

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

January 10, 2014

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

13HD-173

Hawaii

**Issuance of a Right-of-Entry Permit to the County of Hawaii, Department of Public Works for Staging Area and Roadway Improvement Purposes on Portions of Unencumbered State Lands located at Kalaoa, North Kona, Hawaii, Tax Map Key: (3)7-3-010:006, 042 & 045.**

APPLICANT:

County of Hawaii, Department of Public Works, a governmental agency.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kalaoa, North Kona, Hawaii, identified by Tax Map Key: (3)7-3-010:006, 042 & 045, as shown on the attached map labeled Exhibit A.

AREA:

One (1) acre, more or less.

ZONING:

State Land Use District: Urban  
County of Hawaii CZO: Agriculture (A-5a) and Open

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:

Vacant and unencumbered

CHARACTER OF USE:

Roadway improvements and staging area purposes.

TERM OF RIGHT-OF-ENTRY:

Two (2) years from the right-of-entry issuance date or completion of the project, whichever occurs first.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 and Exemption Class No. 4. Refer to attached Exhibit B.

DCCA VERIFICATION:

The applicant, as a governmental agency, is not required to register with the DCCA.

REMARKS:

The County of Hawaii, Department of Public Works (DPW) will be performing roadway reconstruction and drainage improvements along Kaiminani Drive from Ahiahi Street to the vicinity of Ane Keohokalole Highway that will include drywells, six-foot shoulders, swales, tie-ins to private driveways, relocation/adjustments to underground utilities, construction of retaining walls and roadway signage and striping. Construction is scheduled to begin in the middle of 2014, and is expected to be completed within 2 years. However, this is subject to change depending on the availability of funds.

The three subject State parcels about the project area and will be affected by the roadway improvement work. DPW would also like authorization to use approximately one acre of State Land located at the intersection of Kaiminani Drive and Ane Keohokalole Highway (parcel 006, refer to exhibit A) as a construction staging area during the project.

The area requested for use has been used for the same purpose several times in the past (during construction of Kaiminani Drive, again for Ane Keohokalole Highway, and again for the Kona Palisades Phase 6 HELCO project). Therefore, staff believes that the use of a portion of parcel 006 for a staging area and the roadway improvements to all three parcels will probably have minimal or no significant effect on the environment and is exempt from the preparation of an environmental assessment.

No comments were solicited, as the request will not require any new dispositions or involve a change in land use.

This request will be issued at gratis. This is a government-sponsored project and the applicant will not profit monetarily as the intended use is strictly for roadway reconstruction staging area.

Due to the nature of the project and the funding-dependent time schedule, staff recommends that the Board authorize the Chairperson to issue renewal of this right-of-entry to DPW for the same intended use.


**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 County of Hawaii, Department of Public Works 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.

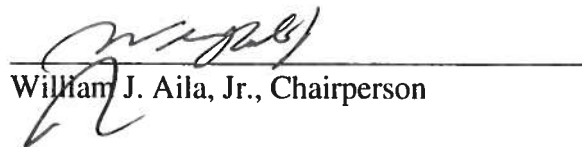
- C. Authorize the Chairperson to issue a renewal of this right-of-entry to the Applicant for staging area and roadway improvement purposes.

Respectfully Submitted,

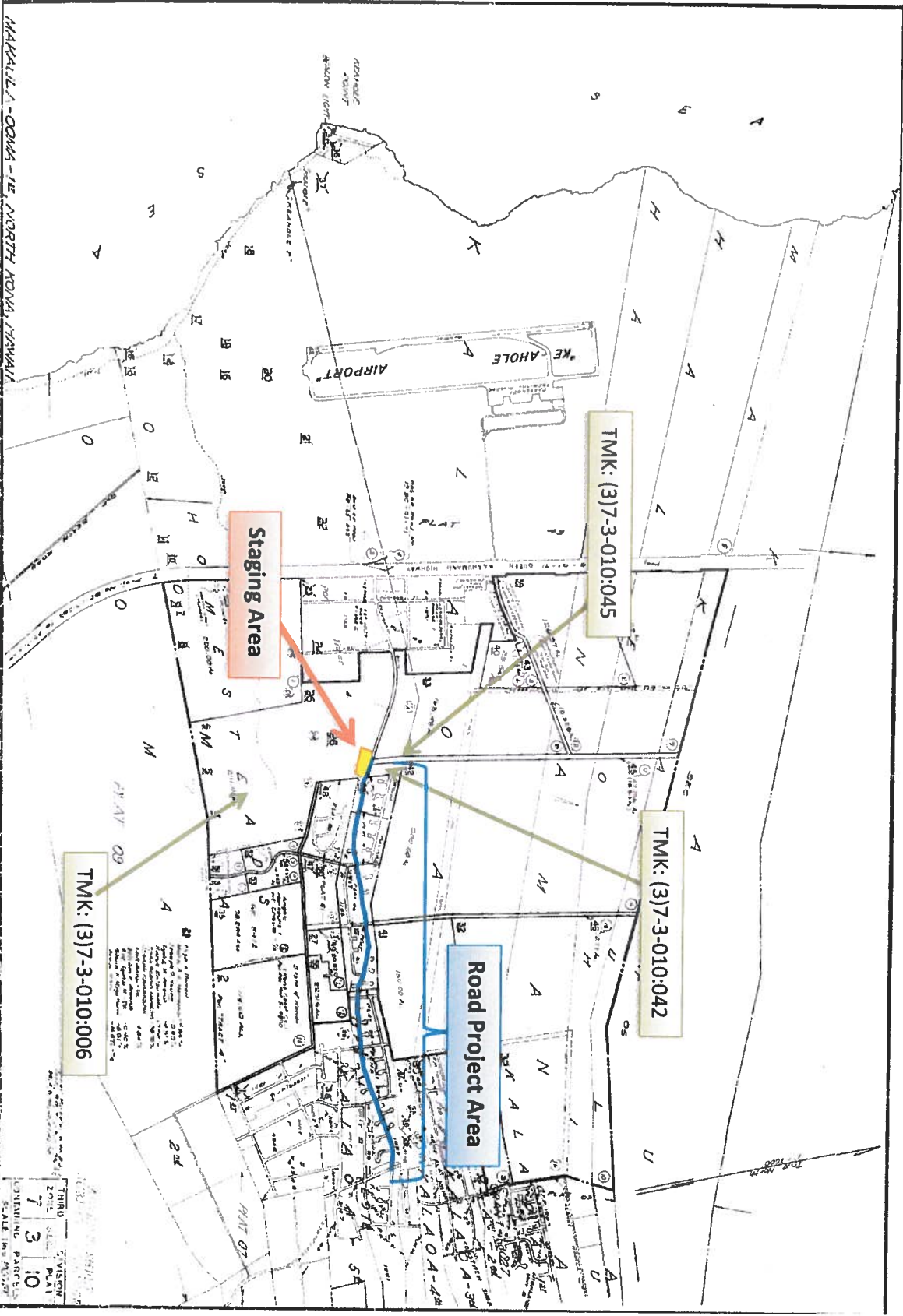


 Candace Martin  
Land Agent

APPROVED FOR SUBMITTAL:

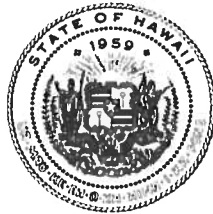
  
William J. Aila, Jr., Chairperson

**EXHIBIT A**



MAKALEI - OOMA - TE NORTH KONA TOWN

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



## EXHIBIT B

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

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
(ENFORCEMENT)

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 10, 2014

#### 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 the County of Hawaii, Department of Public Works for Staging Area and Roadway Improvement Purposes on Portions of Unencumbered State Lands

**Project / Reference No.:** PSF 13HD-173

**Project Location:** Kalaoa, North Kona, Hawaii, Tax Map Key: (3)7-3-010:006, 042 & 045

**Project Description:** The County of Hawaii, Department of Public Works (DPW) will be performing roadway reconstruction and drainage improvements along Kaiminani Drive from Ahiahi Street to the vicinity of Ane Keohokalole Highway that will include drywells, six-foot shoulders, swales, tie-ins to private driveways, relocation/adjustments to underground utilities, construction of retaining walls and roadway signage and striping. Construction is scheduled to begin in the middle of 2014, and is expected to be completed within 2 years. However, this is subject to change depending on the availability of funds.

The three subject State parcels abut the project area and will be affected by the work. DPW would like authorization to use approximately one acre of State Land located at the corners of Kaiminani Drive and Ane Keohokalole Highway (parcel 006, refer to exhibit A) as a construction staging area during the project.

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

**Exemption Class No.:** In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources 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. 1, that states "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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

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

