

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

October 12, 2018

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

PSF No. 18HD-100
Hawaii

Authorize the Issuance of a Management Right-of-Entry Permit to the Department of Transportation - Airports Division for Airport Purposes, Keahole Airport, Kalaoa, North Kona, Hawaii, Tax Map Key: (3) 7-3-043:003 (por.)

APPLICANT:

Department of Transportation – Airports Division (“DOT-Airports”).

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government lands for Keahole Airport, situated at Kalaoa, North Kona, Hawaii, identified by Tax Map Key: (3) 7-3-043:003 (por.) as shown on the attached map labeled **Exhibit A**.

AREA:

3.00 acres or 130,680 sq. ft., more or less.

ZONING:

State Land Use District:	Conservation, Urban
County of Hawaii CZO:	MG-1a, MG-3b, Open

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:

The subject land of an area of 3.00 acres or 130,680 sq. ft., more or less, is presently unencumbered, but is surrounded by airport and other uses, encumbered by Governor's Executive Order ("GEO") No. 3074 for public purposes including an airport, an energy research project, and their associated purposes.

CHARACTER OF USE:

Airport purposes.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200-8, Hawaii Administrative Rules ("HAR") 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, Item 51. See **Exhibit B**.

Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

DCCA VERIFICATION:

Not Applicable. Applicant, a government entity, is not required to register with DCCA.

BACKGROUND:

On December 7, 1990, the Board of Land and Natural Resources ("Board"), under Agenda Item J-5, approved: (1) a proposed land exchange with the United States Postal Service ("USPS"), (2) withdrawal of land from GEO No. 3074, and (3) set aside of exchanged land to DOT-Airports for the Keahole Airport, North Kona, Hawaii. The purpose of the land exchange was for planning of a new terminal and air cargo requirements at Keahole Airport.

On December 18, 1992, a Land Exchange Agreement between the USPS and the State of Hawaii ("State") was fully executed. Two (2) Quitclaim Deeds dated on March 15, 1995,

were recorded with the Bureau of Conveyances on May 26, 1995: (a) Quitclaim Deed, Document No. 95-070571, which conveyed 3.0 acres of land from USPS to the State ("Lot A") and (b) Quitclaim Deed, Document No. 95-070569, which conveyed 4.0 acres of land from the State to USPS ("Lot B"). Both quitclaim deeds stated that the other party shall have the first right of refusal to purchase or lease the land at its fair market value based on its highest and best use, if the other party abandons its designated usage of the respective lands.

The County of Hawaii's Real Property Assessment Tax Map shows Lot B owned by USPS as Tax Map Key: (3) 7-3-043:056.

REMARKS:

It is unclear from the file why there has been such a substantial delay in processing the set-aside of Lot A to DOT-Airports. Due to delays in processing the GEO, on August 1, 2018, DOT-Airports requested a management right-of-entry permit to formally place the land under its management and control pending completion of the set-aside. Staff is recommending that the right-of-entry be made effective retroactive to May 26, 1995, which is the date DOT-Airports took possession of the property. In the meantime, staff will work to finalize the set-aside of Lot A to DOT-Airports.

Staff solicited comments on the proposed exemption from agencies listed below with the results indicated:

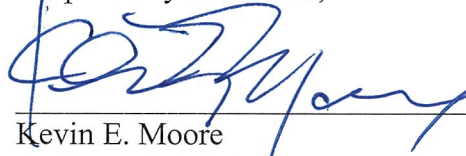
Agency	Comment
DLNR – Engineering	No comments.
DLNR – DOFAW	No response by suspense date.
DLNR – Historic Preservation	No response by suspense date.
County of Hawaii – Planning	No objections/no comments.
County of Hawaii – Public Works	No response by suspense date.
Dept. of Transportation – Airports Division	No objections.
Office of Hawaiian Affairs	No response by suspense date.

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 management right-of-entry permit to the Department of Transportation – Airports Division covering the subject lands for the Keahole Airport 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. This management right-of-entry permit will be made retroactive to May 26, 1995 and shall continue until the executive order is issued; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

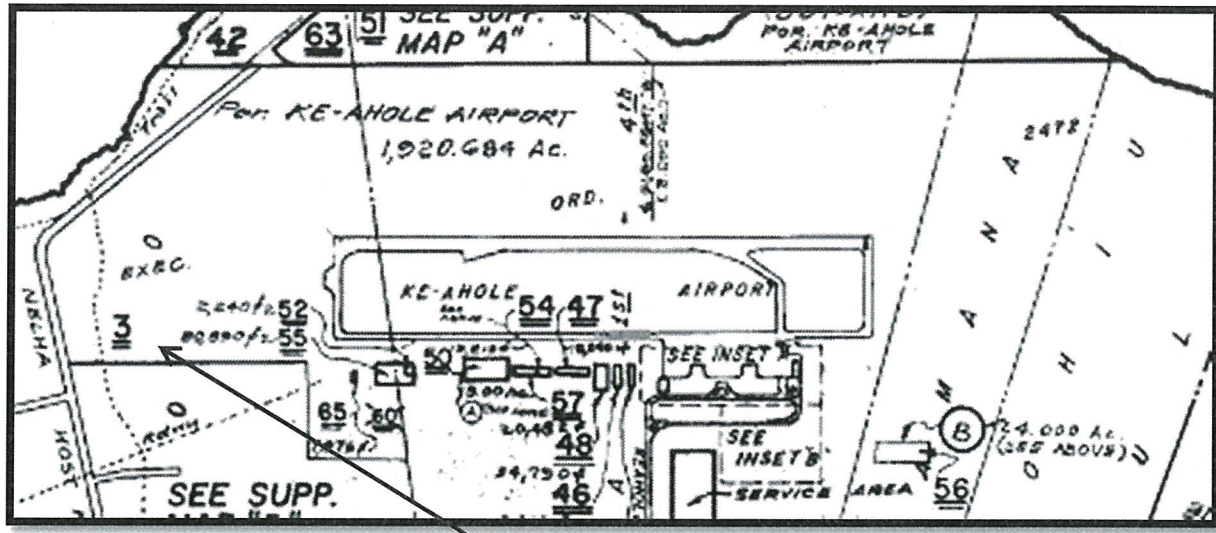
A handwritten signature in blue ink, appearing to read "Kevin E. Moore", written over a horizontal line.

Kevin E. Moore
Assistant Administrator

APPROVED FOR SUBMITTAL:

A handwritten signature in blue ink, appearing to read "Suzanne D. Case", written over a horizontal line.

Suzanne D. Case, Chairperson



TMK: (3) 7-3-043:003 (por.)

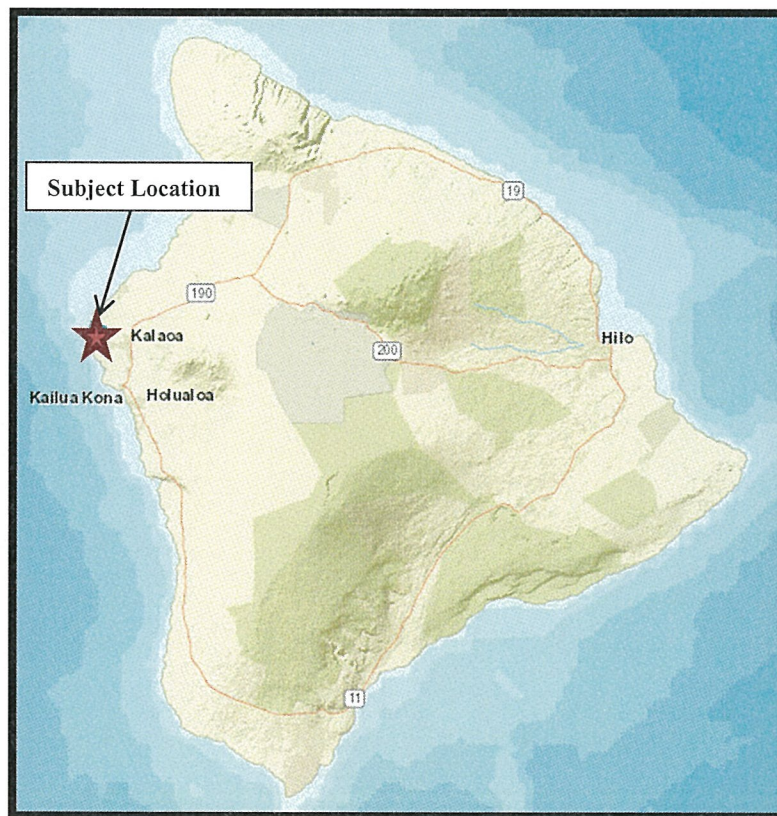


Exhibit A

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of Management Right-of-Entry Permit to the Department of Transportation–Airports Division for the Keahole Airport
Project / Reference No.:	PSF No. 18HD-100
Project Location;	Kalaoa, North Kona, Hawaii, Tax Map Key: (3) 7-3-043:003 (portion)
Project Description:	Issuance of Management Right-of-Entry Permit to the Department of Transportation–Airports Division for the Keahole Airport
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Section 11-200-8, Hawaii Administrative Rules, 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”, Item 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.”
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. The proposed request for a management right-of-entry permit in the area will have no cumulative impacts to the environment.
Actions may have Significant Impact on Particularly Sensitive Environment?	No. The action proposed will have no significant impact to particularly sensitive environment.

Exhibit B

Analysis:

The Keahole International Airport has been in existence for many years in the same area and there are no known significant impacts to the natural and environmental resources. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

Agency	Comment
DLNR – Engineering	No comments.
DLNR – DOFAW	No response by suspense date.
DLNR – Historic Preservation	No response by suspense date
County of Hawaii – Planning	No objections / no comments.
County of Hawaii – Public Works	No response by suspense date.
Dept. of Transportation – Airports Division	No objections.
Office of Hawaiian Affairs	No response by suspense date.

Declaration:

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.