

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

April 10, 2015

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

Ref; GL 5309

OAHU

Issuance of Right-of-Entry Permit to Hi-Tech Rockfall Construction, Inc. on
Lands Encumbered by General Lease No. 5309, Waimanalo, Koolaupoko, Oahu,
Tax Map Key: (1) 4-1-013:017

APPLICANT:

Hi-Tech Rockfall Construction, Inc., a foreign profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by
Tax Map Key: (1) 4-1-013:017, as shown on the attached map labeled **Exhibit A**.

AREA:

4.134 acres, more or less.

ZONING:

State Land Use District: Agricultural
City and County of Honolulu LUO: Ag-2

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 General Lease No. S-5309, Clarence T. Medeiros, Joanne K.E. Medeiros, Devon J. Medeiros, Lessee, for general agriculture purposes, which means the cultivation and harvesting of truck, orchard, flower or nursery crops, the raising and harvesting of forage crops, and the grazing and pasturing of animals other than pigs.

CHARACTER OF USE FOR RIGHT-OF-ENTRY:

Staging area for storing material and equipment purposes.

TERM OF RIGHT-OF-ENTRY:

Two (2) months from the Board date.

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:

Applicant shall be required to obtain written concurrence from the lessee of the subject land.

REMARKS:

In 2007, after a rockfall incident impacted a private property along Koohoo Place in Kailua, a consultant determined that there were boulder and rock outcrops within an adjacent State parcel with the potential to fall. Eventually, the Engineering Division, on

behalf of the Division of Forestry and Wildlife of the Department procured a rockfall mitigation project at nine (9) private residences on Koohau Place.

The applicant intends to use a portion of the subject State parcel as its staging area for material and equipment during the construction period. A helicopter will be used to transport the material and equipment from the proposed staging area to the project site. Applicant has approached and obtained verbal agreement from the lessee to the request. Subject to today's approval, the applicant is responsible for obtaining the written agreement from the lessee before the requested right-of-entry becomes effective.

Staff does not have any objection to the request. In addition, staff recommends the Board authorize the Chairperson to extend the right-of-entry permit for good cause, for example, weather.

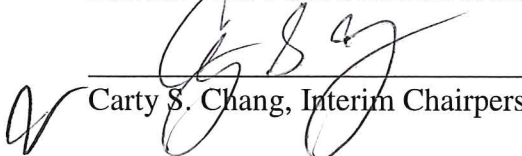
RECOMMENDATION: That the Board

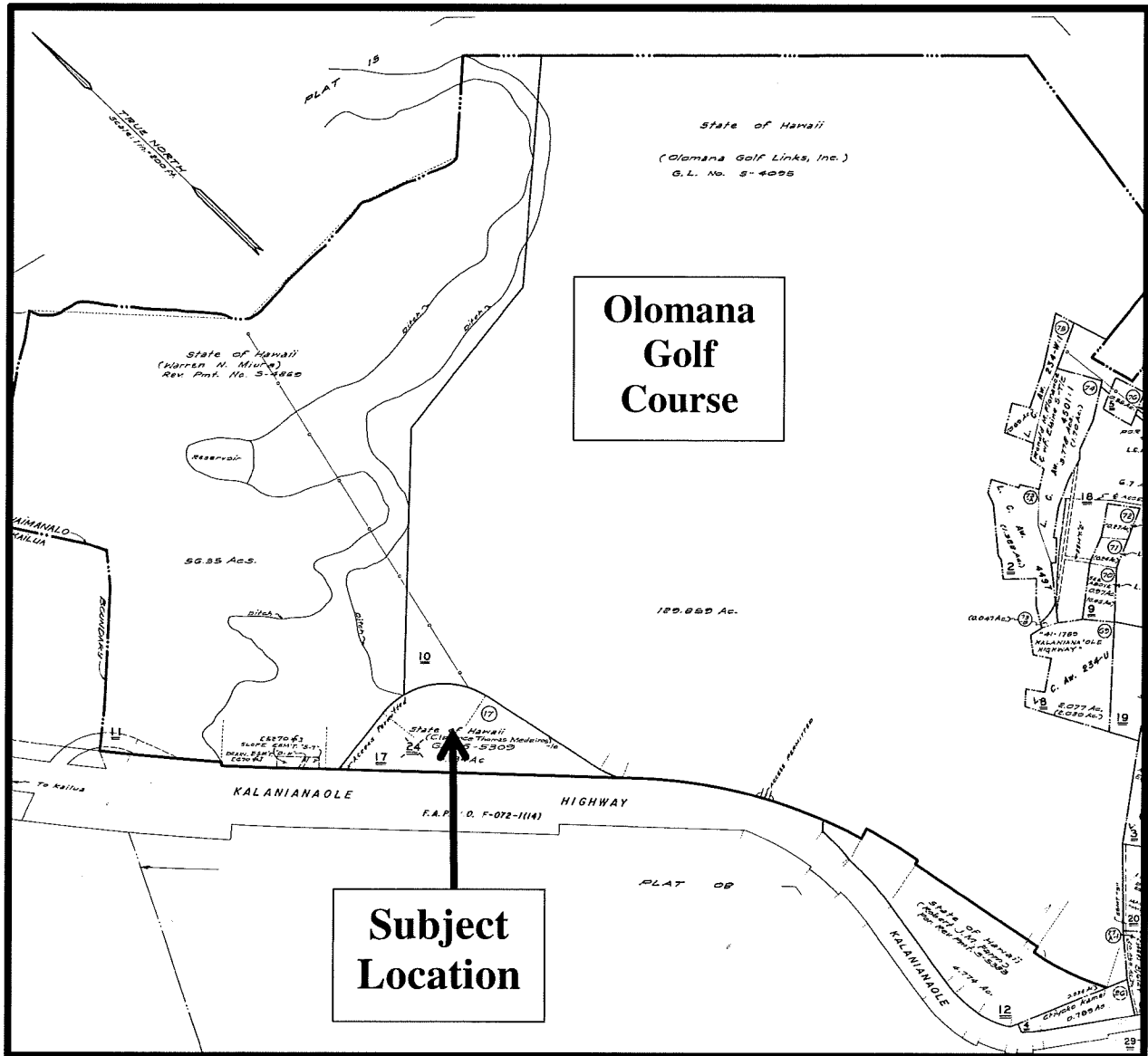
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hi-Tech Rockfall Construction, Inc. 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 extend the right-of-entry permit to the Applicant in relation to its staging area for storing material and equipment purposes for good cause.

Respectfully Submitted,


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Carty S. Chang, Interim Chairperson



TMK (1) 4-1-013:017

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 permit for staging area purposes

Project / Reference No.: GL 5309

Project Location: Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-013:017

Project Description: Issuance of right-of-entry permit for staging area purposes.

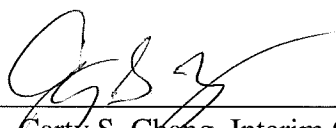
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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."

The proposed use is for storing of equipment and material pertaining to a rockfall mitigation project undertaken by the Department. No new improvement is planned on the requested area. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Lessee of the subject State parcel.

Recommendation: It is recommended that the Board find that 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.



Carty S. Chang, Interim Chairperson
Date **MAR 19 2015**

EXHIBIT B