

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

September 14, 2012

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

PSF No.: 12HD-122

HAWAII

Issuance of Right-of-Entry Permit to the State of Hawaii, Department of Transportation-Highways Division, Under Project Number 190C-01-12, to Conduct Topographical and Environmental Survey for Proposed Drainage Improvements at Puuwaawaa, North Kona, Hawaii, Tax Map Key: (3) 7-1-002:013 por. and 7-1-004:018 por.

APPLICANT:

State of Hawaii, Department of Transportation-Highways Division.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Puuwaawaa, North Kona, Hawaii, identified by Tax Map Key: (3) 7-1-002:013 por. and 7-1-004:018 por., as shown on the attached map labeled Exhibit A.

| TAX MAP KEY | DISTRICT | LAND USE | | ENCUMBRANCES | AREA (Acres) |
|-----------------|-----------------------|----------|------|-----------------------------------------------------------------|-----------------|
| | | LUC | CZO | | |
| (3) 7-1-002:013 | Puuwaawaa, N. Kona | Ag | Ag | Executive Order No. 4203: DOFAW for Puuwaawaa Forest Reserve | 2,589.500 |
| | | | | Land Office Deed No. S-27,712: HELCO | 5.415 |
| | | | | Land Office Deed No. S-28,568: Hawaiian Telcom | 10.133 |
| (3) 7-1-004:018 | Puuwaawaa, N. Kona | Cons | Cons | Executive Order No. 4203: DOFAW for Puuwaawaa Forest Reserve | 4,803.000 |
| | | | | LOD S-27,613: Napuu Water, Inc. | 3.148 |

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES _____ NO x

CHARACTER OF USE:

For conducting topographical and environmental survey purposes.

TERM OF RIGHT-OF-ENTRY:

Twelve months.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Section 11-200-8 Exempt Classes of Action, 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 subject request is exempt from the preparation of an environmental assessment. See Exhibit B attached.

DCCA VERIFICATION:

Not applicable. Applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from the Division of Forestry and Wildlife and other users of the subject land.

REMARKS:

At its meeting of January 25, 2002 the Board of Land and Natural Resources approved Governor's Executive Order No. 4203 to the Division of Forestry and Wildlife for addition to its Puuwaawaa Forest Reserve. The set aside is subject to various easements traversing the subject property, issued to various entities, for access and utility purposes.

By letter dated July 27, 2012, Ms. Lennie Okano-Kendrick, Project Manager, Okahara and Associates, Inc., on behalf of the Department of Transportation-Highways Division, requested a right-of-entry over State-owned lands at Puuwaawaa, North Kona, Hawaii, Tax Map Key: (3) 7-1-002:013 and 7-1-004:018. The purpose of the right-of-entry is to conduct topographical and environmental surveys to perform work activities necessary for project development such as engineering, geo-technical, environmental and economic feasibility of the design and construction for proposed drainage improvements. The proposed survey is anticipated to take approximately twelve months from date of approval.

No government agency or community comments were solicited, as there will be no new land disposition or change in land use.

Applicant is in the process of obtaining written concurrences from the various users of the respective State parcels.

This right-of-entry will be gratis as this is a government-sponsored project.

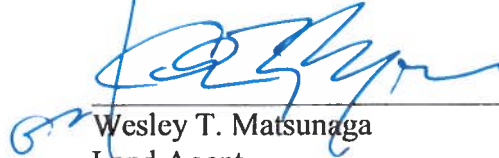
Staff request that the Chairperson be authorized to issue term extensions of the subject right-of-entry, should the need arise.

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 Transportation-Highways Division, its Contractors, Okahara and Associates, Inc., and its Sub-Consultants 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. Applicant shall obtain written concurrences from the various users of the respective State parcels.
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

- D. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its request for conducting topographical and environmental surveys.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



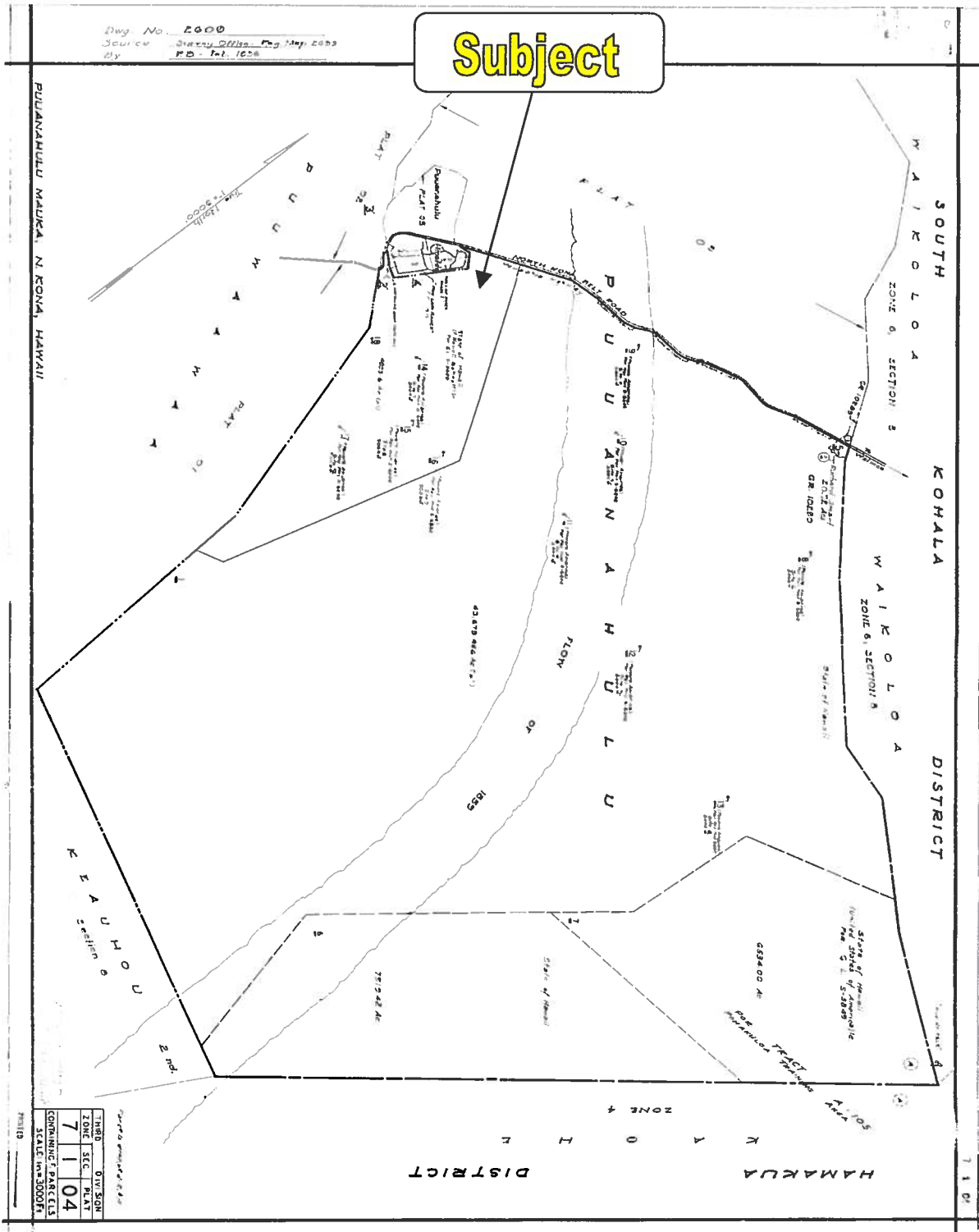


EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 14, 2012

EXEMPTION NOTIFICATION

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

| | |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Title: | Request for Right-of-Entry by the Department of Transportation, Highways Division, Under Project Number 190C-01-12, for Topographical and Environmental Survey purposes. |
| Project / Reference No.: | 12HD-122 |
| Project Location: | Puuwaawaa, North Kona, Hawaii, TMK: (3) 7-1-002:013 and 7-1-004:018. |
| Project Description: | To conduct various topographical and environmental surveys relating to Project Number 190C-01-12 for proposed drainage improvements. |
| Chap. 343 Trigger(s): | Use of State Lands. |
| Exemption Class No. and Description: | In accordance with Hawaii Administrative Rules Section 11-200-8 Exempt Classes of Action, 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 subject request is exempt from the preparation of an environmental assessment. |
| Exemption Item Description from Agency Exemption List: | Basic data collection, research, experimental management and resources evaluation activities, which do not result in a serious or major disturbance to an environmental resource. |
| Recommendation: | The proposed survey work will probably have minimal or no significant effect on the environment. It is recommended that the Board of Land and Natural Resources find that the proposed action is exempt from the preparation of an environmental assessment. |

A handwritten signature in black ink, appearing to read "W. Aila, Jr.", written over a horizontal line.

William J. Aila, Jr., Chairperson

A handwritten date "8/16/12" in black ink, written below the signature line.

Date

EXHIBIT B