

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

July 11, 2014

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

PSF No.: 14HD-114

HAWAII

Issuance of Right-of-Entry Permit to the County of Hawaii onto State Lands of the Former HGP-A Energy Plant Site at Kapoho, Puna, Hawaii, Tax Map Key: (3) 1-4-001:082.

APPLICANT:

County of Hawaii, a municipal corporation of the State of Hawaii.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Pohoiki, Puna, Hawaii, identified by Tax Map Key: (3) 1-4-001:082, as shown on the attached map labeled Exhibit A.

AREA:

4.10 acres, more or less.

ZONING:

State Land Use District:     Agriculture  
County of Hawaii CZO:     Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_\_ NO   x

CURRENT USE STATUS:

Unencumbered

At its meeting of April 25, 2014, agenda item D-3, the Board of Land and Natural Resource approved a direct lease to the Natural Energy Laboratory of Hawaii Authority for storage and air quality monitoring purposes. Preparation and execution of the lease is still in process, pending survey maps.

CHARACTER OF USE:

To Conduct Enhanced Phase I, Environmental Assessment.

TERM OF RIGHT-OF-ENTRY:

30-days

CONSIDERATION:

Gratis.

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 5, No. 1, that states " Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable to a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

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

REMARKS:

The subject parcel was previously encumbered under Mining Lease No. S-4602, a direct lease to the Research Corporation of the University of Hawaii (RCUH) for geothermal rights, then assigned to the Natural Energy Laboratory of Hawaii Authority (NELHA) in 1986. The lease recently expired on June 18, 2014.

At its meeting of April 25, 2014, agenda item D-3, the Board of Land and Natural Resource approved a direct lease to the Natural Energy Laboratory of Hawaii Authority for storage and air quality monitoring purposes. Processing of the lease document is still in progress.

By letter dated March 5, 2014, the Honorable Mayor William P. Kenoi, on behalf of the County of Hawaii, requested a Right-of-Entry to conduct an enhanced Phase I Environmental Assessment on the former brine ponds at the abandoned HGP-A Energy Plant Site, Pohoiki, Puna, Hawaii, TMK: (3) 1-4-001:082.

The county is prepared to expend funds from the Geothermal Asset Fund to hire a contractor, Myounghee Noh Associates LLC, of 94 Kohola Street, Hilo, Hawaii 96720, to prepare a sampling plan document. Their plan will take two samples using a backhoe/excavator in the area of the brine ponds on State lands at Pohoiki. They will excavate and backfill the ponds (estimate 2-3 feet) and sample soil or other particulate matter. Assuming that the brine material in the ponds is homogeneous, the two samples will be sufficient to tell if there is any residual contamination from geothermal fluids. A final report would be rendered on those findings and provided to the State.

The County of Hawaii has been in communication with and has obtained verbal concurrence from the Natural Energy Laboratory of Hawaii Authority to conduct the environmental assessment.

NELHA supports and is recommending the DLNR issue this ROE while NELHA awaits the formal lease documentation for warehouse and monitoring purposes. No other agency or community comments were solicited as there will be no new disposition or change in land use with this request.

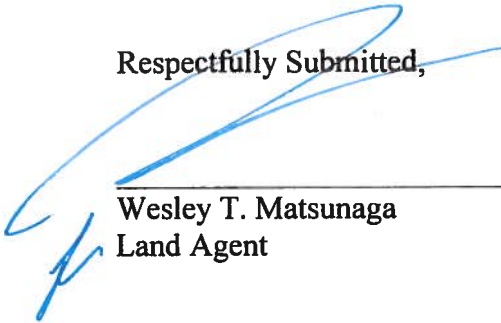
Staff is recommending that this permit be granted at gratis, as this is a government project/activity.

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. Authorize the issuance of a right-of-entry permit to the County of Hawaii, covering the subject area 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;
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  - C. Authorize the Chairperson to issue future right-of-entries to the County of Hawaii, relating to the conducting of an enhanced Phase I Environmental Assessment.

Respectfully Submitted,



---

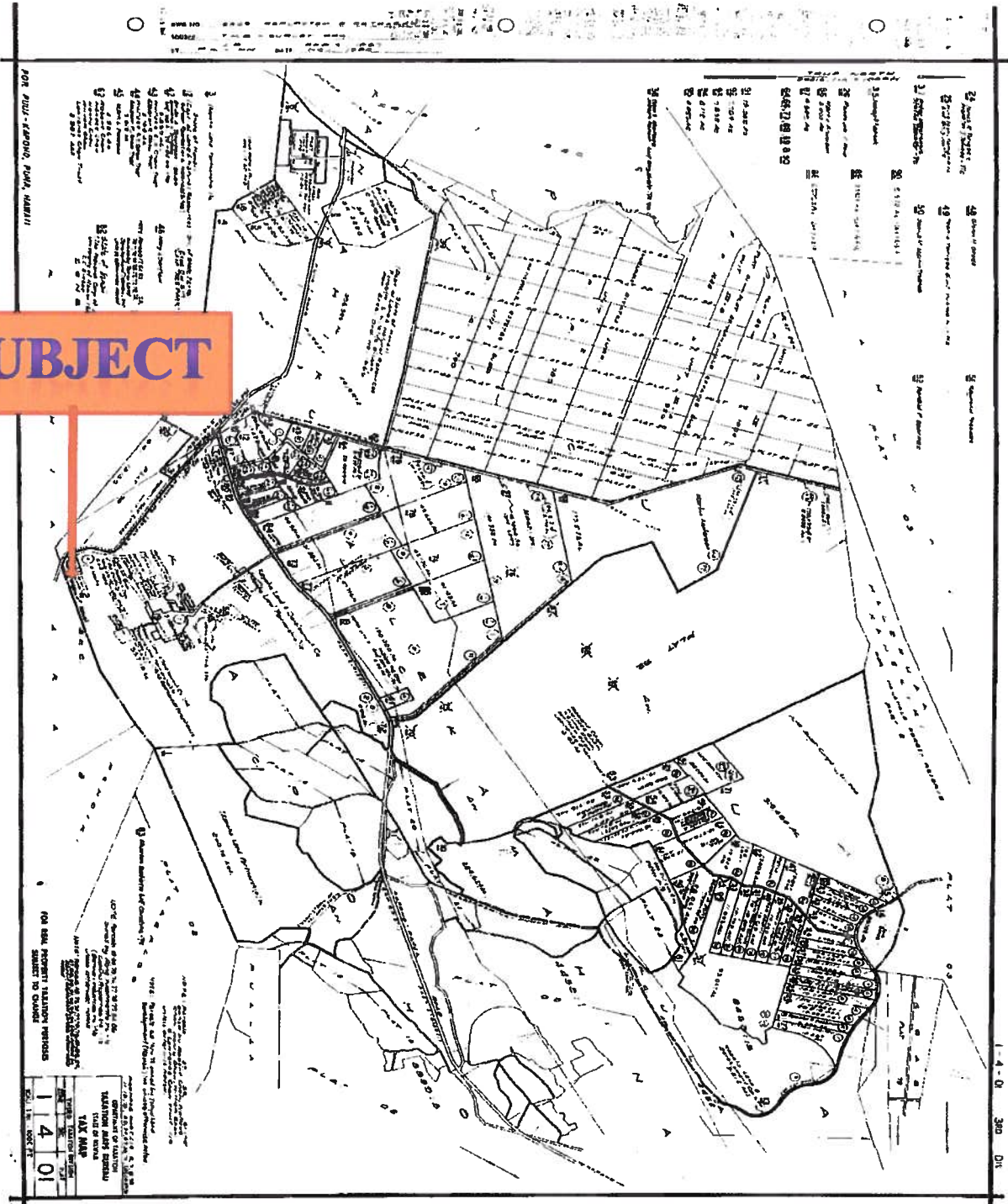
Wesley T. Matsunaga  
Land Agent

APPROVED FOR SUBMITTAL:



---

William J. Aila, Jr., Chairperson



# EXHIBIT A

