

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

August 27, 2021

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

PSF No.: 21MD-062

Maui

Issuance of Revocable Permit to Goodfellow Bros. LLC for Temporary Construction Equipment and Material Staging Purposes, Wailua, Hana, Maui, Tax Map Key: (2) 1-1-004:005 por.

APPLICANT:

Goodfellow Bros. LLC, a foreign limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Wailua situated at Koolau, Hana, Maui identified by Tax Map Key: (2) 1-1-004:005 por., as shown on the attached map labeled Exhibit A.

AREA:

Between 0.5 (half) to 1 (one) acre, more or less.

ZONING:

State Land Use District: Agriculture
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: YES__ NO X

CURRENT USE STATUS:

Unencumbered.

CHARACTER OF USE:

Temporary (4 - months) Construction Equipment and Material Staging Purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$140.00 (one hundred and forty dollars) per month.

Proposed rent is based on a rate of return on the tax assessed value of the area proposed to be used. Rent is fair based on the following calculations:

1. County of Maui Real Property Appraised Value for TMK (2) 1-1-004: 005 = \$200,000 (rounded up to nearest thousand).
2. In house calculations assume a 4% annual rate of return or \$700 per month (rounded up to the nearest hundred).
3. Applicant plans to use only 20% (0.5 to 1 acre) or less of the overall 5-acre parcel of land. (20% of \$700 = \$140). Therefore, rent is recommended to be \$140.
4. Proposed driveway improvements and clearing of overgrown vegetation is estimated to cost about \$15,000 and shall be at the sole cost of the applicant.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR), Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing" and Part 1, Item No. 34, that states: "storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair." See Exemption Notification attached as

Exhibit C.

DCCA VERIFICATION:

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

JUSTIFICATION FOR REVOCABLE PERMIT:

Month-to-month tenancy is more appropriate than long-term disposition in this case. The purpose for the disposition is to allow temporary staging of construction equipment and materials at TMK (2) 1-1-004:005 in support of a legislative funded capital improvement project (CIP) being expended thru the Hawaii Department of Agriculture (HDOA) related to water system improvements at Wailua, East Maui located at TMK (2) 1-1-008:001 which is described below.

BACKGROUND INFO:

In 2018, the Hawaii State Legislature appropriated a \$4 million CIP to HDOA to plan, design, and construct irrigation water delivery system improvements in East Maui to support existing small farming operations that further the State's goal of food security and self-sufficiency.

The HDOA has been working with area residents to identify projects for the CIP funds based upon the needs of the East Maui farmers. Site visits were conducted along with public meetings to provide the community with opportunities to identify projects and provide comments as needed.

In Wailua, the project intent is to stabilize an existing 'auwai system situate on government lands at TMK (2) 1-1-008:001 to resolve existing safety and maintenance problems. Services were procured by HDOA and Goodfellow Bros. LLC was the successful bidding contractor.

REMARKS:

Pursuant to consultation with Wailua community members at a preconstruction meeting held on Saturday, July 31, 2021 the applicant, Goodfellow Bros. LLC, was able to identify a vacant and currently unencumbered site necessary for construction equipment and material storage that allows for easy access to the project area while minimizing adverse impacts to area residents and ongoing farming operations.

The proposed staging area has been historically cultivated and applicant plans to use about a 0.5 to 1 acre portion of the larger 5 area parcel identified as tax map key (2) 1-1-

004:005. The applicant plans to mow and clear overgrown vegetation to make room for staging of construction equipment and material storage. Applicant also intends to improve driveway access by laying down #2 gravel rock from the existing paved road right-of-way (ROW) to the staging area in order to reduce mud being tracked onto the paved ROW when moving heavy equipment from the staging area to the off-site construction area.

The proposed staging area has been in agricultural use for many generations and proposed improvements will add to the useability of the site once construction operations have ended and contractor clears out its equipment and unused materials. Similar temporary staging activity in the agriculture district has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources of an area. The applicant shall be required to implement industry standard best management practices at all times during the use of government lands for staging purposes. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

DLNR Maui District Land Office staff has been in communication with the project manager for HDOA and they have no objections to the proposed use of the subject government lands and appreciates the assistance with coordination between HDOA, its contractor Good fellow Bros. LLC and the existing Wailua community represented by Na Moku Aupuni o Koolau Hui, a 501c3 non-profit organization that advocates for the restoration and active cultivation of taro in East Maui.

The applicant is a fully licensed and insured construction company doing business on Maui for many years. The 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. Staff recommends that this temporary disposition be approved as stated below.

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 revocable permit to Goodfellow Bros., LLC covering the subject area for temporary construction equipment and material staging purposes 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 revocable permit

form, as may be amended from time to time;

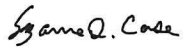
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

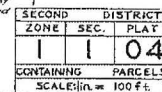
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

RT

PM



TMK (2) 1-1-004:005 por

Proposed Staging area for Construction Equipment and Material Storage



DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 27, 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 Revocable Permit to Goodfellow Bros. LLC for Temporary Construction Equipment and Material Staging Purposes
Project / Reference No.:	PSF 21MD-062
Project Location;	Wailua, Koolau, Hana, Maui; Tax Map Key: (2) 1-1-004: 005 por.
Project Description:	Temporary (4-months more or less) Construction Equipment and Material Staging Purposes
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rules (HAR), Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing" and Part 1, Item No. 34, that states: "storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair.
Cumulative Impact of Planned Successive Actions in Same Place Significant:	No, this use does not occur on a routine or regular basis (e.g., daily or weekly).

Exhibit C

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

The proposed staging area has been in agricultural use for many generations and proposed improvements will add to the useability of the site once construction operations have ended and contractor clears out its equipment and unused materials. Similar temporary staging activity in the agriculture district has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources of an area. The applicant shall be required to implement industry standard best management practices at all times during the use of government lands for staging purposes. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Agencies Consulted:

Hawaii Department of Agriculture and DLNR Division of Forestry and Wildlife and Division of Aquatic Resources. Staff have no objections to the proposed use.

Analysis:

The Board has permitted similar uses in the past. The proposed activity is of a similar type and scope of activity that periodically occurs at other government lands across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Staff also believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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.