

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

November 9, 2012

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

Oahu

Issuance of Right-of-Entry Permit to K & S Helicopters, Inc. dba Paradise Helicopters and Croman Corp. for Safety Zone Relating to the Building Maintenance Work on the Adjacent Private Property on November 12 and 19, 2012, Makaha, Waianae, Oahu, Tax Map Key: (1) 8-4-004:006 seaward.

APPLICANT:

K & S Helicopters, Inc. dba Paradise Helicopters, and Croman Corp., both domestic profit corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land situated at Makaha, Waianae, Oahu, identified by Tax Map Key: (1) 8-4-004:006 seaward, as shown on the attached map labeled **Exhibit A**.

AREA:

See **Exhibit B** for the requested area.<sup>1</sup>

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

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<sup>1</sup> Staff locates a notation of a shoreline certification dated August 14, 1979 from DAGS Survey office record. The shoreline was located mauka of the recorded boundary. Based on the notion that the State owns any lands up to the highwater mark, the requested area is considered as State unencumbered lands. No square footage is available.

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Safety Zone Relating to the Building Maintenance Work on the Adjacent Private Property

TERM:

November 12 and 19, 2012.

RENTAL:

\$200 (one-time payment). See Remarks Section.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(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.", as included in **Exhibit C**.

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>

REMARKS:

The apartment building located on tax map key (1) 8-4-004:006 is undergoing some repair works to the equipment installed on the roof. The Applicants are hired to conduct the air lifting of the equipment on the roof, as needed. The entire lifting operation will be conducted on the parking lot of the condominium, i.e. private property. Due to the mandates of the Federal Aviation Administration, the Applicants need to maintain a safety zone (clear of pedestrian and vehicular traffic) with a radius of 120 feet of the operation of the helicopter. Accordingly, portion of the beach will fall into the sterile area. Applicants will arrange its employee on the requested area to ensure no pedestrian and vehicular traffic is in the sterile

area. Staff understands that no maintenance activities will be conducted on the requested State land. In addition, the operation is scheduled to last approximately two hours on each requested date.

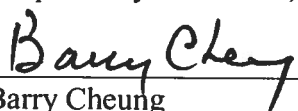
The standard charge for the use of State unencumbered lands is ten (10) cents per square foot per day. However, staff notes that there is not reliable source to determine the actual square footage. In addition, there will be no activities, other than preventing any people from wandering into the area. Therefore, staff recommends the Board demand a one-time payment of \$200 as the administrative costs in processing the request.

Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. No comments were solicited from government or community agencies. Staff has no objection to the request.

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 K & S Helicopters, Inc. dba Paradise Helicopters and Croman Corp. covering the subject area for safety zone relating to the building maintenance work on the adjacent private property purposes 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.

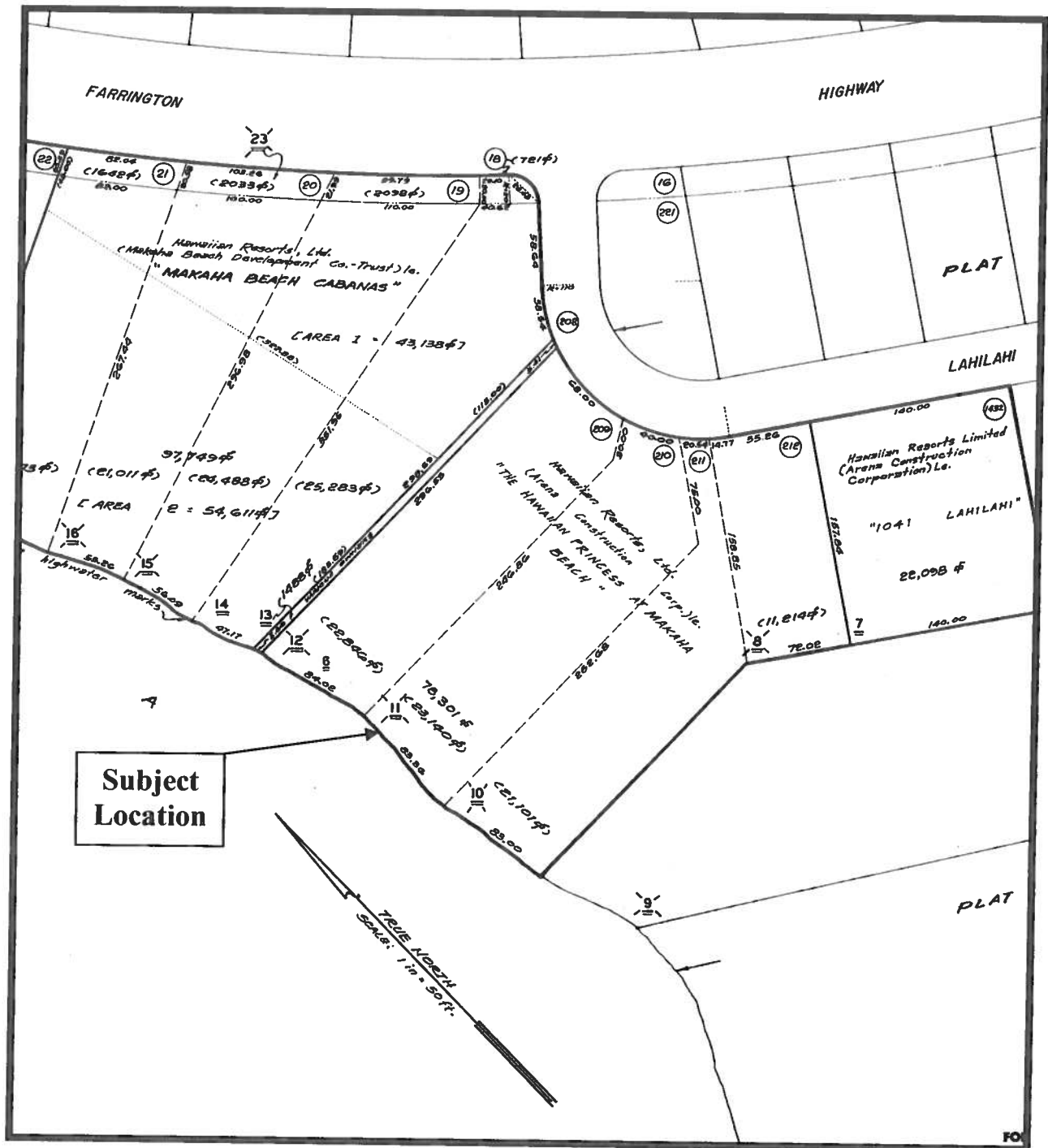
Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila Jr., Chairperson

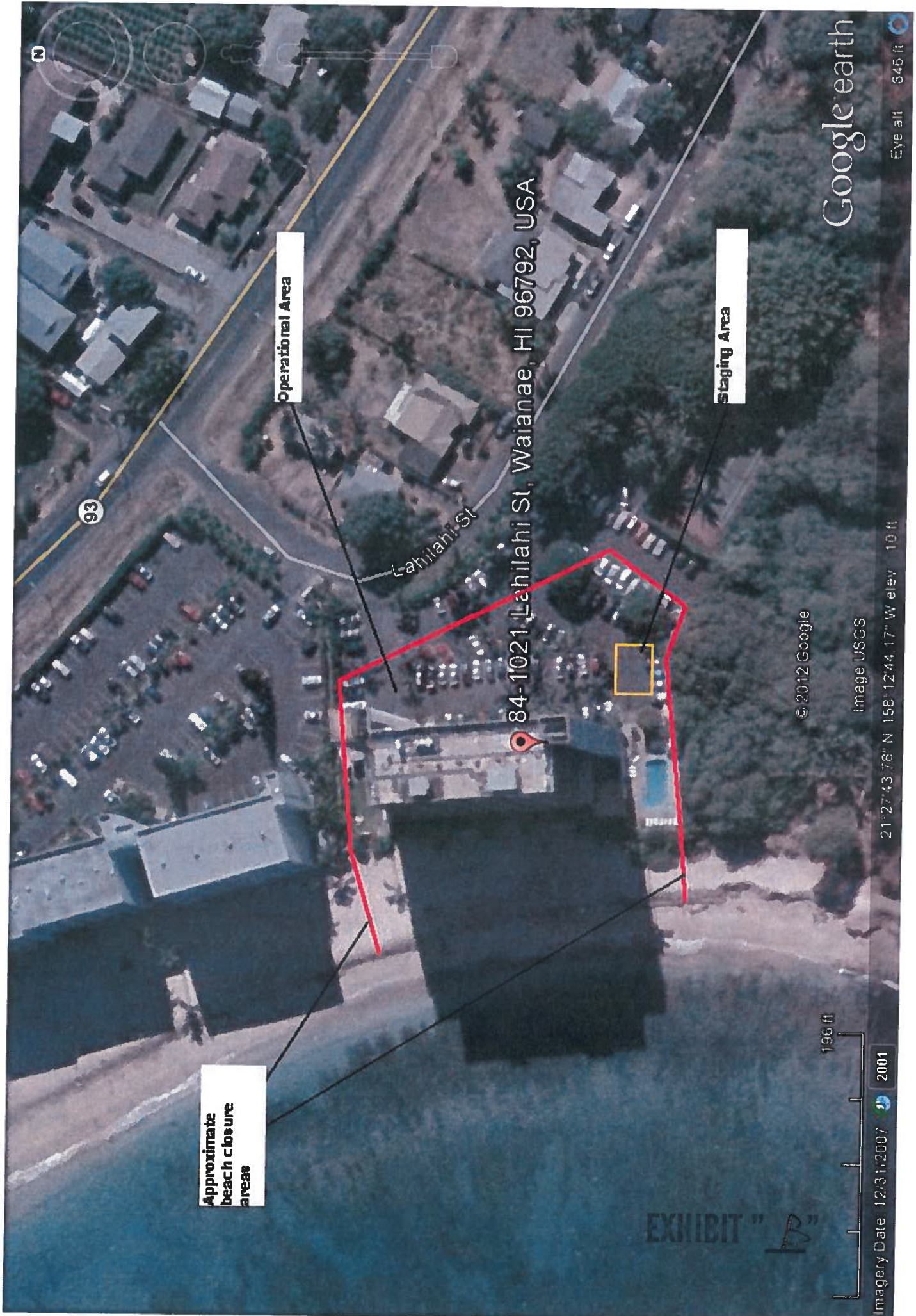
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TMK (1) 8-4-004:006

EXHIBIT A

EXEMPTION NOTIFICATION



Google earth

Eye alt 545 ft

93

Lahilahi St

84-1021 Lahilahi St, Waiānae, HI 96792, USA

Operational Area

Staging Area

Approximate beach closure areas

© 2012 Google

Image USGS

21° 27' 43.78" N 158° 12' 44.17" W elev 10 ft

196 ft

Imagery Date: 12/31/2007 2001

EXHIBIT "B"

EXHIBIT "B"

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

Project Title: Right-of-Entry for Safety Zone Purposes

Project / Reference No.: Not applicable

Project Location: Makaha, Waianae, Oahu, TMK:(1) 8-4-004:006 seaward

Project Description: Safety Zone Relating to the Building Maintenance Work on the Adjacent Private Property

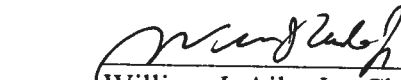
Chap. 343 Trigger(s): Use of State Land

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 request pertains to setting up safety zone with no pedestrian and vehicular traffic during the operation of helicopter for the air lifting of equipment at the adjacent private property. There will be no activities on the requested area. As such, staff believes that the request will involve negligible or no expansion or change in use of the subject area beyond that previously existing. Any alteration to the condition of land, water, or vegetation will be minimal.

Consulted Parties: Not applicable

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.

  
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William J. Aila, Jr., Chairperson  
Date

**EXHIBIT C**