

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

June 12, 2020

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

STATEWIDE

Issuance a Right-of-Entry and Delegation of Authority to the Chairperson to Issue Future Rights-of-Entry to the United States Geological Survey for the Installation, Operation, Repair, Maintenance and Removal of Stream Monitoring Stations on Lands under the Management of the Department of Land and Natural Resources. A List of Properties is Attached as Exhibit A.

APPLICANT:

United States Geological Survey

LEGAL REFERENCE:

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

LOCATION:

Portions of streams situated on state lands as identified in Exhibit A.

AREA:

Approximately 6 square feet, more or less, for each stream monitoring station.

ZONING:

State Land Use District:

Various

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:

Various

CHARACTER OF USE:

Streamflow Monitoring Station.

TERM OF RIGHT-OF-ENTRY:

July 1, 2020 to June 30, 2025.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR), and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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", Item 44, "Permits, licenses, registrations, and rights-of-entry issues by the Department that are routine in nature, involving negligible impacts beyond that previously existing"; and Exemption Class No. 5, "Basic data collection, research, experimental management, resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 "Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)." Exemption Notification is attached as **Exhibit B**.

DCCA VERIFICATION:

Not applicable, applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

The Board is requested to 1) approve a right-of-entry (ROE) permit to the United States Geological Survey (USGS) for a term beginning July 1, 2020 for an initial five (5)-year

period for the installation, operation, repair, maintenance and removal of stream monitoring stations on certain lands under the Department's management jurisdiction; and 2) delegate to the Chairperson the authority to execute future ROE's on additional lands under the Department's management for the same purpose. Stream monitoring stations, which are cooperatively funded with the Commission on Water Resource Management (CWRM), provide streamflow information for the establishment and maintenance of instream flow standards, monitoring of watershed hydrology to determine the consequences of climate change on water resource availability, flood forecasting and flood alerts. The locations for the initial stream monitoring stations have been determined by the USGS and CWRM, and are identified in Exhibit A. As the lands are under the management of different divisions within the Department, the USGS shall be required to consult with the appropriate division and/or other users of the subject land and obtain written concurrence prior to installing the stream monitoring station.

USGS has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. Due the high value that the information from the monitoring stations would provide in the effective management of public trust water resources, staff recommends that this ROE and any future ROE for this purpose be issued to the USGS gratis.

In addition to approving the ROE for the current stream monitoring locations listed in Exhibit A, the Board is also requested to delegate to the Chairperson the authority to approve future ROEs for additional sites for the same purpose. At its meeting on June 14, 2013, under agenda item D-11, the Board previously delegated to the Chairperson the authority to sign ROEs on behalf of the Board. This request is consistent with that approval as the present and any future ROEs for stream monitoring stations are for non-commercial events that occupy a specific area and would not substantially interfere with the general public's recreational use of the area. However, as the Board's prior approval applied only to unencumbered lands, staff requests that the Board expand the delegation to all lands under the Department's management for this limited purpose, provided that the USGS consults with and obtains written concurrence from the managing division and/or other users of the subject land prior to the installation of the stream monitoring station.

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, 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 Applicant 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 extend the right of entry permit for good cause.
3. Authorize the Chairperson of the Board of Land and Natural Resources to issue additional rights-of-entry permits at his/her discretion without prior Board approval to the Applicant for purposes consistent with this submittal.

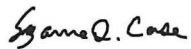
Respectfully Submitted,



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Ian Hirokawa  
Special Projects Coordinator

APPROVED:



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Suzanne D. Case, Chairperson

RT

Current locations needed for ROE to meet newly funded monitoring agreements from 2018-2020 and expected monitoring agreements for 2021-2022.

<b>Station</b>	<b>Station ID</b>	<b>Island</b>	<b>TMK</b>	<b>Division</b>
Honomanu Stream near Hana Hwy	16527500	Maui	1-1-001-010	Land
Waimea River above Waiahulu Intake	16016500	Kaua'i	1-5-001-017	DOFAW
NF Wailua River above N Wailua Ditch Intake	16016000	Kaua'i	3-9-001-001	DOFAW
Waikolu Stream below Pipe Cross near Kalaupapa	16408000	Molokai	6-1-001-002	DOFAW
Nailiilihaele Stream near Huelo	16570000	Maui	2-9-014-001	DOFAW
Ukumehame Gulch near Olowalu, Maui	16052400	Maui	4-8-001-002	DOFAW
Waiakea Stream near Mountain View	16700000	Hawai'i	2-4-008-001	DOFAW
Hilea Gulch Tributary near Honuapo	16764000	Hawai'i	9-7-001-001	DOFAW
Wailuku River near Kaumana	16701800	Hawai'i	2-6-018-004	DOFAW
Waihanau Stream near Kalaupapa	16409000	Molokai	6-1-001-002	DOFAW

## **EXHIBIT A**



### **EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance a Right-of-Entry and Delegation of Authority to the Chairperson to Issue Future Rights-of-Entry to the United States Geological Survey for the Installation, Operation, Repair, Maintenance and Removal of Stream Monitoring Stations on Lands under the Management of the Department of Land and Natural Resources.
Reference No.:	Not applicable.
Project Location:	Various
Project Description:	Installation, Operation, Repair, Maintenance and Removal of Streamflow Monitoring Stations
Chap. 343 Trigger(s):	Use of State Land.
Exemption Class No.:	In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR), and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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", Item 44, "Permits, licenses, registrations, and rights-of-entry issues by the Department that are routine in nature, involving negligible impacts beyond that previously existing"; and Exemption Class No. 5, "Basic data collection, research, experimental management, resource evaluation activities which do not result in a serious or major disturbance to an environmental resource", Item 1 "Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	Proposed action involves a one-time placement of a stream monitoring station for each designated area.

### **EXHIBIT B**

Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment?

No, staff is not aware of stream monitoring stations significantly impacting the stream environment.

Consulted Parties:

Commission on Water Resource Management

Analysis:

Based on the above mentioned, the stream monitoring stations would be used to gather stream flow data, which would not significantly impact stream flow or the stream environment.

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.