

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

July 27, 2012

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

PSF No.: 12MD-096

Maui

Issuance of a Right-of-Entry Permit to the United States Geological Survey (USGS) Pacific Coastal and Marine Science Center, United States Department of Interior for Use of Unencumbered Submerged Lands for Pacific Coral Reef Research Monitoring Purposes off the Coast of Olowalu, Lahaina, Maui, Seaward of Tax Map Key: (2) 4-8-003 Seaward of 001.

APPLICANT:

United States Geological Survey, Pacific Coastal and Marine Science Center, United States Department of Interior.

LEGAL REFERENCE:

Sections 171-53 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government submerged lands off the coast of Olowalu situated at Lahaina, Maui, identified by Tax Map Key: (2) 4-8-003: Seaward of 001, as shown on the attached map labeled Exhibit A.

AREA:

0.25 square meters, more or less.

ZONING:

State Land Use District: Conservation

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:

Unencumbered Submerged Land

CHARACTER OF USE:

Installation of an Oceanographic monitoring Sensor for research purposes.

TERM OF RIGHT-OF-ENTRY:

One (1) year

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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 [HAR 11-200-8(A) (5)]. 1. Installation and monitoring of climatology stations [January 19, 1976].

REMARKS:

Staff from the U.S. Geological Survey's Pacific Coastal and Marine Science Center are requesting the issuance of a right-of-entry permit for the placement of an oceanographic sensor on the sea floor off the coast of Olowalu, Maui. The purpose of the sensor is to measure water temperature, salinity, chlorophyll, and turbidity during a 9 to 12 month monitoring period as part of the Hawaiian Coral Reef Strategy program. The Olowalu area has been listed as one of the priority areas and may also be impacted by highway expansion between Olowalu and Lahaina.

The instrument package (sensor) will be deployed in water depths between five and seven meters, its foot print will encumber approximately 0.25 square meters. This device will be anchored to dead coral using plastic zip ties which will be recovered at the end of the experiment period of nine to twelve months.

AGENCY COMMENTS:

Comments have been solicited from the following agencies.

Agency	Comments
Office of Conservation & Coastal Lands	No objection, see Exhibit (B) OCCL Site Plan Approval memo.
Div. of Aquatic Resources	No objections

The USGS is a federal agency conducting scientific monitoring aimed at restoring the natural marine environment. Therefore, they have requested that any fees associated with this right of entry permit be waived.

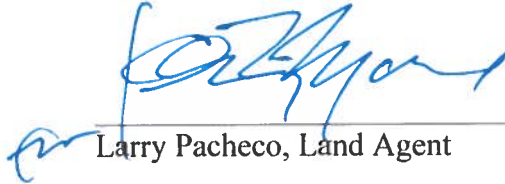
The applicant has also indicated that this sort of instrument package has been successfully deployed at 43 different sites around the Hawaiian Islands since 2000 without any damage to coral resources.

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 United States Geological Survey Pacific Coastal and Marine Science Center 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.

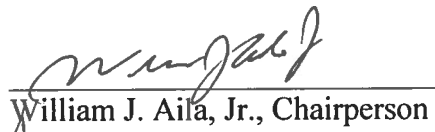
- C. Waive any and all fees associated with this right-of-entry permit.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 3, 2012

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 United States Geological Survey, Pacific Coastal and Marine Science Center for Use of Unencumbered Submerged Lands for Pacific Coral Reef Research Monitoring Purposes off the Coast of Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003: Seaward of 001.

Project / Reference No.: PSF#12MD-096

Project Location: Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003: Seaward of 001.

Project Description: Installation of an oceanographic monitoring sensor for research purposes. Data collection and research evaluation purposes.

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

Exemption Class No. and Description: Pursuant to the administrative rules promulgated under authority of section 343-6(7) of the Hawaii Revised Statutes by the Environmental Council, specifically section 11-200-8(d) of the Hawaii Administrative Rules, Department of Health (HAR), The Department of Land and Natural Resources, State of Hawaii, has determined that the following types of actions, where they fall within the given classes of action, shall generally be exempt from requirements regarding the preparation of an environmental assessment. The Environmental council, after reviewing the Department's request (through the State Historic Preservation Division) to amend the January 19, 1976 Department-wide exemption list, has concurred on this amended Department-wide exemption list containing actions under exemption classes 1,2,4,5,6,and 8, on December 4, 1991.

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 [HAR 11-200-8(A) (5)]. 1. Installation and monitoring of climatology stations [January 19, 1976].

Consulted Parties:

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands.
Russell Sparks, Maui - Division of Aquatic Resources

Recommendation:

It is anticipated 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

7/10/12

Date

Map showing the proposed instrument package deployment location for this study.

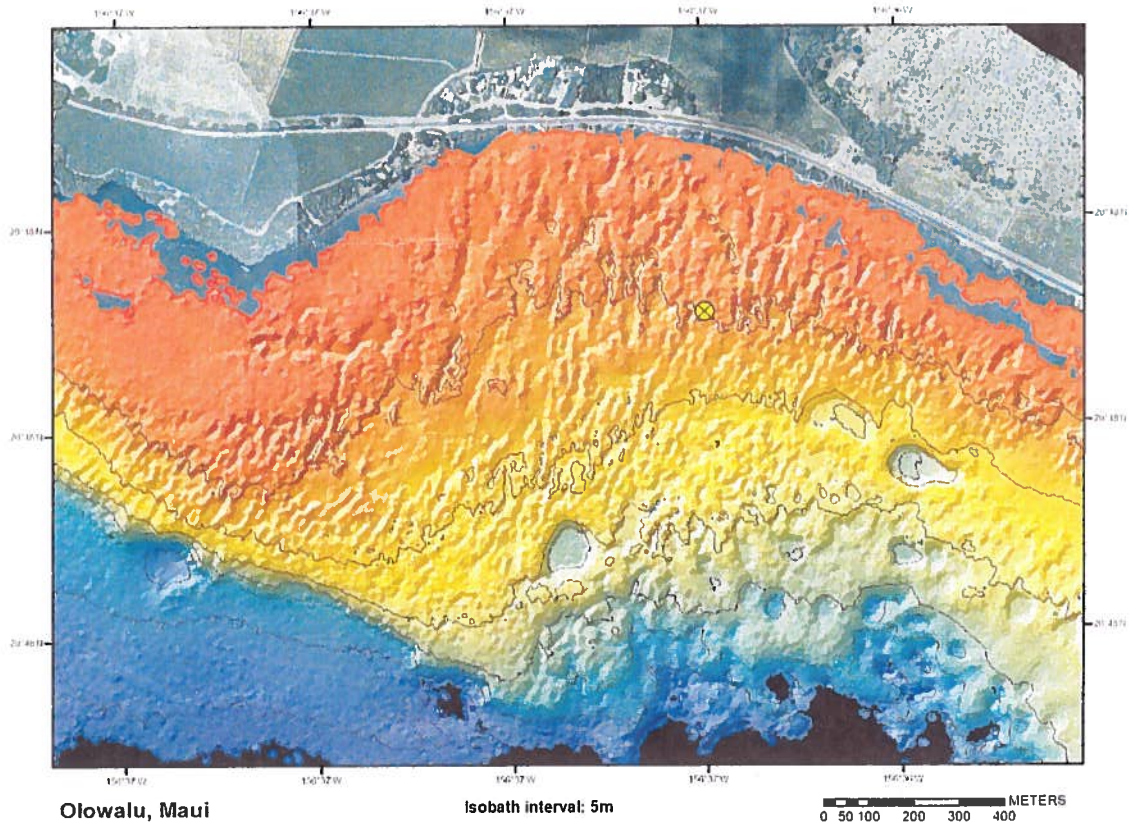


EXHIBIT A

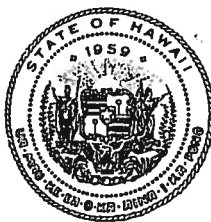
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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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MAUI DISTRICT
LAND DIVISION

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

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FIRST DEPUTY

WILLIAM M. TAM
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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS AND
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Site Plan Approval MA-12-50

REF:OCCL:MC

Dr. Curt Storlazzi
United States Geographical Survey
Pacific Science Center
400 Natural Bridges Drive
Santa Cruz, CA 95060

JUN 19 2012

Dear Dr. Storlazzi,

Subject: Instrument Deployment
Olowalu, , Lahaina, Maui
Submerged Lands Offshore of TMK: (2) 4-0-000:000

The Office of Conservation and Coastal Lands (OCCL) has reviewed the request by the United States Geological Survey (USGS) to place an oceanographic sensor offshore of Olowalu, Maui. Submerged lands are in the Resource Subzone of the State Land Use Conservation District.

According to the information you provided, the sensor will provide nine to twelve months of baseline data on water temperature, salinity, chlorophyll, and turbidity, in support of the Hawai'i Coral Reef Initiative. It will have an approximate footprint of 0.25 square-meters, and be anchored to dead coral using plastic zip ties. The instrument package will be deployed in depths of five to seven meters. The package and the zip ties will be recovered at the end of the experiment.

This is similar to packages that have been successfully deployed at 43 sites around Hawai'i since 2000 without any known damage to the State's natural resources.

The proposal is an identified land use pursuant to Hawai'i Administrative Rules (HAR) §13-5-22, *Identified Land Uses in the Protective Subzone, P-1 Data Collection, (B-1) Basic data collection, research, education, and resource evaluation that results in a minor disturbance to natural resources or land.* This use requires a Site Plan Approval from OCCL.

Pursuant to §13-5-38, the application fees for a Site Plan Approval is \$50.

This project is exempt from conducting an Environmental Assessment pursuant to HAR §11-200-8 (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.*

Per your correspondence, OCCL understands that you have submitted a concurrent request for a land disposition to the Land Division.

After careful review of the proposed project, the Department gives a Site Plan Approval for the USGS to deploy an oceanographic sensor offshore of Olowalu, Maui, TMK: (2) 4-0-000:000, subject to the following conditions:

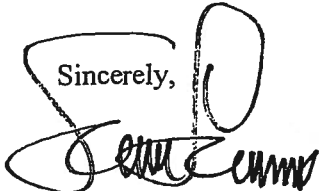
1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;

Exhibit B

2. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments regarding the use of herbicides;
3. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
4. The permittee shall comply with all applicable department of health administrative rules;
5. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
6. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
7. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
8. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawaii statutory and case law;
9. Other terms and conditions as prescribed by the chairperson; and
10. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies; retain one and return one copy within thirty (30) days, along with the Site Plan Approval fee of Fifty Dollars, made payable to the State of Hawai'i

Should you have any questions, please feel free to contact Michael Cain of OCCL at 587-0048.

Sincerely,

 Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

Receipt acknowledged:

Applicant's Signature

Date

cc: Chairperson, O'ahu District Land Office, DLNR DAR

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