

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

March 10, 2023

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

PSF No.:23MD-002

MAUI

Issuance of Right-of-Entry Permit to the State Department of Transportation-Highways Division to Complete Land Survey Work Upon State Lands Located Along Honoapi'ilani Highway from Ukumehame to Launiupoko, Maui, Hawaii, Tax Map Keys: (2) 4-8-001: 001, 002; 4-8-002: 002, 007, 008, 023, 024, 035, 036, 038, 039, 042; 4-8-003: 008, 034, 035, 036, 038, 039, 040.

APPLICANT:

State Department of Transportation-Highways Division (HDOT)

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Located Along Honoapi'ilani Highway from Ukumehame to Launiupoko, Maui, Hawaii, Tax Map Keys: (2) 4-8-001: 001, 002; 4-8-002: 002, 007, 008, 023, 024, 035, 036, 038, 039, 042; 4-8-003: 008, 034, 035, 036, 038, 039, 040, as shown on the attached map labeled Exhibit 1.

AREA:

Total Area of Listed Parcels: 11,102 acres, more or less.  
Area Required for Survey: To be determined.

ZONING:

State Land Use District: Agricultural, Conservation

County of Maui CZO: Agricultural

**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:**

<b>Tax Map Keys:</b>	<b>Total Acres:</b>	<b>Encumbrance:</b>	<b>Encumbrance Holder (If Applicable)</b>
<b>4-8-001:001</b>	<b>1,387.7100</b>	<b>GL<sup>1</sup> 5731 GL 6004 LOD<sup>2</sup> 18671 LOD 27700</b>	<b>Kaheawa Wind Power, LLC Kaheawa Wind Power II, LLC Maui Electric Company (MECO) MECO</b>
<b>4-8-001:002</b>	<b>9210.20</b>	<b>PROCLAMATION 25 GEO<sup>3</sup> 3329 GEO<sup>3</sup> 3329 GP<sup>4</sup> dated 4/2/1908 LOD 18671 LOD 27700</b>	<b>DLNR-DOFAW DLNR-DOFAW DLNR-DOFAW<sup>4</sup>/NARS<sup>5</sup> DLNR-DOFAW MECO MECO</b>
<b>4-8-002: 002</b>	<b>216.073</b>	<b>LOD 18671 LOD 27700</b>	<b>MECO MECO</b>
<b>4-8-002:007</b>	<b>0.6730</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:008</b>	<b>399.9030</b>	<b>LOD 18671 LOD 27700</b>	<b>MECO MECO</b>
<b>4-8-002:023</b>	<b>0.0300</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002: 024</b>	<b>0.1700</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:035</b>	<b>0.0210</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:036</b>	<b>0.5150</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:038</b>	<b>0.0100</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:039</b>	<b>6.3990</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-002:042</b>	<b>0.7830</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-003: 008</b>	<b>634.1670</b>	<b>LOD: 18671 LOD 27700 RP 7639</b>	<b>MECO MECO DLNR-DOFAW</b>

1 GL = General Lease.

2 LOD = Land Office Deed.

3 GEO = Governor's Executive Order.

4 DOFAW = Division of Forestry and Wildlife.

5 NARS = Natural Area Reserve System.

<b>Tax Map Keys:</b>	<b>Total Acres:</b>	<b>Encumbrance:</b>	<b>Encumbrance Holder (If Applicable)</b>
<b>4-8-003:034</b>	<b>0.5350</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-003:035</b>	<b>0.0900</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-003:036</b>	<b>0.1070</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-003:038</b>	<b>0.0460</b>	<b>NONE</b>	<b>NA</b>
<b>4-8-003:039</b>	<b>65.3750</b>	<b>GEO 2972</b>	<b>County of Maui</b>
<b>4-8-003:040</b>	<b>100.00</b>	<b>LOD 18671 LOD 27700</b>	<b>MECO MECO</b>

**CHARACTER OF USE:**

Conducting field surveys for future highway improvement purposes.

**TERM OF RIGHT-OF-ENTRY:**

One (1) year.

**CONSIDERATION:**

Gratis.

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 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 minor expansion or minor change of use beyond that previously existing," and 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." The proposed right-of-entry 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:**

Not applicable

APPLICANT REQUIREMENTS:

1. Prior to actual entry onto any of the encumbered lands listed above, HDOT must obtain written concurrences from the agencies, tenants or lessees in control of the land.
2. HDOT to specify the following for the various subject tax map key parcels: the general locations and sizes of the proposed survey areas on each parcel.

REMARKS:

HDOT is planning to construct roadway improvements along the Honoapi'ilani Highway, from Ukumehame to Launiupoko, on the Island of Maui. HDOT requests the issuance of a right-of-entry permit for a two- (2-) year period to complete land survey work upon the subject State lands. We note that a one (1) year term is the maximum amount of time currently authorized by law, although the Board can authorize the Chairperson to continue the right-of-entry for additional one-year periods for good cause shown.

The planned roadway improvements are intended to reduce the vulnerability of Honoapi'ilani Highway to the existing coastal hazards. Further, the subject project intends to address both existing and future coastal erosion and flooding, due to the anticipated sea level rise. Federal funds are intended to be spent on the construction of the proposed highway improvement project.

WSP USA (WSP) and its sub-consultants will be assisting HDOT with the project planning, design and permitting of the project. As such, WSP's team may require entry onto the subject properties to complete their field work. Periodic field surveys are expected to begin in January 2023 and extend for approximately two (2) years to October 2024. It is expected to take no more than ten (10) days per specific parcel to complete the field work.

A map of the Points of Access that ControlPoint Surveying, Inc. needs to lay down their LIDAR (Light Detection and Ranging) targets on the various Department of Land and Natural Resources (DLNR) parcels is attached. See Exhibit 2.

According to the Public Lands Trust Information System (PLTIS), the following parcels are currently encumbered:

Tax Map Keys: (2) 4-8-001: 001 and 002, Tax Map Key: (2) 4-8-002: 002, 008, Tax Map Key: (2) 4-8-003: 008, 039, 040.

The specific encumbrances and the encumbrance holders are identified in the foregoing table.

Prior to actual entry onto any of the encumbered lands listed above, HDOT must obtain written concurrences from the agencies, tenants or lessees in control of the land. Further,

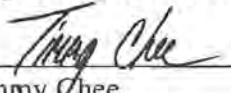
HDOT is also required to specify the following for the various subject tax key map parcels: the general locations and sizes of the proposed survey areas on each parcel. See the "APPLICANT REQUIREMENTS" preceding within this report. The requirements of this paragraph will be included in the right-of-entry permit document in bold.

There are no other pertinent issues or concerns that staff is aware of.

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 as a de minimis activity.
2. Authorize the issuance of a right-of-entry permit to the State of Hawaii Department of Transportation, Highways Division, 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 document 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 extend the right-of-entry permit for additional one (1) year periods for good cause shown; and
  - D. Authorize the Chairperson to determine the specific right-of-entry permit areas for the various subject tax map key parcels based on information provided by HDOT. The Chairperson may issue one or more rights-of-entry for the multiple parcels listed to facilitate the completion of surveys in phases, if deemed advisable by the Chairperson.

Respectfully Submitted,

  
Timmy Chee  
Land Agent

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson



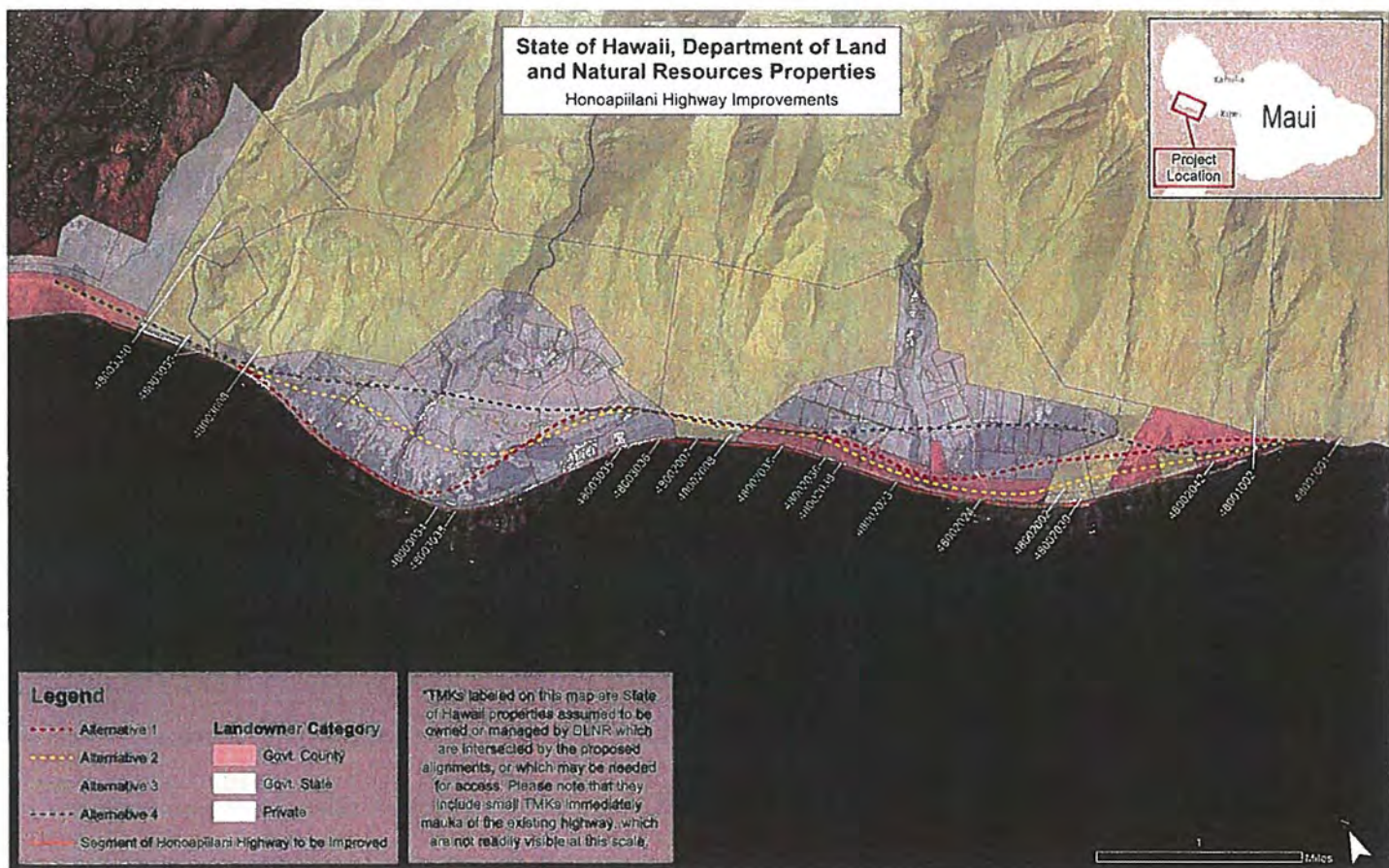


EXHIBIT 1



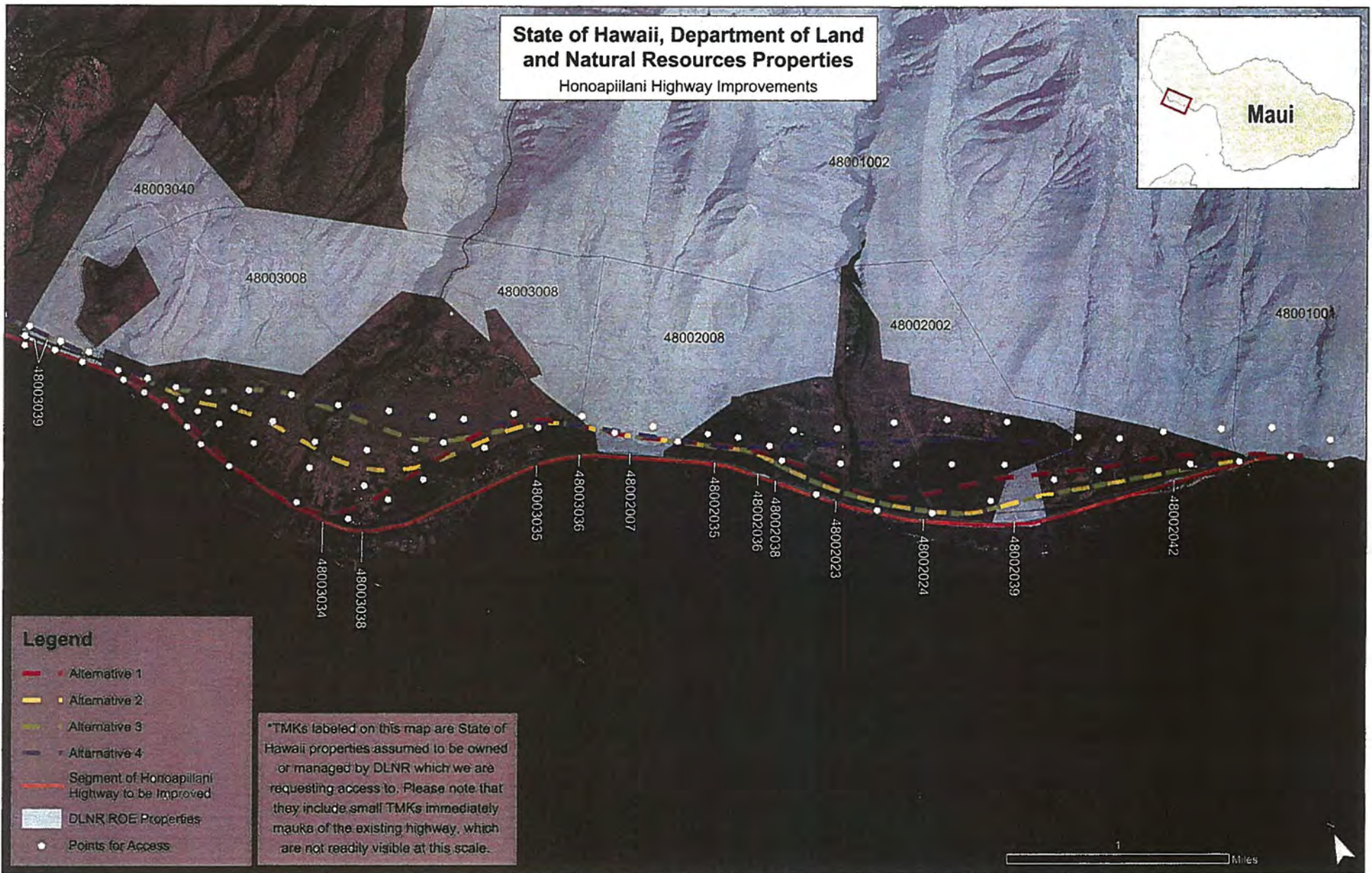


EXHIBIT 2