

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

April 26, 2019

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

PSF No.: 18HD-024

HAWAII

Issuance of Right-of-Entry Permit to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Fence Construction and Maintenance Purposes on Lands Encumbered by Revocable Permit No. S-7662 to Parker Ranch, Inc., Upper Paauhau, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004.

APPLICANT:

Hawaii State Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW).

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Upper Paauhau situated at Hamakua, Hawaii, identified by Tax Map Key: (3)4-4-014:004, as shown on the attached map labeled Exhibit A.

AREA:

101.4 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County: Hawaii CZO: A-40a

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7662, Parker Ranch, Inc., Permittee, for pasture purposes only.

CHARACTER OF USE:

Management access purposes.

TERM OF RIGHT-OF-ENTRY:

An initial term of five years that may be extended at the Chairperson's discretion for additional five-year periods or for any shorter period to allow DOFAW to continue maintenance of the fence during its useful life, as long as the permittee under Revocable Permit No. S-7662 or any successor permittee or lessee consents to DOFAW's entry onto the land.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See attached Exemption Notification, attached as Exhibit B.

DCCA VERIFICATION:

Not applicable, as Applicant is a government agency.

REMARKS:

The Hawaii State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) is undergoing a fencing project around the Mauna Kea Forest Reserve (MKFR) to protect its native forests and palila (*Loxioides bailleui*) critical habitat from the negative impacts of feral ungulates in the area, and also to comply with legal requirements brought on by court order to permanently remove feral ungulates from palila critical habitat in MKFR. This particular fencing project consists of an 8.9 mile fence-line bordering a northern portion of MKFR on the parcel subject to this right-of-entry permit (ROE) request, but also crosses boundaries at two (2) different parcels. The other two other parcels belong to Parker Ranch and DOFAW was given permission to enter. With that said, DOFAW is requesting an ROE to access State lands of upper Paauhau, Hamakua, Hawaii, currently encumbered by Revocable Permit No. S-7662 to Parker Ranch, Inc. and identified by TMK: (3) 4-4-014:004. Staff is recommending the term of the ROE to be the duration of DOFAW's project. According to DOFAW, the project is intended to begin in early March and does not yet have an estimated completion date.

As required, DOFAW has obtained written concurrence via letter, dated November 30, 2018, and signed by Parker Ranch, Inc. on December 18, 2018, attached as Exhibit C.

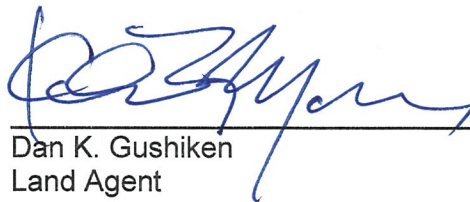
Being that DOFAW is a government agency, the consideration for this request is gratis.

Hawaii State Department of Agriculture, Hawaii State Department of Land and Natural Resources State Historic Preservation Division, United States Army Corps of Engineers and United States Department of Agriculture Natural Resource Conservation Service were solicited for comments via memorandum dated February 15, 2019. No comments or objections were expressed from any of the agencies solicited.

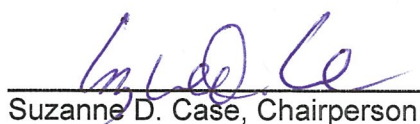
RECOMMENDATION: That the Board

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 Department of Land and Natural Resources, Division of Forestry and Wildlife 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. The right-of-entry permit shall be for an initial term of five years that may be extended at the Chairperson's discretion for additional five-year periods or for any shorter periods to allow DOFAW to continue maintenance of the fence during its useful life, as long as the permittee under Revocable Permit No. S-7662 or any successor permittee or lessee consents to DOFAW's entry onto the land;
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Dan K. Gushiken  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

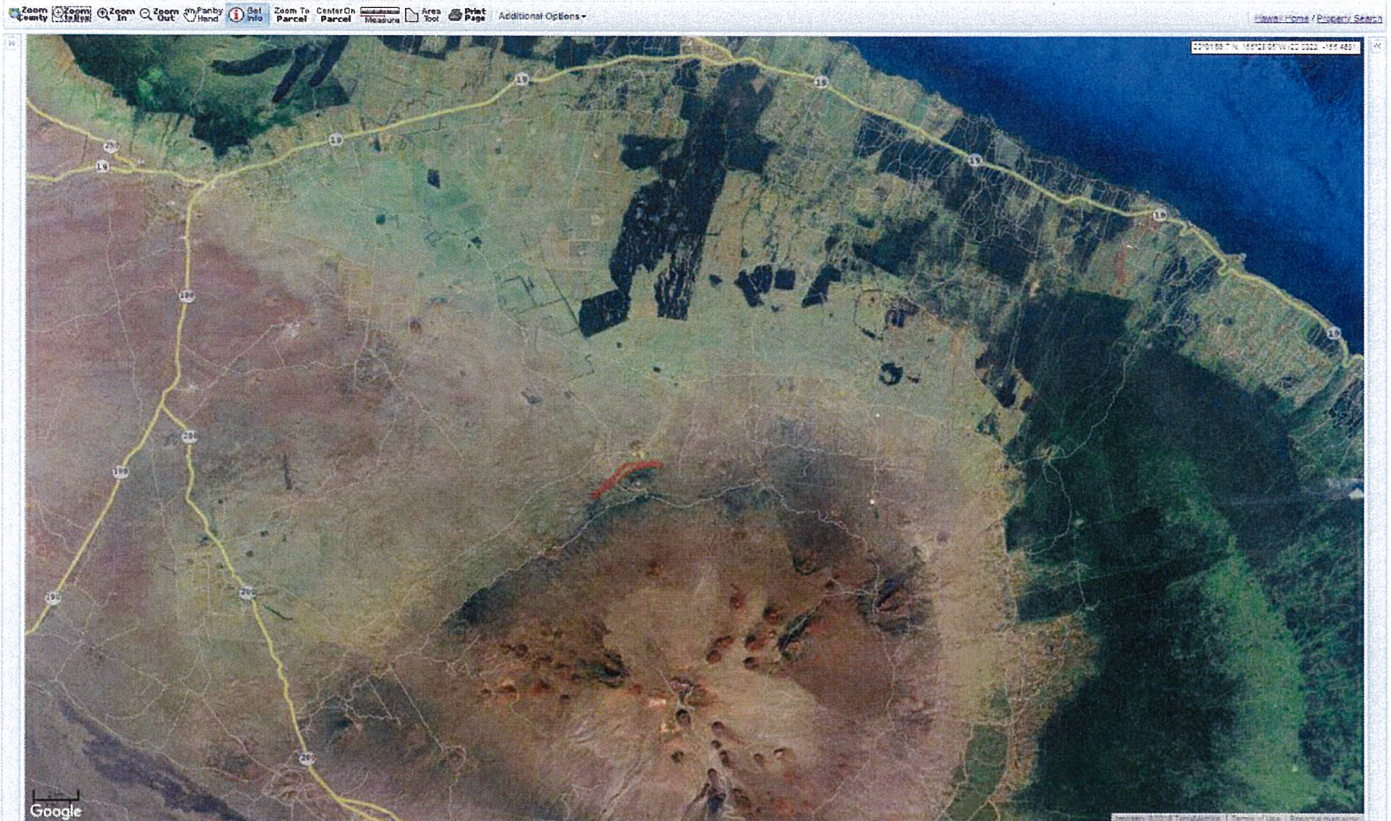


\*encumbered by RPS-7662 (Parker Ranch, Inc.)

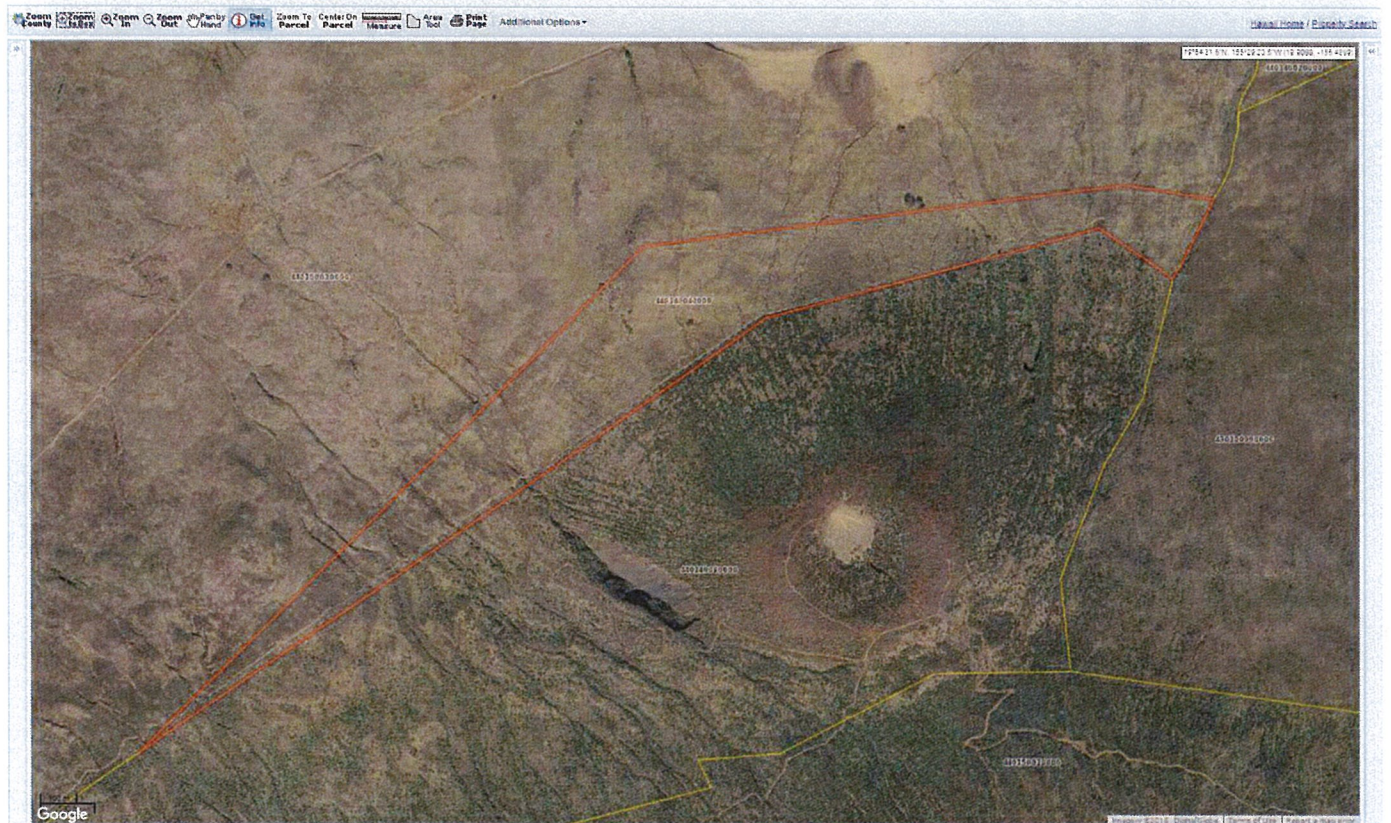




# 18HD-024: ROE to DOFAW (Mauna Kea Forest Reserve) Upper Paauhau, Hamakua, Hawaii; TMK: (3) 4-4-014:004 \*encumbered by RPS-7662 (Parker Ranch, Inc.)



Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. The 'parcel' layer is intended to be used for visual purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. The 'parcel' data layer does not contain metes and bounds described accuracy; therefore, please use caution when viewing this data. Overlaying this layer with other data layers that may not have used this layer as a base may not produce precise results. GPS and imagery data will not overlay exactly.



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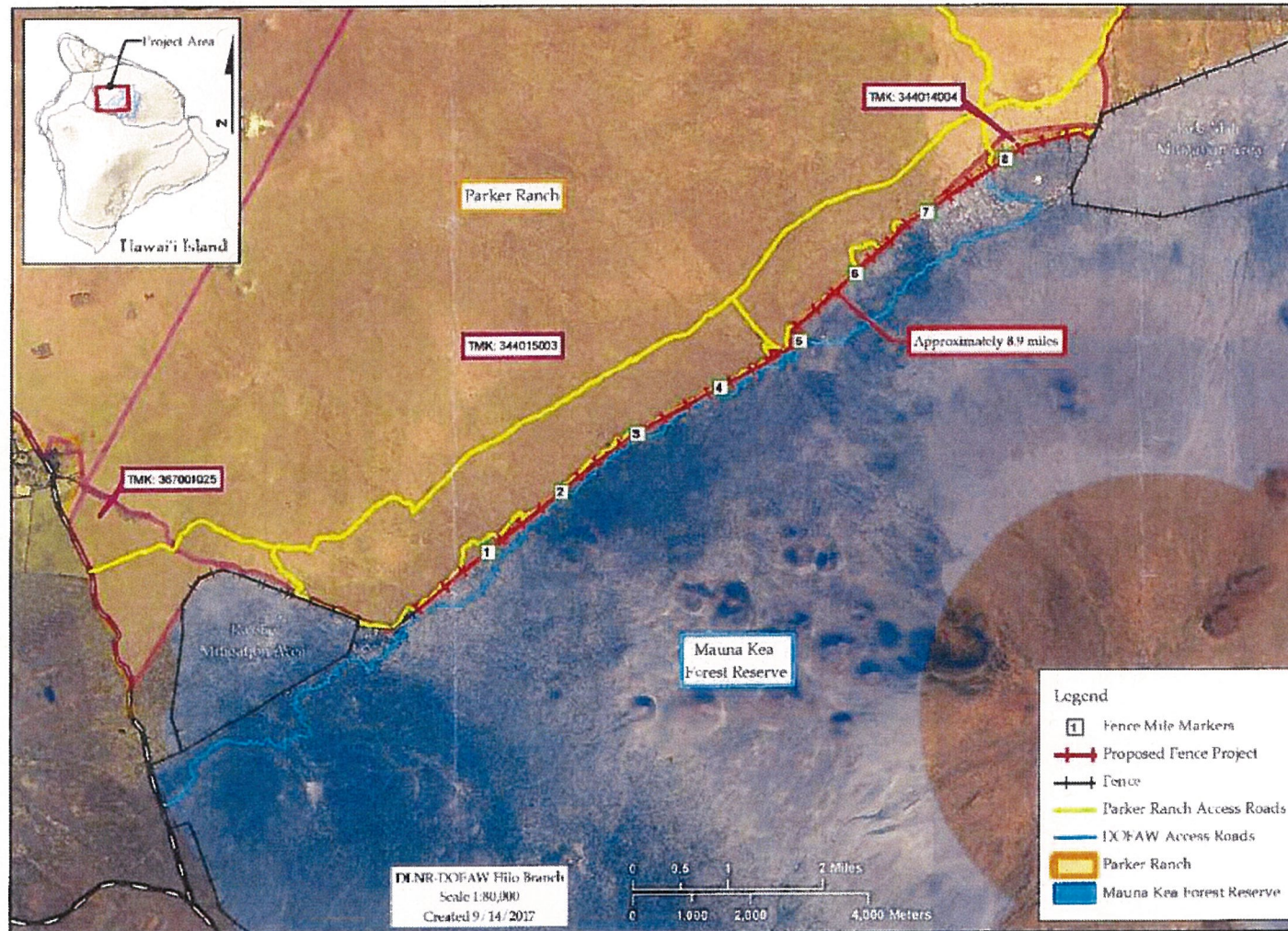


# 18HD-024: ROE to DOFAW (Mauna Kea Forest Reserve)

Upper Paauhau, Hamakua, Hawaii; TMK: (3) 4-4-014:004

\*encumbered by RPS-7662 (Parker Ranch, Inc.)

## Right-of-Entry for Mauna Kea Fence Project



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 26, 2019

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

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
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

**EXEMPTION NOTIFICATION**

From 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 the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Fence Construction and Maintenance Purposes on Lands Encumbered by Revocable Permit No. S-7662 to Parker Ranch, Inc., Upper Paauhau, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004.

Project / Reference No.: PSF 18HD-024

Project Location: Upper Paauhau, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004

Project Description: Right-Of-Entry Permit to DOFAW for management access purposes

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, and the departmental exemption list dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 3, that states "Construction and location of single new, small facilities or structures and the alteration and modification of same including but not limited to: (A) Single family residences not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (E) accessory or appurtenant structures including garages, carports, patios, swimming pools, and

**EXHIBIT B**



fences," and Item 1, which states, "Fences around or to manage rare, threatened or endangered plants, covered or open areas for endangered species, game birds and mammals, auxiliary buildings for food or equipment storage, incubators and brooders, open-top breeding and release pens, field aviaries, and hacking boxes, and for watershed and native forest management and restoration. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use."

Division of Forestry and Wildlife (DOFAW) is requesting a right-of-entry permit (ROE) onto a portion of Government lands in Upper Paauhau, Hamakua, Hawaii, identified by Tax Map Key: (3) 4-4-014:004. The subject property is currently encumbered by Parker Ranch, Inc. for pasture purposes only. DOFAW is requesting the ROE for fence construction and maintenance purposes. DOFAW intends to build approximately 8.9 miles of fencing along Mauna Kea Forest Reserve's (MKFR) northern perimeter to help protect the area's native forest and palila (*Loxioides bailleui*) from the negative impacts of feral ungulates and to comply with court orders to permanently remove ungulates from palila critical habitat in MKFR. The new fence-line will be rebuilt on the north side of the old Mauna Kea Forest Reserve fence due to ease of access for construction purposes and to avoid impacts to historic resources.

Consulted Parties

Department of Agriculture, DLNR State Historic Preservation Division, United States Army Corps of Engineers, USDA National Resource Conservation Service

Recommendation:

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



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

November 30, 2018

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  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

MEMORANDUM

TO: Parker Ranch Inc.  
Nahua Guilloz, Vice President of Business & Administration – Livestock  
& Corporate Secretary

FROM: Steve Bergfeld, Hawaii Island District Manager  
Division of Forestry and Wildlife

SUBJECT: Request for a Right of Entry for TMK (3) 4-4-014:004, Revocable Permit 7662

The Division of Forestry and Wildlife (DOFAW) is fencing Mauna Kea Forest Reserve (MKFR) to protect native forest and palila (*Loxioides bailleui*) habitat. We greatly appreciate Parker Ranch Inc. cooperation to facilitate construction of the MKRF fence, including the recent completion of a Right-of-Entry (ROE) for Parker Ranch owned lands.

One portion of our planned fence alignment crosses TMK (3) 4-4-014:004, which is encumbered by Revocable Permit (RP) 7662 issued by the State to Parker Ranch Mauna Kea LLC. DOFAW has requested a ROE for this parcel from the State Land Division for management access, which will include fence construction and fence maintenance around the boundary of the parcel (see attached map showing planned fence alignment). This parcel is currently part of discussions the state is having with Parker Ranch Inc. concerning numerous parcels, and we hope to continue working with you on these matters to our mutual benefit. Following the issuance of the ROE, Parker Ranch can continue to use the parcel under RP 7662 for grazing operations for next several years. Over the long-term, the state intends to end the RP, transfer the land to DOFAW management and add the parcel to the MKFR.

The state Land Division requires written concurrence from Parker Ranch, Inc. because you are currently using parcel encumbered by RP S-7662 (see attached memo). We would appreciate if you could indicate your concurrence for DOFAW's ROE by signing below and returning the signed memo to us.

Thank you for considering the state's request for concurrence. If you have any questions, please contact Tanya Rubenstein, DOFAW Cooperative Forester at [Tanya.Rubenstein@Hawaii.gov](mailto:Tanya.Rubenstein@Hawaii.gov) or (808) 587-0027.

**EXHIBIT C**

Parker Ranch Concurs with the issuance of an ROE to DOFAW for RP S-7662 for management access, including fence construction and fence maintenance.

☒ CONCUR

☐ DO NOT CONCUR

  
Parker Ranch Inc.  
Nahua Guikar, VP

12/18/18  
Date

Attachments  
Map of Proposed Fence Alignment  
Land Division Memo