

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

August 12, 2022

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

21HD-094

Hawaii

Issuance of Right-of-Entry Permit for Mineral Survey and Sample Collection Purposes to the University of Hawaii on Lands Encumbered by: (i) GL S-4465, Government Lands of Keanuiomano and Puuiki, Waimea, South Kohala, Hawaii, Tax Map Key: (3) 6-5-001:020, Parker Ranch, Inc., Lessee; (ii) GL S-4474, Government Lands of Puu Kawaiwai, South Kohala, Hawaii, Tax Map Key: (3) 6-2-001:015, Parker Ranch, Inc., Lessee; and (iii) Executive Order No. 1288 to the Department of Land and Natural Resources, Division of Forestry and Wildlife, as part of the Mauna Loa Forest Reserve, Humuula, North Hilo, Tax Map Key: (3) 3-8-001: portion of 001

APPLICANT:

University of Hawaii.

LEGAL REFERENCE:

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

LOCATION:

Government Lands of Humuula, North Hilo, Tax Map Key: (3) 3-8-001: portion of 001; Puu Kawaiwai, South Kohala, Hawaii, (3) 6-2-001:005; Keanuiomano and Puuiki, Waimea, South Kohala, Hawaii, (3) 6-5-001:020; as shown on the attached maps labeled Exhibit A.

ZONING:

TMK: (3) 3-8-001: portion of 001
State Land Use District: Conservation
County of Hawaii CZO: A-40a, Forest Reserve

TMK: (3) 6-2-001:015

State Land Use District: Agriculture
County of Hawaii CZO: A-3a, A-40a

TMK: (3) 6-5-001:020

State Land Use District: Agriculture
County of Hawaii CZO: A-400a

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:

TMK: (3) 3-8-001: portion of 001 Encumbered by Executive Order No. 1288 for Mauna
Loa Forest Reserve purposes;

TMK: (3) 6-2-001:015 Encumbered by General Lease No. S-4474 to Parker Ranch, Inc.
for pasture purposes;

TMK: (3) 6-5-001:020 Encumbered by General Lease No. S-4465 to Parker Ranch, Inc.
for pasture purposes.

CHARACTER OF USE:

Mineral survey and sample collection 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 Type No. 5, which states, "Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource." (Part 1) Item 1 that states, "Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.)." The proposed mineral survey and sample

collection is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR.

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 Parker Ranch and the DLNR Division of Forestry and Wildlife.

REMARKS:

As a result of the 2018 volcanic eruption in Lower Puna, the horticultural industry of East Hawaii has lost its supply of high-quality cinder used primarily as a planting medium. The 2021 State Legislature passed Act 191 as a potential remedy to this situation by authorizing the exploration of new quarry locations for material suitable for the needs of the nursery operations. The Legislature appropriated \$150,000 for this purpose. The funds have been allotted and the Department of Land and Natural Resources contracted with the University of Hawaii (UH) to conduct the necessary land surveys to locate suitable cinder material.

UH has identified several potential sites suitable for the grade of cinders required by the horticultural industry. Of these sites, one location is on State lands under the management of the Division of Forestry and Wildlife (DOFAW)¹ and two are on pasture lands leased to Parker Ranch, Ltd. Hawaii District DOFAW staff are aware of the request and have no objection. The applicant has also been in contact with Parker Ranch personnel regarding access to the locations on General Lease Nos. S-4465 and S-4474, and Parker Ranch has no objection.

The investigation involves evaluation of cinder quality and volume. To evaluate cinder quality, UH explains that travel into the requested right-of-entry area will be on foot (no motor vehicles) and a three-gallon sample of cinders will be collected for analysis using hand tools. UH represents that in the exercise of the requested right-of-entry, UH will ensure any access gates are left in the condition which they are found (i.e., open or closed).

Staff has no objection to this request and will ensure that notice of the Board meeting and

¹ The identified DOFAW location was previously used as an alternate quarry site for black cinder by the nursery industry during the 2018 volcanic eruption.

a copy of this submittal are provided to DOFAW and Parker Ranch, Inc.

RECOMMENDATION: That the Board:

- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Section 11-200.1-16, 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 as a de minimis activity.
- B. Subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to University of Hawaii 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

PCW

Gordon C. Heit
District Land Agent

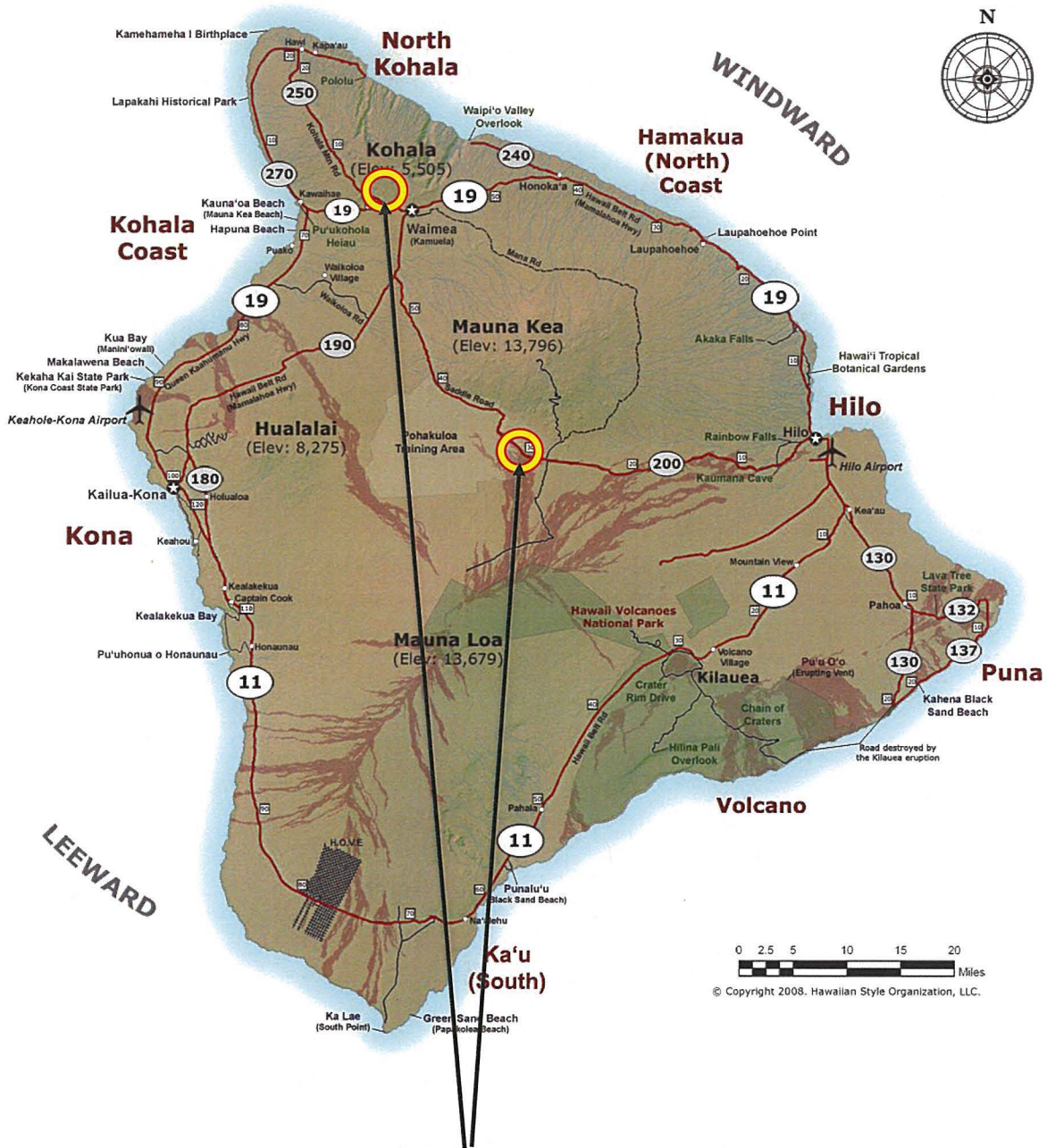
APPROVED FOR SUBMITTAL:

Suzanne D. Case

RT

Suzanne D. Case, Chairperson

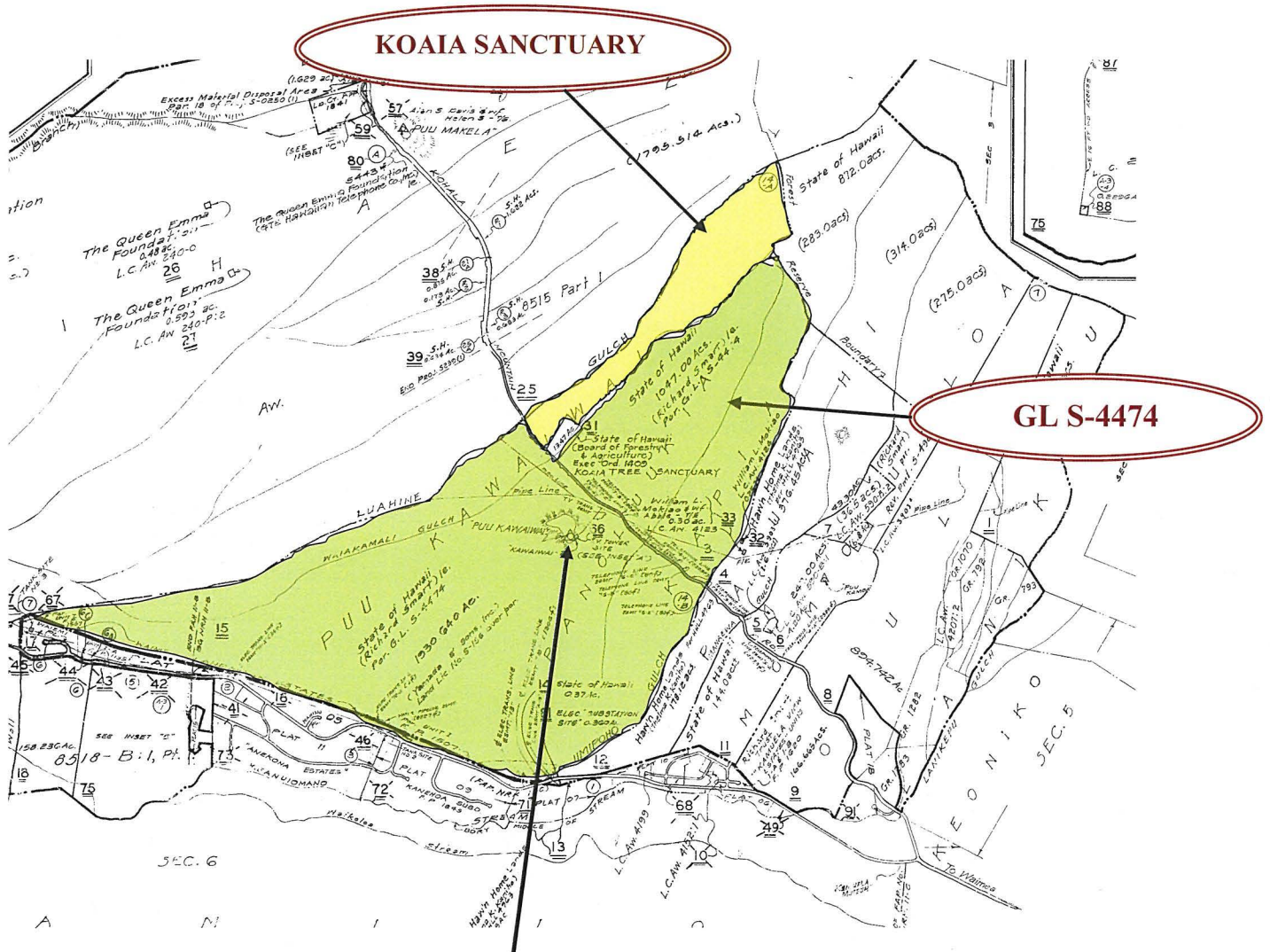
EXHIBIT A



UH Right-of-entry

EXHIBIT A

TMK: (3) 6-2-001:015



APPROXIMATE LOCATION FOR BLACK CINDER SAMPLE

GL S-4465

APPROXIMATE LOCATION OF BLACK CINDER SAMPLE

This topographic map depicts the Mauna Loa Forest Reserve and surrounding areas. Key features include:

- Mauna Loa Forest Reserve:** Labeled at the bottom center with the TMK: (3) 3-8-001:001.
- Daniel K. Inouye Highway:** A major road running diagonally across the map, highlighted in yellow.
- Humu'ula Saddle:** A prominent saddle point marked with a yellow line and labeled in a yellow box.
- Pu'unene cinder pit:** A specific location marked with a yellow line and labeled in a yellow box.
- Old Saddle Road:** A road branching off the main highway, labeled in a yellow box.
- Pohakuloa Game Reserve:** Located to the north and east of the main saddle.
- Mauna Loa Game Reserve:** Located to the south of the main saddle.
- Topographic Features:** Contour lines, elevation markers (e.g., 6600, 6500, 6400), and a north arrow are present.

