

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

March 8, 2013

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

PSF No.: 12MD-134

Maui

Issuance of Right-of-Entry Permit to University of Hawaii, Pacific Islands Ocean Observing System (PacIOOS), for Data Collection and Research Purposes at Waiohuli – Keokea Homesteads, Maui, Tax Map Key: (2) 3-9-012: Seaward of 002.

APPLICANT:

University of Hawaii, Pacific Islands Ocean Observing System.

LEGAL REFERENCE:

Sections 171-13, 53(c) and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waiohuli - Keokea situated at Kihei, Maui, identified by Tax Map Key: (2) 3-9-012: Seaward of 002, as shown on the attached map labeled Exhibit A.

AREA:

100 sq. ft., more or less.

ZONING:

State Land Use District: Conservation
County of Maui CZO: SMA

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:

Vacant and unencumbered, submerged lands.

CHARACTER OF USE:

Data collection and research purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, that states "Basic data collection, research, experimental management , and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

REMARKS:

The School of Ocean and Earth Science and Technology of the University of Hawaii at Manoa has extensive knowledge and experience with the implementation and operation of the Pacific Islands Ocean Observing System (PacIOOS). Current activities under the PacIOOS include real time observations of coastal conditions and forecasts, including coastal hazard warnings based on modeling of observational data.

The purpose of the proposed project is for basic data collection and research. A device will monitor water quality by measuring ocean temperature, conductivity, pressure, chlorophyll,

turbidity, dissolved oxygen and pH levels. This sensor will complement an existing array of sensors located throughout the Pacific.

The 24" x 3.5" sensor will be secured to the ocean bottom approximately thirty yards off shore. A data cable (1/4" diameter) connected to the device will be anchored to the ocean floor in a manner to prevent harm to ocean bottom and sea life, such as entanglement or chaffing. The cable will exit the water through an existing groove in a seawall where it will then connect to a modem which will transmit data in real-time to the PacIOOS data page. Power for the device will be supplied by means of a solar panel located on private property at 1809 Halama Street.

The requested use and site plan has been reviewed and approved by the Office of Conservation and Coastal Lands.

Also, the Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from the following agencies:

Agency	Comments
County of Maui – Planning Dept.	No comment received
Office of Hawaiian Affairs	No comment received
Division of Aquatic Resources	No objections

The proposed monitoring and data collection is ongoing and currently being conducted throughout the Pacific. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in these areas. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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 University of Hawaii, Pacific

Islands Ocean Observing System covering the subject area for data collection and research purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

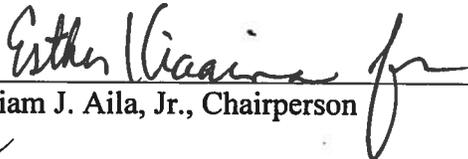
- a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
- b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
- c. Upon completion of the described research and data collection, the sensor device and data cable shall be removed and the area restored to its pre-existing condition.

Respectfully Submitted,



Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

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March 8, 2013

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right-of-Entry Permit to the University of Hawaii, Pacific Islands Ocean Observing System for Use of Unencumbered Submerged Lands for Data Collection and Research Purposes off the Coast of Waiohuli – Keokea Homesteads, Maui, Tax Map Key: (2) 3-9-012: Seaward of 002.

Project / Reference No.: PSF#12MD-134

Project Location: Wiohuli – Keokea Homesteads, Maui, Tax Map Key: (2) 3-9-012: Seaward of 002.

Project Description: Installation of a monitoring sensor for research purposes. Data collection and research evaluation purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: Pursuant to the administrative rules promulgated under authority of section 343-6(7) of the Hawaii Revised Statutes by the Environmental Council, specifically section 11-200-8(d) of the Hawaii Administrative Rules, Department of Health (HAR), The Department of Land and Natural Resources, State of Hawaii, has determined that the following types of actions, where they fall within the given classes of action, shall generally be exempt from requirements regarding the preparation of an environmental assessment. The Environmental council, after reviewing the Department's request (through the State Historic Preservation Division) to amend the January 19, 1976 Department –wide exemption list, has concurred on this amended Department-wide exemption list containing actions under exemption classes 1,2,4,5,6,and 8, on December 4, 1991.

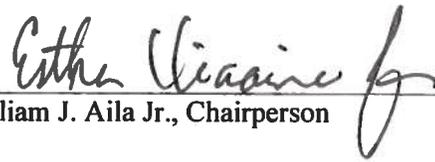
Exemption Class No. 5 that states: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource [HAR 11-200-8(A) (5)]. 1. Installation and monitoring of climatology stations [January 19, 1976].

Consulted Parties:

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands.
Russell Sparks, Maui - Division of Aquatic 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



Date