

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

September 23, 2022

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

PSF No.: 22HD-049

Hawai'i

Amend Governor's Executive Order No. 4553 to Include the Operation of a Well Site and Irrigation Water Distribution System, Opihipau, North Kohala, Hawaii, Tax Map Key: (3) 5-5-006: portion of 002.

The Amendment will Allow the Department of Agriculture to Operate and Maintain a Well, Pump Station and Holding Tank Site for the Distribution of Irrigation Water to Local Ranch and Farm Operations.

CONTROLLING AGENCY:

Department of Agriculture.

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Opihipau North Kohala, Island of Hawaii, identified by Tax Map Key: (3) 5-5-006: portion of 002, as shown on the attached map labeled Exhibit A.

ZONING:

State Land Use District:	Agriculture
County of Hawaii-CZO:	Ag-20

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Governor's Executive Order No. 4553 setting aside 879.549 acres to the Department of Agriculture for agriculture purposes.

PURPOSE OF AMENDMENT:

Development of a well pump station and water tank distribution system.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 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 General Exemption Type 1 that 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," and Part 1, Item 36 that states, "Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order." The proposed amendment of Executive Order No. 4553 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, as a de minimis action.

The proposed action is limited to the amendment of Executive Order No. 4553 to allow the operation and maintenance of a well, pump station and holding tank site for the distribution of irrigation water. The State will be responsible for compliance with Chapter 343, HRS, prior to the construction of the project improvements.

REMARKS:

BACKGROUND:

At its meeting of December 16, 1983, under agenda item F-5, the Board of Land and Natural Resources (Board) approved a direct (35-year) lease (GLS-4950) to Boteilho Hawaii Enterprises, Inc. (BHE), for dairying, cattle feeding and pasturing purposes. The lease was set to expire on March 31, 2020. The lease covered 597.406 acres, identified by Tax Map Keys: (3) 5-5-006:002, 003, 004 & 015.

Further, at its meeting of June 23, 2011 (item D-7), and on July 22, 2011 (item D-3), the Board approved the mutual cancellation of General Lease Nos. S-4950, S-5572, along with S-5574, and subsequently issued a new direct lease to BHE for dairy and allied purposes (GL S-6024). Also at its meeting of July 22, 2011 under agenda item D-1, the Board approved the transfer of the subject lands to the Department of Agriculture (DOA) pursuant to Act 90, Sessions Laws of Hawaii 2003.

At its meeting of December 8, 2017, under agenda item D-15 the Board reaffirmed the set aside to the DOA and on April 12, 2018, Executive Order No. 4553 was signed by Governor David Ige.

#### WELL SITE:

In a letter dated February 22, 1989 (Exhibit B), William Meyer of the United States Department of the Interior, Geology Survey Division (USGS) wrote to the DLNR Land Management Division a request to install two test wells 100 feet apart on State land east of the Upolu Airport Road and approximately 0.3 miles north of Highway 270, also known as the Akone Pule Highway. The intent of this test site was to pump the water from one well and record the water level changes in the other. Upon completion of the testing, the USGS would restore the site to its original condition should the State so desire.

On June 22, 1989, the DLNR Commission on Water Resource Management (CWRM) issued a well construction permit (Exhibit C) requesting the USGS provide CWRM with reports from the well studies. On July 25, 1989, a right-of-entry (Exhibit D) was signed by Mr. Meyer from the USGS.

A large landslide near the headwaters of Kohala Ditch in April 2021 destroyed a portion of the ditch system. As a result, the Kohala Ditch has been cut-off from its primary water source in Honokane and the company responsible for the maintenance of the ditch deemed repairs unfeasible and abandoned the entire Kohala Ditch system. This resulted in a lack of available agricultural water to the area farmers and ranchers including the Boteilho dairy operation. With the Kohala Ditch becoming inoperable, a need arose for economically feasible alternative water sources to help support current and future agricultural endeavors in the area.

To convert the observation well into a production well, an adequately sized pump will need to be installed. Based on the preliminary pump tests, the proposed pump to be installed will have a pumping rate of 475 gallons per minute (gpm). This allows the well to provide approximately 456,000 gallons per day (gpd) of water. Storage and transmission lines will also need to be installed to provide adequate service to the area. The proposed storage facility is a 660,000-gallon tank that will be located adjacent to the 'Akoni Pule Highway within the same parcel as the well. The tank is sized to accommodate the water produced from the well after 16 hours of pumping. The influent line will run parallel to the Upolu Airport Road. The effluent line will run separately from



the influent line and split into two proposed transmission lines. Each effluent transmission line will run in an East and West direction respectively and run parallel to 'Akoni Pule Highway. The East transmission line would stub out at the property line while the West transmission line will stub out at the adjoining State-Owned Parcel's (TMK 5-5-006:003) western property line. This proposed plan would involve constructing about 400 linear feet (LF) of High-Density Polyethylene (HDPE) from the well to the tank, 2,000 LF of HDPE West transmission line, and 500 LF of HDPE East transmission line, for a total of approximately 2,900 LF.

**REQUEST:**

The DLNR Engineering Division is coordinating the transition of the exploratory well into a functioning production site with the ability to provide the needed water resources to the surrounding agricultural communities. The DOA will be the facilitating agency responsible for the management of the well site and supporting distribution operation.

Although Executive Order No. 4553 set aside lands to the DOA for agriculture purposes, this amendment, to include the management and operation of the well and distribution site will provide a much needed and reliable source of water to not only lands within the set aside, but to all the agricultural operations within the area.

**RECOMMENDATION:** That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter Section 11-200.1-16, HAR, the amendment of Executive Order No. 4553 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 action.
2. Approve of and recommend to the Governor an amendment to Executive Order No. 4553 setting aside the subject lands to the Department of Agriculture to include the management and operation of a water well and distribution site under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and

- D. 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*

*KCH*

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Gordon C. Heit  
District Land Agent

APPROVED FOR SUBMITTAL:

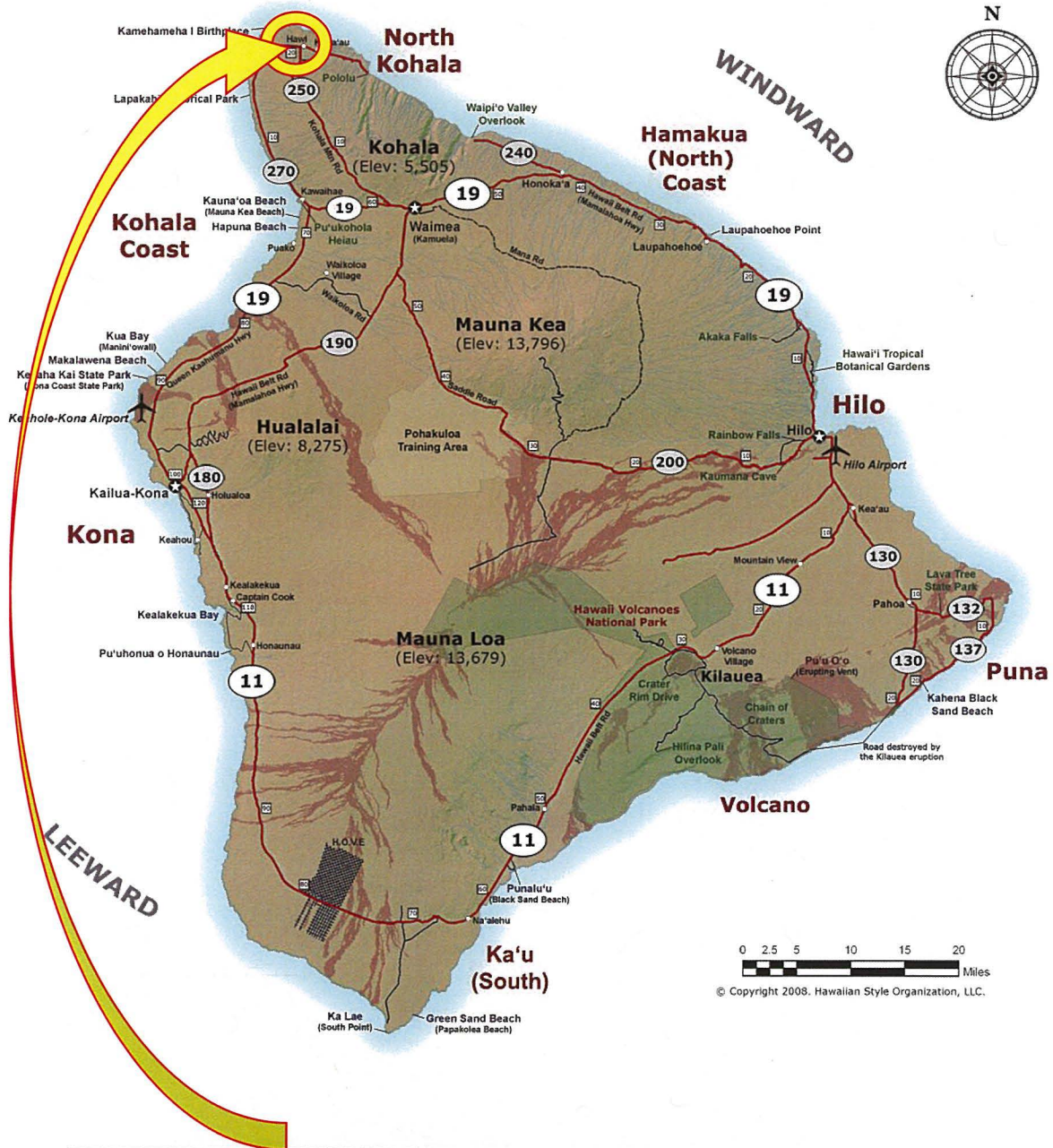
*Suzanne D. Case*

*RT*

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Suzanne D. Case, Chairperson

## EXHIBIT A

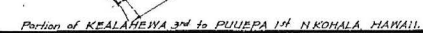


Upolu Point Well Site  
North Kohala, Hawaii



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$z$  not.



## EXHIBIT A



# United States Department of the Interior

GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
677 Ala Moana Boulevard, Suite 415  
Honolulu, Hawaii 96813

February 22, 1989

Mr. Glenn Teguchi  
Land Management Office  
Department of Land and Natural Resources  
State of Hawaii  
P.O.Box 936  
Hilo, HI 96721

RECEIVED  
DIVISION OF  
LAND MANAGEMENT  
HILO, HAWAII  
FEB 23 1 09 PM '89

Dear Mr. Teguchi;

The U.S. Geological Survey, Water Resources Division, in cooperation with the County of Hawaii, Department of Water Supply, plans to conduct a drilling and testing program in the North Kohala area of the island of Hawaii beginning the first of April, 1989. We are planning to drill about 16 test wells at 11 sites in the North Kohala area. The aim of this project is to determine the ground-water availability in North Kohala.

We are requesting approval to install two test wells at a site located on state land. This site lies on the east side of the Upolu Airport Road, approximately 0.3 miles north of the intersection with Hwy 270 (see attending maps, site J). The two test wells will be located about 100' apart. The wells will be cased and a small concrete pad poured around each well. Shortly after completion of the drilling, we plan to perform a pumping test at this site lasting from 1 to 3 days. We will be pumping from one well and recording water level changes in the other well. The discharge water from the pumping test will be routed into an abandoned pond adjacent to the well site.

Upon completion of the pumping test, the wells will be securely covered and become part of an extended monitoring program of the basal lens beneath North Kohala lasting for an indefinite period of time. The U.S. Geological Survey agrees to restore the site to its original condition at a later date if the state so desires.

If there are any questions with regard to this request, please contact Mark Underwood at 541-2655.

Sincerely,

*William Meyer*  
William Meyer  
District Chief

Enclosures

**EXHIBIT B**

*ms*  
*9*



JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621  
HONOLULU, HAWAII 96809

WILLIAM W. PATY  
CHAIRPERSON

JOHN C. LEWIN, M.D.  
MICHAEL J. CHUN, Ph.D.  
ROBERT S. NAKATA  
RICHARD H. COX  
GUY K. FUJIMURA

MANABU TAGOMORI  
DEPUTY

WELL CONSTRUCTION PERMIT

for

North Kohala Observation Well (site J, Well B)  
State Well No. 7451-02M  
North Kohala, Hawaii

TO: United States Geological Survey  
Water Resources Division  
677 Ala Moana Blvd., Suite 415  
Honolulu, Hawaii 96813

In accordance with the Department of Land and Natural Resources Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", your application to construct and test Well No. 7451-02M within Tax Map Key: 5-5-06 is approved subject to the following conditions:


1. The Division of Water and Land Development (DOWALD), Geology-Hydrology Section, shall be notified at 548-7619, before any work covered by this permit commences.
2. The well shall be used for monitoring and testing only.
3. The following shall be submitted to DOWALD, P.O. Box 373, Honolulu, Hawaii 96809 within 30 days after completion of the well:
  - a. Well Completion Report.
  - b. Elevation (referenced to mean sea level) survey by a Hawaii-licensed surveyor.
  - c. As-built sectional drawing of the well.
  - d. Plot plan and map showing the exact location of the well.
  - e. Driller's log, geologic log, and salinity log.
  - f. Periodic reports of monitoring and testing results.

EXHIBIT C


WELL CONSTRUCTION PERMIT  
State Well No. 7451-02M

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4. The applicant shall comply with all applicable laws, rules, and ordinances.
5. This permit may be revoked if work is not started within six months of date of issuance or if work is suspended or abandoned for six months. The work shall be completed within two years of the date of issuance.
6. Upon discontinuance of use, the applicant shall seal the well with cement grout by permit from the Commission.

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WILLIAM W. PATY  


JUN 22 1989

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Date of Issuance

cc: Department of Health  
Drinking Water Program  
Ground Water Protection Program  
Hawaii Department of Water Supply

JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT

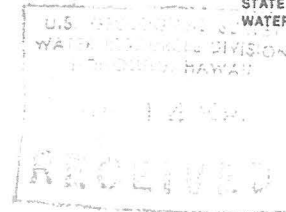
P.O. BOX 936  
HILO, HAWAII 96721-0936

July 25, 1989

RECEIVED  
DIVISION OF  
LAND MANAGEMENT

AUG 9 12 30 PM '89

AGRICULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT



Mr. William Meyer, District Chief  
Water Resources Division, Geological Survey  
U.S. Department of the Interior  
677 Ala Moana Boulevard, Suite 415  
Honolulu, HI 96813

Dear Mr. Meyer

Subject: Test Well Drilling at Opihipau, North Kohala, Hawaii

This is to acknowledge receipt of your request for a right-of-entry to State lands.

Pursuant to the authority granted to me by the Board of Land and Natural Resources, the U.S. Department of the Interior, Geological Survey, Water Resources Division, is hereby granted a right-of-entry onto Parcel 02 of Tax Map 3rd/5-5-06 situate at Opihipau, North Kohala, Hawaii to do surveying, to drill two test wells and to conduct an extended monitoring program subject to the following conditions:

1. The applicant shall acquire and submit to the Chairperson of the Board of Land and Natural Resources a written concurrence by Boteilho Hawaii Enterprises, Inc. for entry onto the subject parcel.
2. The applicant, its consultants and/or its contractors, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its employees, consultants, contractors and/or agents under this approval or relating to or connected with the granting of this approval.

EXHIBIT D



Mr. William Meyer, District Chief  
Water Resources Division, Geological Survey  
U.S. Department of the Interior  
July 25, 1989  
Page 2

3. The applicant, its consultants and/or its contractors, shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments.
4. The applicant, its consultants and/or its contractors shall be limited to not more than two (2) test wells on the subject property under this right-of-entry.
5. The applicant, its consultants and/or its contractors, shall refrain from cutting any trees while conducting the studies on the State land.
6. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls) are encountered while conducting the studies, the applicant, its consultants and/or contractors, shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408 immediately.
7. The Division of Land Management shall be given 48 hours prior notice of commencement and completion of the project.

The U.S. Department of the Interior, Water Resources Division's consultant, contractor, or agents will notify Boteilho Hawaii Enterprises, Inc. 48 hours in advance of their commencement of the project.

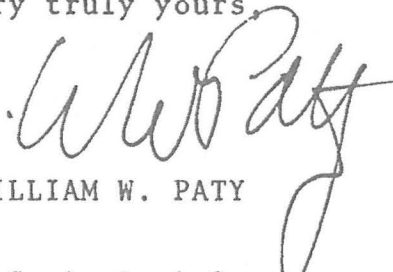
8. Upon completion of the project, the area shall be restored to its original condition or a condition acceptable to the Department.
9. The right-of-entry is effective for one (1) year from the date of this letter and may be extended by the Chairperson for the long-term monitoring program.
10. Such other terms and conditions as may be prescribed by the Chairperson.

Should your client concur with the above-listed conditions, please have him acknowledge and return a copy of this letter to our Hawaii District Land Agent.

Mr. William Meyer, District Chief  
Water Resources Division, Geological Survey  
U.S. Department of the Interior  
July 25, 1989  
Page 3


Should there be any questions, please feel free to call on our  
Hawaii District Land Agent at 961-7245.

Very truly yours,



WILLIAM W. PATY

We concur  
U.S. Department of Interior, Geological Survey,  
Water Resources Division



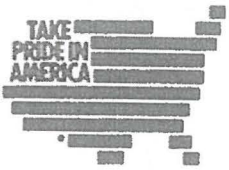
By its: District Chief

GYT:src

cc: Hawaii Land Board Member  
Land Management Administrator  
Hawaii District Land Office



# United States Department of the Interior



GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
677 Ala Moana Boulevard, Suite 415  
Honolulu, Hawaii 96813

August 29, 1989

Edward Boteilho Sr., President  
Boteilho Hawaii Enterprises, Inc.  
P.O. Box AA  
Hawi, Hawaii 96719

Dear Mr. Boteilho:

The U.S. Geological Survey (USGS), in cooperation with the Hawaii County Department of Water Supply, is conducting a study on the availability of ground-water in North Kohala.

One of the drill sites that has been selected, State of Hawaii land, Parcel 02 of tax map 03/5-5-06, is leased by Boteilho Hawaii Enterprises, Inc. The site is at Opihipau on the east side of the Upolu Airport Road, and approximately 0.5 miles from Highway 270. The site lies adjacent to the dry irrigation storage pond. Two test holes are planned for this site, located around 50 feet from one another, (see enclosed map). As stated on the enclosed letter from the Department of Land and Natural Resources (DOWALD), the USGS will receive permission to drill from the State of Hawaii upon acquiring a written concurrence by Boteilho Hawaii Enterprises Inc. for entry onto this land.

The USGS holds Boteilho Hawaii Enterprises, Inc. harmless of any liability associated with the drilling and the existence of the wells. After completion of the drilling and pumping test, the wells will be capped and locked. Except for small concrete pads about each well, the grounds around the wells will be returned to their pre-drilling condition.

If Boteilho Hawaii Enterprises, Inc. concurs for the USGS to enter this parcel of land, please sign this letter and return it to the USGS as soon as possible. A copy of this letter will then be sent to DOWALD.



If there are any questions concerning this project, please contact Mr. Mark Underwood of my staff at (808) 883-9356, or the USGS Honolulu office at (808) 541-2655.

Sincerely,



for William Meyer  
District Chief

WE CONCUR  
Boteilho Hawaii Enterprises, Inc.



Enclosures