

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

July 12, 2013

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

PSF No.: 13MD-110

Maui

Issuance of Right-of-Entry Permit to Kaheawa Wind Power for the Redeployment of a Sonic Detection and Ranging (SODAR) Instrument for Data Collection Purposes at Ukumehame, Wailuku, Maui, Tax Map Key: (2) 3-6-001: Por. of 014.

APPLICANT:

Kaheawa Wind and Power, a Foreign Limited Liability Comany.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Ukumehame situated at Wailuku, Maui, identified by Tax Map Key: (2) 3-6-001: Portion of 014, as shown on the attached map labeled Exhibit A.

AREA:

200 square feet, more or less.

ZONING:

State Land Use District: Agriculture / Conservation District
County of Maui CZO: Agriculture

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 General Lease No. S-6003, Kaheawa Wind Power II, Lessee, for Wind Farm purposes. Lease to expire on November 30, 2031.

CHARACTER OF USE:

Data collection purposes.

TERM OF RIGHT-OF-ENTRY:

Authorize the issuance of a right-of-entry permit for the use of the subject area from the date Board approval is granted with an expiration date of December 31, 2015.

CONSIDERATION:

Gratis.

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 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 [HAR 11-200-8(A) (5)]. 1. Installation and monitoring of climatology stations [January 19, 1976].

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>

EXHIBITS:

- Exhibit #1- Office of Conservation and Coastal Lands Site Plan and Use approval letter.
- Exhibit #2- GIS overview map of the deployment site for the SODAR instrument.
- Exhibit #3- Photo of SODAR unit which will be deployed for data collection purposes.

REMARKS:

Kaheawa Wind and Power has requested the use of the subject area for the redeployment of a Sonic Detection and Ranging (SODAR) instrument. The SODAR unit is designed to measure wind speed profiles at various heights above the ground. The collected data is used to enhance the wind sensor network (Wind-NET), which is comprised of meteorological towers and remote sensing instruments that are located at both existing and potential wind project sites. Wind-NET is designed to test and eventually make operational a state of the art wind forecasting system for the state's electrical utilities.

The SODAR hardware is a self-contained unit resembling a small trailer with an antenna (Exhibit #3). They are powered by an external solar panel array with internal power and instrumentation systems. Its deployment requires no ground disturbance or intrusive activities, nor is it expected to have any post-deployment impact on the land area that it will encumber.

This request is for a redeployment of the SODAR device. Previously Kaheawa Wind Power had been issued a short term right-of-entry permit from December 15, 2011 through April 15, 2012, for the same data collection purposes at the subject location. No negative impacts were reported or discovered in the area during or after the previous use of the SODAR unit.

The Office of Conservation and Coastal Lands has reviewed the proposed use and site plan for this request. Via letter dated March 18, 2013 from OCCL Administrator Sam Lemmo, (Exhibit #1) approval was granted for the use of the SODAR instrument for data collection purposes.

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 Kaheawa Wind Power 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.
 - D. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to data collection.

Respectfully Submitted,



Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 12, 2013

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right of Entry Permit to Kaheawa Wind Power to Access State Land for Data Collection and Research Purposes.

Project / Reference No.: PSF#13MD-110

Project Location: Ukumehame, Wailuku, Maui, Tax Map Key: (2) 3-6-001: Portion of 014.

Project Description: Deployment of a Sonic Detection and Ranging Instrument for data collection purposes.

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

Exemption Class No. and Description: 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 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 [HAR 11-200-8(A) (5)]. 1. Installation and monitoring of climatology stations [January 19, 1976].

Consulted Parties: Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands.

Recommendation: It is anticipated 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 6/24/13

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

ESTHER KLA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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FORESTRY AND WILDLIFE
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LAND
STATE PARKS



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:MC

Site Plan Approval MA-13-39

MAR 1 8 2013

Stephan Jiran, Operations Manager
Kaheawa Wind Power

Wailuku, Hawai'i 96793

Dear Mr. Jiran,

**SUBJECT: SITE PLAN APPROVAL (SPA) MA-13-39
SODAR Redeployment
Kaheawa, Ukumehame, Wailuku, Maui
TMK: (2) 3-6-001:014**

The Office of Conservation and Coastal Lands (OCCL), Department of Land and Natural Resources (DLNR) is in receipt of your request to re-deploy a portable Sonic Detection and Ranging (SODAR) instrument on the above subject parcel. The project area is in the General Subzone of the State Land Use Conservation District.

The SODAR is designed to measure wind speed profiles at various heights above the ground. The data is used to enhance the wind sensor network (Wind-NET), which is comprised of meteorological towers and remote sensing instruments that are located at both existing and potential wind project sites. Wind-NET is designed to test and eventually make operational a state-of-the-art wind forecasting system for the state's electrical utilities.

The SODAR hardware is a self-contained unit resembling a small trailer with an antenna. They are powered by an external solar panel array with internal power and instrumentation systems. Its deployment requires no ground disturbance or intrusive activities, nor is it expected to have any post-deployment impact on the land.

On August 12, 2010 the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) MA-3533 for the Kaheawa II Wind Power Generation Facility. On October 17, 2011 OCCL issued Site Plan Approval (SPA) MA-12-07 for a SODAR to be deployed for three months at three possible sites in the project area. The time frame for deployment was extended by a year, with the understanding that the deployment would end on February 1, 2013. The extension request stated that no further extensions would be allowed under SPA MA-12-07.

HECO has nearly implemented an operational forecast system on Hawai'i, while the experimental phase for Maui and O'ahu will continue through 2014. The final goal is to expand the operational forecast system to O'ahu, Lana'i, and Moloka'i. In support of this, Kaheawa Wind Power is requesting site plan approval to deploy the SODAR for up to three more years, or through the end of 2015.

EXHIBIT " 1 "

As noted in your application, you will need to contact DLNR's Land Division regarding any needed Right of Entry (ROE) permit if a unit is to be deployed on State land.

After reviewing the application, OCCL finds that:

1. The proposed security improvements are an identified land use pursuant to HAR §13-5-22, P-1 DATA COLLECTION, (B-1) *Basic data collection, research, education, and resource evaluation that results in a minor disturbance to natural resources or land (e.g., corings, evacuations, etc.)*.
2. The project as described is identified as exempt pursuant to HAR §11-200-8 EXEMPT CLASSES OF ACTION, 4) *Minor alterations in the conditions of land, water, or vegetation*, and 6) *Construction or placement of minor structures accessory to existing facilities*. The project would not need an Environmental Assessment.

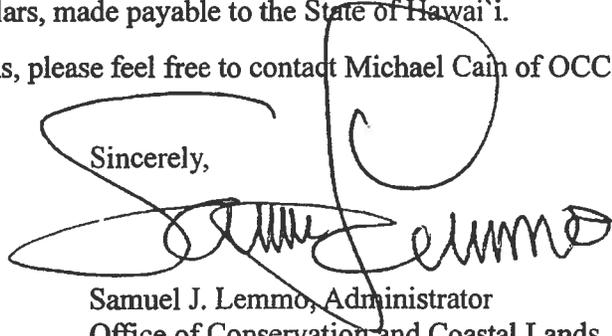
After careful review of the proposed project, the Department gives Site Plan Approval for the proposal to deploy a SODAR instrument at the Kaheawa Wind Energy Facility, Ukumehame, Wailuku, Maui, TMK (2) 3-6-001:014, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable Department of Health administrative rules;
4. In issuing this approval, the Department has relied on the information and data that the applicant has provided in connection with this approval application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
5. The permittee shall continue to comply with the terms and conditions of CDUP MA-3533;
6. The instruments will not be deployed beyond December 31, 2015 unless authorized by the Department of Land and Natural Resources or the Office of Conservation and Coastal Lands;
7. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the permittee shall immediately contact the State Historic Preservation Division at 692-8015;
8. Other terms and conditions as may be prescribed by the Chairperson; and
9. Failure to comply with any of these conditions shall render this Site Plan Approval null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies, retain one and return one to OCCL along with the Site Plan Approval fee of fifty dollars, made payable to the State of Hawai'i.

Should you have any questions, please feel free to contact Michael Cain of OCCL at 587-0048.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Samuel J. Lemmo". The signature is written over a large, hand-drawn oval shape.

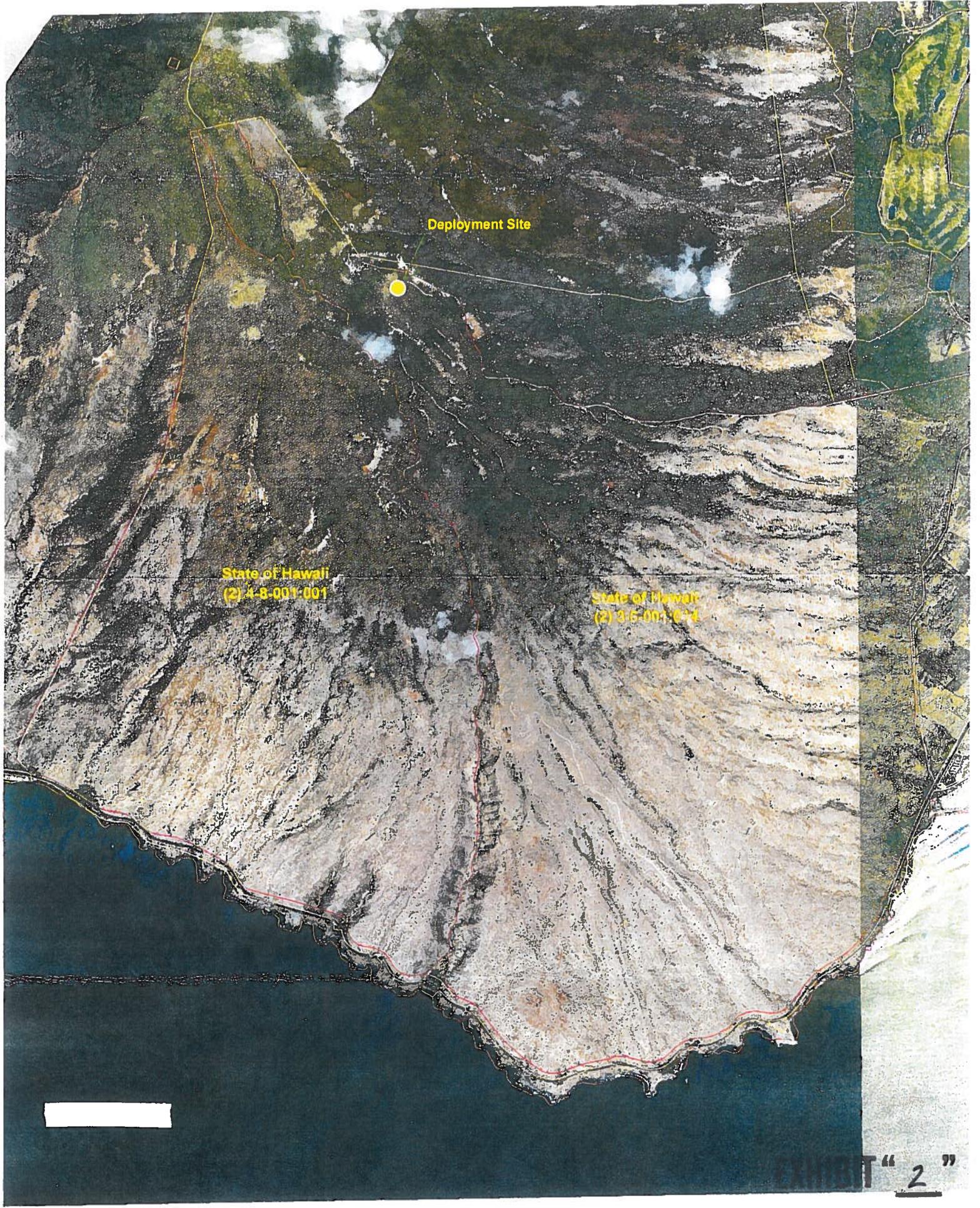
Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Applicant's Signature

Date

c: *Chairperson
Land Division*



Deployment Site

State of Hawaii
(2) 4-8-001-001

State of Hawaii
(2) 3-5-001-0-4



The SODAR system in fully-deployed mode