

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

HAWAII

Issuance of Right-of-Entry Permit to Department of Health Hazard Evaluation and Emergency Response Office for Surface Soil, Sediment, and Biota Sampling on Lands Encumbered by Various Executive Orders and General Leases, Piopio and Waiakea, South Hilo, County of Hawaii, Island of Hawaii, Tax Map Keys: (3) 2-1-003:001, 2-1-003:008, 2-1-003:013, 2-1-003:017, 2-1-016:001, 2-2-001:001, 2-2-002:001, 2-2-003:003, 2-2-004:001, 2-2-012:001, 2-2-013:003, 2-2-014:002, 2-2-029:001, 2-2-029:026, 2-2-029:027, 2-2-031:001, 2-2-031:015, 2-2-053:023, 2-4-035:002, 2-4-035:004, and 2-4-041:045.

APPLICANT:

Hawaii Department of Health, Hazard Evaluation and Emergency Response Office.

LEGAL REFERENCE:

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

LOCATION:

Government lands as shown on the attached list labeled **Exhibit A**.

CURRENT USE STATUS:

See **Exhibit A**.

CHARACTER OF USE:

Research purposes, involving collection of surface soil, sediment, and biota samples.

TERM OF RIGHT-OF-ENTRY:

One (1) year.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with HAR §11-200-8A, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.”

Please refer to **Exhibit B**.

APPLICANT REQUIREMENTS:

Applicant shall be required to obtain written concurrence from all users with management jurisdiction over any portions of the subject land.

REMARKS:

The Hazard Evaluation and Emergency Response Office of the Department of Health (DOH) will be conducting an environmental investigation of arsenic occurrence in surface soils, sediments, and the biota at selected properties in South Hilo on the Island of Hawaii. State-owned lands for which access is needed are listed in Exhibit A. These include lands managed by the Land Division and lands set aside by Executive Order conveying management jurisdiction to the Division of State Parks, the Division of Aquatic Resources, and the County of Hawaii.

Surface soil, sediment and biota sampling will be conducted by DOH, assisted by DLNR staff, to determine area-wide arsenic concentrations. Surface soil and shoreline sediments from Wailoa River State Park will also be used to evaluate exposure risks, if any, to Park users from exposed surface soils. Sediment and biota collected from within Waiakea Pond and the Lower Wailoa River will be used to evaluate consumption exposure risks to recreational fisherman. The data will also be used to assess potential arsenic exposure hazards for ecological receptors, including birds, that utilize the area for foraging.

Comments on the proposed actions were solicited from the Division of State Parks, the Division of Aquatic Resources (DAR), and the County of Hawaii Department of Parks and Recreation, as well as the Office of Conservation and Coastal Lands (OCCL). State Parks, DAR, and OCCL each determined no additional permits would be required.

During the investigation, should access be needed onto other State lands for the same purposes of soil, sediment and biota sampling to test for arsenic concentrations, Staff recommends the Board authorize the Chairperson to issue additional rights of entry onto those properties, if requested 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.

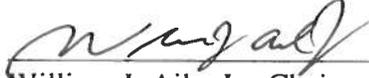
RECOMMENDATION: That the Board

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 the Department of Health Hazard Evaluation and Emergency Response Office 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 Division of State Parks, the Division of Aquatic Resources, and the County of Hawaii regarding those portions of the subject properties set aside to them.
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Chairperson to issue future rights-of-entry onto additional State lands to the Applicant in relation to its investigations of arsenic concentrations in surface soil, sediment and biota sampling as described above.

Respectfully Submitted,

  
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Barbara J. Lee  
Project Development Specialist

APPROVED FOR SUBMITTAL:

  
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William J. Aila, Jr., Chairperson



**SUBJECT PROPERTY FOR ROE REQUEST: LIST OF TMK PARCELS TO BE SAMPLED**

DOH TMK List	Acreage	Property Class	DLNR Doc	DLNR Notes
2-1-003-001	20.062	Conservation	<a href="#">EO3807</a>	Set aside to COUNTY OF HAWAII (20.062 Ac) of Liliuokalani Gardens and roadway for park purposes; CSF 22906, dated 10/28/1999.
			<a href="#">LOD 28165</a>	Electrical Easement (46 Sq. Ft. or 0.001 Ac); CSF 22372, dated 10/27/1995
			<a href="#">LOD 28036</a>	Encroachment Easement (159 Sq. Ft. or 0.004 Ac); CSF 21742, dated 8/13/1992
2-1-003-008	0.97	Industrial	<a href="#">GL4786-orig</a>	General lease to HILO TRADING COMPANY LTD.
			<a href="#">GL4786-withdw</a>	Partial withdrawal of 0.04 acres from lease, dated May 3, 2002.
2-1-003-013	1.33	Industrial	<a href="#">EO3933</a>	Set aside to COUNTY OF HAWAII: Addition (1.33 Ac). Current tmk map indicates parcel area is 1.37 Ac; CSF 23257, dated 03/27/2002. For "Happiness Garden Park."
2-1-003-017	0.4828	Industrial	<a href="#">EO3921</a>	Set aside to COUNTY OF HAWAII (0.443 Ac); CSF 23259, dated 04/01/2002. Current TMK map indicates area is 0.483 Ac. though EO says 0.443 ac. For addition to Liliuokalani Gardens.
2-1-016-001	50.887	Agriculture (34.117) Conservation (16.66) Residential (0.11)	<a href="#">EO 4250</a>	Set aside to DEPARTMENT OF AGRICULTURE (50.887 acres), CSF 19482, dated 02/18/1992.
2-2-001-001	1.89	Conservation	<a href="#">EO3562</a>	Set aside to DAR (1.890 Ac); CSF 21245, dated 05/02/1990 for baitfish and fisheries facility
2-2-002-001	5.957	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (5.957 Ac); CSF 18252, dated 03/22/1978.
2-2-003-003	10.967	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (10.967 Ac); CSF 18252, dated 03/22/1978.
2-2-004-001	1.455	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (1.455 Ac); CSF 18252, dated 03/22/1978.
2-2-012-001	2.278	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (2.278 Ac); CSF 18252, dated 03/22/1978.
			<a href="#">GL3855</a>	Lease to HAWAII COUNTY for sewer line.
2-2-013-003	12.932	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (12.932 Ac); CSF 18252, dated 03/22/1978.
			<a href="#">LOD28986</a>	Non-exclusive easement to DOT-A for perpetual non-exclusive noise monitoring station easement
2-2-014-002	3.902	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (3.902 Ac); CSF 18252, dated 03/22/1978.
			<a href="#">LOD24081</a>	Drainage easement to HAWAII REDEVELOPMENT AGENCY, Part 2 (252 Sq. Ft. or 0.006 Ac); CSF 14755, dated 10/19/1965.
2-2-029-001	4.382	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (4.382 Ac); CSF 18252, dated 03/22/1978.
			<a href="#">LOD28753</a>	Easement to HAWAII COUNTY for sewer pump station (345 Sq. Ft.); CSF 23863, dated 10/04/2004; and sewer line easement C (3,879 Sq. Ft.); CSF 23864, dated 10/04/2004.
2-2-029-026	0.1331	Commercial	<a href="#">RP7612</a>	Revocable permit to CAFÉ 100, INC.
2-2-029-027	4.347	Conservation	<a href="#">EO2658</a>	Set aside to STATE PARKS (4.347 Ac) for addition to Wailoa River State Park; CSF 16041, dated 02/11/1970.
2-2-031-001	64.488	Conservation	<a href="#">EO2921</a>	Set aside to STATE PARKS (64.488 Ac); CSF 18252, dated 03/22/1978.
			<a href="#">GL3855</a>	Lease to County of Hawaii for sewer line easements.
			<a href="#">LOD26765</a>	Perpetual, non-exclusive drainage easement A to County of Hawaii (3,978 Sq. Ft. or 0.091 Ac); CSF 17747-17748, dated 6/25/1976.
			<a href="#">LOD26845</a>	Sewerline easement C to COUNTY OF HAWAII (10,254 Sq. Ft. or 0.235 Ac); CSF 17795, dated 7/14/1976.
			<a href="#">LOD28657</a>	Non-exclusive utility easements E1 to E13; CSF 23417, 23418, 23419, 23420, 23421; and utility easement 9 (25 Sq. Ft.); CSF 23420, dated 12/10/2002
			<a href="#">EO2812</a>	Set aside for storm drain easement B to DOT (0.089 Ac); CSF 17748, dated 06/25/1976.
2-2-031-015	0.413	Conservation	<a href="#">EO2201</a>	Set aside to STATE PARKS, Parcel 1(808 Sq. Ft.), 2 (2,797 Sq. Ft.), 3 (13,645 Sq. Ft.), 4 (741 Sq. Ft.) for addition to Wailoa River Park; CSF 13521, 13522, dated 01/29/1962.
2-2-053-023	1.0286	Commercial	<a href="#">EO2658</a>	Set aside to STATE PARKS (1.029 Ac) for addition to Wailoa River State Park; CSF 16041, dated 02/11/1970.
			<a href="#">LOD28753</a>	Perpetual, non-exclusive sewer pump station easement to COUNTY OF HAWAII (345 Sq. Ft.); CSF 23863, dated 10/04/2004; and sewer line easement C (3,879 Sq. Ft.); CSF 23864, dated 10/04/2004.
2-4-035-002	1	Agriculture	<a href="#">EO1344</a>	Set aside to COUNTY OF HAWAII (1.000 Ac) for Waiakea-Uka Park; CSF 10808, dated 09/28/1949.
2-4-035-004	6.7	Agriculture	<a href="#">EO2728</a>	Set aside to County of Hawaii (6.700 Ac) for park purposes; CSF 17129, dated 06/28/1974.
			<a href="#">LOD28578</a>	Perpetual, non-exclusive easement for drainage purposes to County of Hawaii (0.281 Ac); CSF 23289, dated 05/07/2002.
2-4-041-045	2.957	Commercial	unencumbered	
			<a href="#">LOD28525</a>	Utility easement 9 (31 sf); CSF 23196, dated 12/03/2001.

### 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 Permit to Department of Health Hazard Evaluation and Emergency Response Office for Surface Soil, Sediment, and Biota Sampling on Lands Encumbered by Various Executive Orders and General Leases, Piopio and Waiakea, South Hilo, County of Hawaii, Island of Hawaii.

**Project / Reference No.:** Not applicable

**Project Location:** Tax Map Keys: (3) 2-1-003:001, 2-1-003:008, 2-1-003:013, 2-1-003:017, 2-1-016:001, 2-2-001:001, 2-2-002:001, 2-2-003:003, 2-2-004:001, 2-2-012:001, 2-2-013:003, 2-2-014:002, 2-2-029:001, 2-2-029:026, 2-2-029:027, 2-2-031:001, 2-2-031:015, 2-2-053:023, 2-4-035:002, 2-4-035:004, and 2-4-041:045.

**Project Description:** Collection of surface soil, sediment, and biota samples for determination of arsenic content.

**Chap. 343 Trigger(s):**

1. Use of State lands.
2. Use of conservation lands.
3. Use within the shoreline setback area.

**Exemption Class No.:** In accordance with HAR §11-200-8A, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class #5: 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 single investigation of arsenic concentrations in surface soils, sediments and biota on various State lands in the South Hilo area. Staff does not anticipate any major alteration in the conditions of land, water or vegetation on the properties sampled.

**Consulted Parties** OCCL and DAR were consulted.

**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: 7/29/13

**EXHIBIT B**