementation of project activities; and
- 4) Report back to the Department the results of all investigations after project activities are concluded.

REMARKS:

The United States Army Corps of Engineers (USACE) is the executing agency for the Defense Environmental Restoration Program/Formerly Used Defense Sites (DERP/FUDS) Program and also handles right of entry requests for the U.S. Army Garrison (USAG) which is the executing agency for the DERP Military Munitions Response Program (MMRP). Administered by the U.S. Department of Defense, both programs assess and evaluate the presence of munitions and explosives of concern (MEC) (commonly referred to as unexploded ordnance, or UXO), discarded military munitions (DMM), and munitions constituents (MC) in the environment, left from previous military use, and provide appropriate remediation, response and mitigation of hazardous conditions.

In Hawaii, many DERP/FUDS and MMRP projects are located on public lands managed by the Department. Federal program protocols require right-of-entry (ROE) to those lands before site-specific project contract funding can be encumbered and work can begin.

BLANKET ROE REQUEST. A request for right-of-entry to a long list of State lands identified by Tax Map Key (TMK) parcel numbers was submitted by the Applicant to the Department in November 2016 for DERP projects funded for execution between 2017 through 2022 (referenced hereinafter as "blanket ROE request"). The list of properties, updated and expanded in April and August 2017, is being brought to the Board in batches according to USACE project planning constraints, and to allow sufficient time for Staff to complete land data research on each TMK parcel. The properties being addressed in this submittal are those DERP/FUDS and MMRP projects planned to commence during 2018-2019, and are identified in a table attached hereto as Exhibit A.

Since USACE handles all ROE requests for both FUDS and USAG MMRP projects, projects from both programs were included in the blanket ROE request. Commencement of project site work is contingent upon availability of both federal funding and landowner

consent to right-of-entry. FUDS/MMRP are voluntary programs, so a FUDS/MMRP-eligible site could become ineligible if the landowner does not grant access to the property. Pursuant to USACE guidelines ER 200-3-1 dated May 2004, should a landowner refuse a request for right-of-entry, the USACE is directed to reclassify the subject property as an ineligible project, and notify the appropriate authorities.

NEED FOR MUNITIONS CLEANUP PROGRAMS. To attain the level of readiness necessary to deter adversaries and defend our nation, the Department of Defense (DoD) must develop, test, and deploy weapon systems and military munitions, and then train its personnel to use and maintain these systems. Since World War II, large areas both onshore and offshore in Hawaii have been used for such military training involving live ammunition. As a result, some properties are known or suspected to still contain DMM, MEC, and MC remaining from previous DoD use, and are the subject of a massive, long-term remediation effort carried out by the DoD today.

VALUE TO THE STATE OF HAWAII. Right-of-entry is being provided *gratis* to the Applicant, as the State of Hawaii is benefiting from the expenditure of federal dollars to remediate long standing munitions-related environmental contamination left by past military use, all at no cost to the State. Consequently, in order to protect the health, safety and welfare of the general public, it is in the State's best interests to support and facilitate the DoD's investigation and remediation efforts under its various programs. The inability to address these hazards prior to the advent of the DERP/FUDS program previously resulted in injuries and as well as fatalities when unsuspecting members of the public inadvertently encountered UXOs in the environment.

REGULATORY FRAMEWORK. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980 to address releases or threatened releases of hazardous substances that may endanger public health or the environment. In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA), which amended and strengthened CERCLA.

SARA also renamed its Installation Restoration Program (IRP) as the Defense Environmental Restoration Program (DERP) and expanded the IRP with programs to address environmental cleanup on various types of DoD-used properties. These included Formerly Used Defense Sites (FUDS), real property formerly owned, leased, possessed by, or otherwise under the jurisdiction of the Secretary of Defense prior to 1986. The USACE was designated as the executing agency for the DERP/FUDS Program. In September 2001, DoD established the Military Munitions Response Program (MMRP) and designated the USAG as its executing agency to manage environmental responses specifically related to MEC, DMM, and MC on FUDS sites.

Response actions today are authorized under DERP and SARA Section 211. CERCLA provides the regulatory framework for environmental restoration. The State of Hawaii

Department of Health Office of Hazard Evaluation and Emergency Response (DOH HEER) plays an important role to assure the DoD of State coordination and support for regulatory matters, however, cooperation by other State agencies to allow access to lands under their control must also be provided.

FUDS and MMRP sites currently owned by the State of Hawaii include both unencumbered and encumbered lands which may be in park, forestry, agricultural, conservation, urban or submerged areas. Remediation work at each project site is conducted in steps following a well-established CERCLA process.

SCOPE AND RANGE OF PROJECTS. USACE Honolulu District, which includes Hawaii, American Samoa, CNMI (Commonwealth of the Northern Mariana Islands), Guam and the Republic of Palau, has 505 FUDS (including MMRP) properties. Annual funding levels from FY 11 through FY17 have averaged about \$16M per year, with each year subject to possible “plus-up” funding by Congress to supplement existing annual budgets, though no year is guaranteed such a boost (plus-ups were received in each year of this period, except for FY16).

FUDS and MMRP projects on public and private lands in Hawaii involve thousands of acres. For example, on the island of Hawaii, the former Waikoloa Training Area project site (WTA) is comprised of 101,055 acres, three times bigger than the island of Kahoolawe. A training area for the 2nd Marine Division, dubbed Camp Tarawa, was located there from 1943-1946, and was WWII's largest single staging area for military training. Today it remains the single largest U.S. site contaminated with military munitions and UXO.

An estimated 10% of the military munitions used during live-fire training in the WTA may have failed to detonate, and remaining MEC, DMM, and MC were widespread. In the years following closure of the WTA in 1946, MEC contamination caused three deaths and five serious injuries, highlighting the high risk of hazards and prompting establishment of these environmental remediation programs. Under the DERP programs, by 2016 remediation work over a 29,000 acre portion of the WTA had been completed at a total cost of \$217.7M. It is anticipated that the remaining 71,000 acres will likely take decades more to finish. Projected cost to complete environmental remediation of the entire site is \$720M.

TIME-CRITICAL ROE REQUESTS. The federal DERP/FUDS/MMRP programs are currently the State's sole means to address military munitions remediation efforts on a statewide scale. Experience has shown that, with so many moving parts to be coordinated in each project, the USACE cannot always submit ROE requests far in advance of annual funding opportunities, and delays to ROE issuance can result in loss of funding.

In addition, plus-up funding, when received, not only means more work can be planned for a given year, but also that additional contracting must be initiated within a critically

short time period. To accommodate this and other time-sensitive needs of the projects addressed herein, it is important that the Department be able to issue appropriate right-of-entry access to State lands to the USACE in a timely manner to help streamline the approval process to support this important work.

ROE CONDITIONS. A set of standard ROE conditions appropriate to the DERP/FUDS and MMRP projects were negotiated with assistance of the Department of Attorney General in January 2017. Two ROE documents under the Applicant's blanket ROE request have already been executed earlier this year to address time-critical project sites, and one blanket ROE for multiple sites is undergoing final review for execution:

- 1) ROE executed January 31, 2017 for: Government Lands in Waimea, District of South Kohala, Island of Hawaii, at Puu Kawaiwai, Panoluukia, and Kapia, Tax Map Key: (3) 6-2-001:015 (por.), and at Ouli, Tax Map Key: (3) 6-2-005:022. Board approval granted on January 27, 2017, Item D-12, and amended on February 24, 2017, Item D-6.
- 2) ROE executed September 7, 2017 for: Encumbered Land Onshore at Makua Beach and Unencumbered Submerged Lands Offshore of Makua Beach at Kahanahaiki, Waianae, Island of Oahu, Tax Map Key: (1) 8-1-001:portion of 008 and seaward of 008. Board approval, as amended, granted on June 23, 2017, Item D-9.
- 3) Blanket ROE currently undergoing review for execution for areas within six USACE-designated project sites: Fort Shafter, Pali Training Camp, Pacific Jungle Combat, Makua Training Area, Kanaio Local Training Area, and Waikoloa Maneuver Area. Board approval granted on October 27, 2017, Item D-11.

The ROE document to address the subject properties identified in Exhibit A will also follow the same ROE form as the above.

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 the United States 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. Review and approval by the Department of the Attorney General;
and

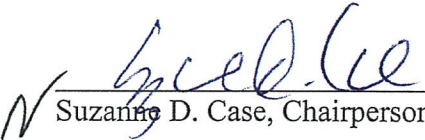
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barbara J. Lee, Project Development Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

SUBJECT PROPERTIES FOR USACE RIGHT-OF-ENTRY—PROJECTS SCHEDULED TO COMMENCE DURING 2018-2019*

| TMK PARCEL # (SORTED BY ISLAND & USACE PROJECT) | TRUST LAND STATUS | AREA (ACRES) | LOCATION | ENCUMBRANCES | STATE LAND USE DISTRICT | COUNTY ZONING | DERP PROGRAM | CERCLA PHASE |
|---|-------------------------|-----------------|---------------------------------|---|----------------------------|---|-----------------|-----------------|
| ISLAND OF OAHU | | | | | | | | |
| Gun Battery | | | | | | | | |
| (1) 2-9-018:001 portion | 5(b) | 58.67 | Manoa, Honolulu, Oahu | EO0615-CCH (1.5580 ac.) LOD24496-HECO (1.1954 ac.) easement | Conservation, Urban | P-1 Restricted Preservation | FUDS | RmA-C |
| Makapuu Lighthouse Reservation | | | | | | | | |
| (1) 3-9-011:007 | Acquired after 8/59 | 25.31 | Makapuu Pt., Waimanalo, Oahu | EO3520-DLNR-SP | Conservation | P-1 Restricted Preservation | FUDS | RmA-C |
| (1) 4-1-014:001 | PL-88-233 | 9.73 | Makapuu Pt., Waimanalo, Oahu | EO3520-DLNR-SP | Conservation | P-1 Restricted Preservation | FUDS | RmA-C |
| Oahu Island Target | | | | | | | | |
| (1) 5-6-001:001 ** | 5(b) | 3.3 | Malaekahana, Koolauloa, Oahu | EO0532 (Bird Reservation) | Conservation | Unknown | FUDS | RA-C |
| (1) 5-6-001:002 ** | 5(b) | 12.5 | Malaekahana, Koolauloa, Oahu | EO0532 (Bird Reservation) | Conservation | | FUDS | RA-C |
| (1) 5-6-001:003 ** | 5(b) | 1.0 | Malaekahana, Koolauloa, Oahu | EO0532 (Bird Reservation) | Conservation | Unknown | FUDS | RA-C |
| (1) 5-6-001:004 | Post 8/59 | 73.711 | Malaekahana, Koolauloa, Oahu | EO3928-State Parks—Malaekahana State Recreational Area | Ag, Urban | P-2 General Preservation District | FUDS | RA-C |
| (1) 5-6-001:024 | Post 8/59 | 2.313 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:025 | Post 8/59 | 2.313 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:045 | Post 8/59 | 1.624 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:046 | Post 8/59 | 0.2050 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:047 | Post 8/59 | 5.85 | Malaekahana, Koolauloa, Oahu | EO3928- sSP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:053 ** | Post 8/59 | 2.03 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:054 ** | Post 8/59 | 0.0450 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Ag, Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:055 ** | Post 8/59 | 3.9850 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:056 ** | Post 8/59 | 1.2480 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 | FUDS | RA-C |

EXHIBIT A

| TMK PARCEL # (SORTED BY ISLAND & USACE PROJECT) | TRUST LAND STATUS | AREA (ACRES) | LOCATION | ENCUMBRANCES | STATE LAND USE DISTRICT | COUNTY ZONING | DERP PROGRAM | CERCLA PHASE |
|---|-------------------------|-----------------|------------------------------------|---|----------------------------|-------------------------------------|-----------------|-----------------|
| | | | | | | Residential | | |
| (1) 5-6-001:057 ** | Post 8/59 | 1.4330 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential District | FUDS | RA-C |
| (1) 5-6-001:058 ** | Post 8/59 | 0.0800 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:059 ** | Post 8/59 | 2.7390 | Malaekahana, Koolauloa, Oahu | EO3928- | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:060 ** | Post 8/59 | 1.1040 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:061 ** | Post 8/59 | 1.0000 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:062 ** | Post 8/59 | 1.3500 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:063 ** | Post 8/59 | 1.1220 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:064 ** | Post 8/59 | 3.2320 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| (1) 5-6-001:065 ** | Post 8/59 | 4.6660 | Malaekahana, Koolauloa, Oahu | EO3928-SP—Malaekahana SRA | Urban | R-5 Residential | FUDS | RA-C |
| ISLAND OF MOLOKAI | | | | | | | | |
| Makanalua Bombing Range | | | | | | | | |
| (2) 6-1-001:002 | 5(b) | 7213.7800 | Kalawao County, Moloka'i | EO3302-DLNR-DOFAW Puu Alii Natural Area Reserve | Ag, Conservation | Not zoned | FUDS | RA-C |
| ISLAND OF MAUI | | | | | | | | |
| Maui Bombing Target – Kanahena Point | | | | | | | | |
| (2) 2-1-004:073 | 5(b) | 605.8 | Kanahena, Kualapa, Maui | EO2668-DLNR for Ahihi-Kinau Natural Area Reserve | Conservation | Bch ROW, PK Park, Proposed Rd | FUDS | RA-C |
| (2) 2-1-004:113 | 5(b) | 40.62 | Kanahena, Kualapa, Kalihi, Maui | EO2668-DLNR- Ahihi-Kinau NAR | Conservation | AG Agriculture, Proposed Rd | FUDS | RA-C |
| (2) 2-1-006:095 | 5(b) | 0.23 | Kualapa, Maui | EO2668--DLNR- Ahihi-Kinau NAR | Conservation | PK Park (draft) | FUDS | RA-C |

EXHIBIT A

| TMK PARCEL # (SORTED BY ISLAND & USACE PROJECT) | TRUST LAND STATUS | AREA (ACRES) | LOCATION | ENCUMBRANCES | STATE LAND USE DISTRICT | COUNTY ZONING | DERP PROGRAM | CERCLA PHASE |
|---|-------------------------|-----------------|----------------|--|----------------------------|--|-----------------|-----------------|
| (2) 2-1-006:098 | 5(b) | 2.46 | Kanahena, Maui | EO2668- DLNR- Ahihi-Kinau NAR, GL5798-easement | Conservation | PK Park, propoosed road | FUDS | RA-C |
| Kahului Naval Air Station | | | | | | | | |
| (2) 3-8-001:019 | 5(a) | 1060.240 | Wailuku, Maui | EO2317- DOT- Kahului Airport; EO2358- CoM-Kanaha Bch Park; EO3006-CoM- Sewage Trtmt Plant; EO3694-DOFAW drainage & utility easements; LOD27455- CoM sewer easement | Ag, Conserv., Urban | APAairport, Interim, R-3 Residential | FUDS | RmA-C |
| (2) 3-8-001:020 | Post 8/59 | 0.0340 | Wailuku, Maui | EO23172427-DOT-Kahului Airport | Conservation | APAairport | FUDS | RmA-C |
| (2) 3-8-001:073 | 5(a) | 0.2551 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Agriculture | APAairport | FUDS | RmA-C |
| (2) 3-8-001:076 | 5(a) | 0.4570 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:077 | 5(a) | 14.4450 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Ag, Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:080 | 5(a) | 0.2170 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:092 | 5(a) | 2.8140 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:096 | 5(a) | 0.4410 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:097 | 5(a) | 0.3360 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:100 | 5(a) | 0.1830 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:101 | 5(a) | 2.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:102 | 5(a) | 0.0150 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:104 | 5(a) | 0.1300 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:105 | 5(a) | 0.1650 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:119 | 5(a) | 88.519 | Wailuku, Maui | EO 2358-CoM (66.1 ac) for Kanaha Beach Park; EO 3727 (17.765 ac + 4.654 ac rdwy) | Conserv., Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:121 | 5(a) | 0.8000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:123 | 5(a) | 0.0280 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:124 | 5(a) | 0.5010 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:127 | 5(a) | 1.0120 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:129 | 5(a) | 0.0460 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:131 | 5(a) | 2.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:133 | 5(a) | 0.0270 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:142 | 5(a) | 0.5440 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:145 | 5(a) | 2.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:147 | 5(a) | 0.0290 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |

EXHIBIT A

| TMK PARCEL # (SORTED BY ISLAND & USACE PROJECT) | TRUST LAND STATUS | AREA (ACRES) | LOCATION | ENCUMBRANCES | STATE LAND USE DISTRICT | COUNTY ZONING | DERP PROGRAM | CERCLA PHASE |
|---|-------------------------|-----------------|---------------|------------------------------------|----------------------------|------------------|-----------------|-----------------|
| (2) 3-8-001:148 | 5(a) | 0.9860 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:152 | 5(a) | 1.0660 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:153 | 5(a) | 1.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:154 | 5(a) | 1.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:155 | 5(a) | 4.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:157 | 5(a) | 3.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:158 | 5(a) | 1.4990 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:159 | 5(a) | 3.0250 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:160 | 5(a) | 1.1770 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:161 | 5(a) | 0.4680 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:162 | 5(a) | 0.2300 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:168 | 5(a) | 0.3970 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:173 | 5(a) | 0.4340 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:174 | 5(a) | 0.0230 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:178 | 5(a) | 0.2310 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Ag, Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:181 | 5(a) | 0.8000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:182 | 5(a) | 0.0140 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:183 | 5(a) | 0.0140 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:184 | 5(a) | 0.0460 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:185 | 5(a) | 0.6890 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:187 | 5(a) | 2.5180 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:188 | 5(a) | 18.7550 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Conservation | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:189 | 5(a) | 2.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:190 | 5(a) | 0.1150 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:192 | 5(a) | 2.0000 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:195 | 5(a) | 0.3760 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Agriculture | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:205 | Undet. | 0.9620 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:209 | 5(a) | 0.0010 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Urban | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:211 | 5(a) | 0.2730 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Agriculture | AP Airport | FUDS | RmA-C |
| (2) 3-8-001:212 | 5(a) | 0.2690 | Wailuku, Maui | EO2317&2427 to DOT-Kahului Airport | Agriculture | AP Airport | FUDS | RmA-C |

*Data from SLIMS & PLTIS electronic databases as of 01/22/2018

** including nearshore submerged lands seaward of parcel

EXHIBIT A

EXHIBIT A KEY TO ABBREVIATIONS

Trust Land Status:

5(a) = Section 5(a) of the Hawaii Admissions Act
5(b) = Section 5(b) of the Hawaii Admissions Act
Post-8/59 = Acquired after August 1959 (Statehood admissions date)
PL-88-233 = Public Law-88-233
Undet. = Undetermined (to date)

Encumbrances:

Bch = Beach
CCH = City & County of Honolulu
CoM = County of Maui
CE = Conservation easement
DOA = State Department of Agriculture
DOBOR = DLNR Division of Boating & Ocean Recreation
DOFAW = DLNR Division of Forestry & Wildlife
DOH = State Department of Health
DOT = State Department of Transportation
EO = Governor's Executive Order
FR = Forest Reserve
GL = General Lease
LOD = Land Office Document
NAR = Natural Area Reserve
RP = Revocable Permit
SP = DLNR Division of State Parks

State Land Use District:

Conserv. = Conservation
Ag = Agriculture

County Zoning:

PK Park = general park districts designed to meet passive and active recreational needs.

DERP Program:

FUDS = Formerly Used Defense Sites
MMRP = Military Munitions Response Program

CERCLA Phase:

BD/DR = Building Demolition/Debris Removal
LTM = Long Term Maintenance
SI = Site Investigation
RA-C = Remedial Action-Construction (Environmental Clean Up)
RI/FS = Remedial Investigation/Feasibility Studies

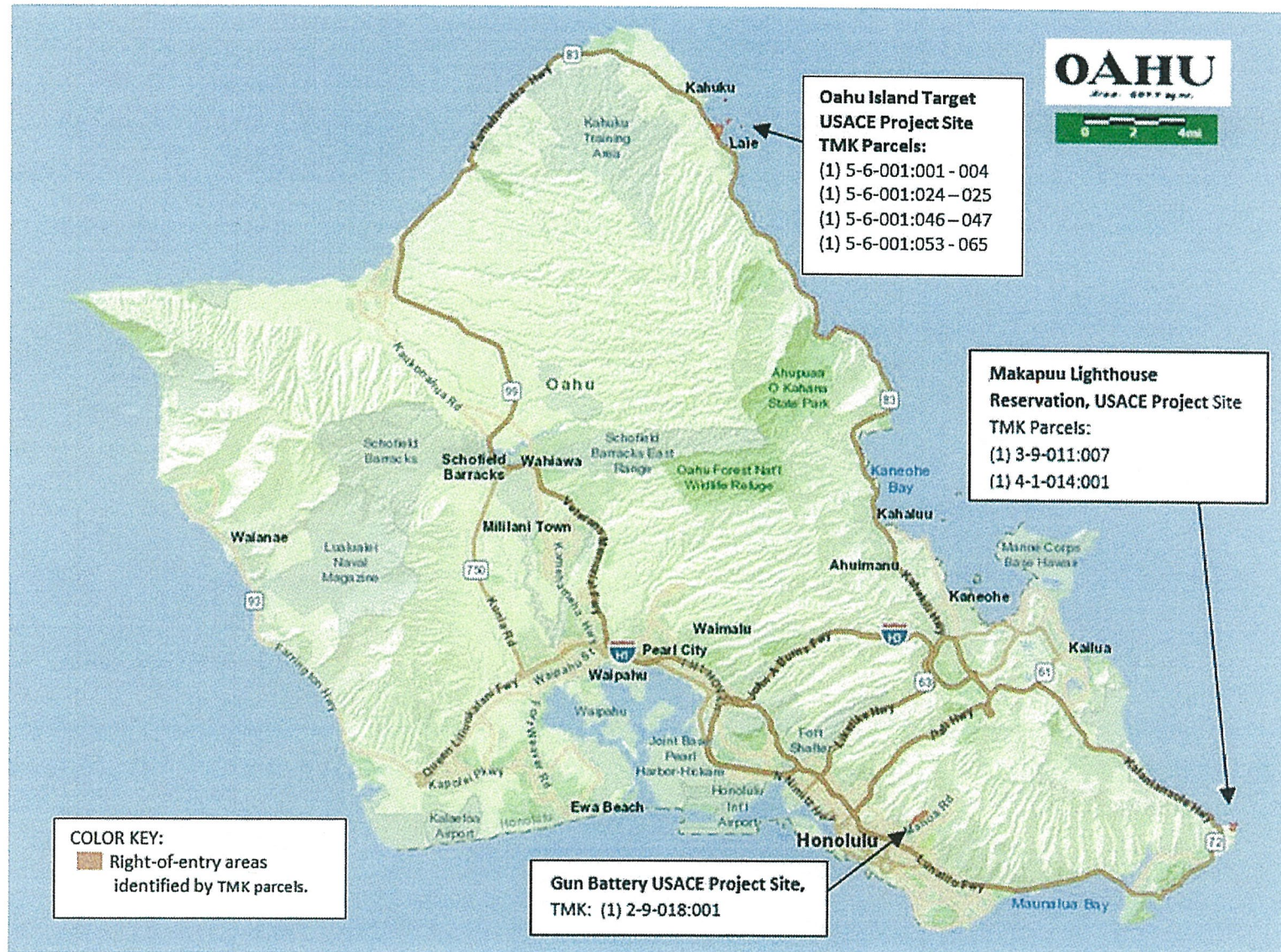


EXHIBIT B

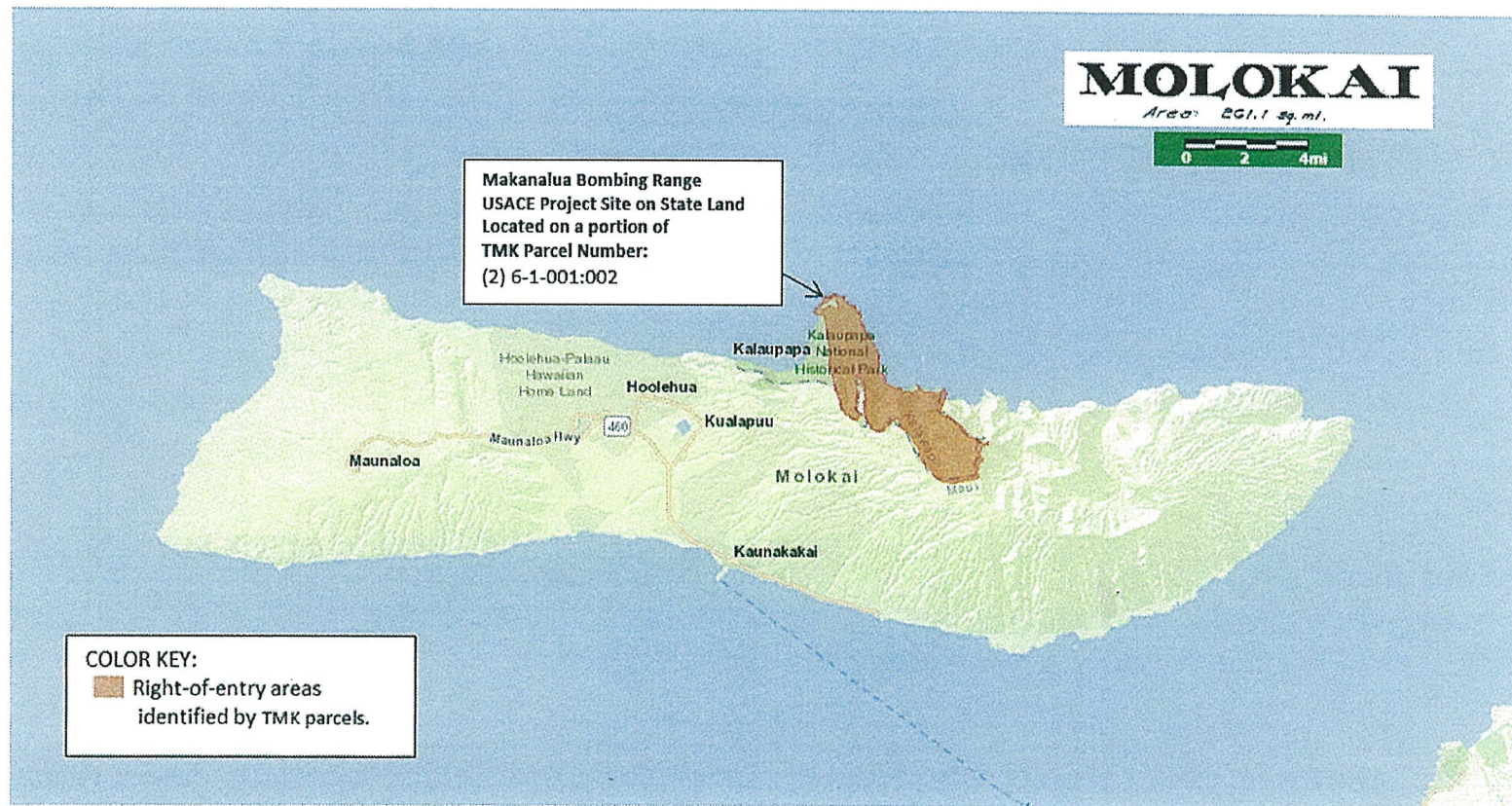


EXHIBIT C

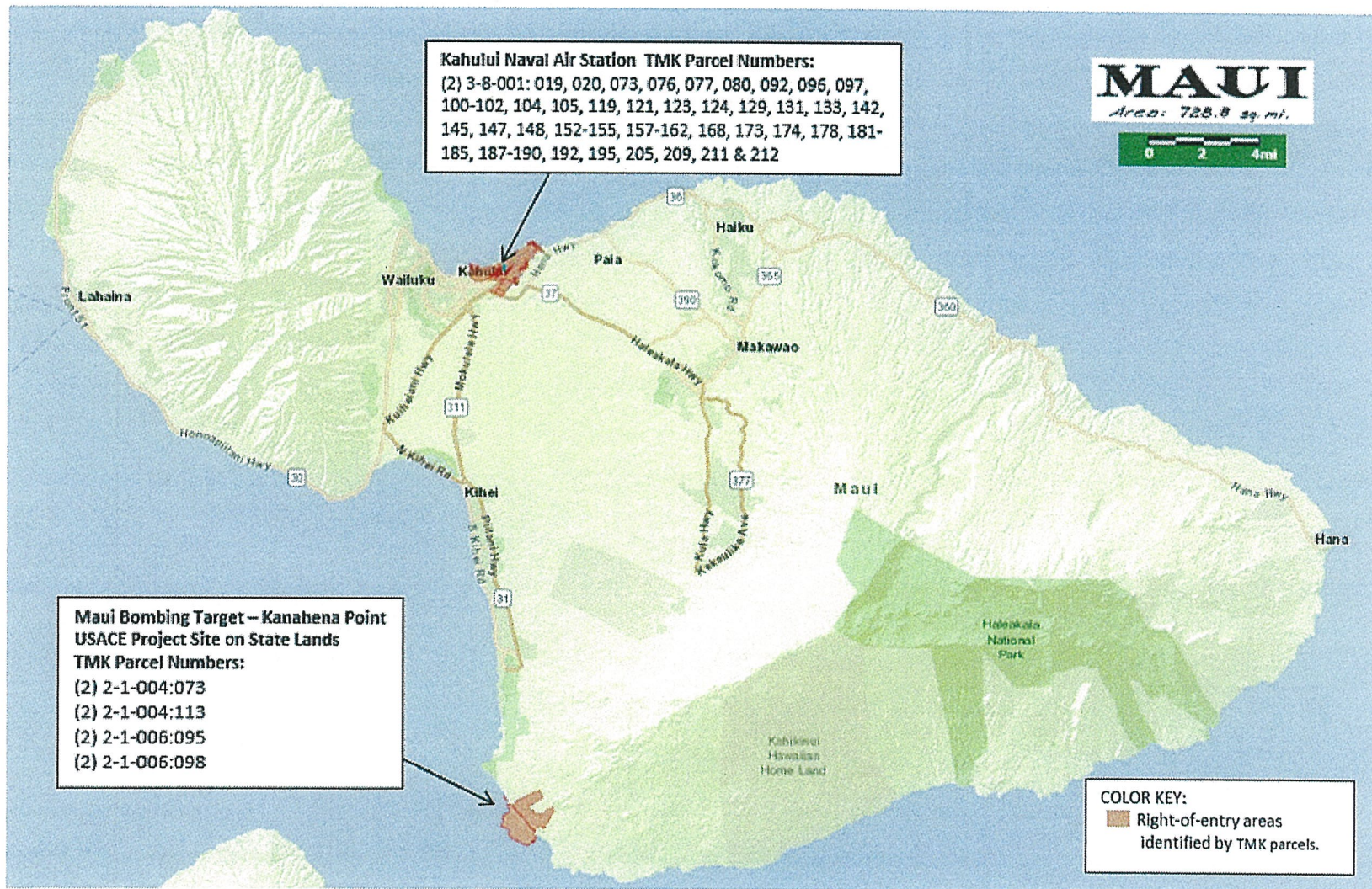


EXHIBIT D

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Molokai. See Exhibit A for List of Subject Properties.

Project/Reference No.: PSF 16SD-160

Project Location: Various public lands on the islands of Oahu, Maui, and Molokai. Refer to preceding Exhibits A, B, C, and D for location information.

Project Description: Site Investigations, Remedial Investigation/Feasibility Studies, Remedial Action-Construction, or Long Term Monitoring activities conducted in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidelines through the Defense Environmental Restoration Program for Formerly Used Defense Sites (FUDS) for a period not to exceed sixty (60) months.

Ch 343 Trigger(s): Use of state lands (§343-5(a)(1), HRS)

Exemption Class, Item and Description, and Rationale

Project activities at the subject properties will follow the U.S. EPA's CERCLA guidelines which set high standards for environmental protection in all stages of environmental remediation projects.

In accordance with §11-200-8(a) of the Hawaii Administrative Rules and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:

Exemption Class 1

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.

1. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.

EXHIBIT E

Exemption Class 4

Minor alteration in the conditions of land, water, or vegetation.

1. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical features and biological resources.

Exemption Class 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.

1. Conduct surveys 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.
12. Conduct terrestrial and marine archaeological surveys.
22. Conduct planning and feasibility studies.
23. Permission to enter state lands for the purpose of conducting those activities listed above.

Exemption Class 6

Construction or placement of minor structures accessory to existing facilities.

1. Construction, placement or installation of signage, pavement markings, buoys, or other similar structures.

Consulted Parties: Staff at the Land Division, Division of Forestry and Wildlife, Division of Aquatic Resources, and Office of Conservation and Coastal Lands, were consulted as source authorities having jurisdiction or expertise in this matter.

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.