

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

April 11, 2014

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

Hawaii

Issuance of Right-of-Entry Permit to KAI Hawaii, Inc. on Behalf of the United States Coast Guard, for Archaeological Study Purposes onto State lands Encumbered by General Lease No. S-4473, Ernest and Marion De Luz, Kaohe 6<sup>th</sup>, Hamakua, Hawaii, Tax Map Key: (3) 4-1-006:007.

APPLICANT:

KAI Hawaii, Inc. on Behalf of the United States Coast Guard.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kaohe 6<sup>th</sup>, Hamakua, Hawaii, identified by Tax Map Key: (3) 4-1-006:007, as shown on the attached map labeled Exhibit A.

AREA:

GL S-4473, 3,110 acres, more or less.  
Survey area, 2,500 square feet

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: Agricultural 20 acres- (AG-20)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES X

CURRENT USE STATUS:

Tax Map Key (3) 4-1-006:007 is currently encumbered by General Lease No. S-4473 to Ernest and Marion De Luz.

CHARACTER OF USE:

Pasture purposes.

TERM OF RIGHT-OF-ENTRY:

Twelve months.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit B.

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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from the Lessee of the subject land.

REMARKS:

KAI Hawaii, Inc. (KAI) is under contract with the United States Coast Guard to perform an Archaeological Identification Survey in coordination with the Hawaii State Historic Preservation Division. KAI has subcontracted Scientific Consultants Services, Inc. to conduct the actual field work for this project. The survey is intended as supporting documentation for Section 106 consultation under the National Historic Preservation Act of 1966, as amended, and as defined in 36 Code of Federal Regulations 800.16(y).

The project Scope of Services states that an archaeologist will conduct an archaeological inventory and identification surface inspection in the field to cover the Iolehaehae Area of Potential Effect (APE). The archaeologist will produce a detailed plan map of the Iolehaehae vicinity showing location and characteristics of archaeological cultural materials and features, locations and characteristics of existing constructed features (e.g., existing towers, fences, roads, equipment sheds, etc.), and locations and characteristics of disturbed and non-disturbed surface terrain. This is a visual survey of the ground surface and no artifacts will be uncovered during field work.

The project area encompasses portions of three TMK parcels including (3) 4-1-006:007 currently encumbered under GL S-4473 to Ernest and Marion De Luz (Exhibit A).

Staff is recommending the applicant, KAI Hawaii obtain written concurrence from the Lessee before they begin.

Staff is recommending the Board issue a right-of entry for the purpose of archaeological study on State lands encumbered under General Lease No. S-4473 to Ernest and Marion De Luz.

RECOMMENDATION:

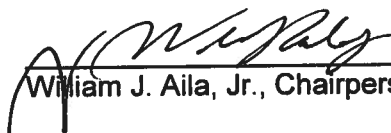
That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorizes the issuance of a right-of-entry permit to KAI Hawaii, Inc., its consultants, contractors and/or persons acting for or on its behalf covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

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. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
4. Authorize the Chairperson to issue future right-of-entries to the Applicant as may be deemed necessary.

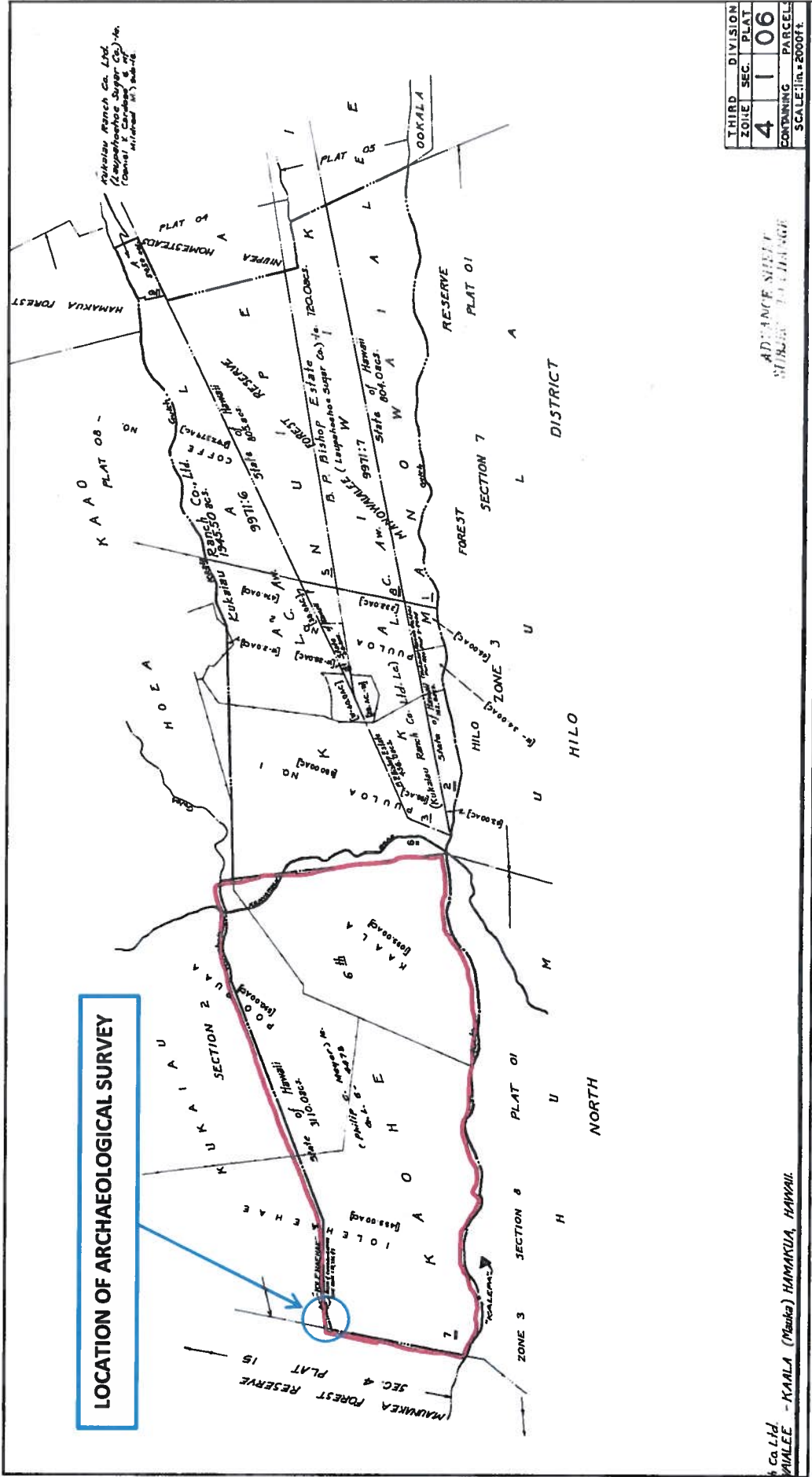
Respectfully Submitted,

  
\_\_\_\_\_  
Gordon C. Heit  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson

GL S-4473



THIRD DIVISION	PLAT
ZONE	SECTION
4	1
CONTAINING PARCEL	
SCALE: 1 in. = 2000 ft.	

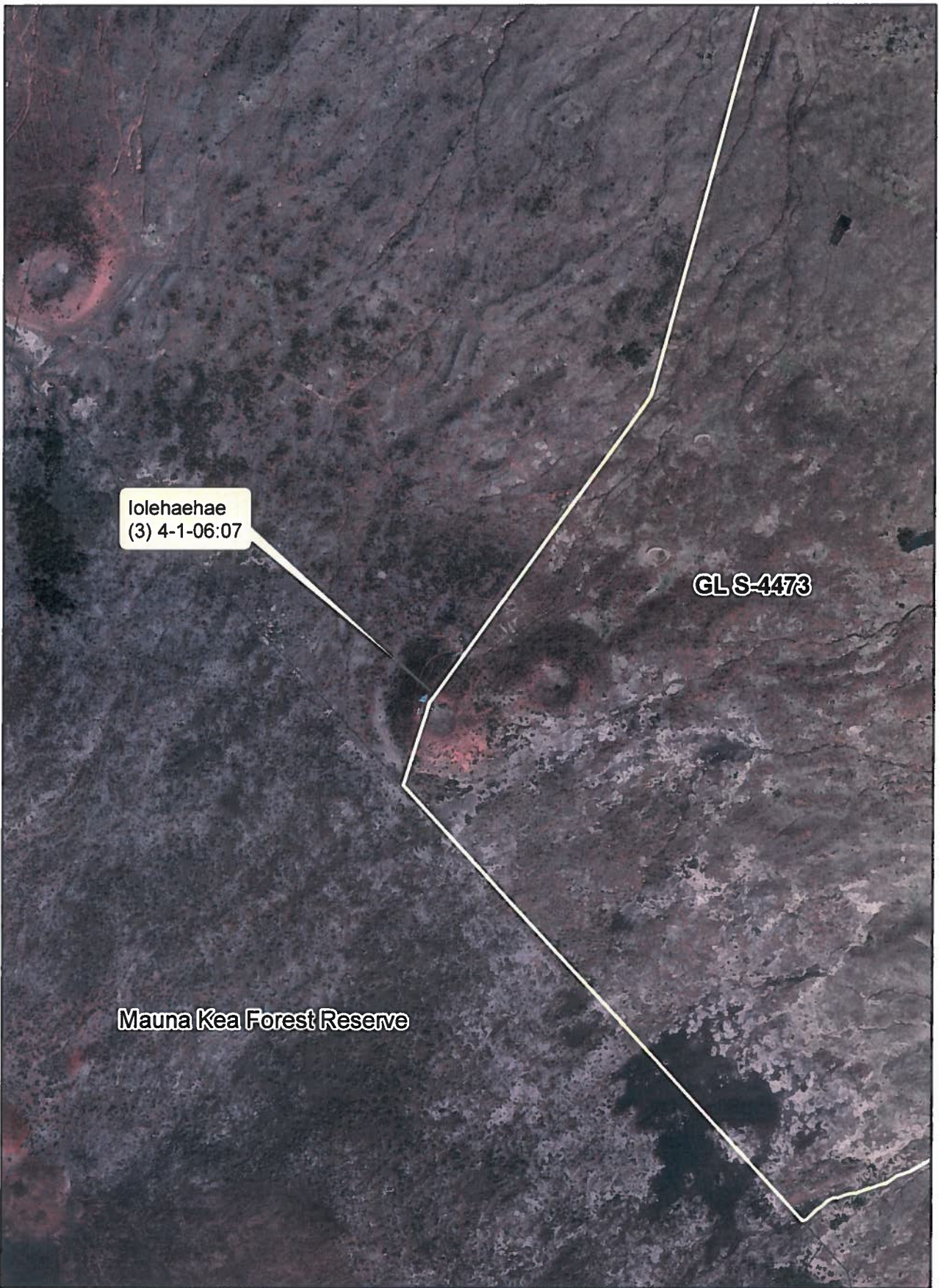
ADVANCE SHEET  
SUBJECT TO CHANGE

Co. Ltd.  
KAALEA - KAALEA (Maui) HAMAKUA, HAWAII.

# EXHIBIT A



# Iolehaehae Remote Tower Site



**EXHIBIT A**





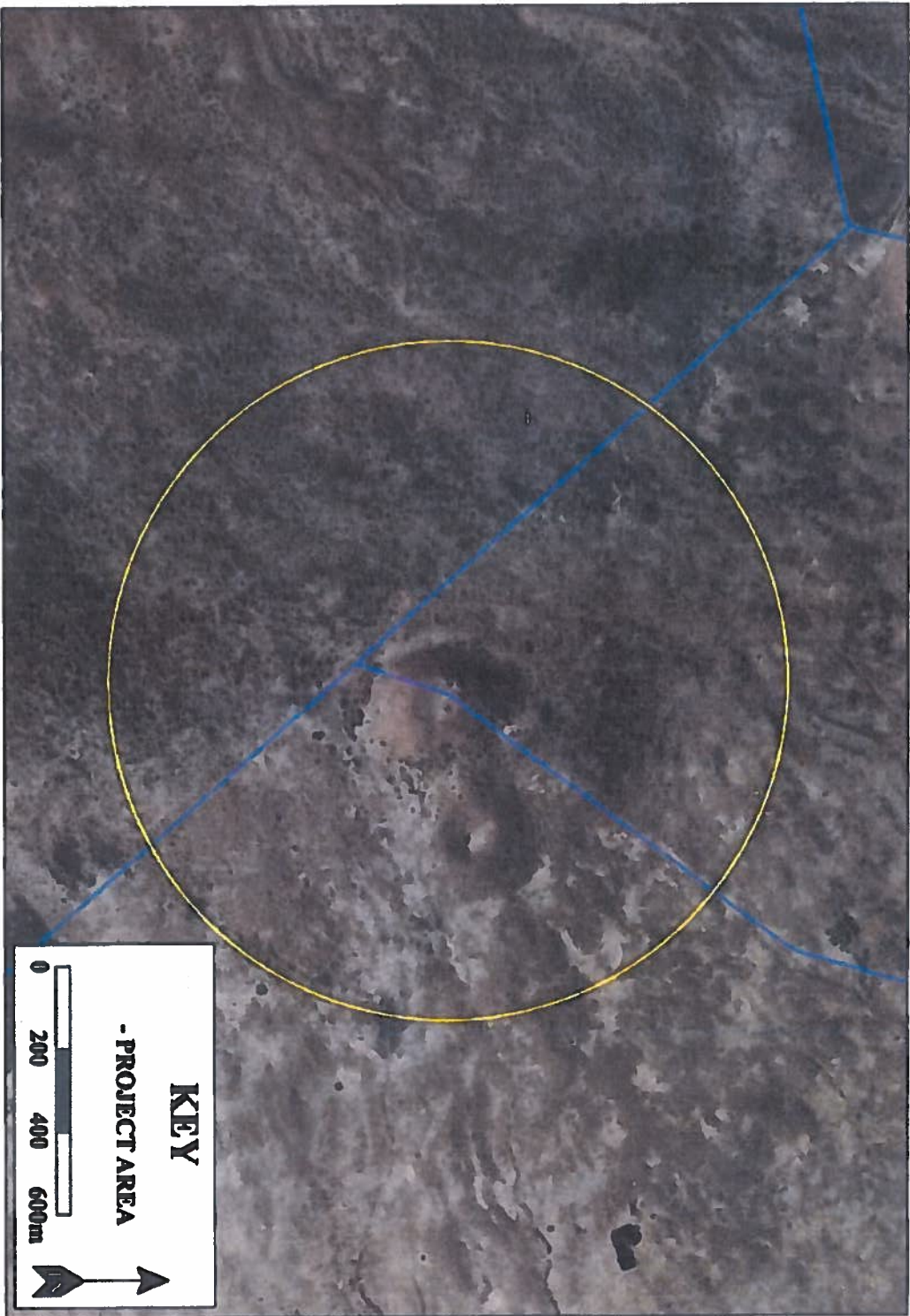
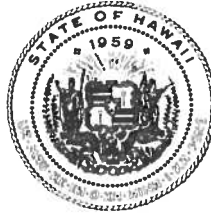


Figure 5: Aerial Photograph of Project Area (Google Earth, 2010).

# EXHIBIT A

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**JESSE K. SOUKI**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOOLAWI ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

## EXEMPTION NOTIFICATION

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

**Project Title:** Right-of Entry to KAI Hawaii, Inc. on behalf of the United States Coast Guard (USCG) onto encumbered State Lands

**Project Number:** N/A

**Project Location:** Portion of Government lands of Kaohe 6<sup>th</sup>, Hamakua, Hawaii, identified by Tax Map Key: (3) 4-1-006:007


**Project Description:** KAI Hawaii, Inc. is under contract with the United States Coast Guard to perform an Archaeological Identification Survey in coordination with the Hawaii State Historic Preservation Division. Kai has subcontracted Scientific Consultants Services, Inc. to conduct the actual field work for this project. The survey is intended as supporting documentation for Section 106 consultation under the National Historic Preservation Act of 1966, as amended, and as defined in 36 Code of Federal Regulations 800.16(y).

**Consulted Parties:** None

**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."

**Recommendation:** The data collection 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

  
\_\_\_\_\_  
Date