

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

January 25, 2013

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

PSF No.:12HD-143

Hawaii

Approval in Concept for a Grant of Term, Non-Exclusive Easement to Ramona Inez Provisor, Eli M Provisor, Erin Roxanne Provisor, Bruce Lee Provisor, and Tarra Dee Provisor, for Vehicular Access Purposes and the Issuance of an Immediate Right-of-Entry to conduct an Environmental Assessment, at Papa Homesteads, Papa 1st, South Kona, Hawaii, Tax Map Key: 3rd/8-8-04: portion of parcel 17.

APPLICANTS:

Ramona Inez Provisor, Eli M Provisor, Erin Roxanne Provisor, Bruce Lee Provisor, and Tarra Dee Provisor (the Provisors), as tenants in common.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Papa Homesteads situated at Papa 1st, South Kona, Hawaii, identified by Tax Map Key: 3rd/8-8-04: portion of parcel 17, as shown on the attached map labeled Exhibit A.

AREA:

0.07 acres (3000 sq. ft.), more or less. To be more accurately determined by survey.

ZONING:

State Land Use District: Agricultural
County of Hawaii CZO: A-5A Agricultural

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:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over and across State-owned land for access purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

EASEMENT TERM:

Fifty-five (55) years.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Applicants will have an environmental assessment prepared and published in accordance with the requirements of Hawaii Revised Statutes (HRS) Chapter 343 and Chapter 11-200, Hawaii Administrative Rules (HAR).

Regarding the issuance of a right-of-entry to conduct an 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 No. 5. Refer to attached Exhibit B.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Publish an environmental assessment with the Office of Environmental Quality Control in compliance with the HRS Chapter 343 and HAR Chapter 11-200, and obtain a Finding of No Significant Impact (FONSI) for the project;

REMARKS:

The subject property was originally encumbered as Right-to-Purchase Lease No. 261 (RPL 261) through Public Drawing on October 19, 1954 to Samuel Grace. According to Homestead Inspection Reports, the entire property was grubbed, graded and planted in coffee. By 1969, the property was very neglected and overgrown with weeds.

At its meeting of April 28, 1972 agenda item F-2, the Board of Land and Natural Resources cancelled RPL-261 for failure to comply with the terms of the lease. The property has lain unencumbered since that time.

The Provisors own the adjacent parcel to the north which has a “footpath only” access easement of 7 feet wide and approximately ½ mile (2237 feet) long from Mamalahoa Highway to the western boundary of the property (see Exhibit C).

The Provisors seek to acquire a vehicular access easement across State land from Papa Homestead Road to the southeast corner of their property. The desired easement is estimated to be 15 feet wide and approximately 200 feet long. More accurate measurements will be determined by professional survey.

The Provisors have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

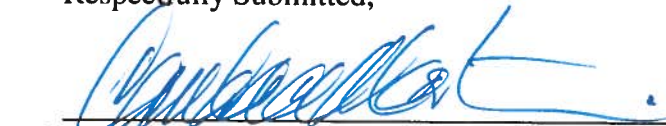
Request for comments were sent to various interested agencies. Six agencies were solicited for comments; one response was received. The Hawaii County Planning Department had no objections.

RECOMMENDATION: That the Board:

1. Subject to the Applicants fulfilling all of the Applicant requirements listed above, approve in concept the granting of a term, non-exclusive easement to Ramona Inez Provisor, Eli M. Provisor, Erin Roxanne Provisor, Bruce Lee Provisor, and Tarra Dee Provisor for vehicular access with the understanding that the approval in concept shall not be deemed to be an approval for the granting of the easement as staff shall return to the Board at a later date for the approval of the easement disclosing the Environmental Assessment and its Finding of No Significant Impact (FONSI).

2. Issue an immediate right-of-entry permit to Ramona Inez Provisor, Eli M Provisor, Erin Roxanne Provisor, Bruce Lee Provisor, and Tarra Dee Provisor for the purposes of conducting an environmental assessment and survey under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - a. The terms and conditions of the most current right-of-entry permit, as may be amended from time to time; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. With respect to the right-of-entry, declare that, after considering the potential effects of the issuance of an immediate right-of-entry as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this action will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted,


Candace Martin
Land Agent

APPROVED FOR SUBMITTAL:

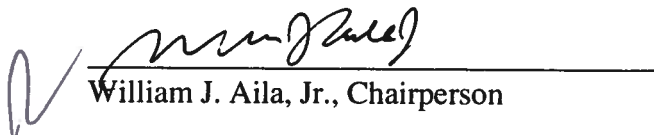
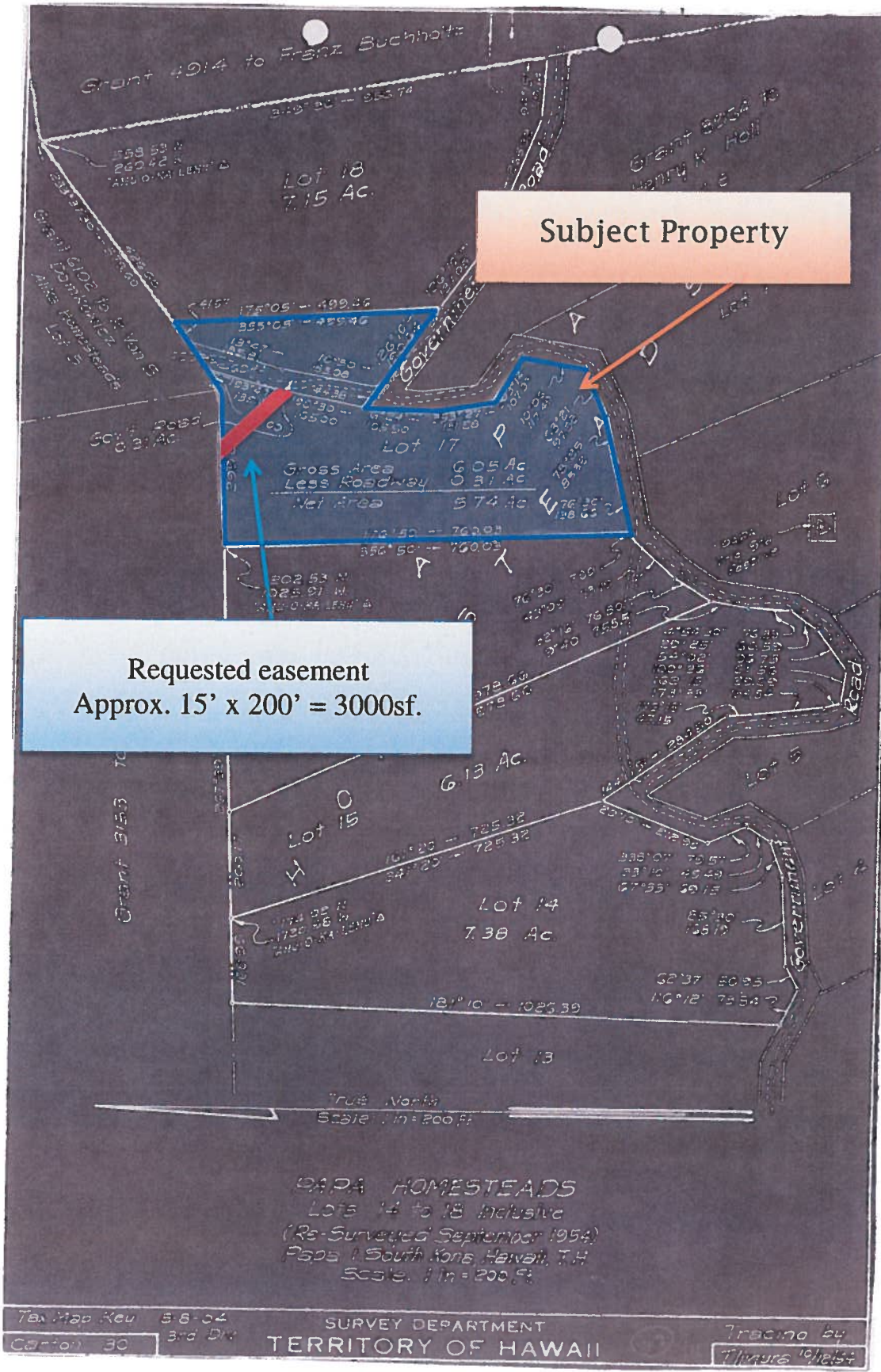

William J. Aila, Jr., Chairperson

EXHIBIT A



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



EXHIBIT B

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

PAUL J. CONROY
INTERIM DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOARDING AND ENVIRONMENTAL
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOA OAWI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 4, 2013

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of an Immediate Right-of-Entry to Ramona Inez Provisor, Eli M Provisor, Erin Roxanne Provisor, Bruce Lee Provisor, and Tarra Dee Provisor

Project / Reference No.: PSF 12HD-143

Project Location: Portion of lands of Papa Homesteads, situated at Papa 1st, South Kona, Hawaii, identified by Tax Map Key: 3rd/8-8-04:17

Project Description: Proposed grant of term, non-exclusive easement for vehicular access over unencumbered State land. Land has previously been grubbed and graded for coffee cultivation.

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

Exemption Class No.: 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 under the following:

Exemption Class No. 5, which 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."

Consulted Parties:

State of Hawaii:
Department of Hawaiian Home Lands, DLNR – Forestry and Wildlife and DLNR – Historic Preservation.

County of Hawaii:

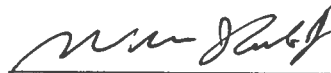
Planning Department and Department of Public Works.

Other agencies:

Office of Hawaiian Affairs.

Recommendation:

That the Board find 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

1/8/13

Date

EXHIBIT C

