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 Jacinto 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 Jacinto.
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 Jacinthis currently utilizes the subject parcel via a month-to-month revocable permit (No. S-7608), for pasture purposes. Staff did consult with Mr. Jacinthis 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,

[Signature]
Danie' Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:

[Signature]
William J. Aila, Jr., Chairperson
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

EXHIBIT 2
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

Date
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:

Hamoa-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.

Kaukahi-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
Page 3 of 4
Disaster Warning and Communication System Devices for
County of Maui,
Various DAGS Job Nos.: 16-14-7237, 16-14-7242,

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:


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 Monte
Chief, Planning Branch
Public Works Division
Date: 3/6/12
Mr. William Jacinto
Kula, Hawaii 96799

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,

[Signature]

JAMES K. KURATA  
Public Works Administrator

BL: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.

[Signature]

Date 9-29-2012

WILLIAM JACINTO
ISLAND: MAUI
SITE NUMBER: MA 304A
SITE NAME: HAMOA-2
DATE MAPPED: 3/28/2012

The proposed new fence line (shown as red) would be about 10’ by 10’ which would allow DOD access to the pole from the roadway.

Proposed new civil defense siren location about 5 feet away from the property line.

CAUTION road sign (approx.)

Hamoa-2 (Siren MA 304A)
TMK (2) 1-4-007: 009
Landowner: DLNR with RP 06103 to William Jacinto. Siren service access will be from Haneoo Road.