

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

December 12, 2014

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

PSF No.: 14KD-143

Kauai

Issuance of Construction Right-of-Entry Permit to Department of Education for Demolition Purposes on Unencumbered Lands, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-003:001.

APPLICANT:

Department of Education, Facilities Development Branch

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Hanapepe, Waimea, Kauai, identified by Tax Map Key: (4) 1-9-003:001, as shown on the attached map labeled Exhibit A.

AREA:

10 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Residential

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:

Unencumbered State Lands

CHARACTER OF USE:

Eleele Elementary School slope stabilization purposes.

TERM OF RIGHT-OF-ENTRY:

Three months.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(A)(1) and the Exemption List for the Office of Business Services (OBS) of the Department of Education (DOE) approved by the Environmental Council and dated November 8, 2006, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, 4 & 5 that states "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 Class No. 4, that states "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" See Exempt Notification at Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant is a government agency.

APPLICANT REQUIREMENTS:

None

REMARKS:

The State of Hawaii, Department of Education (DOE), Facilities Development Branch, proposes a slope stabilization project (DOE Job No. Q43000-11) for Eleele Elementary School to address water drainage control to reduce rockfall hazards to homes and businesses along Hanapepe Road below the school.

The project includes removing an existing rock wall, portion of which is encroaching onto State unencumbered lands on Tax Map Key: (4) 1-9-003:001. See Exhibits C & D. It will be replaced with a new CMU wall with drainage improvements and will be located entirely within Eleele Elementary School property identified as Tax Map Key: (4) 2-1-001:006.

There is a separate concrete staircase that will remain in place for access and maintenance purposes.

No government agency or community comments were solicited, as there is no new land disposition or change in land use

This right-of-entry will be gratis as this is a government-sponsored project. Staff request that the Chairperson be authorized to issue term extensions of the subject right-of-entry, should the need arise.

RECOMMENDATION: That the Board

1. Authorize the issuance of a right-of-entry permit to Department of Education – Facilities Development Branch, 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 term extension of the subject right-of-entry, should the need arise.

Respectfully Submitted,

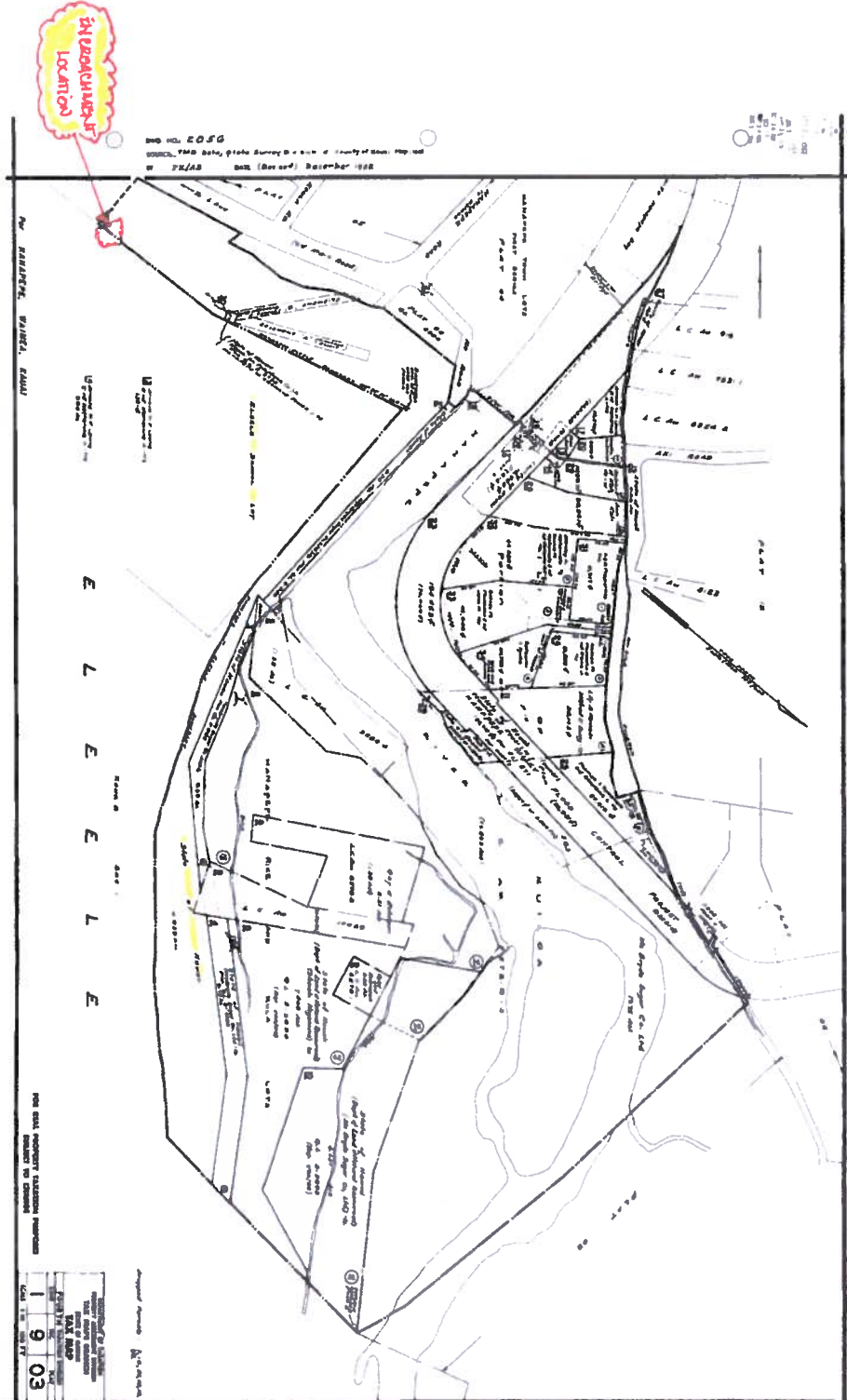


Marvin Mikasa
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson 



Kauai County Parcel Maps

Page 1 of

ENCROACHMENT LOCATION

Legend

- Available Layers
- Parcel
- Parcel Number
- Address #
- Yearly Sales
- Buildings
- Streets (Geocoded)
- Streets (Geographic)
- Hybrid (Geographic)
- Physical (Geographic)

Parcel List

Parcel Number	Yearly Sales	Buildings	Streets (Geocoded)	Streets (Geographic)	Hybrid (Geographic)	Physical (Geographic)
100-000-0000	1,000.00	1	0	0	0	0

Information last updated: December 2, 2013
2013 Maps last updated: November 15, 2013

<http://qpublic9.qpublic.net/qmap4/map.php?county=hi&layers=parcels+gthybrid&mapmode>

EXHIBIT "A"

8/14/201

NEIL ABERCROMBIE
GOVERNOR



KATHRYN S. MATAYOSHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2380
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

DECLARATION OF EXEMPTION

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

Project Title: Eleele Elementary School – Slope Stabilization

Project Number: Q43000-11

Project Description: Design and construction to stabilize the slope

Request Submitted By: Janna Mihara

Consulted Parties: Department of Education

Exemption Class No.: 1, 4 & 5

Exempt Item No. from Agency Exemption List: 2.; 1. & 2.; 1., 2. & 6.

Exempt Item Description from Agency Exemption List: See attached list.

Other notes: None.

Agency Exemption List Approval Date: November 8, 2006

I have considered the potential effect of the above listed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR. 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.


Public Works Administrator

APR 12 2011

Date

EXHIBIT "B"

EXEMPTION LIST FOR THE
OFFICE OF BUSINESS SERVICES
OF THE
DEPARTMENT OF EDUCATION
STATE OF HAWAII

REVIEWED AND CONCURRED UPON
BY THE ENVIRONMENTAL COUNCIL ON
November 8, 2006

GENERAL NOTES

This is the original exemption list for the Office of Business Services (OBS) of the Department of Education (DOE), which was reviewed and concurred upon by the Environmental Council. The list applies to those projects undertaken by the Facilities Development Branch for public schools (including conversion charter schools) and support facilities that are the responsibility of the Branch.

FACILITIES DEVELOPMENT BRANCH EXEMPTION LIST

Section 343, (HRS) authorizes the Environmental Council to establish procedures to exempt specific types of action from the need to prepare an environmental assessment because the action will have minimal or no significant effect on the environment.

The following types of projects will not be exempt:

1. Projects requiring detailed analyses as provided in an environmental assessment under HRS §343-5. These include, but are not limited to places listed on the Federal or State registers of historic places.
2. Projects in statutorily defined areas, including, but not limited to: critical habitats, special management areas, special design districts, registered viewplanes or scenic corridors, wet lands, sanctuaries, special habitats, shoreline areas, tsunami inundation areas, or other designations; except where the work is eligible for exemption and there is no negative impact on the conditions that define these areas.
3. Major projects without an Environmental Impact Statement (EIS); an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI); or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.
4. Major projects without a program to encourage public input into the design or siting of the project.

Pursuant to HAR § 11-200-8 (B), all exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant; or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment, as expressed in #2 above.

Pursuant to the administrative rules promulgated under authority of section 343-6(7), HRS, specifically section 11-200-8; the DOE has determined that the following types of actions, where

DOE Exemption List

they fall within the given classes of action, shall generally be exempt from the preparation of an environmental assessment.

EXEMPTION CLASS 1

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 [§ 11-200-8 (A) (1) HAR].

1. All building features, including
 - A. Building.
 - B. Structure.
 - C. Furniture.
 - D. Equipment.
 - E. Electrical system.
 - F. Communication system.
 - G. Plumbing system.
 - H. Heating, ventilation, and air conditioning system.
 - I. Fire protection system.
 - J. Drainage system.
 - K. Waste treatment facility.
2. All outside campus features, including:
 - A. Wall and fence.
 - B. Walkways and bike path/covered walkways .
 - C. Roadways.
 - D. Parking lots/covered bus loading areas or shelters.
 - E. Paved courts, covered playcourts.
 - F. Signs
 - G. Athletic fields.
 - H. Landscaping.
 - I. Vehicle.

This includes improvements such as re-striping, new signage, redirecting traffic flow, altering the number of parking slots, and complying with Americans with Disabilities Act requirements.
3. Fuel systems: Operation, repair or maintenance of on-site propane and methane gas systems used for preparing food and other associated kitchen purposes; heating water for locker/shower buildings; conducting experiments in science laboratories; and cooking in homemaking classrooms in schools. Operation, repair or maintenance of gasoline and diesel tank and pump systems for refueling cars, buses and trucks in automotive servicing areas and maintenance baseyards.
4. Vector and pest control: Fumigation and treatment of building for termites, cockroaches, ants, vermin and other pests using pesticides registered by the State Department of Agriculture (DOA) and the U.S. Environmental Protection Agency.

DOE Exemption List

5. On-site infrastructure improvements (walkway, roadway, parking, water, irrigation, sewer, drainage, power, telephone, data and communication systems).
6. Removal or treatment of hazardous substances: Removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, or other controlled substances.

EXEMPTION CLASS 2

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced [§ 11-200-8 (A) (2) HAR].

1. Furniture.
2. Equipment.
3. Electrical system.
4. Communications system.
5. Plumbing system.
6. Heating, ventilation, and air conditioning system.
7. Wall and fence.
8. Sign.
9. Athletic field.
10. Existing school buildings provided the facilities are listed in the DOE's "Educational Specification and Standards for School Facilities" (EDSPECS) which lists required or sanctioned DOE programs and facilities. The types of buildings that may hereunder be replaced or reconstructed include classrooms, administration offices, libraries, auditoriums, cafeterias, kitchens, industrial shops, locker/shower rooms, gymnasiums, stadiums, and other buildings that house or facilitate educational functions.
11. Existing on-site school structures such as covered walkways, covered playcourts, flag poles, bus shelters, swimming pools, bleachers, ramps, and elevators.
12. On-site propane and methane gas systems used for preparing food and other associated kitchen purposes; heating water for locker/shower buildings; conducting experiments in science laboratories; and cooking in homemaking classrooms in schools. Replacement or reconstruction of gasoline and diesel tank and pump systems for refueling cars, buses and trucks in automotive servicing areas and maintenance baseyards.

DOE Exemption List

13. Existing lined and unlined drainage swales and ditches that collect and divert rainfall runoff on-site, existing conduits connecting the intake structures and existing conduits connecting on-site systems to off-site drainage systems approved by the County.
14. Existing waste treatment facility where the County does not have any off-site sewerage system available; does not have the system capacity to permit any additional sewerage loading; or requires some treatment before discharge into their system. The new waste treatment facility will have substantially the same capacity as the original facility.
15. Existing walkways that connect buildings and facilities on a site or provide pedestrian access onto the site from the public roadway or walkway.
16. Existing roadways that provide vehicular and fire/emergency access across a site or onto a site from a public roadway. In the case of high schools, these are roadways that connect with such points as vehicular loading areas, parking lots, cafeterias, gymnasiums, swimming pools, athletic fields, industrial shops, and agricultural areas. Work under this item includes repaving and striping.
17. Existing parking lots required by the County zoning code or specified in the DOE's EDSPECS. Work under this item includes repaving and striping.
18. Existing paved courts specified by the DOE's EDSPECS. Work under this item includes repaving and striping.

EXEMPTION CLASS 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:

1. Single-family residences not in conjunction with the building of two or more such units;
2. Multi-unit structures designed for not more than four dwelling units and not in conjunction with the building of two or more such structures;
3. Stores, offices and restaurants designed for total occupant load of 20 persons or less, not in conjunction with the building of two or more such structures;
4. Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and
5. Accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences [§ 11-200-8 (A) (3) HAR].
 - A. Garage areas for up to 10 vehicles.
 - B. Patio areas up to 2,000 square feet.

DOE Exemption List

- C. Covered walkway.
- D. Bus stops or covered bus loading areas up to 2,000 square feet.
- E. Elevator/conveyor system.
- F. Stairway.
- G. Ramp.
- H. Any structure, facility, equipment, or utility required to meet governmental requirements given under the Occupational Safety and Health Act, county building and fire codes, Americans with Disabilities Act, and State Department of Health (DOH) regulations.
- I. Window modification.
- J. Door modification.
- K. Exterior modification.
- L. Furniture.
- M. Equipment.
- N. Electrical system.
- O. Communications system.
- P. Plumbing system.
- Q. Heating, ventilation and air conditioning system.
- R. Sign.
- S. Athletic field.
- T. Bleachers.
- U. Swimming pool.
- V. Any buildings or structures that are part of a planned development within an existing State facility used by the DOE that does not require any off-site infrastructure improvements, including but not limited to:
 - 1. Classroom building.
 - 2. Cafeteria.

DOE Exemption List

3. Multipurpose room.
4. Gymnasium, stadium, bleachers, weight room.
5. Locker/shower facility.
6. Playfield, playground, playcourt.
7. Administration building.
8. Library.
9. Parking lot, bus loading, and book drop.
10. Chain link fence, gate.
11. Irrigation system.
12. Wheelchair ramps.
13. Saran houses or hothouses having gravel floors, wood frames, and plastic covering.
14. Offices.

EXEMPTION CLASS 4

Minor alteration in the condition of land, water or vegetation [§ 11-200-8 (A) (4) HAR].

1. Clearing and grubbing or grading in accordance with DOH and county standards; all work done under Exemption Class 4, Number 1, will also be limited to projects that:
 - A. Comply with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules; and
 - B. Impact less than 15 acres (non-contiguous) of an existing State facility site.
2. Planter boxes/landscaping, including laying topsoil; planting trees, shrubs and ground cover; and relocating or removing trees that are not considered historical or significant
3. Installation of sprinkler or irrigation system to water trees, shrubs, and grass.
4. Land subdivision and consolidation: Where no FONSI or EIS has been filed for an existing school or facility site:
 - A. Acquisition, subdivision and/or consolidation of minor amounts of land for rounding corners of existing roadways.

DOE Exemption List

- B. Subdivision and/or consolidation of roadway remnant with school or facility site, all work for exemption Class 4, Numbers 4a and 4b, will also be limited to projects that:
 - a) Involve less than 5.0 acres (total); or
 - b) Have published a public notice for the roadway remnant declaration process.
- C. Subdivision and/or consolidation of parcel(s) dedicated to the State by a County agency for State facility site.
- D. Easements in favor of the County or a public utility company for on-site infrastructure improvements (walkway, roadway, parking, water, irrigation, drainage, sewer, power, telephone, data and communication systems).

EXEMPTION CLASS 5

Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource [§ 11-200-8 (A) (5) HAR].

1. Topographic survey.
2. Soil borings/foundation survey.
3. Traffic survey.
4. Grave survey.
5. Air/water/noise/hazardous materials assessment and/or monitoring survey.
6. Drainage study.
7. Tenant relocation/inventory survey.
8. Site/building assessment and/or monitoring, including assessment and/or monitoring for ADAAG compliance.
9. Economic analysis.
10. Long range development plans.
11. Environmental impact research.
12. Survey conducted by an archaeologist from the DLNR, University of Hawaii, Bishop Museum, or private company to satisfy certain requirements in preparing an EIS to make a preliminary determination on condition at, or surrounding, a State facility site.

DOE Exemption List

13. Site appraisal by DLNR or an independent appraisal company for the State to determine the purchase price for real property (including land, buildings, features, plants, crops, severance issues) being considered under an acquisition, exchange, easement or lease agreement for a State facility.
14. "Right-of-Entry" for site investigation/study.

EXEMPTION CLASS 6

Construction or placement of minor structures accessory to existing facilities [§ 11-200-8 (A) (6) HAR].

1. Portable classroom/administration/library/serving, conventional, or preparation kitchen/toilet buildings.
2. Tool shed.
3. Storage shed.
4. Bath house.
5. Trash bin area.
6. Play equipment.
7. Flagpole.
8. Memorial structure.
9. Scoreboard.
10. Portable bleachers.
11. Pump house.
12. Transformer building.
13. Air conditioning enclosure.
14. Accessories such as fencing, gates, irrigation systems, and wheelchair ramps and lift devices.
15. Masonry or wood planter boxes at existing facilities.
16. Any appurtenant buildings, structures, or improvements that do not increase the on-site population or design capacity of an existing State facility used by the DOE (e.g. signage; flag pole; activity or program building such as a classroom, multipurpose, or agricultural/horticultural facility building; auditorium, stadium, gymnasium, cafeteria or other assembly building; meeting, hearing or court room; correctional program building

DOE Exemption List

office; playfield or exercise equipment; restrooms; machine or equipment room; storage shed; trash bin area; and bus shelter).

EXEMPTION CLASS 7

Interior alterations involving things such as partitions, plumbing, and electrical conveyances [HAR § 11-200-8 (A) (7)].

1. Roof system.
2. Ceiling system.
3. Floor system.
4. Column/beam/foundation system.
5. Wall system.
6. Electrical system.
7. Communication system.
8. Plumbing system.
9. Heating, ventilation, and air conditioning system.
10. Elevator/conveyor system.
11. Stairway.
12. Built-in furnishing.
13. Built-in equipment.
14. Removal, disposal or containment of hazardous or regulated materials such as asbestos, mold, and lead paint done in compliance with best management practices and applicable State, Federal, and County health and safety laws, regulations, codes and ordinances.

EXEMPTION CLASS 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 1966, Public Law 89-665, or Chapter 8E, HRS § 11-200-8 (A) (8) HAR; all work done under exemption Class 8, Numbers 2, 4, and 5, will also be limited to projects that were required by the master plan report for construction of new or replacement buildings, structures, or improvements at the State facility; or for repair and maintenance work; or for health and

DOE Exemption List

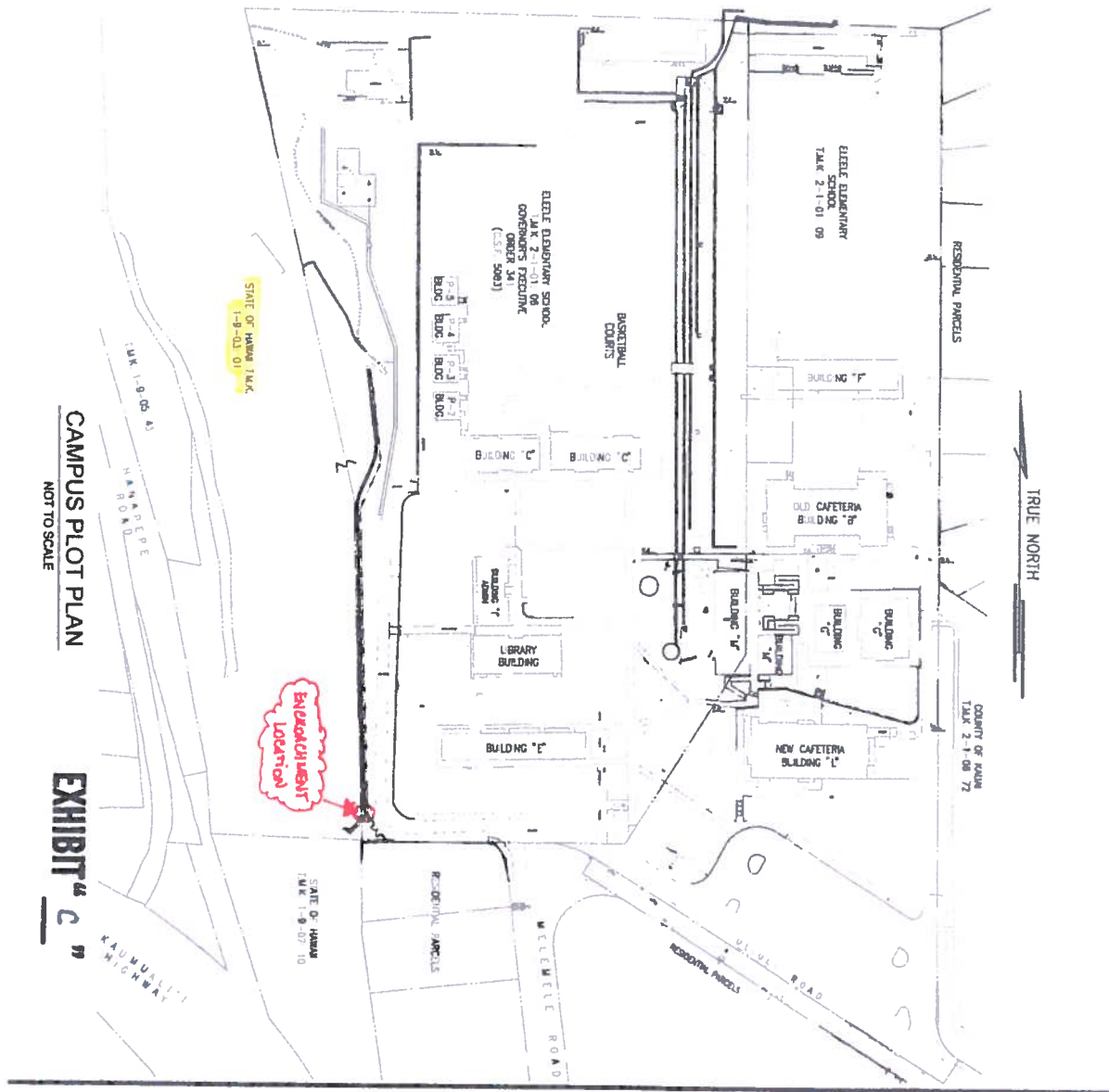
safety reasons; or for compliance with applicable Federal, State and County laws, regulations, ordinances, codes and rules).

1. Building.
2. Infrastructure systems such as utilities, (e.g. water, drainage, sewer, power, telephone, data and communication systems).
3. Structures such as covered walkways, covered playcourts, bus shelters, swimming pools, bleachers, scoreboards, stairs, ramps, elevators, flag poles, walls, fences, planter boxes, signs, garages, patios, tool sheds, storage sheds, saran houses, bath houses, portable buildings, pump houses, transformer buildings, and air conditioning enclosures.
4. 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 State facility site.

EXEMPTION CLASS 9

Zoning variances except: use, density, height, parking requirements and shoreline setback variances [HAR § 11-200-8 (A) (9)].

1. Building set-back.



CAMPUS PLOT PLAN
NOT TO SCALE

EXHIBIT "C"

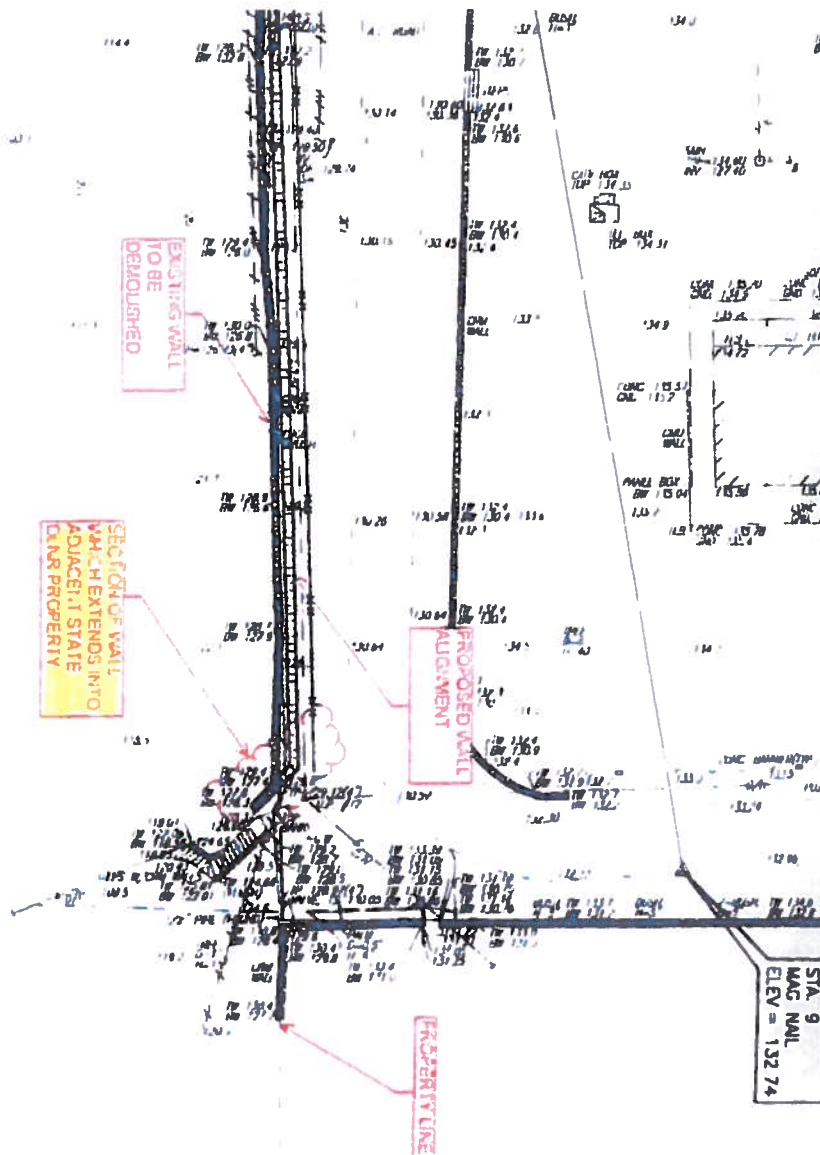


EXHIBIT "D"