

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

October 11, 2019

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

PSF No.: 19KD-084

Kauai

Issuance of Right-of-Entry Permit to Sigrid Marmann for Maintenance Purposes  
Onto State Lands, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-  
012:008.

APPLICANT:

Sigrid Marmann, single, Tenant in severalty.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Wailua situated at Wailua, Kawaihau (Puna),  
Kauai, identified by Tax Map Key: (4) 4-1-012:008, as shown on the attached  
map labeled Exhibit A.

AREA:

0.77 acre, more or less.

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Residential

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:

Vacant and unencumbered.

CHARACTER OF USE:

Maintenance purposes.

TERM OF RIGHT-OF-ENTRY:

Thirty (30) days.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Declaration attached as Exhibit B.

DCCA VERIFICATION:

Applicant is not operating a business and, as such, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay all costs associated with the maintenance activity within the right-of-entry area or premises. Any fees incurred shall be the sole responsibility of Sigrid Marmann, her consultants, contractors and/or persons acting for or on her behalf.
- 2) Clean and restore the area to a condition satisfactory to the Department of Land and Natural Resources upon completion of the tree trimming. All trash and cuttings shall be removed from the area or premises.

REMARKS:

The applicant, Sigrid Marmann, resides at TMK: (4) 4-1-012:022. An original complaint was made in 2012 to previous district land agent at the Kauai District Land Office (KDLO). The applicant had concerns relating to the trimming of overgrown trees on the adjacent State parcel (4) 4-1-012:008, which is being poorly maintained. The subject State parcel contains a ditch that regularly overflows in times of heavy rain.

On June 13, 2019, the applicant came to the Kauai District Land Office and asked staff to take a second look at the overall condition of the trees upon the State land. The applicant felt that after several years of growth, there was now a hazardous condition. In the last big rains, rocks were washed downstream, restricting water flow into a pond across Haleilio Road fronting her property. She fears that the condition will cause future flooding of neighboring properties and Haleilio Road.

On June 14, 2019, staff conducted a site inspection. The trees do not appear to be creating an immediate threat to life or property, but the debris created by the trees might clog the normal flow of the stream below and cause flooding of the adjacent areas.

This right-of-entry permit shall be issued at gratis as it is a potential hazard safety issue with all costs being paid by the applicant and no entity involved intends to profit monetarily from its use.

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.

The following State agencies were consulted on this action with the results indicated:

Agency:	Comment:
Historic Preservation	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date
DLNR-Water Resource Management	No response by suspense date
DLNR-Aquatic Resources	No Comments

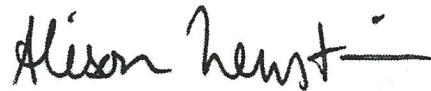
Staff has no objections to the request.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, Hawaii Administrative Rules, 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 Sigrid Marmann 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; and
- C. Authorize the Chairperson to issue future rights-of-entry to the applicant for maintenance purposes.

Respectfully Submitted,



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Alison Neustein  
Land Agent

APPROVED FOR SUBMITTAL:



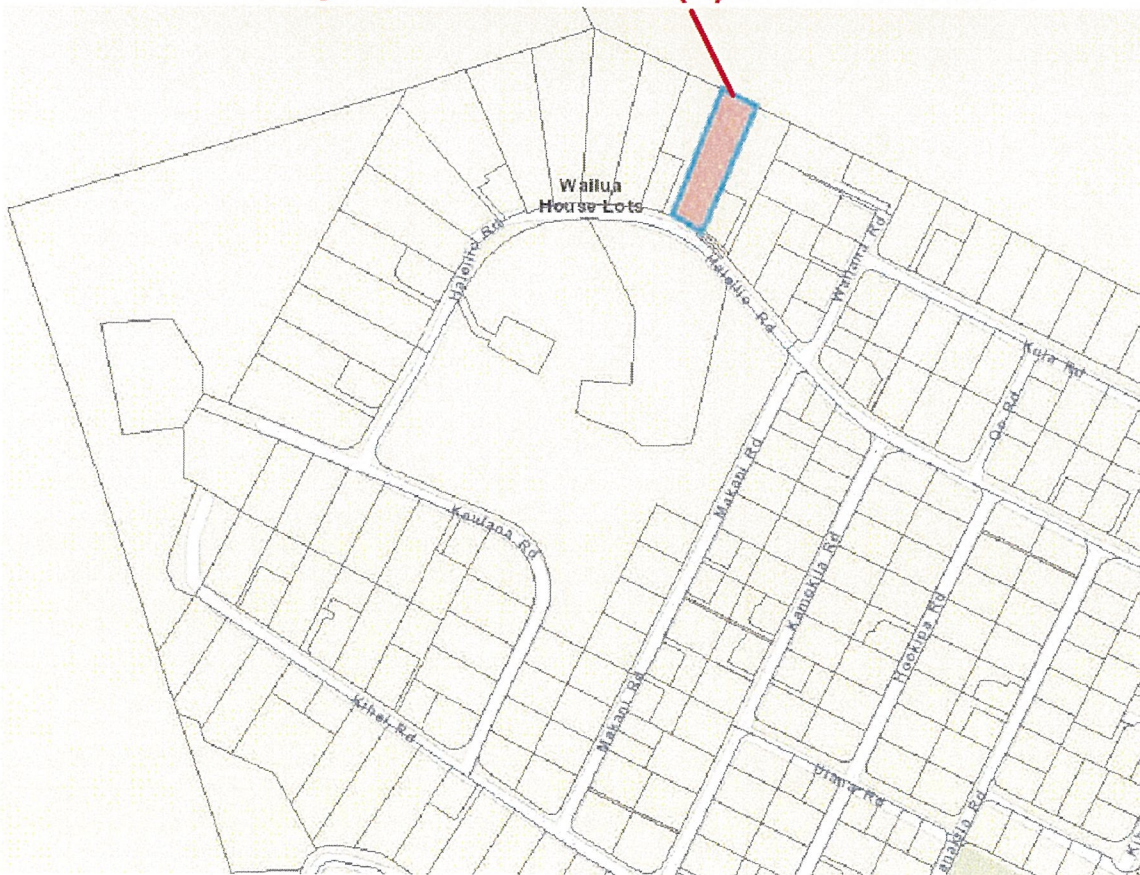
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Suzanne D. Case, Chairperson

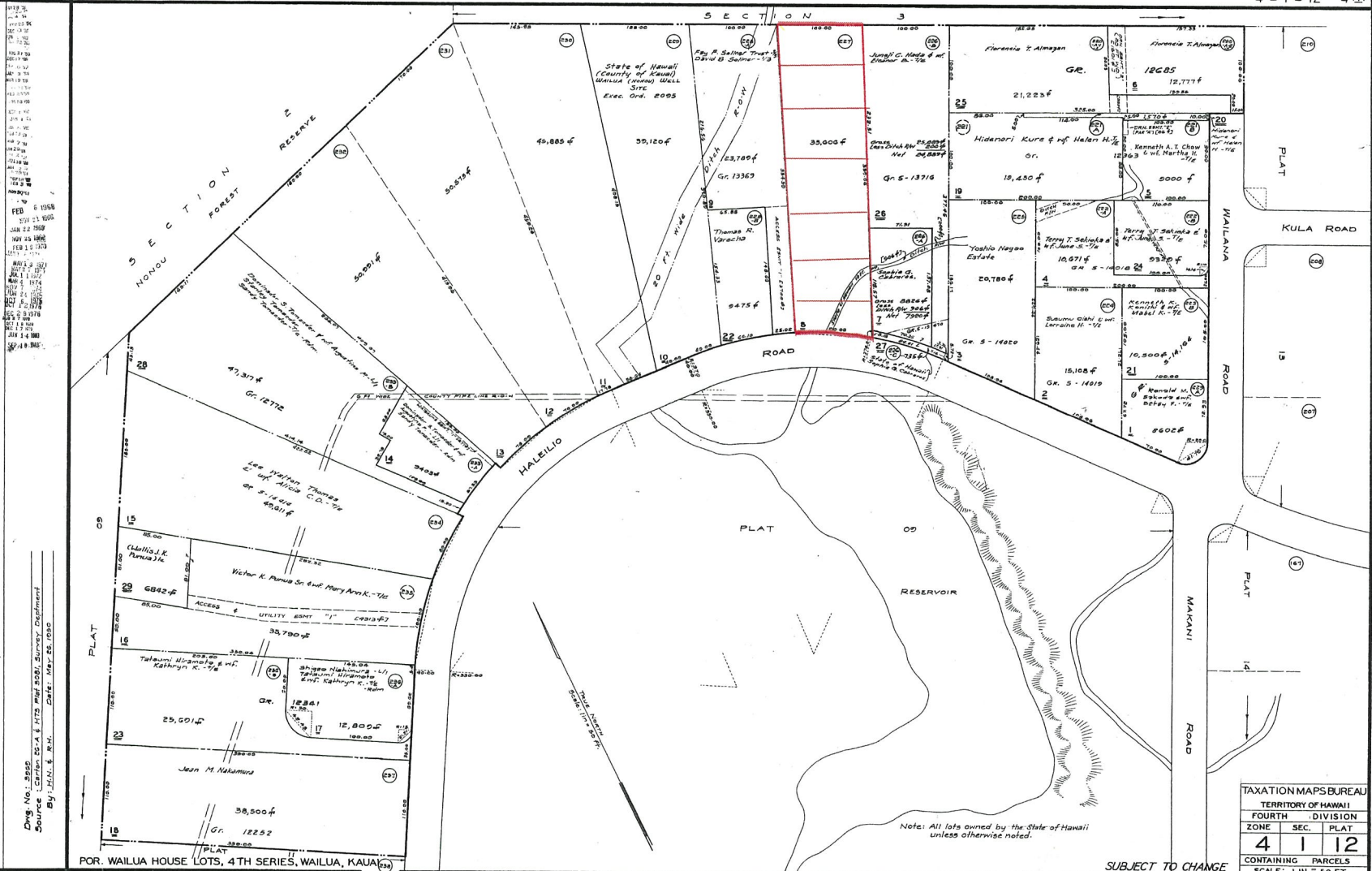




**Subject Parcel TMK (4) 4-1-012:008**



**Exhibit A**



FEB 6 1958  
 JUN 21 1959  
 JUN 22 1959  
 NOV 25 1959  
 DEC 13 1959  
 FEB 10 1960  
 MAR 12 1960  
 APR 14 1960  
 MAY 16 1960  
 JUN 18 1960  
 JUL 20 1960  
 AUG 22 1960  
 SEP 24 1960  
 OCT 26 1960  
 NOV 28 1960  
 DEC 30 1960

Drawn by: [Name]  
 Source: [Name]  
 Date: May 25, 1958

FOR. WAILUA HOUSE LOTS, 4TH SERIES, WAILUA, KAUAI

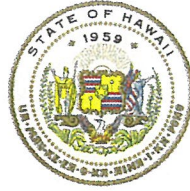
Note: All lots owned by the State of Hawaii unless otherwise noted.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
FOURTH	DIVISION	
ZONE	SEC.	PLAT
4	1	12
CONTAINING PARCELS		
SCALE: 1 IN = 50 FT.		

Exhibit A

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

**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

October 11, 2019

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

- Project Title:** Issuance of Right-of-Entry Permit to Sigrid Marmann for Maintenance Purposes Onto State Lands, Kawaihau (Puna), Kapaa, Kauai, Tax Map Key: (4) 4-1-012:008.
- Project / Reference No.:** PSF No. 19KD-084.
- Project Location:** Kapaa Town Lots situated at Kawaihau (Puna), Kapaa, Kauai,, Hawaii, Tax Map Key: (4) 4-1-012:008.
- Project Description:** Issuance of Right-of-Entry Permit to Sigrid Marmann Onto State Lands for Maintenance Purposes. She intends to keep the area, which contains a ditch, clean and clear of debris. She will trim and remove several overgrown trees and bushes from the State parcel.
- Chap. 343 Trigger(s):** Use of State Land
- Exemption Class No. and Description:** In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 33, which states the "Maintenance of state lands and waters to remove weed, brushes, grass and other unwanted vegetation."

Exemption Class No. 1, Item 38, which states the "Removal and disposal of rubbish and debris from state lands and waters."

**EXHIBIT B**

**Cumulative Impact of  
Planned Successive  
Actions in Same Place  
Significant?**

No. The temporary use of the land for land maintenance purposes is compliant with county zoning requirements. Staff believes there are no cumulative impacts involved.

**Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment?**

No. There are no particularly sensitive environmental issues involved with the proposed use of the property.

**Analysis:**

The proposed use will involve negligible or no expansion or change of use beyond that previously existing.

**Consulted Parties:**

Commission on Water Resource Management, Historical Preservation Division, Office of Hawaiian Affairs, and Division of Aquatic Resources

**Recommendation:**

That the Board finds 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.