

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

July 12, 2013

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

PSF No.:13MD-106

Maui

Authorize an Immediate Right-of-Entry for Construction Purposes, and Grant of Perpetual, Non-Exclusive Easement to Department of Defense, Civil Defense Division, for Public Warning Siren Purposes, Haneoo, Hamoa, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009.

APPLICANT:

State of Hawaii Department of Defense, Civil Defense Division.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Haneoo situated at Hamoa, Hana, Maui, Hawaii, identified by Tax Map Key: (2) 1-4-007: Portion of 009, as shown on the attached map labeled Exhibit 1.

AREA:

100 square feet, more or less.

ZONING:

State Land Use District: Agriculture

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:

- 1) Revocable Permit No. S-7608 to William Jacintho for pasture purposes.
- 2) Land Office Deed 2867 to Hana Beachfront Associates for access and utility purposes. (The location of the warning siren will not impact this access easement.)

CHARACTER OF USE:

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

COMMENCEMENT DATE:

To be determined by the Chairperson.

EASEMENT TERM:

Perpetual

ANNUAL RENT:

Gratis

EXHIBITS:

- Exhibit #1- Tax Map of the subject area.
- Exhibit #2- HRS Chapter 343 Exemption Notification.
- Exhibit #3- Concurrence Letter from DAGS to William Jacintho.
- Exhibit #4- Site map with proposed siren location.

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 No. 3, "construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (d) water, sewage, electrical, gas, telephone, and other essential public utility services or facilities." See Exhibit 2.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Department of Defense, Civil Defense Division, has requested to utilize an area of 100 square feet for the installation of a new warning siren. This civil defense warning siren is the basic initial method for alerting the public of an impending emergency condition such as a hurricane, tsunami, or other natural or man-made emergency. Use of this warning siren will be solely for public purposes.

The new warning siren, with an estimated cost of \$80,000.00, will have omni-directional siren speakers and be powered by photovoltaic panels and a battery. The siren pole will be comprised of a fiberglass composite material. There will be siren speakers, siren controller equipment and a battery in a locked control cabinet mounted to the side of the pole. The siren pole will be approximately fifty feet high from the surface grade to the top of the photovoltaic panels mounted at the very top, and includes a concrete footing base occupying a footprint of 12 square feet.

The applicant has 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.

Mr. William Jacintho currently utilizes the subject parcel via a month-to-month revocable permit (No. S-7608), for pasture purposes. Staff did consult with Mr. Jacintho regarding the location, size, and the additional intended use of the permit area. He had no objections, concerns or foreseeable problems with regards to the proposed use.


The site of the new siren and pole was selected due to its open area and will not impact existing uses. Sufficient space is also available for the required equipment needed during the installation and for future maintenance of the pole and warning system.

The requested type of use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

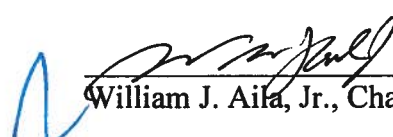
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to the State of Hawaii, Department of Defense, Civil Defense Division covering the subject area for emergency warning siren system 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 perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of an immediate construction right-of-entry to the Department of Defense, Civil Defense Division, to remain in effect until the easement document is executed, subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry form, 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.

Respectfully Submitted,

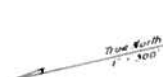


Daniel Ornellas, District Land Agent

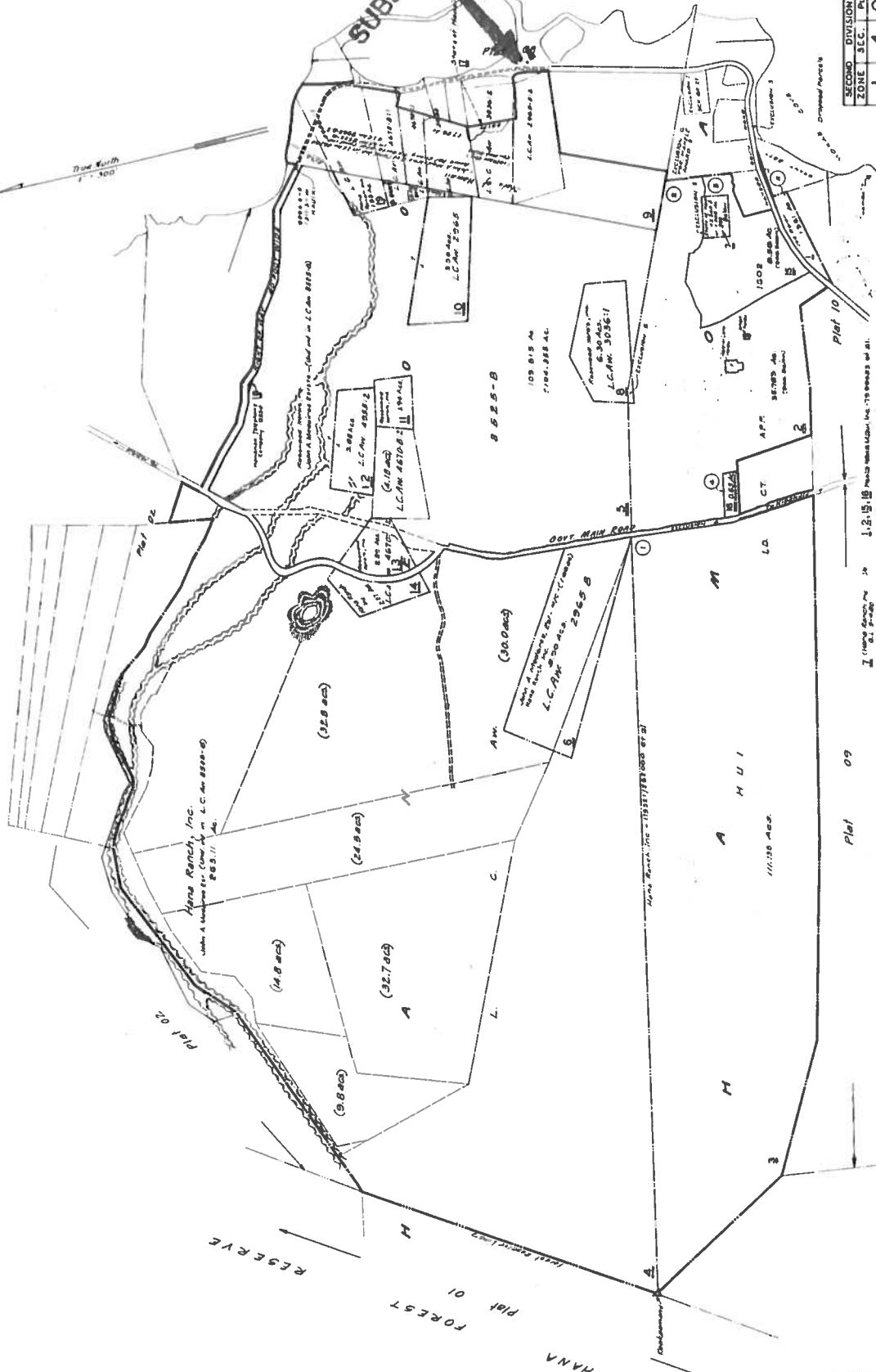
APPROVED FOR SUBMITTAL:



William J. Aifa, Jr., Chairperson



SUBJECT AREA



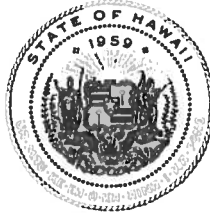
SECOND DIVISION	PLAT
ZONE SEC.	1407
CONTAINING PARCELS	
SCALE: 1" = 300 FT.	

ADJACENT SECTION

PRINTED

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 The HANEOO HANOA, HANA, MAUI.
 The Hanoo Hanoo, Inc. - 118517871000 87-21
 L.C. No. 2985
 L.C. No. 3036-1
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 L.C. No. 3036-3
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 L.C. No. 3036-93
 L.C. No. 3036-94
 L.C. No. 3036-95
 L.C. No. 3036-96
 L.C. No. 3036-97
 L.C. No. 3036-98
 L.C. No. 3036-99
 L.C. No. 3036-100

EXHIBIT "1"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

EXEMPTION NOTIFICATION

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

Project Title: Authorize an Immediate Right-of-Entry for Construction Purposes, and Grant of Perpetual, Non-Exclusive Easement to Department of Defense, Civil Defense Division, for Public Warning Siren Purposes,

Project Number: PSF No. 13MD-106

Project Location: Haneoo, Hamoa, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009

Project Description: Issue a perpetual, non-exclusive easement and immediate right-of-entry to the Department of Defense (DOD), Civil Defense Division, to install and maintain a civil defense warning siren

Consulted Parties: Department of Accounting and General Services (DAGS)

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. 3, which states, "Construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and alteration and modification of same . . . "

Exemption Item No. And Description: Not applicable.

The exemption class designated above is appropriate because a single pole and siren will be installed on the subject parcel to increase the coverage of the State's emergency civil defense

warning siren system. Additionally, DAGS has issued a declaration of exemption for this project attached hereto.

The approval of the grant of easement for the purpose indicated will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, DOD will be required to be in compliance with Chapter 343.


Recommendation:

The grant of perpetual, non-exclusive easement over the subject land in itself 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 disposition is exempt from the preparation of an environmental assessment. Inasmuch as the Chapter 343 environmental requirements apply to any future use of the lands, DOD shall be responsible for compliance with Chapter 343, HRS, as amended.



William J. Aila, Jr., Chairperson

R



Date



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
1151 PUNCHBOWL STREET, HONOLULU, HAWAII 96813

DECLARATION OF EXEMPTION

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

Project Title &
Job Number:

Disaster Warning and Communication System Devices
for County of Maui, Various DAGS Job Nos.: 16-14-7237, 16-14-7242, _____

Project Description:

The State Department of Defense (DOD) has the responsibility to install and maintain disaster warning and communication system devices (warning sirens). The DOD has a priority listing of 241 siren sites that need new or replacement warning sirens. This Declaration of Exemption is for the warning sirens in the County of Maui on State, County and private-owned land and listed on the DOD's 241 siren priority list.

These projects will replace the old warning sirens and install new warning sirens in the County of Maui. The work includes the installation of new siren poles, siren speakers, siren equipment, photo-voltaic panel, control and battery cabinets, demolition of the existing siren and pole, and related work. The following civil defense warning siren locations (siren name designation and number) are covered by this declaration:

Hamo-a-2 (Siren 304A) – This new siren is located within the Haneoo Road right-of-way and close to TMK (2) 1-4-007:009.

Kahana (405) – The existing siren will be replaced with a new siren a short distance away within the Honoapiilani Highway and close to TMK (2) 4-3-019: 024.

Keanae (Siren 302) – The existing siren will be replaced with a new siren a short distance away on TMK (2) 1-1-007: 003 and close to the scenic lookout facing Keanae peninsula.

Declaration of Exemption

Page 2 of 4

Disaster Warning and Communication System Devices for

County of Maui,

Various DAGS Job Nos.: 16-14-7237, 16-14-7242, _____

Old Lahaina Cannery (Siren 403) - The existing siren will be replaced with a new siren a long distance away on TMK (2) 4-5-005: 021 and close to Mala Wharf.

Paukukalo (Siren 103) – This new siren is located within the road right-of-way and close to TMK (2) 3-8-007:038 and close to Kahului Beach Road.

Puamana (Siren 410) – The existing siren will be replaced with a new siren a short distance away on TMK (2) 4-7-002:004 or just off Honoapiilani Highway.

Wailea-1 Mokapu (Siren 121) – The existing siren will be replaced with a new siren a short distance away on TMK (2) 2-21-008:088 and at the end of Hale Alii Place.

Kaukaahi-Makena Alanui Road (Siren 156) – This new siren is located within TMK (2) 2-1-008:140 and just off Makena Alanui Road.

Kihei Community Center (Siren 159) – This new siren is located within the road East Lipoa Street right-of-way and close to TMK (2) 2-2-024: 023.

Maunaloa (Siren 508) – The existing siren will be replaced with a new siren a short distance away on TMK (2) 5-1-010:007 and just off Maunaloa Road.

Kaanapali (Siren 409) – The existing siren in the sewage treatment plant on TMK (2) 4-4-006: 042 and will be replaced with a new siren in about the same location.

Consulted Parties:

State Department of Defense (DOD), County of Maui-Department of Civil Defense, County of Maui-Department of Parks and Recreation, County of Maui-Department of Public Works, County of Maui-Department of Water Supply, State Department of Accounting and General Services, State Department of Land and

Declaration of Exemption

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Disaster Warning and Communication System Devices for

County of Maui,

Various DAGS Job Nos.: 16-14-7237, 16-14-7242, _____

Natural Resources-Division of State Parks, Office of Conservation and Coastal Lands, and State Historic Preservation Division.

Exemption Class No. &
Description from Agency
Exemption List:

3. Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of the same including but not limited to: (A) single family residences not in conjunction with the building of two or more such units; (B) multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; and (D) water, sewage, electrical, gas, telephone, and other essential public utility service extensions to serve such structures or facilities; and (E) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences [HAR 11-200-8 (a) (3)].

Exempt Item No. &
Description From Agency
Exemption List:

21. Antennas, towers, poles, and civil defense sirens.

Exemption Class No. &
Description from Agency
Exemption List:

8. Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1996, Public Law 89-665, or Chapter 6E, HRS [HAR 11-200-8(a)(8)].

2. Infrastructure systems such as utilities, (e.g., water, drainage, sewer, power, telephone, data, and communication systems).

Declaration of Exemption

Page 4 of 4

Disaster Warning and Communication System Devices for

County of Maui,

Various DAGS Job Nos.: 16-14-7237, 16-14-7242, _____

4. Demolition of structures or facilities such as roads, parking lots, bus shelters, walls, fences, signs, flag poles, paved courts, walkways, equipment and furniture.

5. Any related improvement or work that is limited to the Public facility site.

Exempt Item No. &
Description From Agency
Exemption List:

9. Zoning variances, except shoreline setback variances.

Other notes: None

Date Agency Exemption
List Approved: April 18, 2011

I have considered the potential primary, secondary, and cumulative effects of the above listed projects as provided by Chapter 343, HRS and Chapter 11-200 HAR. The siren sites noted above have been considered and I declare that this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Ralph Morita

Chief, Planning Branch

Public Works Division

Date: 3/6/12

NEIL ABERCROMBIE
GOVERNOR



JE. E. 10/03/12 run

Dean H. Soki
Comptroller

RECEIVED L.A.G.
DIV. OF PUBLIC WORKS
Marta E. Ziolkowski
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

2012 OCT -2 P 2 03

P.O. BOX 119 HONOLULU, HAWAII 96810-0119

SEP 21 2012

(P)1210.2

Mr. William Jacinto

Kula, Hawaii 96790

Dear Mr. Jacinto:

Subject: Approval to Install New Civil Defense Warning Siren on Your Property
Tax Map Key (2) 1-4-007:009
(Siren Name Designation: Hamoa-2, Siren 304A)

This is to request your approval to install a new civil defense warning siren on your property, Tax Map Key (2) 1-4-007: 009. See the proposed siren location on Attachment 1. We provide the following additional information on this matter:

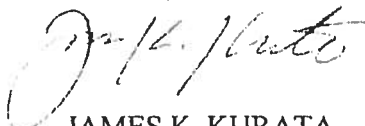
1. We are implementing this project on behalf of the Department of Defense (DOD). They identified this area as needing a siren and they selected this proposed siren location. The DOD will be the agency responsible to repair, maintain and operate the siren. It will be used solely for a public purpose.
2. We understand there is legislation that says to install this siren on your property see Attachment 2.
3. We understand that you control this land as shown by the attached map we have received from the Department of Land and Natural Resources. See Attachment 3.
4. If the siren location is approved by you and the Board of Land and Natural Resources, we will hire a contractor to install the new civil defense warning siren. We note that:
 - a. Before entering your property, the party entering will call you and properly identify themselves, and coordinate the entry into your property (such as access route to the site, etc.).
 - b. Any damages made to your property during the siren installation will be our responsibility. We will repair damages to closely match the 'as-before' conditions.

EXHIBIT " 3 "

Mr. William Jacinto
(P)1210.2
Page 2

Should there be any questions, please do not hesitate to call my staff, Mr. Brian Isa of the Planning Branch at (808) 586-0484.

Sincerely,



JAMES K. KURATA
Public Works Administrator

BI:lnn
Attachments

**APPROVAL TO INSTALL NEW CIVIL DEFENSE WARNING SIREN AT THE
LOCATION SHOWN ON ATTACHMENT 1**

I/we agree to the proposed new civil defense warning siren location shown on Attachment 1.

William Jacinto
WILLIAM JACINTO

Date 9-29-2012

AERIAL SITE PLAN

ISLAND: MAUI

SITE NUMBER: MA 304A

SITE NAME: HAMOA-2

DATE MAPPED: 3/28/2012

