

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

August 9, 2013

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

OAHU

Issuance of Right-of-Entry Permit to Hawaii Pacific University for Research Purposes on Lands Encumbered by Executive Orders Setting Aside for Park Purposes on the Island of Oahu, Tax Map Key: (1) 3-5-22:23, 3-8-3:32, 4-3-11:74 &75, 4-3-9:1, 4-3-10:83 & 84, 4-6-5:9, 5-2-2:1, 5-3-2:31, 5-4-11:9; 5-4-2:22, 5-4-1:32, 5-8-12:15 & 41 5-9-1:38, 5-9-3:32, 8-1-1:7, 8-1-1:8, 8-2-1:22, 8-3-1:1, 8-5-18:1, 8-7-7:1, and 8-9-1:2.

APPLICANT:

Hawaii Pacific University, a domestic non-profit organization, c/o Dr. Susan Carstenn

LEGAL REFERENCE:

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

LOCATION:

See **Exhibit A.**

CURRENT USE STATUS:

See Exhibit A.

CHARACTER OF USE:

Research purposes, which include collection of water, sediment, and biological samples.

TERM OF RIGHT-OF-ENTRY:

One (1) year

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 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." See **Exhibit B**.

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>

APPLICANT REQUIREMENTS:

The Applicant shall obtain written concurrence from the Department of Parks and Recreation of the City and County of Honolulu for those lands setting aside to them.

REMARKS:

Dr. Carstenn of the College of Natural and Computational Sciences of Hawaii Pacific University (the "Applicant") is working on a project to study the condition of Hawaii's stream mouth estuaries. The project will include collection of water, sediment, and biological samples conducted between 8 am and 5 pm. In the event of any conflicts with other park users, the Applicant can re-schedule the sampling. In addition, the Applicant has obtained a permit from the Division of Aquatics for the biotic sampling and method. A copy of the request from the Applicant is attached as **Exhibit C**.

As noted in Exhibit A, the Department of Parks and Recreation of the City and County of Honolulu and the Division of State Parks are the agencies involved with the requested State parcels. State Parks is aware of the request and is in the process of issuing a special use permit to the Applicant for the project. The Applicant will approach the City's Department of Parks and Recreation for its concurrence to the request.

The project is research oriented and there is no monetary transaction. Therefore, staff recommends the Board waive the rental for the right-of-entry permit.

During the research process, the Applicant may need similar approvals for access onto other State lands. Staff recommends the Board authorize the Chairperson to issue rights-of-entry onto any additional State lands for the same purposes, further subject to concurrence from any agencies possessing management jurisdiction over such additional State lands.

There are no other pertinent issues or concerns. Staff has no objection to the request.

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 Hawaii Pacific University 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. Written concurrence from the Department of Parks and Recreation pertaining to the parcels setting aside to them;
 - C. 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 rights-of-entry onto additional State lands as described above to the Applicant in relation to its research purposes.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

Name of Park	TMK					EO numbers		Agencies
Wailupe Beach Park	35022023					2066		City
Kuliouou Beach Park	38003032					1080		City
Kailua Beach Park	43011074	43011075	43009001	43010084	43010083	115		City
Heeia State Park	46005009					3519		City
Kahana Valley State Park	52002001					3338		State Parks
Punaluu Beach Park	53002031					385	1702	City
Sacred Falls State Park	53011009					2830		State Parks
Hauula Beach Park	54002022	54001032				721		City
Waialea Beach Park	58001015	58001041				3497		City
Sunset Beach Park	59001038					2598		City
Pupukea Beach Park	59003032					1824		City
Kaena Point State Park	81001007	81001008	82001022			3574	3338	State Parks
Keaau Beach Park	83001001					1402		City
Mauna Lahilahi Beach Par	85018001					3452		City
Ulehawa Beach Park	87007001					2464		City
Nanakuli Beach Park	89001002					104		City

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 Research Purposes

Project / Reference No.: Not applicable

Project Location: Various Parks on Oahu

Project Description: Collect water, sediment and biological samples

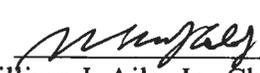
Chap. 343 Trigger(s): Use of State Land

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 quarterly sampling at various parks in relation to a study of the condition of the stream mouth estuaries. 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

EXHIBIT B

Susan M. Carstenn
Hawaii Pacific University

Kaneohe, Hawaii 96744

July 11, 2013

Barry Cheung
District Land Agent, Land Division
Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

Dear Mr. Cheung:

On behalf of Hawaii Pacific University (HPU), I would like to request Right-of-entry (right to temporarily enter onto State lands) to collect water, sediment and biological samples in support of research to better understand the condition of Hawaii's stream mouth estuaries. Stream mouth estuaries are important habitats for recreational and commercial fisheries and are threatened by urban development and sea level rise. Understanding their current condition will assist with managing these important systems into the future. Please find a list of state-owned properties listed by TMK, below.

Sampling will consist of visiting each stream mouth from approximately 8 am and 5 pm. Samples will be collected and traps will be set on the first day and will remain in place over night. Traps will be removed the following morning. All biotic sampling and methods have been approved by DLNR Division of Aquatic Resources and a permit has been issued to HPU. A maximum of 8 individuals will assist with sampling and only 2 vehicles will transport the team to the site. Vehicles will be located in the designated parking areas. The appropriate authorities will be notified one week in advance of the proposed sampling date. Should there be a conflict with other activities at the property sampling will be rescheduled. Sampling equipment left in the stream overnight will be our responsibility. Sampling at a subset of sites will be repeated quarterly.

Sincerely,



Susan M. Carstenn, Ph.D.
Associate Professor of Environmental Science
Hawaii Pacific University

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2013 JUL 11 PM 4:12

RECEIVED
LAND DIVISION

EXHIBIT "C"