

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

August 28, 2020

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

PSF No.: 20MD-058

MAUI

Issuance of Right-of-Entry Permit to Goodfellow Bros. LLC for Rough Grading of Existing Firebreak Road and Mowing of Grass Shoulders 30 feet from Edge of Road on Both sides at Kaunohua-Pohakea Gulch on Lands Encumbered by General Lease No. S-6003, Kaheawa Wind Power II, LLC, Lessee, for Wind Farm Purposes, Wailuku, Maui; Tax Map Key: (2) 3-6-001: Portion of 014.

APPLICANT:

Goodfellow Bros. LLC, a foreign limited liability company, in partnership with DOFAW and Maui Nui Marine Resource Council.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kaunohua-Pohakea Gulch, Wailuku, Maui; Tax Map Key: (2) 3-6-001: Portion of 014, as shown on the attached map labeled **Exhibit A**.

AREA:

7 acres, more or less. (see **Exhibit B**)

ZONING:

State Land Use District:	Agriculture / Conservation District
County of Maui CZO:	Agriculture

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:

Encumbered by General Lease No. S-6003, Kaheawa Wind Power II, LLC, Lessee, for Wind Farm purposes. Lease to expire on November 30, 2031.

CHARACTER OF USE:

Rough grading and mowing grass purposes.

TERM OF RIGHT-OF-ENTRY:

This right-of-entry shall be effective upon the date of acceptance and shall be for a term of 2 weeks, or the completion of rough grading of existing firebreak road and mowing of buffelgrass, whichever is sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rule (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, Part 1, Item 11, which states "Operation, repair or maintenance of existing fire tool caches, fuel breaks, and helispots"; Exemption Class 4, Part 1, Item 2, which states "Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions"; Item 3, which states "Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging"; Item 14, which states "Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Division procedures"; and, Part 2, Item 2, which states "Clearing of new fuel breaks and other similar fire pre-suppression actions to reduce fire potential and minimize fire severity." Exemption Notification is attached as **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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Supply Certificate of Insurance naming the State of Hawaii as additional insured.
2. Obtain written concurrence from all users of the subject land.

REMARKS:

Staff is requesting approval for a right-of-entry (ROE) permit for the Applicant to rough grade existing firebreak road and mow grass shoulders 30 feet from edge of road on both sides at Kaunohua-Pohakea Gulch located at Wailuku, Maui; Tax Map Key: (2) 3-6-001: Portion of 014 (see **Exhibit B**).

Applicant is in partnership with Division of Forestry and Wildlife (DOFAW) and Maui Nui Marine Resource Council. The goal of the project is to help control watershed pollution sources from eventually harming the reefs. Applicant will be doing the rough grading and mowing of grass. Applicant proposes to utilize material from along the existing road to fill any low areas. No material will be imported. DOFAW will monitor and oversee the project due to the agency's future maintenance of fuel breaks on both the Forest reserve and unencumbered lands. Maui Nui Marine Resource Council is providing expertise and guidance on watershed management. The work will be performed on the premises of General Lease No. S-6003 to Kaheawa Wind Power II, LLC, lessee, who is in support of the project.

The project area is approximately 7 acres and will take two weeks to complete the rough grading and mowing of grass shoulders.

MDLO staff Consulted with Office of Conservation and Coastal Lands (OCCL), and Division of Forestry and Wildlife (DOFAW) for their review and comment regarding subject ROE.

Applicant 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.

Gratis is recommended for this ROE due to the public benefit of watershed management

to help control pollution sources which can harm the reefs and wildfires that is fueled by regular strong winds in that area. There is no commercial benefit to Applicant.

RECOMMENDATION: That the Board:

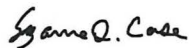
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Goodfellow Bros. LLC 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.
 - C. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to road maintenance.

Respectfully Submitted,



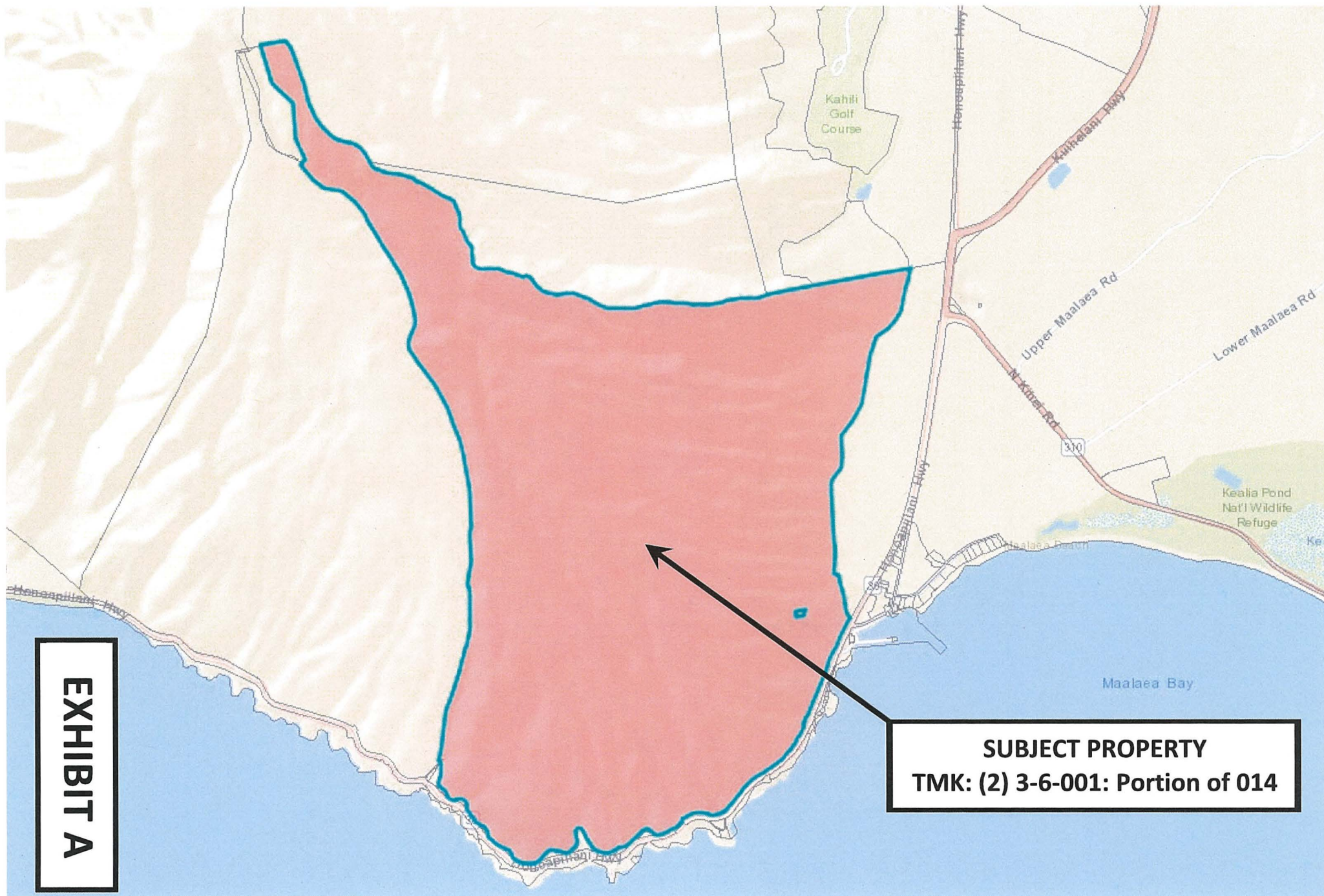
Edward T. Paa
Land Agent

APPROVED:

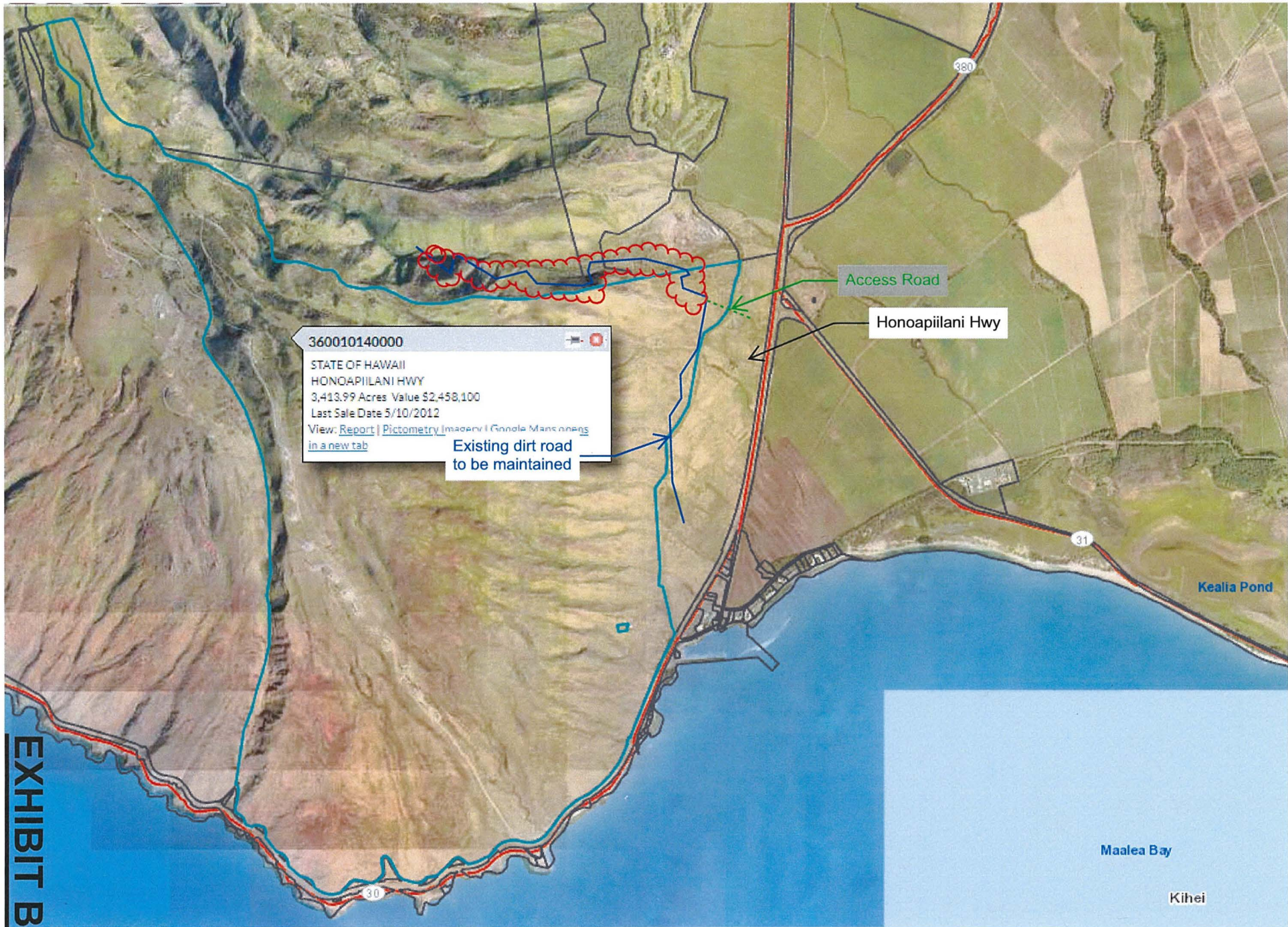


Suzanne D. Case, Chairperson

EXHIBIT A



SUBJECT PROPERTY
TMK: (2) 3-6-001: Portion of 014



Parcel ID 360010140000
 Acreage 3413.985
 Class CONSERVATION

Situs/Physical Address HONOAPIILANI HWY
 Mailing Address STATE OF HAWAII

Assd Land Value \$2,458,100
 Assd Building Value \$0
 Total Assd Value \$2,458,100
 Exempt Value \$2,458,100
 Taxable Value \$0

Last 2 Sales				
Date	Price	Reason	Qual	
5/10/2012	0	n/a	U	
5/10/2012	0	Related individuals	U	

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 28, 2020

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

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

Project Title: Issuance of Right-of-Entry Permit to Goodfellow Bros. LLC for Rough Grading of Existing Firebreak Road and Mowing of Grass Shoulders 30 feet from Edge of Road on Both sides at Kaunohua-Pohakea Gulch on Lands Encumbered by General Lease No. S-6003, Kaheawa Wind Power II, LLC, Lessee, for Wind Farm Purposes, Wailuku, Maui; Tax Map Key: (2) 3-6-001: Portion of 014.

Project / Reference No.: PSF 20MD-058

Project Location: Portion of Government lands situated at Kaunohua-Pohakea Gulch, Wailuku, Maui; Tax Map Key: (2) 3-6-001: Portion of 014.

Project Description: Rough Grading of Existing Firebreak Road and Mowing of Grass for Road Maintenance Purposes.

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

Exemption Class No.: In accordance with Section 11-200.1-15, Hawaii Administrative Rule (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, Part 1, Item 11, which states "Operation, repair or maintenance of existing fire tool caches, fuel breaks, and helispots"; Exemption Class 4, Part 1, Item 2, which states "Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions";

EXHIBIT C

Item 3, which states “Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging”; Item 14, which states “Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Division procedures”; and, Part 2, Item 2, which states “Clearing of new fuel breaks and other similar fire pre-suppression actions to reduce fire potential and minimize fire severity.”

Cumulative Impact of
Planned Successive
Action in Same Place
Significant:

No, there is no significant cumulative impact since there are no successive actions in the same place.

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

No, the area is a portion of forest State lands that is not accessible to the public. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Analysis:

The Board has authorized maintenance right-of-entry permits for road maintenance in the past. The proposed request is of a similar type and scope as other road maintenance request across the State. Staff also believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

MDLO staff Consulted with Office of Conservation and Coastal Lands (OCCL), and Division of Forestry and Wildlife (DOFAW) regarding subject ROE.

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.

EXHIBIT C