

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

February 28, 2014

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

PSF No.: 14MD-019

Maui

Issuance of Immediate Right-of-Entry to the County of Maui, Department of Public Works, Highways Division for Temporary Construction / Laydown Area Purposes, Kahakuloa, Maui, Tax Map Key: (2) 3-1-002: Portion of 016.

APPLICANT:

County of Maui Department of Public Works, Highways Division

LEGAL REFERENCE:

Sections 171-11 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Kahakuloa situated at Wailuku, Maui identified by Tax Map Key: (2) 3-1-002: Portion of 016 as shown on the attached map labeled Exhibit A.

AREA:

40,000 sq. ft. more or less.

ZONING:

State Land Use District: Conservation (General Subzone)
County of Maui CZO: Interim, Special Management Area

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:

- Governor's Executive Order No. 3648 to the Department of Land & Natural Resources, Division of Forestry & Wildlife since, March 7, 1995, as the Kahakuloa Game Management Area;
- Executive Order No. 0886 to the Board of Commissioners of Agriculture & Forestry now referred to as the Department of Land & Natural Resources, Division of Forestry & Wildlife, since June 25, 1940, as the West Maui Forest Reserve.

PURPOSE:

Lay down area for stock piling of roadway repair materials.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on January 8, 2013 with a finding of no significant impact (FONSI).

TERM OF RIGHT-OF-ENTRY:

Start date: March 1, 2014.

End date: July 31, 2016.

EXHIBITS:

Exhibit (A) - Tax map of the subject area.

Exhibit (B) – Site location map.

Exhibit (C) – Site plan for laydown area.

Exhibit (D) – Concurrence letter from the Division of Forestry and Wildlife.

REMARKS:

The County of Maui Department of Public Works, Highways Division has requested the use

of a 40,000 square foot area at the subject location for stockpiling of roadway repair and maintenance materials such as cinder and gravel. No permanent improvements are proposed and no grading work will be conducted to alter the existing contour of the land. Temporary gravel berms will be created to act as a detention basin to prevent runoff. Existing grass in the area will be cut, but no trees will be removed or disturbed.

Due to Kahakuloa's rural location, it is extremely important for the Highways Division to be able to store and have materials readily available to expedite the completion of the road repair project.

Currently, the requested parcel is encumbered by Governor's Executive Order No. 3648 to the Department of Land & Natural Resources, Division of Forestry & Wildlife, as a Kahakuloa Game Management Area (GMA) and Executive Order No. 0886 also to the Department of Land & Natural Resources, Department of Forestry & Wildlife, as part of the West Maui Forest Reserve. Staff will also work with the County of Maui Department of Public Works, Highways Division to have the requested lay down / stockpiling area situated where it will not prevent public access for hunters who desire to hunt within the Waikalae portion of the GMA.

AGENCY COMMENTS:

Division of Forestry & Wildlife (DOFAW):

Staff consulted with Wildlife Biologist Shane DeMattos of Maui's Division of Forestry and Wildlife regarding the requested use of the subject area. DeMattos related that he had no objections with the location of the laydown area or the proposed use. He noted that the site is situated within a designated public hunting area and therefore, hunters may be legally hunting during weekends and holidays in the upper elevations above the site. He also added that access roads within the GMA should not be obstructed. (Exhibit D- Concurrence letter from the DOFAW).

Office of Conservation & Coastal Lands (OCCL):

No objections.

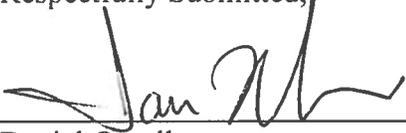
RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Authorize the issuance of right-of-entry permit to the County of Maui Department of Public Works, Highways Division under the terms and conditions cited above, which are by this reference incorporated herein and subject further 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. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

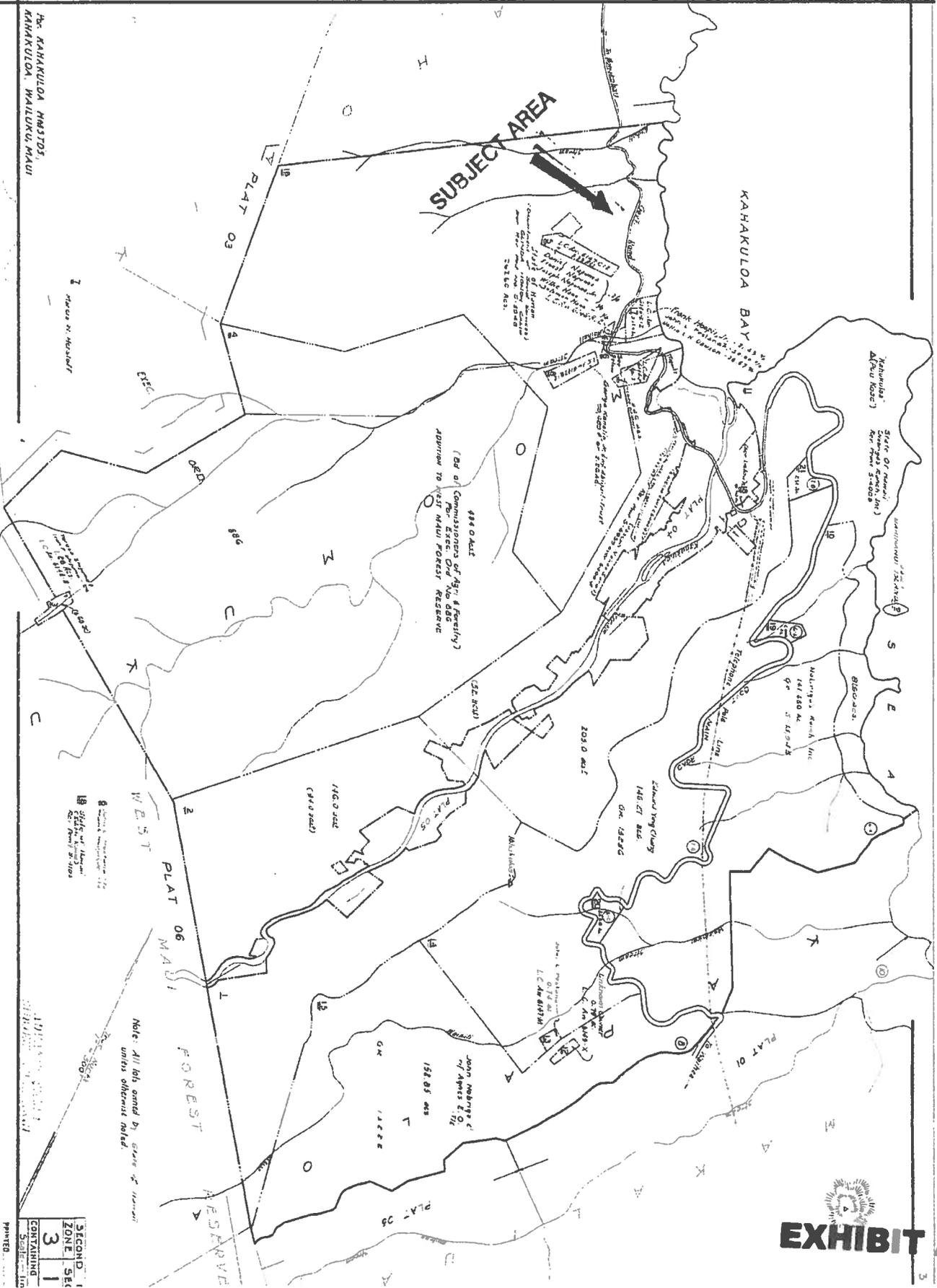
APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

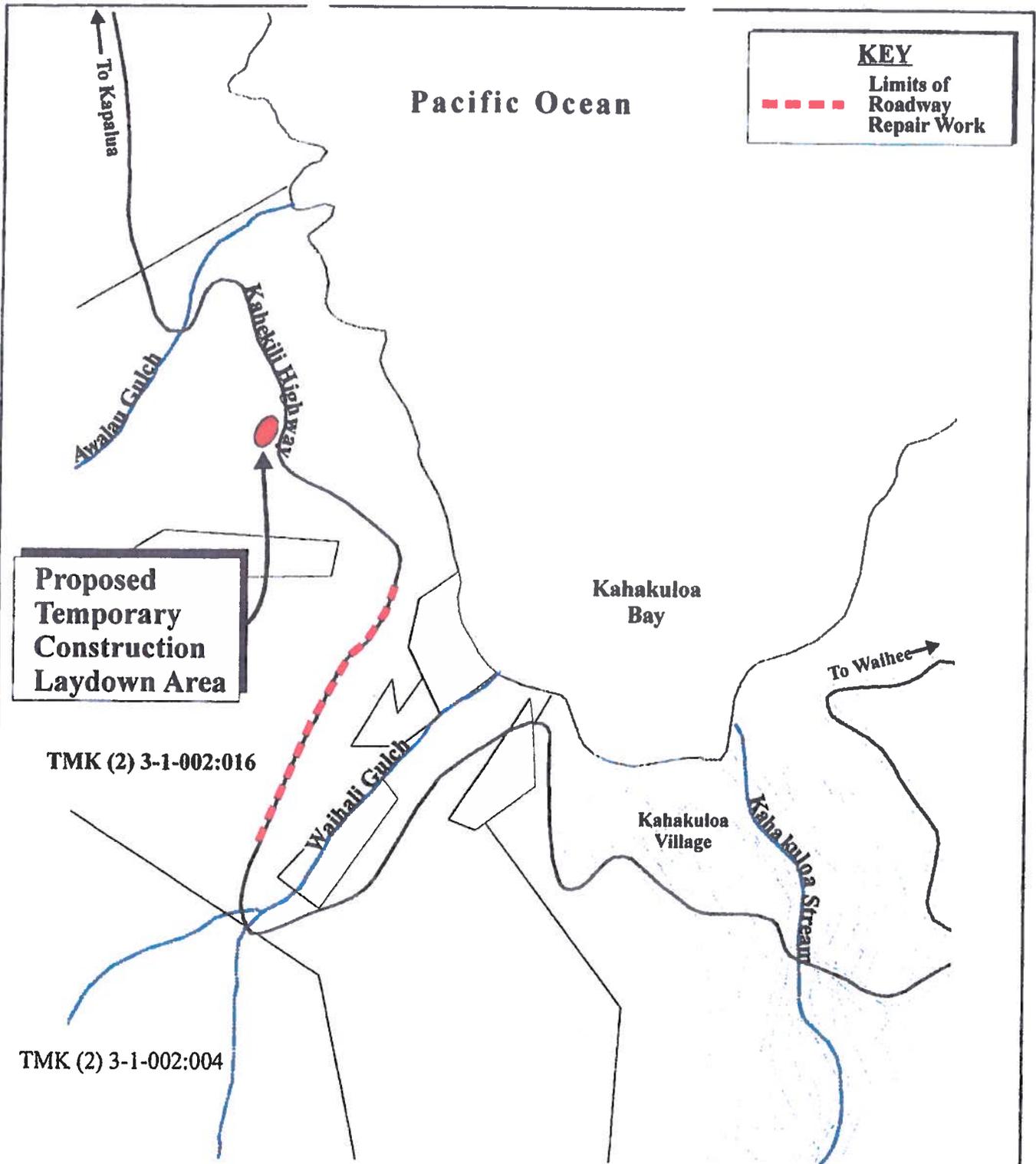


THE KAHAKULOA HILLS,
 KAHAKULOA, MAUI, HAWAII



SECOND ZONE 1 SE 1
 CONTAINING 3 1
 PRINTED

EXHIBIT A



Sources: County of Maui, Planning Department, 2010;
and State of Hawaii, U. S. Geological Survey, 2005

Figure 2

Proposed Temporary
Construction Laydown Area
Site Location Map

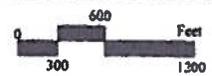
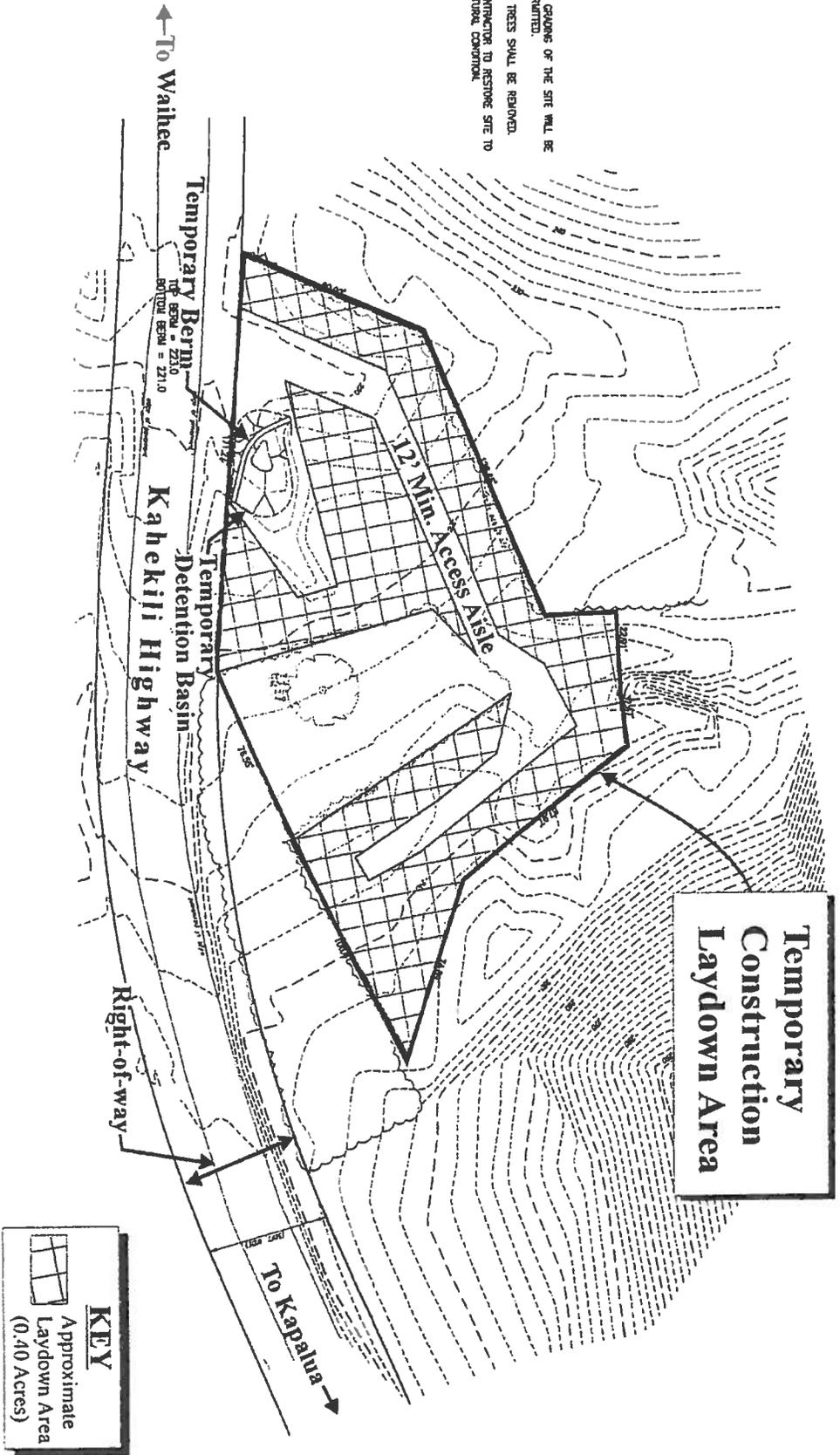


Exhibit B

- NOTES:
1. NO GRADING OF THE SITE WILL BE PERMITTED.
 2. NO TREES SHALL BE REMOVED.
 3. CONTRACTOR TO RESTORE SITE TO NATURAL CONDITION.



Source: Austin, Tsutsumi & Associates, Inc.

Figure 4 Proposed Temporary Construction Laydown Area
Preliminary Site Plan NOT TO SCALE



Prepared for: County of Maui, Department of Public Works

MUNEKIYO & HIRAGA, INC.

ATAKAEHEIHCDAVPreliminary Site Plan

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
54 SOUTH HIGH STREET, ROOM 101
WAILUKU, HAWAII 96793

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

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DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS
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ENGINEERING
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND MANAGEMENT
STATE PARKS

February 3, 2014

To: Larry Pacheco, Maui Land Agent

Through: John Medeiros, Maui Nui Wildlife Manager *JM*

From: Shane De Mattos, Maui Nui Wildlife Biologist

Subject: Issuance of Immediate Right-of-Entry to the County of Maui, Department of Public Works, Highways Division, Kahakuloa, Maui, Tax Map Key: (2) 3-1-002: Portion of 016.

On Wednesday, January 29, 2014 Land Agent Larry Pacheco informed me of a request by the County of Maui, Highways Division to use a 40,000 square foot area within the Kahakuloa Game Management Area to store maintenance material for road repairs. The wildlife staff has no objections for the use of this area. Please inform the County of Maui, Highways Division, that the area is a designated game management area with active hunting on Saturdays, Sundays, and State Holidays. The wildlife staff also requests that no access roads into the game management area be obstructed.

Shane De Mattos
Shane De Mattos

EXHIBIT " D "



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 28, 2014

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Immediate Right-of-Entry to the County of Maui, Department of Public Works, Highways Division for Temporary Construction / Laydown Area Purposes.

Project / Reference No.: MA# 14MD-019

Project Location: Kahakuloa, Maui

Project Description: Laydown area for roadway repair materials such as gravel and cinder.

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

Exemption Class No. and Description: The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on January 8, 2013 with a finding of no significant impact (FONSI).

Consulted Parties: State of Hawaii, Department of Land & Natural Resources, Division of Forestry and Wildlife and County of Maui, Department of Public Works Highways Division, were consulted as sources of authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed project.

Recommendation: To the extent Chapter 343 applies to the proposed project, the Department of Transportation, Highways Division, shall be

responsible for complying with all Chapter 343 Environmental Assessment requirements.



William J. Aila Jr., Chairperson



Date 2/13/14