

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

September 15, 2011

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

**Authorization to Enter Into an Agreement
With the Niu Conservation Group, LLC for the Construction
and
Declare Project Exempt From Requirements of Hawaii Revised Statutes (HRS),
Chapter 343, and Hawaii Administrative Rules (HAR) Title 11, Chapter 200
for
Job No. J45CO41F, Niu Valley Rockfall Mitigation, Honolulu, Oahu, Hawaii**

AGREEMENT:

The Engineering Division desires to enter into a Right-of-Entry Agreement with the Niu Conservation Group, LLC for the construction of Job No. J45CO41F, Niu Valley Rockfall Mitigation, Honolulu, Oahu. The project consists of the demolition and removal of a boulder, and miscellaneous related work.

Background:

In August 2008, two (2) boulders damaged private properties along Haleola Street in Niu Valley. The source of these boulders was traced back to an existing larger boulder located near the crest of the mountain. An inspection by specialists of AECOM Technical Services, Inc., indicated that the boulder on the hillside should be mitigated by means of demolition and removal. The boulder is located on private property owned by Niu Conservation Group LLC.

A copy of the Draft Agreement, which is subject to change, is attached as Exhibit A.

HRS CHAPTER 343 EXEMPTION:

The Board of Land and Natural Resources approved the award of a construction contract for the subject project on July 8, 2011; however, a HRS Chapter 343, environmental analysis was not included in the approval. The project consists of the demolition and removal of a boulder, and miscellaneous related work.

In accordance with HAR Section 11-200-8(a) for the Department of Land and Natural Resources, as reviewed and concurred upon by the Environmental Council on July 13, 2011, the subject project is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repair or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing"

Refer to attached Exemption Notification labeled Exhibit B.

ITEM L-1

RECOMMENDATIONS:

1. That the Board authorize the Chairperson to sign the Agreement for Job No. J45CO41F, Niu Valley Rockfall Mitigation, Honolulu, Oahu and other necessary documents pertaining to the project, subject to the approval to form by the Department of Attorney General.
2. Declare that, after considering the potential effects of the proposed project 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.

Respectfully submitted,



CARTY S. CHANG
Chief Engineer

Approved For Submittal:



WILLIAM J. AILA, JR, Chairperson

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

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

Project Title:	Niu Valley Rockfall Mitigation, Honolulu, Oahu, Hawaii
Project Number:	Job No. J45CO41F
Project Description:	Scope of work consists of the demolition and removal of a boulder and other miscellaneous related work.
HRS Chapter 343 Trigger(s)	Use of State Funds
Exemption Class & Description:	Exemption Class No. 1 of the Department of Land and Natural Resources, for the "Operations, repair or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing".
Exemption Description: [reviewed and concurred by the Environmental Council on July 13, 2011]	Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources.
Recommendation:	It is anticipated 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

8/14/11

Date

EXHIBIT B