

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

August 8, 2008

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

PSF No.: 08od-109

Oahu

Issuance of Right-of-Entry Permit to U.S. Army of Corps of Engineers on State Unencumbered and Encumbered Lands, Island of Oahu; Tax Map Key: (1) 2-9-055:001; (1) 4-1-008:013; (1) 4-2-005:001; (1) 4-2-006:002; (1) 4-2-010:001 & 004; (1) 4-5-033:002; (1) 4-8-007:002; (1) 4-8-013:001; (1) 9-7-026:001 & 002

APPLICANT:

U.S. Army of Corps of Engineers c/o Wil Chee – Planning, Inc. whose business and mailing address is 1018 Palm Drive, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated on Oahu identified by tax map keys as shown on Exhibit A, and the maps attached as Exhibit B1 to B2.

AREA:

Not applicable. See Remarks.

STATE LAND USE DISTRICT:

See Exhibit A

TRUST LAND STATUS:

See Exhibit A.

CURRENT USE STATUS:

See Exhibit A.

CHARACTER OF USE:

Site investigation to determine the existence of unexploded ordnances purposes.

TERM OF RIGHT-OF-ENTRY:

One year. See Remarks.

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 No. 5, Item 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:

Government agency. Not applicable.

APPLICANT REQUIREMENTS:

None.

REMARKS:

US Army Corps of Engineers, through their contractor, Parson Engineering, will be conducting an unexploded ordnances survey on Formerly Used Defense Site (FUDES) in Hawaii. The survey team will be comprised of five individuals traversing a meandering path (as shown in red on Exhibit B1 to B2) through the FUDES. The meandering path should be representative of the entire site and a determination will be made if unexploded ordinance is present on the property. Minor brush clearing may be involved as the collection of soil and water samples.

The consultant is aware that the original schedule commencement date of the survey, which is July 2008, is not possible due to solicitation of comments from other agencies. The consultant is amenable to revise the beginning of the survey to later date. The survey is tentatively scheduled for 12 months. Staff suggests the Board authorize the Chairperson to extend the term of the right-of-entry for good cause, e .g. weather.

According to consultant for this project, the acreage shown on Exhibit A is for the entire tax map key, but the actual right-of-entry area may only be a portion of the tax map key.

State Historic Preservation Division, Department of Hawaiian Home Lands, Office of Conservation and Coastal Lands, and Department of Defense have no objections to the request.

Department of Public Safety, Department of Agriculture, Office of Hawaiian Affairs, and Luluku Banana Growers Coop have not responded as of the suspense date.

Division of Forestry and Wildlife (DOFAW) requires the applicant contact its Oahu Branch Office prior to entering DOFAW lands. This requirement will be incorporated into the right-of-entry permit upon approval of the subject request.

Staff recommends gratis consideration for the issuance of the requested right-of-entry permit since the applicant is a government agency.

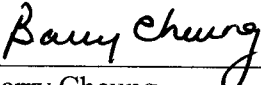
There are no other pertinent issues or concerns. Staff has no objection to the request.

RECOMMENDATION:

That the Board authorize the issuance of a right-of-entry permit to U.S. Army Corps of Engineers 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. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. U.S. Army Corps of Engineers shall coordinate with DOFAW prior to entering its lands.
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
4. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its site investigation to determine the existence of unexploded ordinance purpose.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thiel, Chairperson 

BLNR - Issuance of ROE to US ACOE

Tax Map Key	Current Use Status	Agency	Trust Land Status	State Land Use Classification
(1) 2-9-055:001	Honolulu Watershed Forest Reserve	DOFAW, DLNR	5(b)	Conservation
(1) 4-1-008:013	Pending set aside to DOFAW	DOFAW, DLNR	5(b)	Agriculture
(1) 4-2-005:001	EO 3652 - Waimanalo Forest Reserve and Mount Olomana State Monument and Conservation Easement.	DOFAW, DLNR	5(b)	Conservation
(1) 4-2-006:002	EO 357 & 1692 - Kawaihoa Training School for Girls	DHS	5(b)	Agriculture
(1) 4-2-010:001	RP 7242	Luluku Banana Cooperatives	Acquired after 8/59	Conservation
(1) 4-2-010:004	EO 3726 - Agricultural Research Facility	DOA	Acquired after 8/59	Conservation
(1) 4-5-033:002	EO 3523 & 3594 - Hawaii State Veterans Cemetery Site	DOD	5(b)	Conservation/Urban
(1) 4-8-007:002	Waiahole Forest Reserve	DOFAW, DLNR	5(b)	Conservation
(1) 4-8-013:001	Waiahole Forest Reserve	DOFAW, DLNR	5(b)	Conservation
(1) 9-7-026:001	Ewa Forest Reserve	DOFAW, DLNR	5(b)	Conservation
(1) 9-7-026:002	Ewa Forest Reserve	DOFAW, DLNR	Acquired after 8/59	Conservation

EXHIBIT A

