

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

June 14, 2013

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

PSF No.:13OD-097

OAHU

Issuance of Right-of-Entry Permit to Department of Health, Clean Air Branch for an Air Monitoring Station on Land Encumbered Under Governor’s Executive Order No. 3908, Waimalu, Ewa, Oahu, Tax Map Key: (1) 9-8-013:029 (Portion).

APPLICANT:

Department of Health, Clean Air Branch (DOH)

LEGAL REFERENCE:

Sections 171-6, Hawaii Revised Statutes, as amended.

LOCATION & AREA:

Portion of Government land situated at Honolulu, Oahu, identified by Tax Map Key: (1) 9-8-013:029 (portion), 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:

Non-ceded. Acquired after statehood.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Governor’s Executive No.3908, City and County of Honolulu, Department of Parks and Recreation, for park and recreational purposes.

CHARACTER OF USE:

Air monitoring station site.

TERM OF RIGHT-OF-ENTRY:

Five (5) years.

CONSIDERATION:

Gratis. Government related project.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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 5, No. 1, 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." (**Exhibit B**)

DCCA VERIFICATION:

Not applicable

APPLICANT REQUIREMENTS:

Written concurrence from the City and County of Honolulu.

REMARKS:

The subject area is presently encumbered under Governor's Executive Order No. 3908 to the City and County of Honolulu, Department of Parks and Recreation for the Pearl Ridge Community Park.

By way of letter dated May 9, 2013, the Department of Health, Clean Air Branch (DOH), is requesting the use of a portion of the subject area consisting of 400 square feet (20' x 20') to set-up an air monitoring station. The area of interest is near the H-1 freeway.

The U.S. Environmental Protection Agency (EPA) is requiring the states to monitor for nitrogen dioxide, which is a health concern, near roadways with high traffic volumes. The State Department of Transportation identified the east-bound lanes of the H-1 freeway near Kaonohi Wells II as having the highest average daily traffic count and EPA has tentatively determined this area to be an acceptable location for the air monitoring station. A copy of DOH's request is attached as **Exhibit C**.

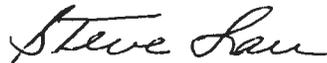
The requested location is marked on Exhibit A and the requested period will be for approximately five (5) years through December 2018. The request pertains to a government funded project, in which DOH will be responsible for all costs and fees associated with the installation, operation, and maintenance of the station through federal funds. 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 the Department of Health, Clean Air Branch (DOH) 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,

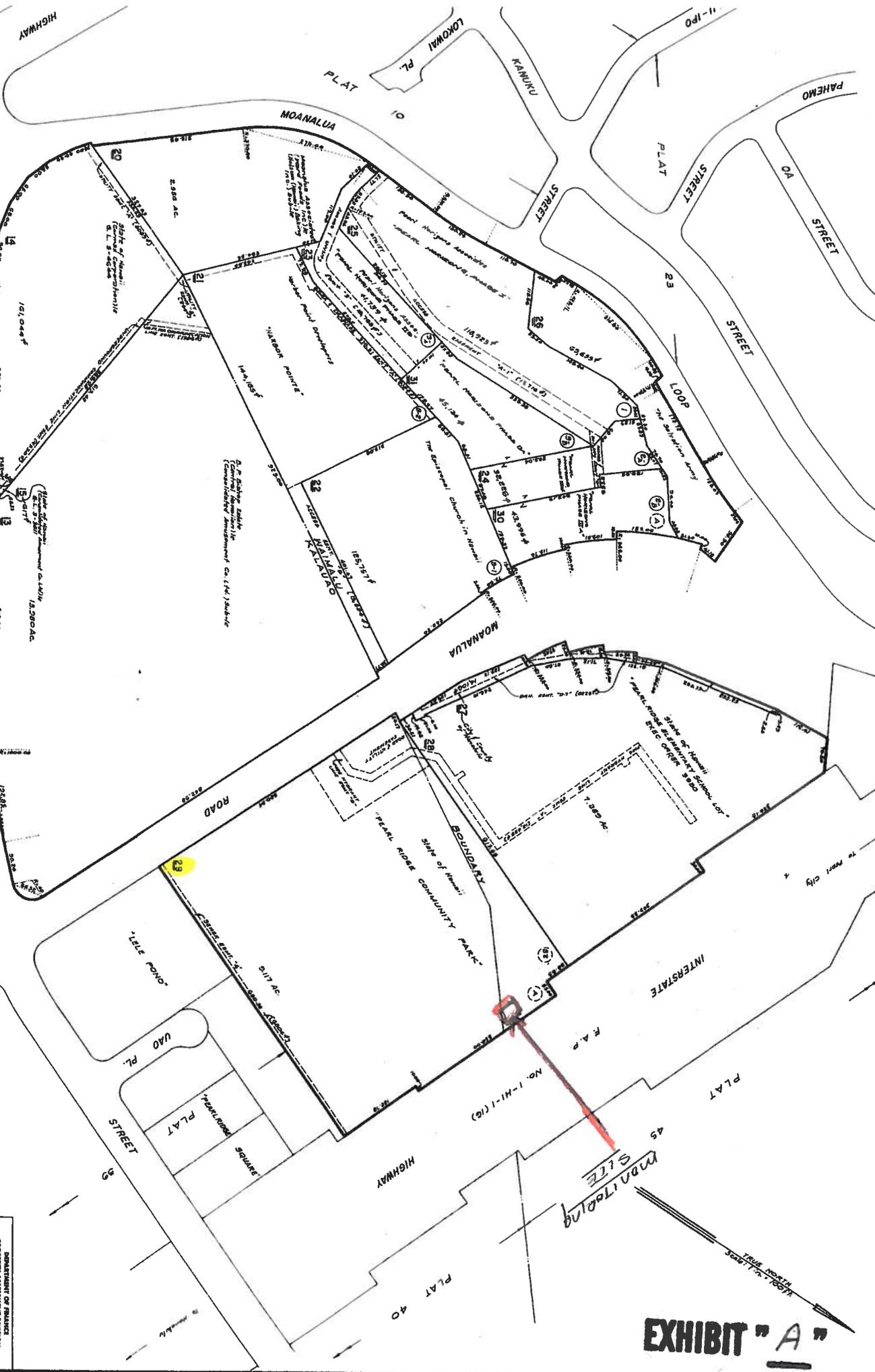


Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



PLAT 16
PEARLRIDGE SHOPPING CENTER
KAONOHI

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

DEPARTMENT OF REVENUE
PROPERTY TAX MAPS SECTION
STATE OF HAWAII
TAX MAP

CITY & COUNTY OF HONOLULU	ZONE	SEC.	PLAT
	9	8	13

SCALE: 1" = 100 FT.

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 set-up of an Air Monitoring Station

Project / Reference No.: PSF No. 13OD-097

Project Location: Portion of the Pearl Ridge Community Park near the H-1 freeway, Waimalu, Ewa, Oahu Tax Map Key: (1) 9-8-013:portion of 029

Project Description: Air Monitoring Station

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 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 government project funded for approximately five (5) years to set up an air monitoring station within the Pearl Ridge Community Park near the H-1 freeway to monitor for nitrogen dioxide near roadways with high traffic volumes. Staff does not expect there will be major alteration in the conditions of the land, water or vegetation at the location.

Consulted Parties The U.S. Environmental Protection Agency (EPA) and the State Department of Transportation

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

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION
JUDITH A. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED
(#7010 3090 0002 5271 3543)

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

2013 MAY 16 AM 9:52

In reply, please refer to
File:
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII
13-419M&A CAB

May 9, 2013

Mr. Russell Y. Tsuji
Land Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Tsuji:

SUBJECT: Request For A Meeting Regarding Pearl Ridge Community Park
Near-Road Nitrogen Dioxide Monitoring

The Department of Health, Clean Air Branch (DOH), is requesting a meeting with the Department of Land and Natural Resources to discuss the possibility of using an area of approximately 20 feet by 20 feet to place an ambient air monitoring station. The area of interest is in the Pearl Ridge Community Park near the H-1 freeway and the Board of Water Supply's Kaonohi Wells II pump building.

The U.S. Environmental Protection Agency (EPA) is requiring the states to monitor for nitrogen dioxide, a criteria pollutant of health concern, near roadways with high traffic volumes. The State Department of Transportation identified the east-bound lanes of the H-1 freeway near Kaonohi as having the highest annual average daily traffic count and EPA has tentatively determined this area to be an acceptable location for the air monitoring station.

It is anticipated that the station will be operating for a minimum of five years. The DOH will be responsible for all costs and fees associated with the installation, operation, and maintenance of this station through federal funds. A map with the proposed location is attached.

To schedule a meeting, or if there are any questions, please contact Ms. Lisa Young or Mr. Jensen Yoshimoto of the Clean Air Branch at 586-4200.

Sincerely,

STUART YAMADA, P.E., Chief
Environmental Management Division

JY:rkb
Attachment

c: William Cooper, Deputy Attorney General, State of Hawaii
Gwen Yoshimura (AIR-7), U.S. EPA, Region IX
Dexter Liu, District Manager, Department of Parks and Recreation, City and County of Honolulu
Manager and Chief Engineer, Board of Water Supply

EXHIBIT "C"



Google earth

