

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

March 23, 2012

PSF No.: 12HD-015

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

HAWAII

Issuance of Right-of-Entry to the United States Department of Agriculture (USDA) Forest Service and Research Corporation of the University of Hawaii (RCUH), for Forest Data Collection Purposes, at Puna and North Hilo, Hawaii, Tax Map Key: (3) 1-2-007:023 and 3-6-006:031.

APPLICANT:

United States Department of Agriculture (USDA), Forest Service.
Research Corporation of the University of Hawaii (RCUH)

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Puna and North Hilo, Hawaii, Tax Map Key: (3) 1-2-007:023 and 3-6-006:031, as shown on the attached map labeled **Exhibit A**.

TMK/ DISTRICT/ ZONING/ ENCUMBRANCE/ AREA:

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCE	AREA (Acres)
		SLU	CZO		
(3) 1-2-007:023	Kikala-Keokea, Puna	Ag	Ag	Vacant	362.162
(3) 3-6-006:031	Manowaiopae, North Hilo	Ag	Ag	Vacant	18.600

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

TMK: (3) 1-2-007: 023: No

TMK: (3) 3-6-006: 031: No

CURRENT USE STATUS:

TMK: (3) 1-2-007: 023: Vacant

TMK: (3) 3-6-006: 031: Vacant

CHARACTER OF USE:

Forest Data Collection purposes.

TERM OF RIGHT-OF-ENTRY:

One year, January 1, 2012 to December 31, 2012

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit B**.

DCCA VERIFICATION:

Applicant (USDA, Forest Service), a federal government agency is not required to register with DCCA.

Applicant, (RCUH), a State government agency is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land prior to entering and commencing with data collection activities.

REMARKS:

Via email letter dated February 1, 2012, Lori K. Tango, Hawaii Forest Inventory and Analysis, Institute of Pacific Islands Forestry, United States Forest Service, requested a right-of-entry to access various State properties on the Island of Hawaii. Purpose of the right-of-entry is to allow the US Forest Service and the Research Corporation of the University of Hawaii to enter State properties to conduct field studies on the forest ecosystems and is part of the National Forest Inventory Analysis (FIA) Program. At its meeting of February 25, 2011, Item D-1, the Board of Land and Natural Resources approved a right-of-entry to the USDA Forest Service to conduct its project over State Lands. In its original request, the USDA Forest Service inadvertently omitted the parcels above-mentioned in this request. FIA collects information on forest composition and structure, tree growth and mortality, disturbance, soils, and under-story species composition. FIA with the support of the Institute of Pacific Islands Forestry, the Hawaii Division of Forestry and Wildlife, and other organizations such as the Nature Conservancy of Hawaii. For reasons unknown, the survey crew was not able to commence with its data collection 2011 as planned; therefore an extension on the right-of-entry term was required. The Chairperson approved a term extension for periods covering January 1, 2012 to December 31, 2012.

Global Positioning Satellite (GPS) plot points have been taken and assigned to pre-selected locations on a grid. This grid extends throughout all of Hawaii and remaining plots will be installed over the course of the next 10 years. The purpose of the inventory is to collect data that can be used to assess the current state of Hawaii's forests (e.g., the extent, structure and make of Hawaiian forests, including the extent of invasive plant species and feral pigs). Because these plots will be visited every 10 years, these plots will serve to monitor trends in Hawaii's forest resources over time. The sampling procedures are nondestructive and include measurements of trees and forest condition. A nail will be placed in the ground to indicate the GPS coordinate point and the trees being measured for the survey will be marked with a small inconspicuous tag for identification purposes. The procedures used to tag the trees and identify the GPS location point were under the recommendation of the Division of Forestry and Wildlife. The data sample area may be contained within a one-acre area. No fencing or barriers will be placed on the land to restrict landowner's use or the area. FIA field crews will consist of 3 to 4 individuals and include at least one local botanist. Data collected are combined with those from other plots in Hawaii to provide information about overall forest resource conditions within the state. This information is summarized, analyzed, and published in statistical and analytical reports for the State of Hawaii and the United States as a whole. If interested, a copy of the resource information gathered from the State property will be made available.

The US Forest Service is in the process of obtaining written concurrences for the various State tenants of the respective State parcels above-mentioned.

This request will be issued at gratis. This is a government-sponsored project and Permittee will not profit monetarily as the intended use is strictly for survey/ study purposes only.

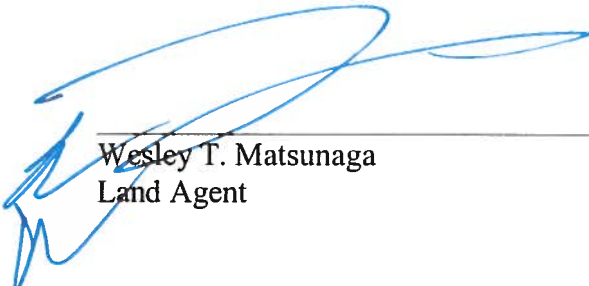
No comments were solicited, as the request will not require any new dispositions or involve a change in land use.

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, 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.
2. Authorize the issuance of a right-of-entry permit to the United States of America, Department of Agriculture, Forest Service, the Research Corporation of the University of Hawaii (herein after referred to as Permittee), its consultants, contractors, and/or persons acting for or on its behalf, 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. The term of this right-of-entry shall be for one year, commencing on January 1, 2012 and expiring on December 31, 2012, or upon completion of the survey, whichever is the sooner.
 - C. This permit shall be issued at gratis;
 - D. Permittee shall obtain written concurrence from all users of the subject State land, prior to entering and commencing with data collection activities;
 - E. Permittee shall provide DLNR with a copy of its final findings/report on the resource information gathered;
 - F. Authorize the Chairperson to issue term extensions as necessary and/or future right-of-entries to the Applicant in relation to its project for forest data collection.


- G. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

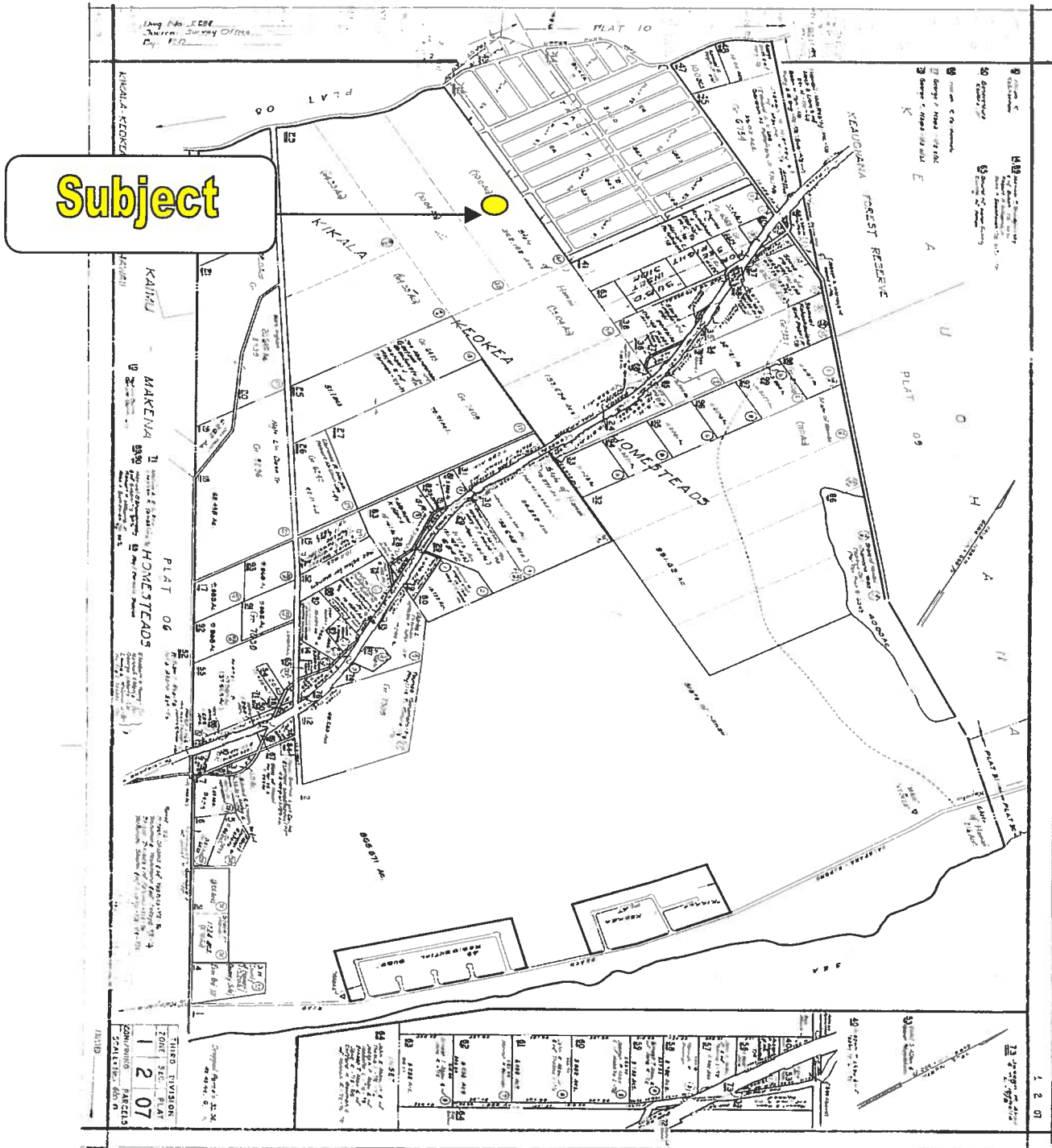
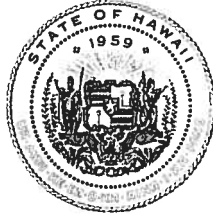


EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
INTERIM 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
ENFORCEMENT
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 23, 2012

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right of Entry Permit to U.S. Forest Service and Research Corporation of the University of Hawaii for Forest Data Collection Purposes.

Project / Reference No.: PSF No.: 12HD-015

Project Location: Puna and North Hilo, Island of Hawaii.
Project Description: Issuance of Right-of-Entry Permit to U.S. Forest Service for Data Collection.

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

Exemption Class No. and Description: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to:

Exemption Class No. 4, which states, "Minor alterations in the conditions of land, water or vegetation." and

Exemption Class No. 5, that states, "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings

EXHIBIT "B"

for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

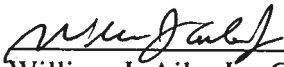
Exemption Item Description
from Agency Exemption List:

Minor alterations in the conditions of land, water or vegetation.


Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes.

Recommendation:

The project is to conduct data collection/ field studies on the forest ecosystems in Hawaii. It is recommended that the Land Board find that the issuance of a right-of-entry permit to the U.S. Forest Service for data collection is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Chairperson



Date

EXHIBIT B