

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

August 23, 2013

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

File: SP1301PPSR01

O'ahu

Issuance of Right-of-Entry Permit for Site Access Purposes to Michael Meister, Pupukea Paumalu State Park Reserve, Paumalu, Ko'olauloa, O'ahu, Tax Map Keys: (1) 5-9-006:038 (por.) and (1) 5-9-005:038 (por.)

APPLICANT:

Michael Meister

LEGAL REFERENCE:

Sections 171-6, 55, Hawai'i Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Paumalu, Ko'olauloa, O'ahu, as identified on the attached Tax Map Keys: (1) 5-9-006:038 (por.) and (1) 5-9-005:038 (por.), as shown on the attached maps labeled Exhibit A.

AREA:

1,100 acres, more or less.

ZONING:

State Land Use District:	Agriculture
City and County of Honolulu, LUO:	AG-2

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: N/A

ITEM E-3

CURRENT USE STATUS:

Encumbered by Governor's Executive Order 4211 setting aside lands for a state park reserve to be under the control and management of the State of Hawai'i, Department of Land and Natural Resources, Division of State Parks.

CHARACTER OF USE:

Site access related to the construction of a fence on applicant's property (TMK: (1) 5-9-006:034) adjacent to the State Park Reserve located on tax map keys (1) 5-9-006:038 and (1) 5-9-005:038 (por.) as outlined on Exhibits B and C.

TERM:

One hundred twenty (120) days from the commencement date.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 which exempts, "**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 more specifically, within item 2, "Roads, road structures, roadways and trails – within developed, maintained portions of State Parks [February 5, 1976].

DCCA VERIFICATION:

Not required. Applicant is an individual and not required to register with DCCA.

REMARKS:

Mr. Meister (Applicant) is the fee owner of certain residential property adjacent and Makai of Pupukea-Paumalu State Park Reserve (hereinafter "Paumalu"). Applicant requests access through Paumalu to his property so he can construct a fence along the boundary between the park reserve and his property. Mr. Meister's property is subject to a Condominium Property Regime (CPR) and he has represented to staff that only he and his company, WWM, LLC own the CPR interests in the parcel he wishes to build the

fence upon. The request is attached as Exhibit C.

The need for the fence was brought about by safety, security and liability concerns raised by Applicant resulting from hikers and others traversing his property (from Paumalu) ostensibly to get from the trails at Paumalu through applicant's property to Kamehameha Highway.

Applicant proposes to access Paumalu through a gate located off Wilinau Road (located on the Pupukea side of the park), and traverse the park to the Makai end which overlooks and borders his property. He will traverse the park only once in each direction and there will be no cost to the state for the fence which will be built entirely upon his property. He plans on using a 24 ton excavator to assist in installing the fence and stated that his access will have minimal impact on the vegetation in the area which is mostly comprised of invasive species. A aerial view of the proposed fence alignment is attached as Exhibit B and is further explained in his proposal attached as Exhibit C.

As the Board may recall, Paumalu is comprised of approximately 1,100 acres of land transferred to the State by the Trust for Public Land (TPL) in 2007. The park reserve crosses two ahupua'a and is depicted on two large plat maps. TPL acquired the property from the Obayashi Corporation which sought (unsuccessfully) to develop the property for residential purposes.

As part of its development efforts, the Obayashi Corporation constructed a warehouse and nursery on the property to grow plants and maintain the area. Since the change in ownership, the improvements have not been maintained. In support of his request, Mr. Meister has offered to clear an area around the buildings and remove vegetation embedded in the roof of the warehouse.

The Division of State Parks does not object to the construction of the fence so long as it is located on Mr. Meister's property and the construction does not cause damage to the park reserve and appreciates the help in maintaining the nursery buildings.

For security and resource protection reasons, along the length of the gate on Wilinau Road, State Parks has placed large rocks to block ingress. State Parks requests that once Mr. Meister enters the gate area, he immediately replace the rocks to secure the area and repeat the process as he leaves with his equipment.

Staff recommends approval of the right-of-entry permit and requests the Board delegate to the Chairperson, the authority to negotiate the terms and conditions of said permit.

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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, the 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 Michael Meister covering the subject area for access 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; and,
 - B. Such other terms and condition as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



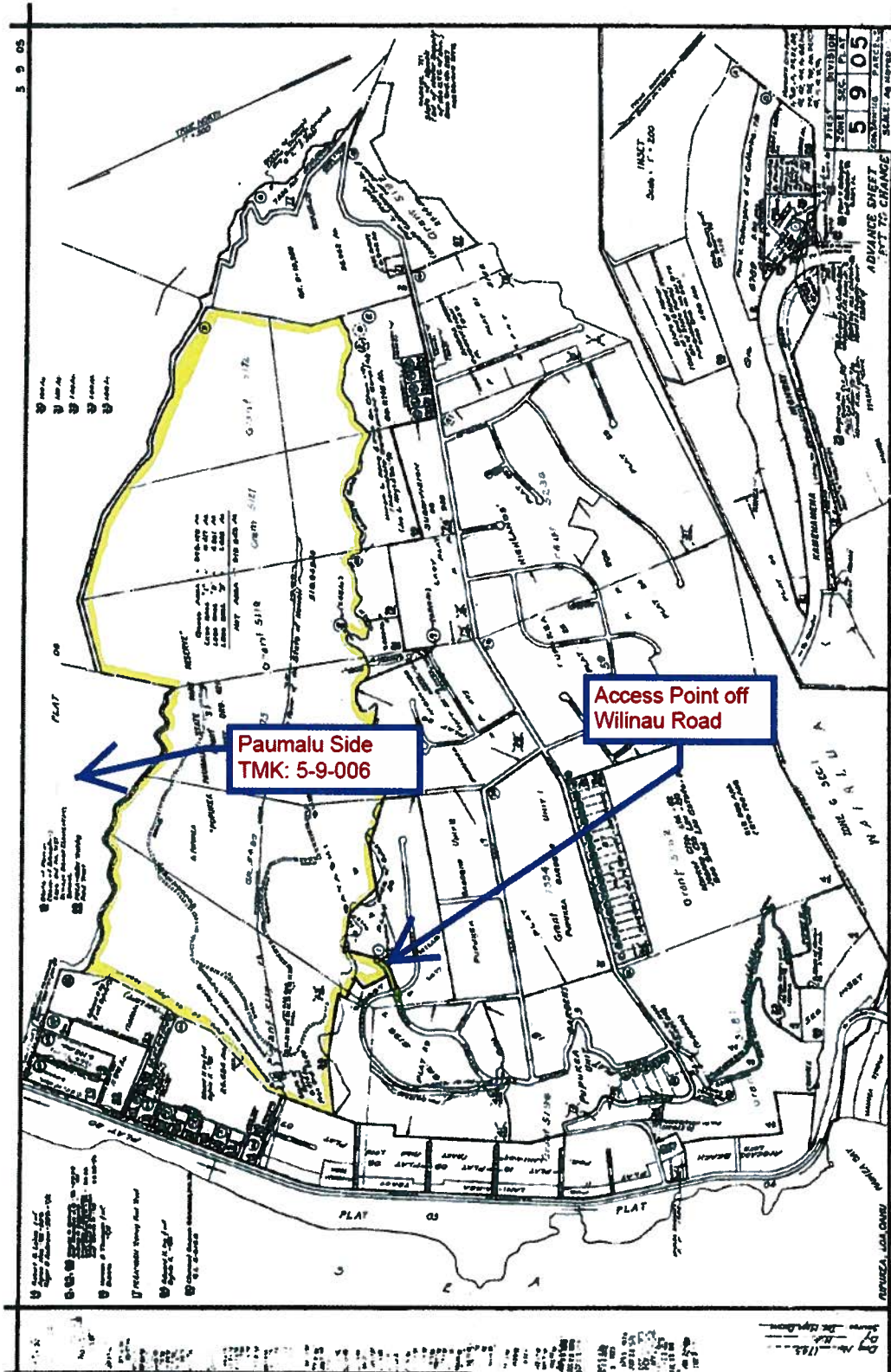
Dan Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

EXHIBIT A – Tax Map Keys



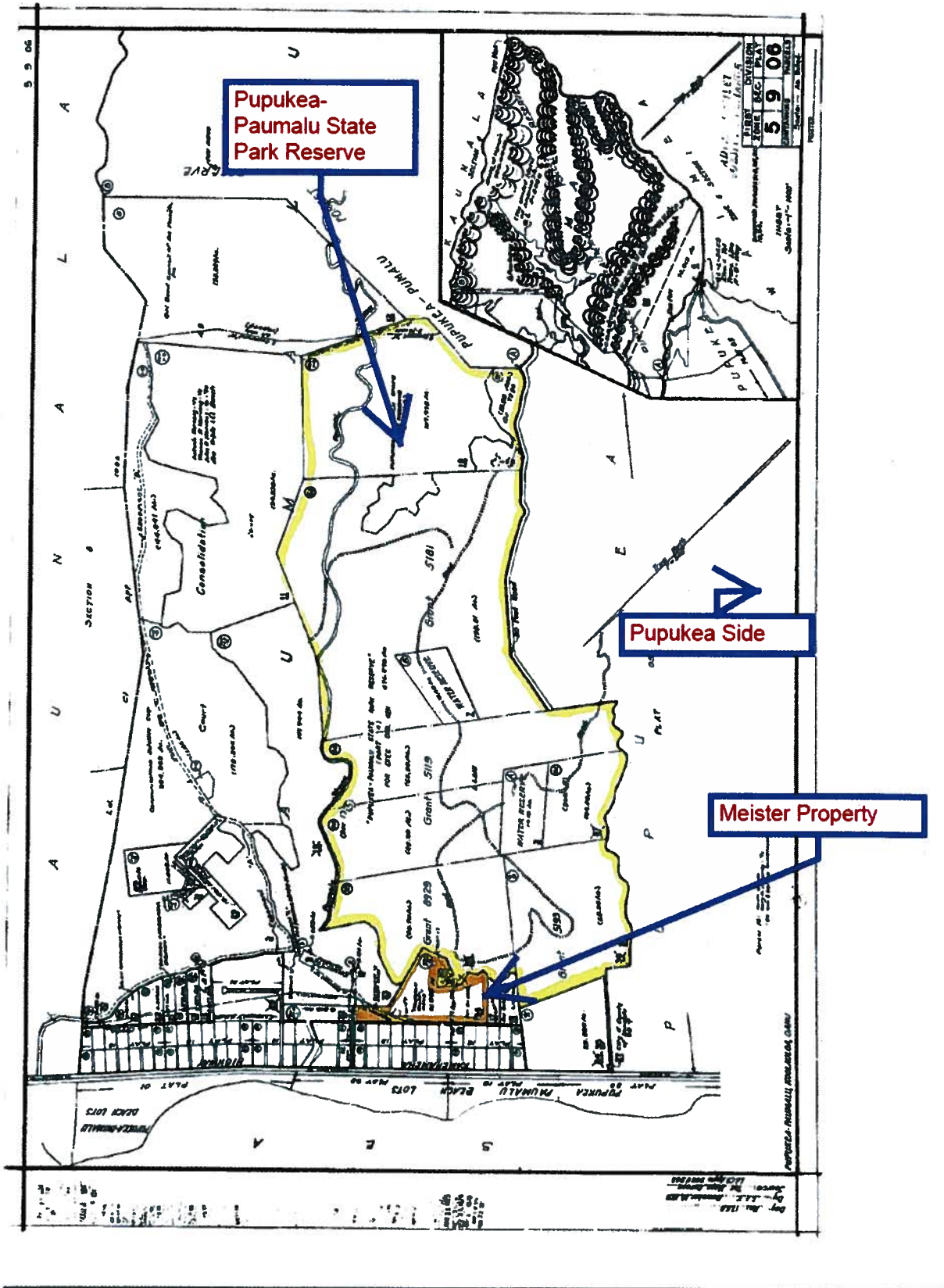


EXHIBIT B – Access Route and Proposed Fence Alignment





EXHIBIT C – Access Request

Mike Meister

[REDACTED]
Haleiwa HI 96712

808-352-3245

August 4, 2013

To Whom it May Concern,

My name is Michael Meister and I am a neighbor of the Paumalu Preserve. We share a fence line of approximately 2000 ft. in length. This mutual property line is in the area of the bunker that is on the ocean view side of the park property. I also have a bunker on my property which is connected by trails to the one that is on state property.

I have made attempts to secure the existing fence lines on my property, and have posted "no trespassing" and "private property" signs, but I have had little success in stopping the flow of hikers between the two bunkers. I have had the property lines surveyed and have flown some materials for a fence to the upper elevation of my property. However, I cannot, via my own property, get the entirety of the supplies and equipment needed for a fence to the site. I am now asking for permission from the State to use one of the existing connections to the preserve to secure the line between the private and State properties.

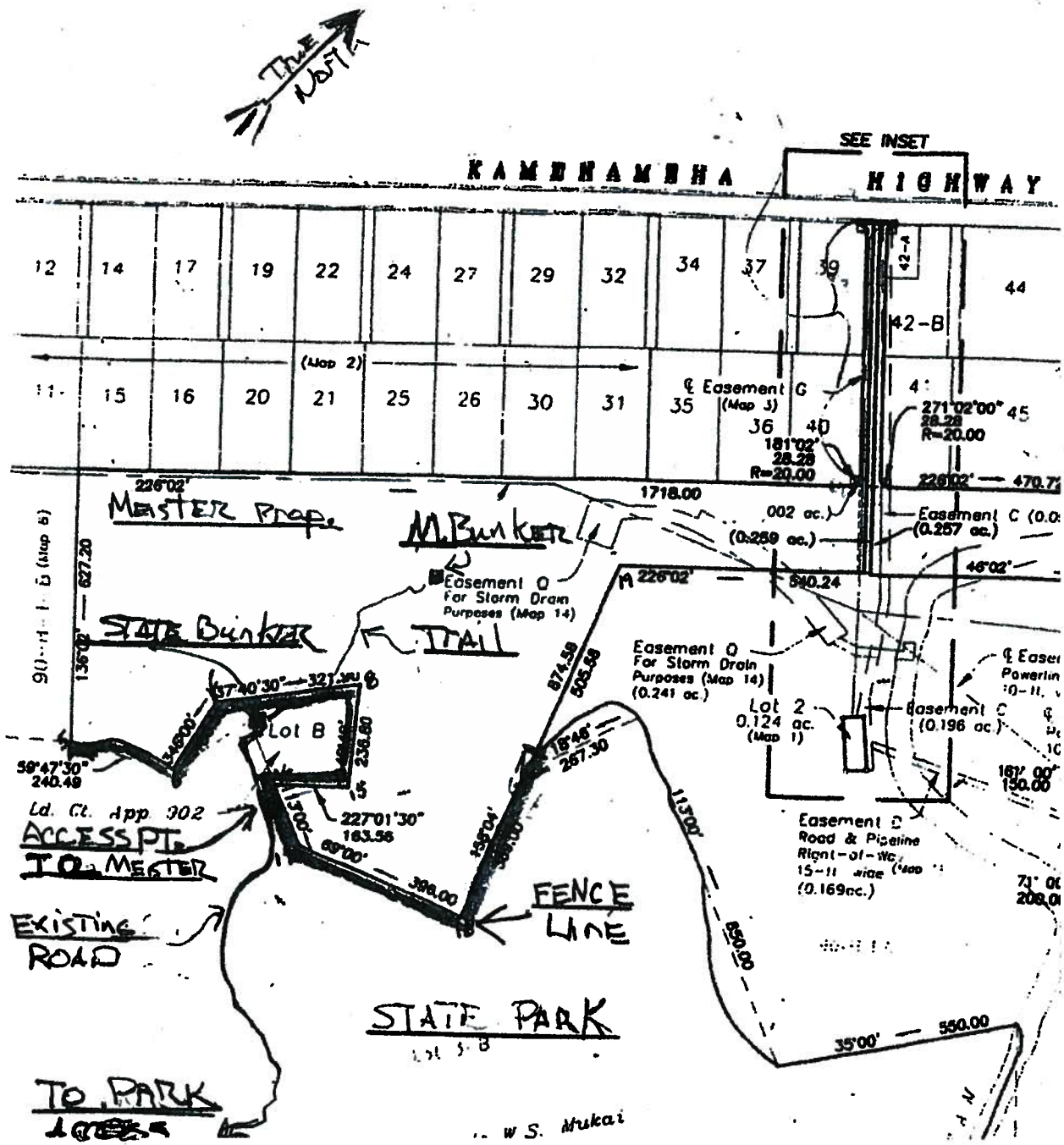
I will need to do a small amount of clearing on the access road, removing low limbs as needed to move equipment to fence line location. I am offering, as a service, to also clear around the perimeter of the park building.

I have marked up a map that shows the location of the fence and the access point.

I look forward to your cooperation to secure our borders for liability and safety issues.

Thank you,

Mike Meister



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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KAOHOLA'ŌLEI LAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit for Site Access Purposes to Michael Meister

Project / Reference No.: SP1301PPSR01

Project Location: Pupukea Paumalu State Park Reserve, Paumalu, Ko‘olauloa, O‘ahu

Project Description: Issuance of Right-of-Entry Permit

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 which exempts, **“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 more specifically, within item 2, “Roads, road structures, roadways and trails – within developed, maintained portions of State Parks [February 5, 1976].

Consulted Parties: DLNR - Division of Forestry and Wildlife

Recommendation: It is recommended that the Board find that this action 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