

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

October 12, 2018

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

O'AHU

Issuance of a Right-of-Entry to Rons Construction Corporation for Temporary Staging of Construction Materials and Equipment Purposes at Makiki Valley State Park, Makiki Heights, Tantalus, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 2-5-020:004 (Portion).

APPLICANT:

Rons Construction Corporation (RCC), a domestic profit corporation, whose mailing address is 2045 Kam IV Road, Honolulu, HI 96819.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Makiki Valley State Park, Tantalus, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 2-5-020:004 (Portion) as shown on the attached map and aerial photo labeled Exhibit A.

AREA:

Approximately 5,000 square feet or less of undeveloped land

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: P-2

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:

Currently encumbered under Executive Order 3729, to Department of Land and Natural Resources, Division of State Parks and identified as Makiki Valley State Park, Part 2 and further described and attached as Exhibit B.

CHARACTER OF USE:

For temporary staging of construction materials and equipment purposes.

COMMENCEMENT DATE:

Upon the Board's approval for Right-of-Entry (ROE)

MONTHLY RENTAL:

One thousand two hundred fifty and No/100 dollars (\$1,250.00) per month.

COLLATERAL SECURITY DEPOSIT:

Two thousand five hundred dollars and No/100 dollars (\$2,500.00), twice the monthly rental fee.

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 C.

DCCA VERIFICATION:

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

REMARKS:

On July 3, 2018, Rons Construction Corporation, (RCC) requested an area of approximately 5,000 square feet to use for temporary staging of construction materials and equipment purposes near Makiki Valley State Park. RCC is currently under a contract with the City & County of Honolulu (C&C) to reconstruct the sewer lines on Punahou Street from Wilder Avenue to just past the Pipers Pali Road entrance to Punahou School. RCC will be constructing the necessary sewer upgrades to increase capacity along Punahou

Street that directs flows to the Ala Moana Pumping Station. The sewer upgrades require the installation of 2,300 linear feet of sewer lines and manholes and is outside of the Conservation District. As construction is scheduled to start, the contract duration is fifteen months.

Office of Conservation and Coastal Lands (OCCL) has approved RCC's application for the requested area located at Makiki Valley State Park with the following terms and conditions as noted, as part of Exhibit C.

State Parks is amenable to allow the temporary use on undeveloped Park land and is agreeable with the terms and conditions set forth by OCCL but would like to restrict the ROE by adding, No Transfer of the ROE.

There are no vacant spaces that landowners are willing to allow temporary staging of a little more than a year in the project vicinity. RCC is requesting to temporarily store construction equipment and material for the installation of the sewer upgrade on Parks land.

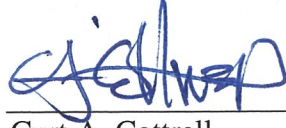
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION: That the Board:

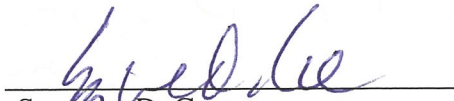
1. Declare that, after considering the potential effects of the propose disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this activity will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a Right-of-Entry to Rons Construction Corporation, for access, covering the subject area for temporary staging of construction materials and equipment area purposes under the terms and conditions cited above, which are incorporated and further subject to the following:
 - a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and
 - b. The right-of-entry permit or any rights hereunder shall not be sold, assigned, conveyed, leased, let, mortgaged or otherwise transferred or disposed.
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Curt A. Cottrell
Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case
Chairperson

ATTACHMENTS

- Exhibit A: Map of site
- Exhibit B: Executive Order 3729
- Exhibit C: Exemption Notification

MAKIKI VALLEY STATE PARK

RON'S CONSTRUCTION CORP.

HALAU KU MANA



Google Earth

© 2013 Google

EXHIBIT A

FOR PARK PURPOSES, to be under the control and management of Division of State Parks, Department of Land and Natural Resources, being those parcels of land identified as "Makiki Valley State Park, Parts 1, 2 and 3," and further described as follows:

PART 1, situate at Kanaha and Opu, Makiki, Honolulu, Oahu, Hawaii, comprised of portion of Government Land of Opu and portion of Royal Patent 5704, Section 1, Land Commission Award 8241, Apana 2 to Ioane Ii acquired by the Minister of Interior from A. F. Judd, Guardian for Irene H. Ii by Voucher 521 dated December 31, 1880, (Land Office Deed 1011) containing an area of 10.695 acres, more or less, TOGETHER WITH a Non-Exclusive Easement for all Purposes, RESERVING to the State of Hawaii its successors and assigns Portions of Parts 1 and 3 and all of Part 4 of Hawaiian Electric Company, Ltd., and Hawaiian Telephone Company Utility Easement (10.00 feet wide), RESERVING ALSO to the State of Hawaii, its successors and assigns, an Access and Utility Easement over and across the Makiki Valley State Park, Part 1, containing an area of 0.368 acre, more particularly described in Exhibit "A" and delineated on Exhibit "B," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 22,637 and dated October 13, 1997;

PART 2, situate at Kanaha and Opu, Makiki, Honolulu, Oahu, Hawaii, comprised of portion of Government Land of Opu (Section II), and portion of Royal Patent 5704, Section 1, Land Commission Award 8241, Apana 2 to Ioane Ii acquired by the Minister of Interior from A. F. Judd, Guardian for Irene H. Ii by Voucher 521 dated December 31, 1880 (Land Office Deed 1011), containing an area of 3.298 acres, more particularly described in Exhibit "C" and delineated on Exhibit "E," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 22,638 and dated October 13, 1997; and

PART 3, situate at Kanaha, Opu and Poloke, Makiki, Honolulu, Oahu, Hawaii, comprised of portion of Government Land of Opu (Section II), portion of the Government (Crown) Land of Poloke, and portion of Royal Patent 5704, Section 1, Land Commission Award 8241, Apana 2 to Ioane Ii acquired by the Minister of Interior from A. F. Judd, Guardian for Irene H. Ii by Voucher 521 dated December 31, 1880 (Land Office Deed 1011), containing an area of 2.710 acres, more or less, Reserving, however, to the State of Hawaii, its successors and assigns the following easements: 1) Portion of Part 1 of Hawaiian Electric Company, Ltd. and Hawaiian Telephone Company Utility Easement (10.00 feet wide), and 2) Non-Exclusive Easement for all Purposes, Reserving also to the State of Hawaii, its successors and assigns, portion of the Proposed Makiki Heights Drive, more particularly described in Exhibit "D" and delineated on Exhibit "E," both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, both being designated C.S.F. No. 22,639 and dated October 13, 1997.

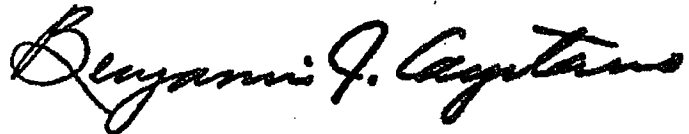
SUBJECT, HOWEVER, that upon cancellation of this executive order and/or in the event of non-use or abandonment of the premises or any portion thereof for a continuous period of one (1) year, or for any reason whatsoever, the Division of State Parks shall, within a reasonable time, restore the premises to a condition satisfactory and acceptable to the Department of Land and Natural Resources, State of Hawaii.

SUBJECT, FURTHER, to disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of this Executive Order.

SUBJECT, FURTHER, in the event the lands set aside are not being utilized or required for the public purposes stated for a continuous period of one year or more: (a) the Division of State Parks, State of Hawaii shall within a reasonable time restore the premises to a condition satisfactory to the Department of Land and Natural Resources; and (b) the Governor's Executive Order setting aside the lands shall be withdrawn and

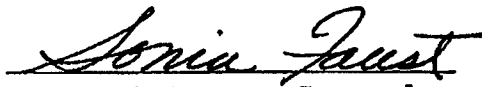
the lands returned to the management and control of the Department of Land and Natural Resources, free of all liens and other encumbrances.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Hawaii to be affixed. Done at the Capitol at Honolulu this 18TH day of MARCH, Nineteen Hundred and 98.



Governor of the State of Hawaii

APPROVED AS TO FORM:


Deputy Attorney General

Dated: 2/26/1998

c:\wpdocs\eosetaside\makikisp.ry

STATE OF HAWAII

Office of the Lieutenant Governor

THIS IS TO CERTIFY That the within is a true copy of
Executive Order No. 3729 setting aside land for public
purposes, the original of which is on file in this office.

IN TESTIMONY WHEREOF, the Lieutenant
Governor of the State of Hawaii, has
hereunto subscribed her name and caused
the Great Seal of the State to be affixed.

Margie K. Hirono
1998

DONE in Honolulu, this _____ day of
March, A.D. 1998



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

C.S.F. No. 22,638

October 13, 1997

MAKIKI VALLEY STATE PARK

PART 2

Kanaha and Opu, Makiki, Honolulu, Oahu, Hawaii

Comprised of the following:

- A. Portion of Government Land of Opu (Section II).
- B. Portion of Royal Patent 5704, Section 1, Land Commission Award 8241, Apana 2 to Ioane II acquired by the Minister of Interior from A. F. Judd, Guardian for Irene H. II by Voucher 521 dated December 31, 1880 (Land Office Deed 1011).

Beginning at the north corner of this parcel of land and on the westerly boundary of Honolulu Watershed Forest Reserve, Governor's Proclamation dated December 24, 1926, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MAKIKI" being 1045.97 feet North and 530.16 feet East, thence running by azimuths measured clockwise from True South:-

1. 308° 58' 256.84 feet along Honolulu Watershed Forest Reserve, Governor's Proclamation dated December 24, 1926 and Part 1 of Makiki Valley State Park;
2. 22° 20' 118.29 feet along the remainder of R.P. 5704, Section 1, L.C.Aw. 8241, Ap. 2 to Ioane II;
3. 349° 52' 40.13 feet along the remainder of R.P. 5704, Section 1, L.C.Aw. 8241, Ap. 2 to Ioane II;

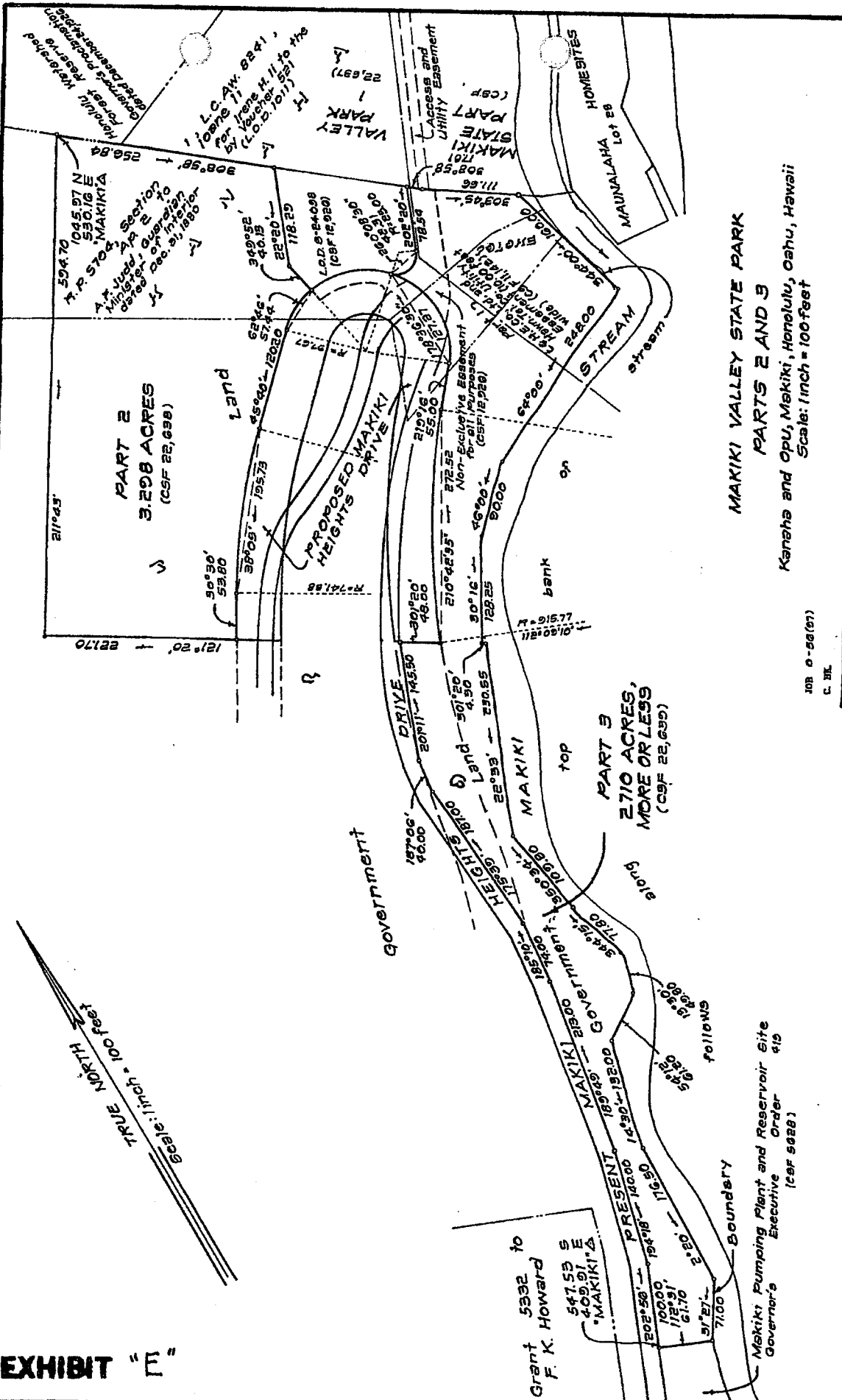
4. Thence along the north side of the Proposed Makiki Heights Drive on a curve to the left with a radius of 97.67 feet, the chord azimuth and distance being:
62° 46' 57.44 feet;
5. 45° 40' 120.20 feet along the north side of the Proposed Makiki Heights Drive;
6. Thence along the north side of the Proposed Makiki Heights Drive on a curve to the left with a radius of 741.58 feet, the chord azimuth and distance being:
38° 05' 195.73 feet;
7. 30° 30' 53.80 feet along the north side of the Proposed Makiki Heights Drive;
8. 121° 20' 221.70 feet along the remainder of the Government Land of Opu;
9. 211° 43' 594.70 feet along the remainders of the Government Land of Opu and R.P. 5704, Section 1, L.C.Aw. 8241, Ap. 2 to Ioane II to the point of beginning and containing an AREA OF 3.298 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: *Joseph M. Matsuno*
Joseph M. Matsuno
Land Surveyor gm

Compiled from CSFs 11549,
12926, 13310 and other Govt.
Survey Records.
TMK: 2-5-20:Por. 4

EXHIBIT $\frac{1}{11}$



MAKIKI VALLEY STATE PARK
PARTS 2 AND 3
 Kaneha and Opu, Makiki, Honolulu, Oahu, Hawaii
 Scale: 1 inch = 100 feet

JOB 0-56(101)
 C. H. E.

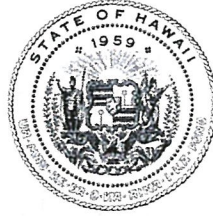
Makiki Pumping Plant and Reservoir Site
 Governor's Executive Order 419
 (CSF 50281)

Grant 5332 to
 F. K. Howard
 547.59 S
 409.91 E
 "MAKIKI" Δ

TAX MAP 2-5-20-A and B
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII
 C.S.F. NO. 22,638 and 22,639

EXHIBIT 'E'
 JAN Oct. 13, 1997

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
1151 Punchbowl Street, Room 310
HONOLULU, HAWAII 96813

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 Rons Construction Corporation.

Project/Reference No.: TBD

Project Location: Makiki Valley State Park, Makiki Heights Drive, Tantalus, Honolulu, O'ahu, Hawaii, TMK (1) 2-5-020:004.

Project Description: For Right-of-Entry for temporary staging of construction materials and equipment area purposes on undeveloped Park land.

Chapter 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 concurred with 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, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

Consulted Parties: Consulted with Office of Conservation and Coastal Lands (OCCL) for the subject request.

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.

EXHIBIT C

DAVID Y. IGE
GOVERNOR OF
HAWAII

COPY



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

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

SPA OA 19-10

Wendall Sen, VP Operations
Ron's Construction
2045 Kamehameha IV Road
Honolulu, HI 96819

SEP 14 2010

SUBJECT: Site Plan Approval OA 19-10 for the Temporary Staging of Construction Equipment and Material Located at Makiki Valley State Park, Makiki Heights Drive, O'ahu, TMK: (1) 2-5-020:004

Dear Mr. Sen:

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your request for the subject matter. According to your information, the City and County of Honolulu Environmental Services would like to conduct necessary sewer upgrades to increase capacity along Punahou St. that directs flows to the Ala Moana Pumping Station. The sewer upgrades require the installation of 2,300 linear feet of sewer line and manholes and is outside of the Conservation District.

Due to urban density and a lack of undeveloped and unused sites, there are no vacant spaces that landowners are willing to allow temporary staging of a little more than a year in the project vicinity. Your construction company approached State Parks and requested to temporarily store construction equipment and material for the installation of the sewer upgrade on Parks land.

With the proper approvals, State Parks is amenable to allow the temporary use on undeveloped Park land. The proposed temporary construction laydown area involves the use of vacant land along Makiki Heights Drive. The proposed area is approximately 5,000-ft². The site is generally flat with no buildings and has been previously utilized to park vehicles. On site, there are currently two bollards with a chain link that can be utilized to lock access to the site. Fauna consists mainly of guinea grass and trees located along the perimeter of the site.

Minimal site work will be conducted to accommodate the temporary laydown area. No grading or trenching work will be done. At the entrance to the laydown area, an ingress/egress of 2B rock will be placed to minimize the tracking of dirt onto the road pavement. A dust fence and filter socks will be installed along the perimeter of the temporary staging area as part of best management practices to control dust and erosion. Once the project is complete, the proposed

temporary staging area will be decommissioned and the area will naturalize to the previous condition. **(Exhibit A)**

ANALYSIS:

The subject parcel lies within the Resource subzone of the Conservation District. The proposed use is an identified land use pursuant to HAR, §13-5-22 P-8 STRUCTURES and LAND USES, EXISTING (B-1) Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment.

In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200-8, HAR, and pursuant to the Exemption List for the Department, specifically exemption class 4 Minor alteration in the conditions of land, water, or vegetation; and DLNR exemption 4-14 Minor ground adjustments that do not require grading permits, the proposed project is exempt from the preparation of an Environmental Assessment. State Parks has reviewed and concurred with the proposed exemption.

After careful review, authorization is hereby granted to utilize 5,000-ft² of a portion of Makiki Valley State Park for the temporary staging of construction equipment and material located at Makiki Valley State Park, Makiki Heights Drive, O'ahu, portion of TMK: (1) 2-5-020:004 as indicated and described in this site plan approval, subject to the following terms and conditions:

- 1) The permittee shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The permittee shall obtain appropriate authorization from the department for the occupancy of state lands;
- 4) The permittee shall comply with all applicable Department of Health administrative rules;
- 5) Any work done or construction to be done on the land shall be initiated within 3 months of the approval of such use, and unless otherwise authorized, shall be removed within two years of the approval;
- 6) The permittee understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 7) In issuing this permit, the Department has relied on the information and data that the permittee has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or

inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

- 8) Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;
- 9) Obstruction of public roads, trails and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails or pathways acceptable to the department;
- 10) Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 11) No fuels or potential fire ignition source equipment [welding equipment, generators, etc] shall be stored on the site;
- 12) Other terms and conditions as may be prescribed by the Chairperson; and
- 13) Failure to comply with any of these conditions may render this approval null and void.

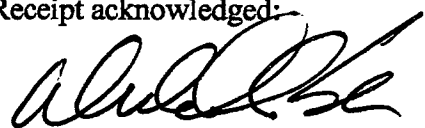
Please acknowledge receipt of this approval, with the above noted conditions in the space provided below. Please sign two copies and retain one copy and return the other to our Office. Should you have any questions regarding this site plan approval, contact Tiger Mills of our Office at 587-0382.

Sincerely,


Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Signature


WENDALL L. SEN

Date

Sept 17, 2018

C: SP/ODLO RONS CONSTRUCTION
City & County of Honolulu
-DPP/DES

Pipe material
laydown

2b rock to be laid
throughout site
with filter fabric

Aggregate
stockpile

Precast manholes
laydown

Surplus material
laydown

50 ft. x 100 ft.
Surrounded by
Dust Screen and
lined with Filter
Socks

Equipment
parking with
absorbent pads

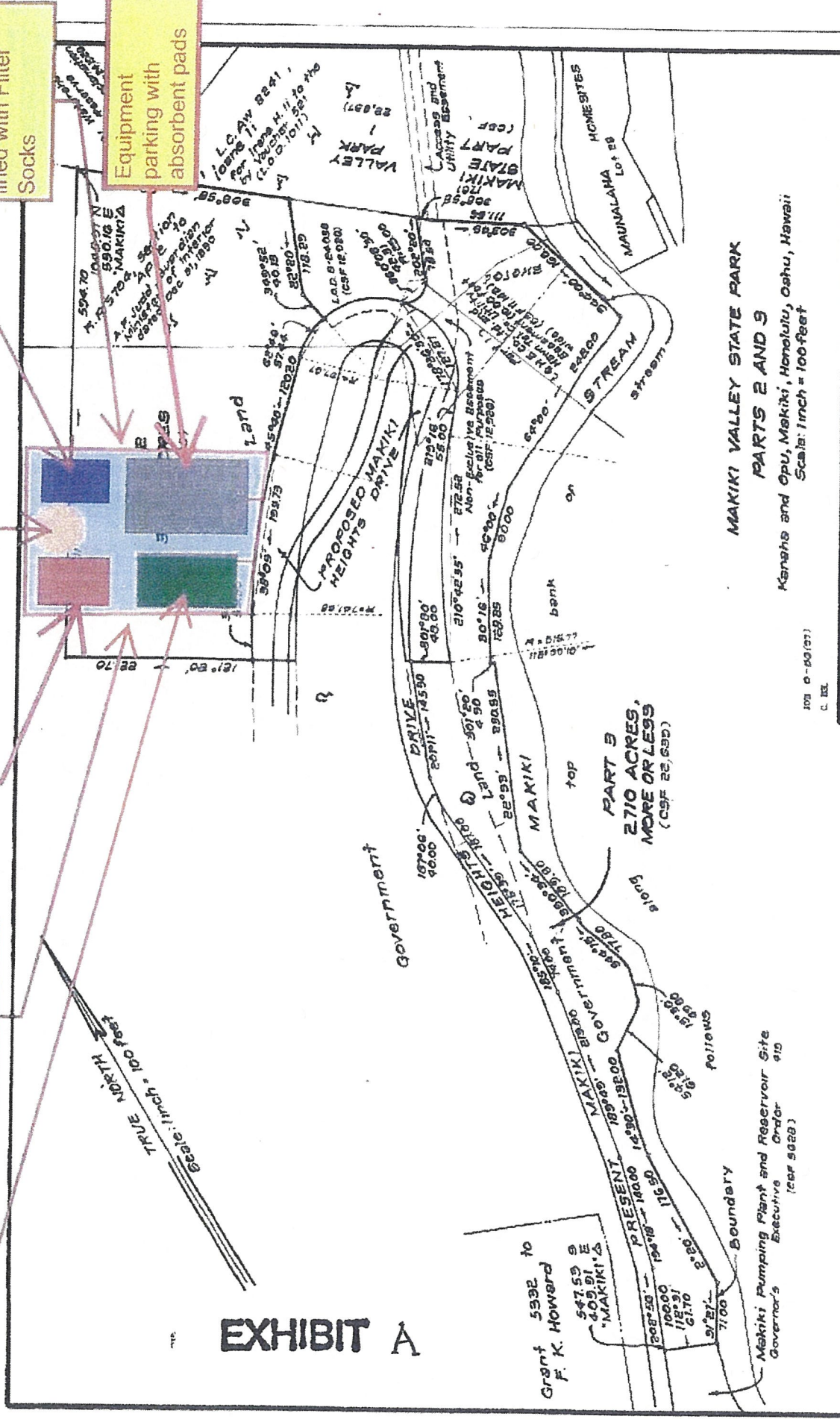


EXHIBIT A

Grant 533E to
F. K. Howard
547.59 S
409.91 E
112.91
61.70
9727.2
7100

PART 3
2710 ACRES,
MORE OR LESS
(CSF 22,632)

MAKIKI VALLEY STATE PARK
PARTS 2 AND 3

Kaunaloa and Opu, Makiki, Honolulu, Oahu, Hawaii
Scale: 1 inch = 100 feet

103 e-93(37)
C. 102

Makiki Pumping Plant and Reservoir Site
Governor's Executive Order 910
(CSF 5028)

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

11" X 17" = 1.30 S.F.
JUN Oct 19, 1997

