

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

May 10, 2013

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

OAHU

Issuance of Right-of-Entry Permit to Honolulu Authority for Rapid Transportation for Boring and Soil Sampling Purposes on Lands Encumbered by Revocable Permit No. 7212, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:por.003.

APPLICANT:

Honolulu Authority for Rapid Transportation

LEGAL REFERENCE:

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

LOCATION & AREA:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003:por.003, as shown on the map attached as **Exhibit A**.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: P-2

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:

Encumbered by Revocable Permit No. 7212, Hawaii All-Star Paintball Games, LLC, Permittee, for commercial recreational activities (paintball games) purposes.

CHARACTER OF USE:

Boring and Soil Sampling Purposes

TERM OF RIGHT-OF-ENTRY:

About 30 working days between May 2013 to December 2013

CONSIDERATION:

Gratis. Government related project.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, No. 1, 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 for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes." **(Exhibit B)**

DCCA VERIFICATION:

Not applicable

APPLICANT REQUIREMENTS:

Applicant shall be required to obtain written concurrence from the Permittee.

REMARKS:

Honolulu Authority for Rapid Transportation is working on several borings and soil sampling along the proposed elevated guideway for the rail transit project. Four of the proposed spots are within the subject land. A copy of the HART's request is attached as **Exhibit C**.

The requested locations are marked on Exhibit A and the requested period will be in the order on 30 working days between May and December 2013. The request pertains to a government funded project. Therefore, staff recommends the Board authorize the issuance of a right-of-entry at gratis.

Staff also recommends the Board authorize the Chairperson extend the duration of the

requested right-of-entry for good cause. The authorization is planned to accommodate unforeseen circumstances, for example, weather, during the duration of the right-of-entry period.

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. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance of a right-of-entry permit to Honolulu Authority for Rapid Transportation 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.
 - C. Authorize the Chairperson to extend the duration of the requested right-of-entry for good cause.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson





EXHIBIT "A"

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 for Boring and Soil Sampling Purposes

Project / Reference No.: Not applicable

Project Location: Near Keehi Interchange, Honolulu, Oahu Tax Map Key: (1) 1-1-003:portion of 003

Project Description: Boring and Soil Sampling for Research Purposes

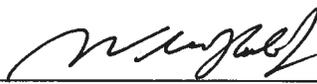
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation", and pursuant to Exemption Class No. 5, that states "Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

The request is related to a planned 10-day period to perform boring sand soil sampling in relation to the Honolulu rail transit project. Staff does not expect there will be major alteration in the conditions of the land, water or vegetation at the location.

Consulted Parties Not applicable

Recommendation: That the Board find this project 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 4/29/13

EXHIBIT B

7344



RECEIVED

IN REPLY REFER TO:
CMS-APOOROW-00228

HONOLULU AUTHORITY for RAPID TRANSPORTATION

2013 APR 19 AM 10:54

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

April 12, 2013

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

BOARD OF DIRECTORS

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The Honorable William J. Aila, Chair
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

DEPT. OF LAND &
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APR 22 AM 10:50
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Dear Mr. Aila:

Subject: Honolulu Rail Transit Project (H RTP)
Request for Test Boring Right-of-Entry
Parcel: Tax Map Key 1-1-003-003

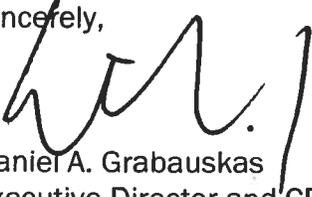
The Honolulu Authority for Rapid Transportation (HART) respectfully requests right-of-entry to perform test borings on State land located along Nimitz Highway, Honolulu. The following are information pertinent to the request:

- 1) Location of work: Tax Map Key 1-1-003-003; Borings B-615, B-616, B-617, B-618R. See attached site plan (3 prints).
- 2) Timeframe - Intermittently between April and December 2013. Actual duration of the work would be on the order of 30 working days or less distributed throughout the Right-of-Entry Period.
- 3) Work Hours - Monday through Saturday; 7:00 a.m. - 6:00 p.m.
- 4) No encroachment or disruptions to the paintball use of the property. Boring locations are near Nimitz Highway, several hundred feet away from the paintball area.
- 5) The scope of work for this activity includes drilling several borings and obtaining adequate soil samples from the test borings. Generally, each boring would be approximately four inches in diameter and would extend to a maximum depth of up to about 250 feet below the existing ground surface. The borings would be drilled with a truck-mounted drilling rig. Relatively undisturbed soil samples would be retrieved from the borings for laboratory testing and analyses. The test borings would be backfilled with bentonite and/or grouted to the ground surface following the sampling activities.
- 6) Toning has already been completed in the area.

The Honorable William J. Aila
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April 12, 2013

HART very much appreciates the cooperation of the Department of Land and Natural Resources in processing the approval of the right-of-entry. Please contact Mr. Jerry Iwata at 768-6192 or by email at jiwata@honolulu.gov if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Grabauskas', with a vertical line extending downwards from the end of the signature.

Daniel A. Grabauskas
Executive Director and CEO

Attachment