

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

January 10, 2025

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

OAHU

Issuance of Right-of-Entry Permit to D. R. Horton Hawaii LLC for Ground and Aerial Survey Purposes; Kapolei, Ewa, Oahu, Tax Map Key: (1) 9-1-018: portions of 014 and 015.

APPLICANT:

D. R. Horton Hawaii LLC, a Delaware limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kapolei, Ewa, Oahu, Tax Map Key: (1) 9-1-018: portions of 014 and 015, as shown on **Exhibit A1** and **A2**.

PARCEL AREA:

(1) 9-1-018:014	59.09 acres
(1) 9-1-018:015	6.91 acres

Note: See Exhibit A2. Ground and aerial survey areas are outlined in yellow and black respectively.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: AG-1

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

(1) 9-1-018:014 - under Revocable Permit No. 7907 to Sugarland Farms, Inc. for agriculture purposes.

(1) 9-1-018:015 – there is a pending set aside action to the Department of Transportation, Highways Division (DOT) for Road Purposes.

Note: Due to the time sensitiveness of the request and the Board schedule, staff did not reach out to either the permit holder or DOT. However, staff will update the Board at the meeting on the result of a request for concurrence to be made to both entities on the subject matter.

CHARACTER OF USE:

Ground and aerial survey purposes.

RIGHT-OF-ENTRY TERM:

Three (3) weeks from January 13, 2025, or completion of the project, whichever is the earlier.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing", Part 1, Item 44, that states the "Permits, licenses, registrations, and rights-of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". General Exemption Type 5, "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, etc.)"

The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental 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.

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>

REMARKS:

Applicant, who is the owner and developer of a residential and commercial development adjacent to the subject State land, requests a right-of-entry permit to conduct ground and aerial drone surveys. The surveys are planned to last three (3) weeks from January 13, 2025.

The Federal Emergency Management Agency ("FEMA") released a revision to Oahu's Flood Insurance Rate Maps ("FIRM") on or about July 31, 2024. The revised preliminary (draft) FIRMs ("Preliminary Flood Maps") place portions of Applicant's property in a Special Flood Hazard Area ("SFHA"). SFHAs (Zones A, AE, AEF, AH, AO, V, and VE), the Federal Flood Risk Management Standard (FFRMS) floodplain, are areas regulated by the City and considered to have special flood or flood-related erosion hazard risk by FEMA. The Preliminary Flood Maps are not expected to become final until the spring of 2026, subject to potential appeal. The 90-day appeal period will commence in the spring of 2025.

Applicant's consultant is working on the determination of the 100-year flood boundaries and elevations at the Applicant's property. To do this, a hydraulic model will be prepared utilizing a topographic map based on new aerial and ground surveys.

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. There are no other pertinent issues or concerns relating to the subject request. Staff recommends the issuance of the subject right-of-entry permit.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15 and -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 action.
2. Authorize the issuance of a right-of-entry permit to D. R. Horton Hawaii LLC for ground and aerial survey purposes 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 permit 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; and
- C. The Chairperson may extend the right of entry permit for good cause.

Respectfully Submitted,

*Barry Cheung*

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Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



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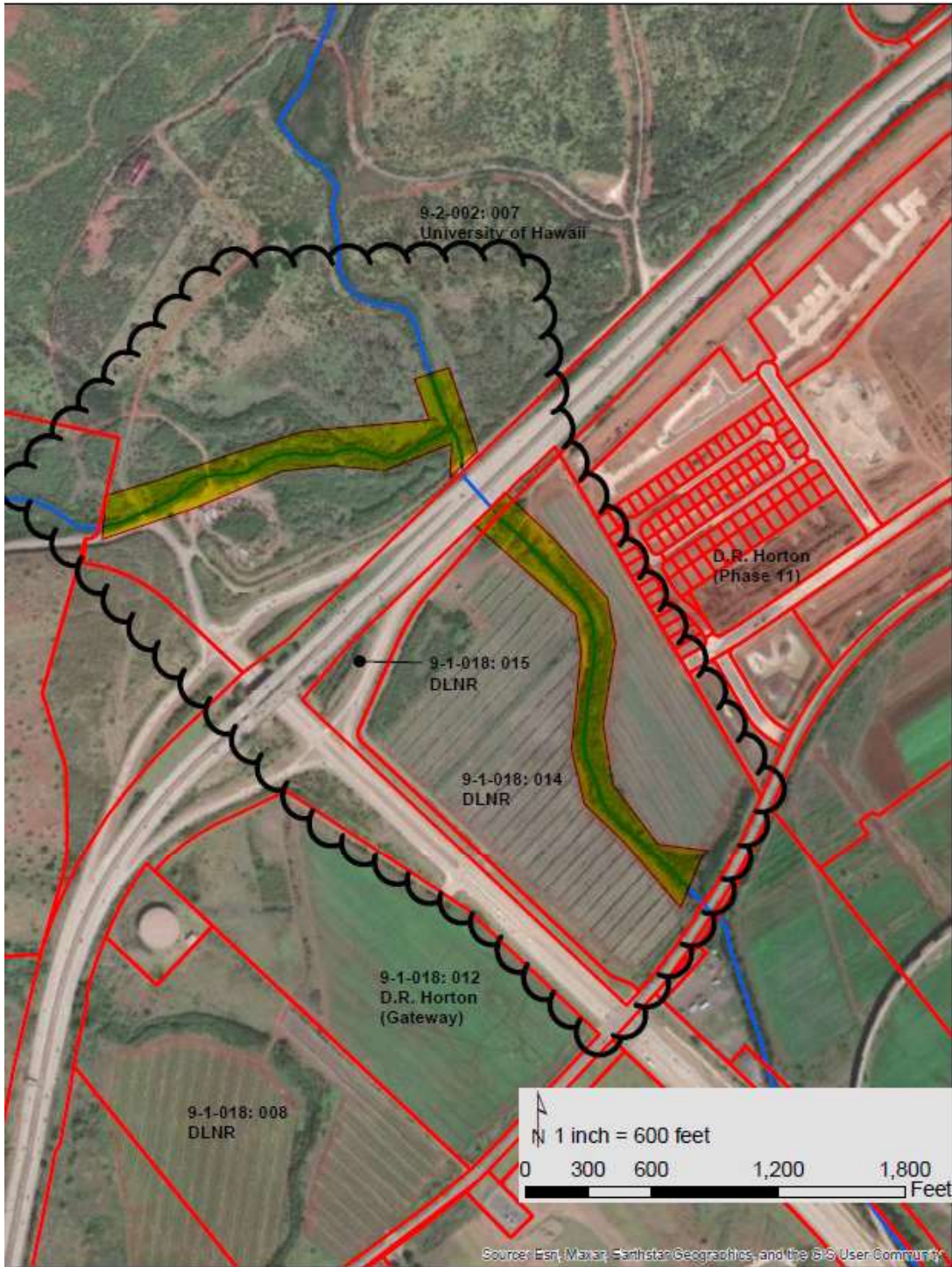
Dawn N. S. Chang, Chairperson

*KEM* *RT*



**TMK (1) 9-1-018: portions of 014 and 015**

**EXHIBIT A1**



**TMK (1) 9-1-018: portions of 014 and 015**

**EXHIBIT A2**