

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: 13MD-100

Maui

Issuance of Right-of-Entry Permit to Hawaiian Dredging Construction Company on Lands Encumbered by Executive Order No. 3694, Kahului, Maui, Tax Map Key: (2) 3-8-001:019 por.

APPLICANT:

Hawaiian Dredging Construction Company, a Domestic Profit Corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kahului, Maui, identified by Tax Map Key: (2) 3-8-001:019 por, as shown on the attached map labeled Exhibit A.

AREA:

Total area = 7.9 acres (more or less)
Proposed area of use = 1 acre (more or less)

ZONING:

State Land Use District: Agriculture
County of Maui, CZO: Interim

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3694 to the Department of Land and Natural Resources for Forestry and Wildlife purposes.

CHARACTER OF USE:

Storage purposes

TERM OF RIGHT-OF-ENTRY:

Six (6) months (more or less)

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(1)]."

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:

In April of 2013, The department was approached by both the County of Maui, Department of Environmental Management, Wastewater Division and its contractor, Hawaiian Dredging Construction Company, to request a right-of-entry to government lands situate adjacent to the Kahului Wastewater treatment facility for storage purposes. The intent is to allow for storage of materials related to an ongoing sewer line replacement project. The project is anticipated to continue for about six (6) months but maybe extended, as needed, to complete the replacement project.

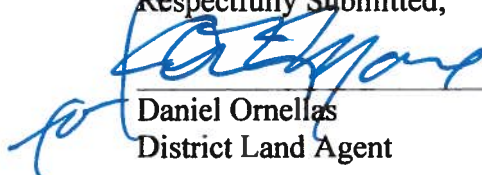
The existing site is encumbered by Governor's Executive Order No. 3694 to the Department of Land and Natural Resources for Forestry and Wildlife related purposes. Most of the 7.9 acre property is vacant open space with much of the area inundated with overgrown vegetation. Ongoing intermittent use of the property has included temporary storage of fence post, office trailers and other program related equipment and materials.

Staff is recommending consideration to the State in the form of land maintenance services to be conducted by Hawaiian Dredging Construction Company in support of Forestry and Wildlife program initiatives that include area "clean-up" and replanting of native flora and fauna. Hawaiian Dredging has agreed to clear cut introduced and invasive plant and tree material encumbering over five (5) acres of the 7.9 acre parcel at no cost to the State. The proposed maintenance is valued at \$3,000 per acre (\$15,000 total). Pursuant to the land clearing, DOFAW will be re-introducing native species to the area as needed to encourage development of a landscape indicative of a coastal dune and wetland habitat similar to what is observed in the nearby Kanaha pond area.

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 Hawaiian Dredging Construction Company 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 issue future right-of-entries to the applicant in relation to its use of the subject government lands for storage purposes.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

3 8 01

SUBJECT AREA

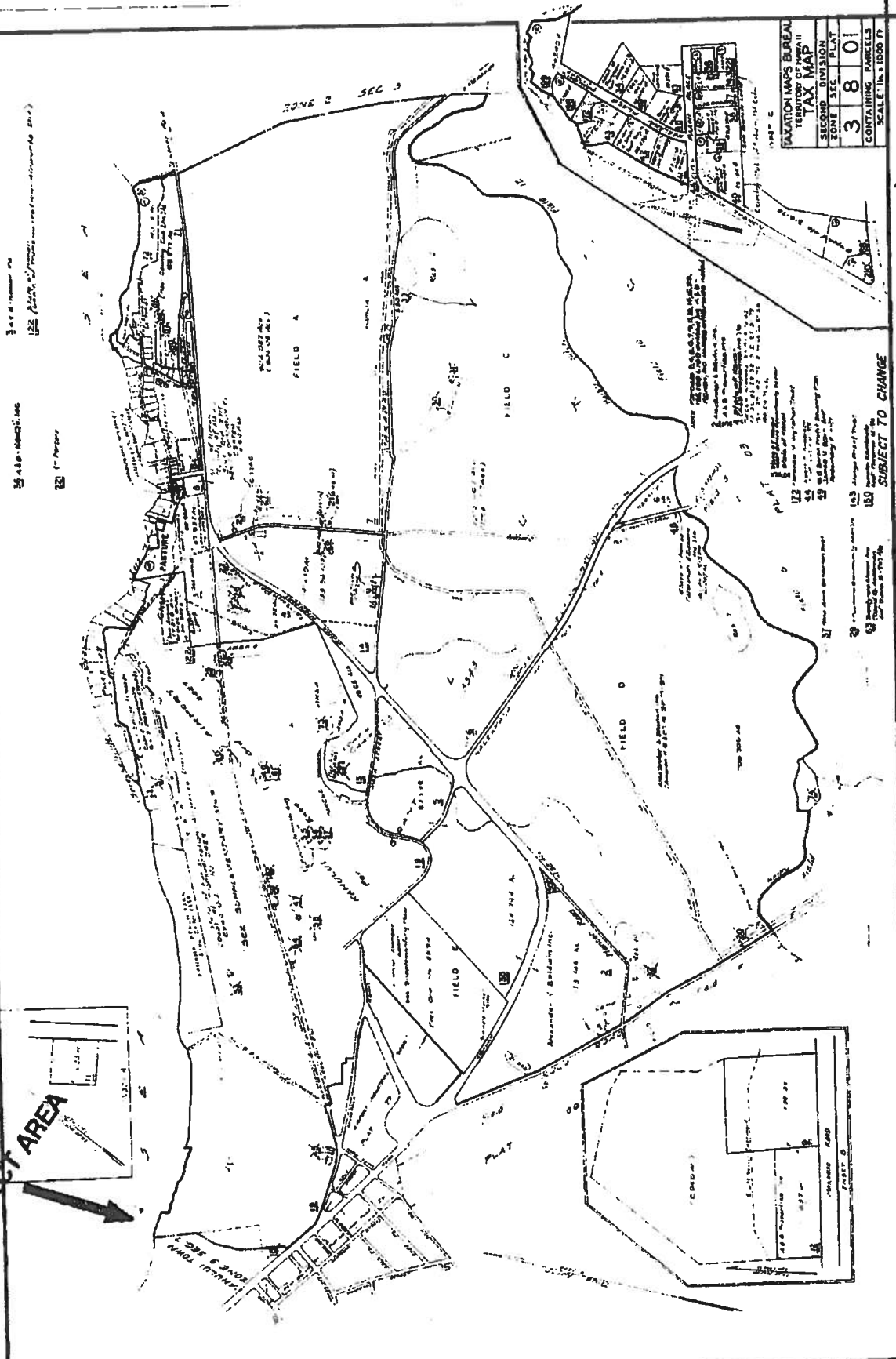
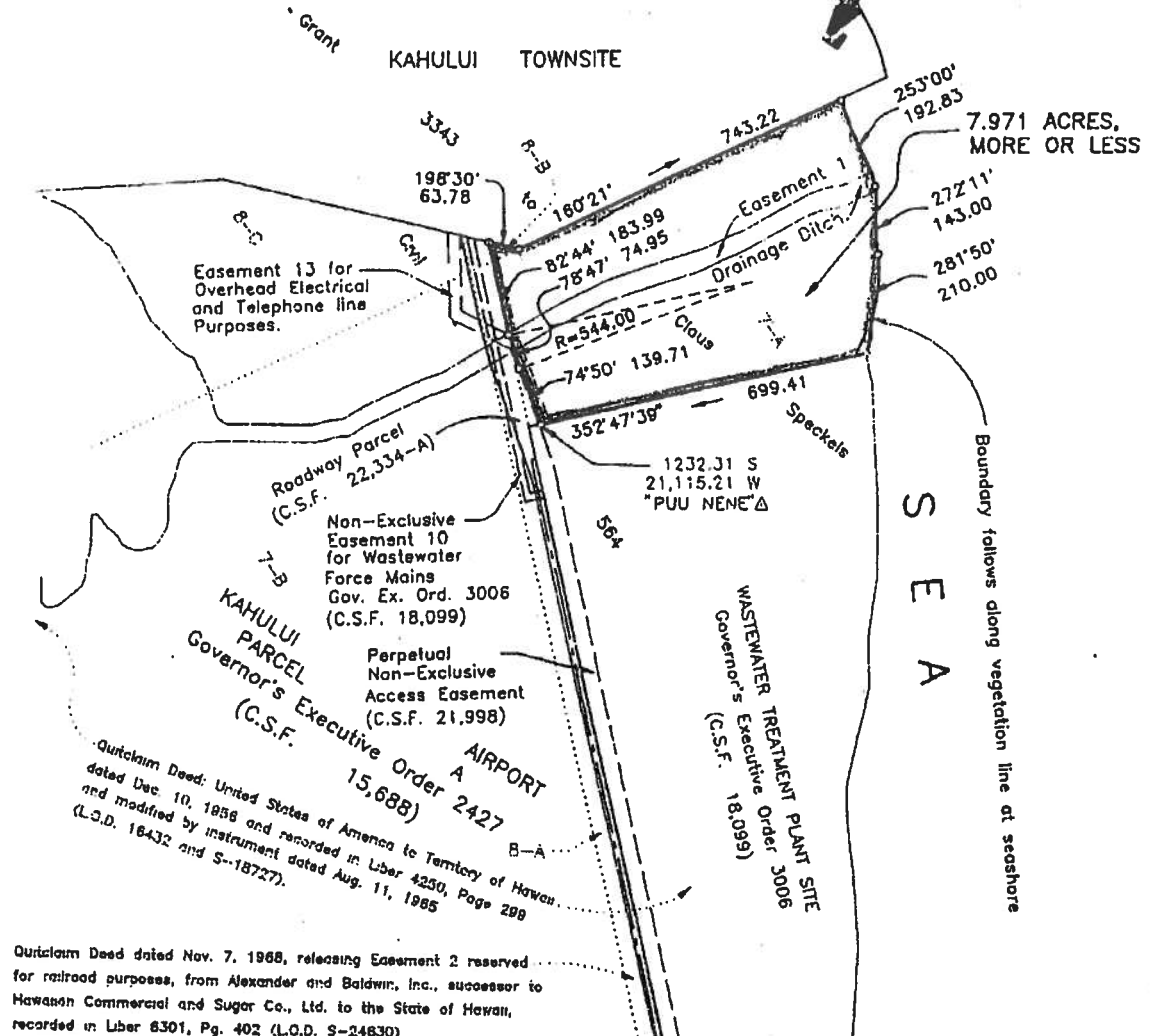


EXHIBIT A

TRUE NORTH
Scale: 1 in. = 300 ft.

SUBJECT AREA



REDUCED NOT TO SCALE

PORTION OF GRANT 3343 TO CLAUSS SPRECKELS
Kahului, Wailuku, Maui, Hawaii
Scale: 1 inch = 300 feet

JOB Ma - 15(84)
C. BK. 2, Kooni

TAX MAP 3-8-01:por 19
C.S.F. NO. 22,345

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT "B"
G.G. August 17, 1995

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit to Hawaiian Dredging Construction Company onto Government Lands Encumbered by EO No. 3694 for Temporary Storage Purposes.


Project Location: Kahului, Maui; TMK (2) 3-8-001: 019 por.

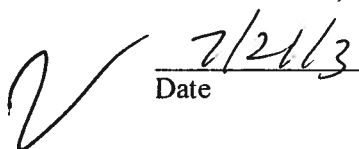
Project Description: Applicant shall use government lands for temporary storage purpose related to the implementation of a County of Maui, Department Environmental Management, Waste Water Division sewer line replacement project. As consideration to the State of Hawaii for the use of Government Lands, the applicant has agreed to perform land maintenance activities in support of Forestry and Wildlife land restoration activities on site at no cost to the State. The value of the proposed land maintenance is estimated to be \$15,000.

Consulted Parties: DLNR – Division of Forestry & Wildlife; and the County of Maui, Mayor's Office and Department Environmental Management, Waste Water Division

Exemption Class No.: In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(1)]."

Recommendation: It is recommended that the Board find that the issuance of a Right-of-Entry to Hawaiian Dredging Construction Company will 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 2/21/13