

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

Ref: RP 5563

OAHU

Issuance of Right-of-Entry Permit to the City and County of Honolulu, by its Department of Information Technology for Staging Area on Unencumbered Lands, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-2-005:Portion of 014.

APPLICANT:

City and County of Honolulu, By its Department of Information and Technology

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honouliuli, Ewa, Oahu identified by Tax Map Key: (1) 9-2-005:portion of 014, as shown on the attached map labeled Exhibit A.

AREA:

2,000 square feet, more or less.

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-1

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:

Requested area is presently unencumbered.

CHARACTER OF USE:

Staging area purposes.

TERM OF RIGHT-OF-ENTRY:

Four (4) months

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, 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 "Minor alteration in the conditions of land, water, or vegetation.". See **Exhibit B**.

DCCA VERIFICATION:

Not applicable

APPLICANT REQUIREMENTS:

Not applicable

REMARKS:

Pursuant to Revocable Permit No. (RP) S-5563, the City and County of Honolulu, by its Department of Information Technology ("City"), operates a telecommunication site over another portion of the subject State parcel.

The City is undergoing a replacement project for a tower at the RP site. Office of Conservation and Coastal Lands ("OCCL"), by its letter dated May 23, 2013 (**Exhibit C**), gave Site Plan Approval for the proposed works to the telecommunication facilities.

Due to site conditions, the City requests using about 2,000 square feet located downslope of the tower site for a staging area during the construction period. The activities of the staging area are confined to storage of material and equipment in containers. The duration requested is four (4) months, starting in January 2015.

Staff checked with OCCL and notes that the proposed staging area was not covered in the

Site Plan Approval process. Nevertheless, OCCL suggests the City or its consultant can continue to work with them regarding any required authorization for the staging area from OCCL. City will coordinate with OCCL on this issue.

Division of Forestry and Wildlife does not have any objection to the request. Staff did not solicit comments from other agencies on the request, as the adjoining tower site existed since the late 1970s and the request is incidental to the RP currently held by the City.

Therefore, staff recommends the Board authorize the issuance of the requested right-of-entry subject to approval from OCCL on the staging area. Staff also recommends the Board authorize the Chairperson to extend the right of-entry for good cause, e.g. weather.

RECOMMENDATION: That the Board

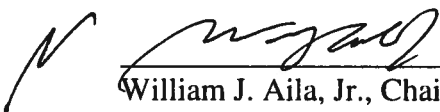
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to City and County of Honolulu, by its Department of Information Technology 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. Approval from the Office of Conservation and Coastal Lands on the requested staging area;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - D. Authorize the Chairperson to extend the right-of-entries for good cause/

Respectfully Submitted,

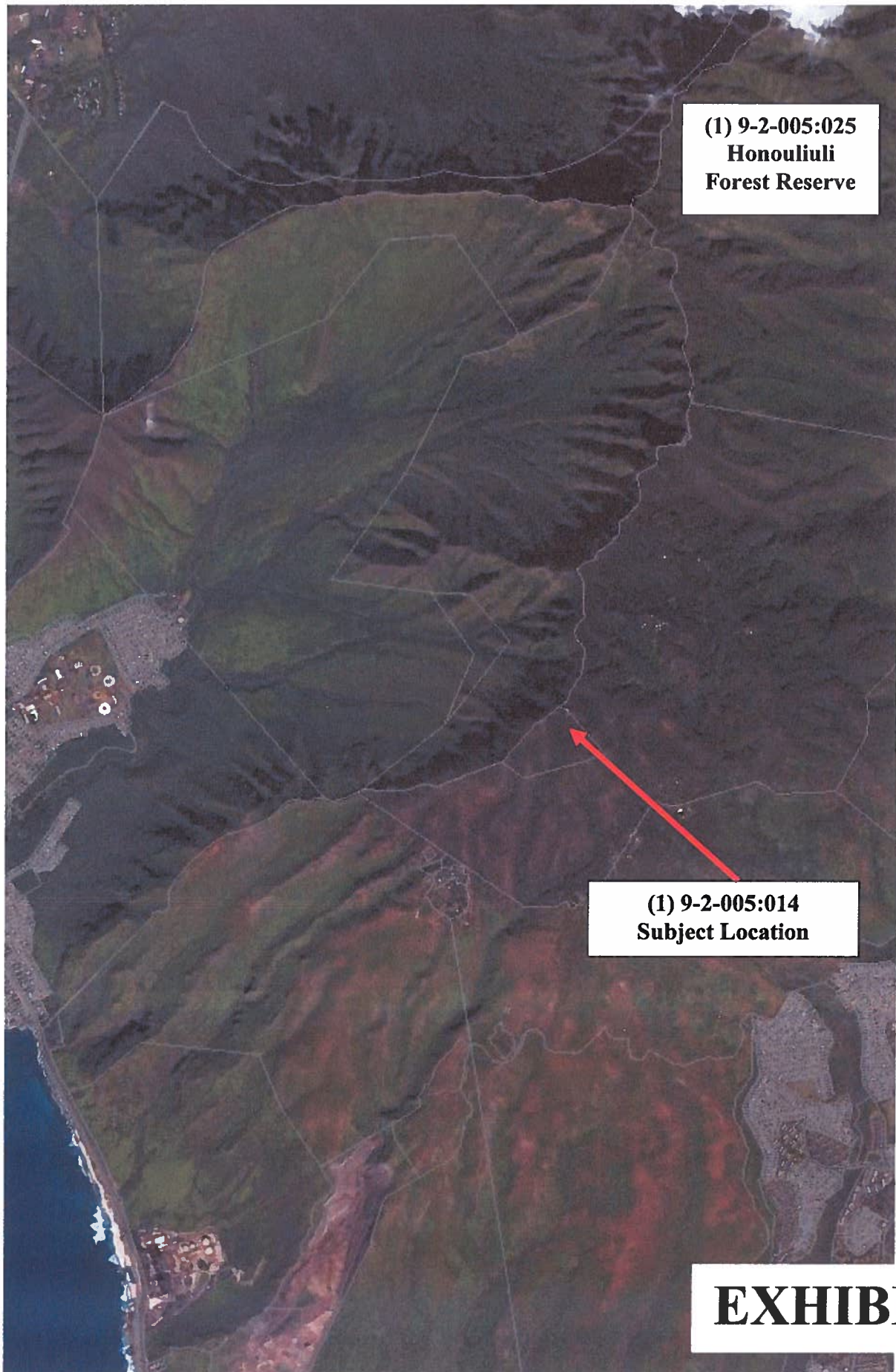


 Barry Cheung/
 District Land Agent

APPROVED FOR SUBMITTAL:



 William J. Aila, Jr., Chairperson



**(1) 9-2-005:025
Honouliuli
Forest Reserve**

**(1) 9-2-005:014
Subject Location**

EXHIBIT A

EXEMPTION NOTIFICATION

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

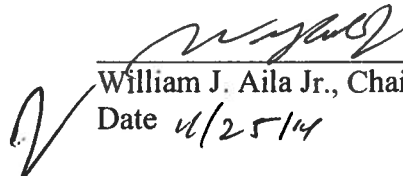
Project Title: Issuance of Right-of-Entry Permit for Staging Area Purposes
 Project / Reference No.: Not applicable
 Project Location: Honouliuli, Ewa, Oahu, TMK (1) 9-2-005:portion of 014.
 Project Description: Issuance of right-of-entry for staging area during construction of the replacement of a telecommunication tower in the vicinity.
 Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, 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 "Minor alteration in the conditions of land, water, or vegetation."

The request is for storing of equipment and material inside containers during the construction of the replacement tower in the vicinity. The applicant is not planning to have any new improvement on the subject area. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Not applicable

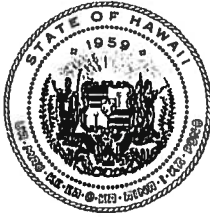
Recommendation: It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



 William J. Aila Jr., Chairperson
 Date 11/25/14

EXHIBIT B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

ESTHER KIA'AINA
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

2013 MAY 31 P 2:40

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
MAY 24 2013

WILSON OKAMOTO CORPORATION

Site Plan Approval OA-13-58

MAY 23 2013

KG

REF:OCCL:MC

Kevin Goto
Wilson Okamoto Corporation
1907 S Beretania Street, Suite 400
Honolulu, HI 96826

SUBJECT: MODIFICATIONS TO PU`U MANAWAHUA RADIO FACILITY
Makakilo, Wai`anae and `Ewa Districts, O`ahu
TMKs (1) 9-2-005:014 and 8-9-008:001

Dear Mr. Goto,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) has reviewed the information you resubmitted regarding the City and County's proposal to conduct improvements at the Pu`u Manawahua Radio Facility. The facility is on State-owned land in the Resource Subzone of the State Land Use Conservation District.

The Pu`u Manawahua site itself was developed by the US Army in the early 1960's as part of the Nike Defense system. A concrete pedestal tower and an equipment building date from this time. In 1978 the State took ownership of the site. In 1986 the Board of Land and Natural Resources granted Hawaiian Electric Company (HECO) Conservation District Use Permit (CDUP) OA-1888 to establish a telecommunications facility at the site. The Office of Conservation and Coastal Lands (OCCL) has since granted a number of Site Plan Approvals (SPA) and CDUPs for improvements to the site.

Existing facilities at the site include one 215-foot tower with wave guide bridge, one 60-foot tower, a 1266-square foot support building with concrete masonry unit (CMU) walls, an abandoned 200-square foot auxiliary building with CMU walls, a concrete pad with above-ground fuel tank, and an abandoned Nike 50-foot concrete tower.

The City is currently proposing the following work:

- Removing the 215-foot tower and replacing it with a 220-foot self-support tower;
- Removing the 60-foot tower, while leaving its concrete pad in place;
- Rehabilitating the existing building;
- Constructing a concrete pad for a 1000-gallon above-ground double-wall diesel fuel tank;
- Constructing an eight-foot high security fence with gate; and
- Installing security equipment such as motion detectors and infrared lights.

After reviewing the application, OCCL finds that:

EXHIBIT "C"

1. The project as described is an identified land use pursuant to Hawai'i Administrative Rules (HAR) §13-5-22 *Identified Land Uses in the Protective Subzone*, P-8 STRUCTURES AND LAND USES, EXISTING, (B-2) *Replacement or reconstruction of existing structures and facilities under a previously approved conservation district use permit where the new structure will be located approximately on the same site and will have substantially the same purpose, capacity, density, density, height, and dimensions as the structure replaced*; and P-9 STRUCTURES, ACCESSORY,

(B-1) Construction or placement of structures accessory to existing facilities or uses. These uses require a Site Plan Approval from OCCL.

- 2. The project as described is identified as exempt pursuant to HAR §11-200-8 Exempt Classes of Action, 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. The project will not need an Environmental Assessment.

Pursuant to HAR §13-5-32, the filing fee for State projects is waived.

After careful review of the proposed project, the Department gives Site Plan Approval for the proposed modifications to the telecommunications facility at Pu`u Manawahua Radio Facility, Makakilo, Wai`anae and `Ewa Districts, O`ahu, TMKs (1) 9-2-005:014 and 8-9-008:001, subject to the following conditions:


- 1. The permittee shall comply with all applicable statues, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai`i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3. The permittee shall comply with all applicable Department of Health administrative rules;
- 4. In issuing this approval, the Department has relied on the information and data that the applicant has provided in connection with this approval application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
- 5. The permittee shall obtain the landowner's permission for site improvements prior to the initiation of work;
- 6. The permittee shall continue to comply with the terms and conditions of CDUP OA-1888;
- 7. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the permittee shall immediately contact the State Historic Preservation Division at 692-8015;
- 8. Other terms and conditions as may be prescribed by the Chairperson; and
- 9. Failure to comply with any of these conditions shall render this Site Plan Approval null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies, retain one and return one to OCCL. Should you have any questions, please feel free to contact Michael Cain of OCCL at 587-0048.

Sincerely,


 Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

Receipt acknowledged:


 Applicant's Signature
 5/28/13

 Date

Date