

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

February 25, 2022

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

21HD-094

Hawaii

Issuance of Right-of-Entry Permit for Access Purposes to County of Hawaii,
Department of Public Works on Lands Encumbered by GL S-5335, Hilo Baptist
Church, Lessee, Waiākea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-056:027.

APPLICANT:

County of Hawaii, Department of Public Works.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiākea, South Hilo, Hawaii, identified by Tax Map Key:
(3) 2-4-056:027, as shown on the attached map labeled Exhibit A.

AREA:

0.011 acre, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: RS-10 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:

Encumbered by General Lease No. S-5335, Hilo Baptist Church, Lessee. Lease to
expire on October 10, 2040.

CHARACTER OF USE:

Church and related purposes.

TERM OF RIGHT-OF-ENTRY:

One year from the date of signed right-of-entry agreement.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR)§ 11-200.1-16 (a)(1) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which states, "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." Part 1, Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." (Exhibit B)

DCCA VERIFICATION:

The applicant is a government entity and therefore not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

The County of Hawaii, Department of Public Works (DPW) is requesting a right-of-entry through the subject property for the Waiākea/Wailoa Stream Flood Control Project. The requested duration of the right-of-entry is approximately one year from the date of signed right-of-entry agreement.

The purpose of the Waiākea/Wailoa Stream Flood Control Project is to repair damages sustained from the 2018 Hurricane Lane event. The access will allow the contractor to get equipment to an area of the stream that is otherwise inaccessible with the particular type of equipment needed for the repair work. This project is being funded by the United States Army Corps of Engineers.

The State land is currently encumbered under General Lease No. S-5335 to Hilo Baptist Church for church and related purposes. The Lessee has been notified by the DPW regarding this request and is agreeable to the right-of-entry (Exhibit C).

As this is a government related project designed to restore the flood control stream, staff is recommending the Board waive any fees and provide this right-of-entry gratis.

A request for comments was sent to various State, County and Federal agencies with no objection for the proposed right-of-entry request.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the County of Hawaii, Department of Public Works covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Waive any fees and provide this right-of-entry gratis; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Gordon C. Heit

for

Gordon C. Heit
District Land Agent

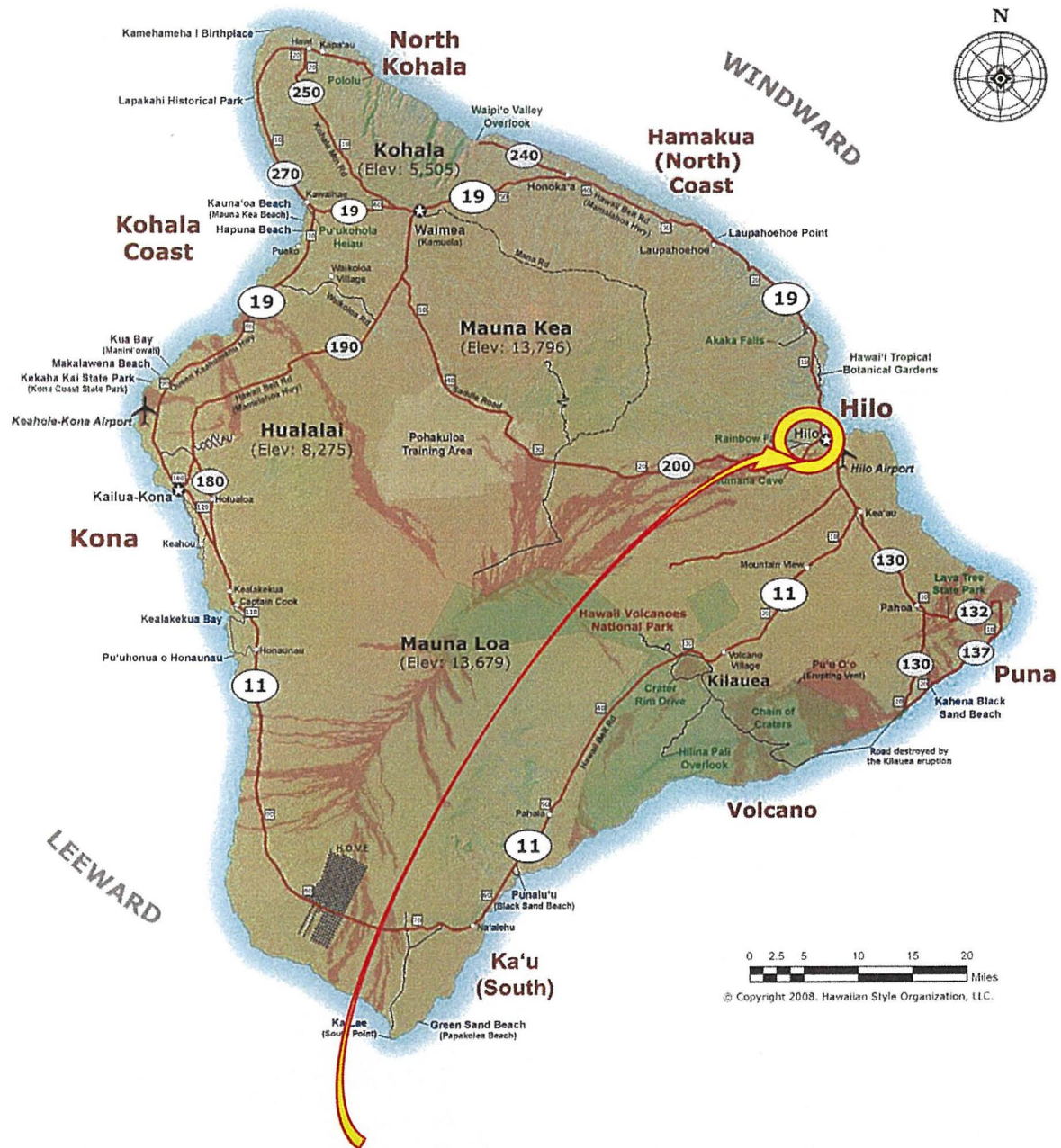
APPROVED FOR SUBMITTAL:

Suzanne D. Case

RT

Suzanne D. Case, Chairperson

EXHIBIT A



DPW Right-of-entry – GL S-5335,
South Hilo, Hawaii

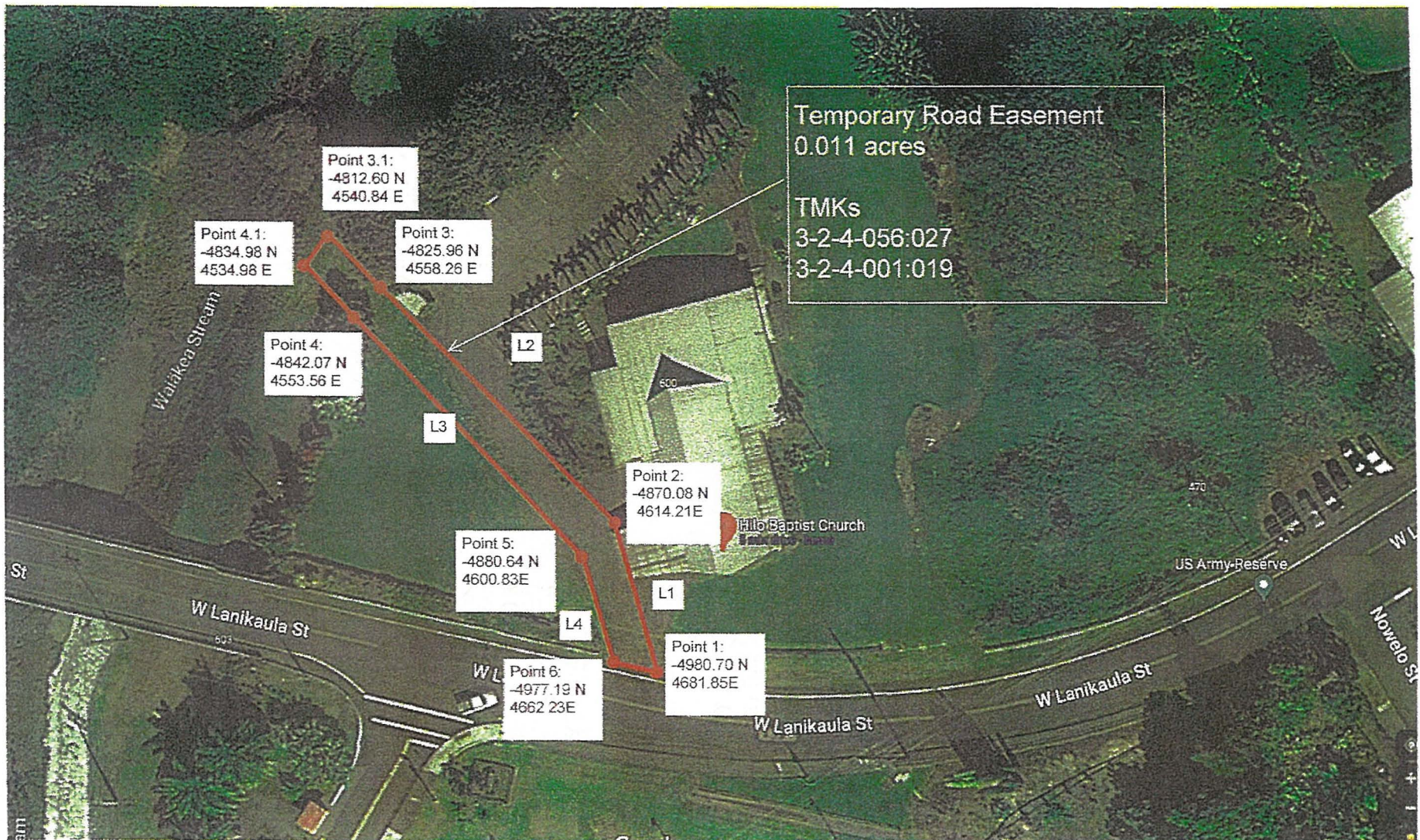
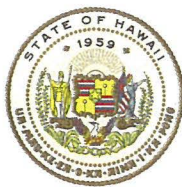


EXHIBIT A

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 25, 2022

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
ACTING 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, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

Project Title: Issuance of Right-of-Entry to the County of Hawaii, Department of Public Works (DPW), for Access Purposes

Project / Reference No.: 21HD-094

Project Location: Government lands of Waiākea Cane Lots, Waiākea, South Hilo, Island of Hawaii; Identified by Tax Map Key: (3) 2-4-056:027

Project Description: The County of Hawaii, DPW is requesting a right-of-entry through the subject property for the Waiākea/Wailoa Stream Flood Control Project.

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

Exemption Class No. and Description: In accordance with Hawaii Administrative Rules (HAR)§ 11-200.1-16 (a)(1) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, which states, "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." Part 1, Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

Cumulative Impact of Planned Successive Actions in Same Place Significant?: No. Staff believes there are no cumulative impacts involved.

EXHIBIT B

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

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

Analysis:

The purpose of the Waiākea/Wailoa Stream Flood Control Project is to repair damages sustained from the 2018 Hurricane Lane event. The access will allow the contractor to get equipment to an area of the stream that is otherwise inaccessible with the particular type of equipment needed for the repair work. This project is being funded by the United States Army Corps of Engineers.

Consulted Parties:

State of Hawaii, DOH Environmental Division
County of Hawaii, Planning Department,

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.

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Steven Ikalka Rodenhurst, P.E.
Director

Stephen M. Pause, P.E.
Deputy Director

County of Hawai'i DEPARTMENT OF PUBLIC WORKS

Aupuni Center
101 Pauahi Street, Suite 7 - Hilo, Hawai'i 96720-4224
(808) 961-8321 - Fax (808) 961-8630
public_works@hawaiicounty.gov

November 1, 2021

HILO BAPTIST CHURCH
Pastor Curtis Marshall (hilobaptistchurch@juno.com)
P.O. Box 6879
Hilo, HI 96720-8935

Subject: Right-of-Entry - Concurrence Letter
600 W. Lanikaula Street
TMK (3) 2-4-056:027


In order to assist the U.S. Army Corps of Engineers (Corp) with the Waiakea/Wailoa Stream Rehabilitation Project, the County of Hawaii, Department of Public Works is facilitating the request for a right-of-entry through your leased lands. This right-of-entry will be for a temporary access easement through the west end of your property as depicted in the attached site map. Nan, Inc., the contractor selected by the Corp will need this access easement for approximately a year and shall repair/restore the area to a state equal to or better than its original condition.

In support of this project, we hope for your response of no objection so that we may then apply for the Board of Land and Natural Resources approval.

Comments Attached.
No objection.

Rev. Curtis W. Marshall - pastor
Curtis W. Marshall
Signature / Print your Name and Title

If you have any questions, please feel free to contact me at 808-961-8327 or via email at robyn.matsumoto@hawaiicounty.gov. Thank you for your assistance.


ROBYN A. MATSUMOTO, Acting Deputy Division Chief
Engineering Division

Enclosure

cc: info@hpbaptist.net

County of Hawai'i is an Equal Opportunity Provider and Employer.

EXHIBIT C