

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

April 08, 2022

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

PSF No.: 16SD-160

STATEWIDE

Second Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11, *Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.*

The purpose of the Second Amendment is to add ten tax map key parcels to the current list of State lands approved for right-of-entry by the prior Board action, as amended by its First Amendment, and as requested by the United States Army Corps of Engineers, and to allow the right-of-entry permit to be continued on a month-to-month basis for additional one-year periods at the discretion of the Chairperson. These public lands are located in South Kohala on the island of Hawaii. See Exhibit 1 for a list of the subject properties to be added in this Second Amendment.

APPLICANT:

The United States through its Army Corps of Engineers, Honolulu District, Department of the Army, Real Estate Branch.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portions of Government lands in Lalamilo and Waikoloa, on the island of Hawaii, as identified in Exhibit 2, attached hereto.

AREA:

279 acres, more or less.

ZONING:

State Land Use District: Various (refer to Exhibit 1)
County of Hawaii CZO: Various (refer to Exhibit 1)

TRUST LAND STATUS:

Refer to Exhibit 1.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

Refer to Exhibit 1.

CHARACTER OF USE:

Environmental remediation purposes.

COMMENCEMENT DATE OF AMENDMENT:

Following approval of the Board, upon execution of right-of-entries to subject properties.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Chapter 343, HRS, Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request and previous requests, as approved by the Board on October 27, 2018, under Agenda Item D-11, and June 28, 2019, under Agenda Item D-9, are currently exempt from preparation of an environmental assessment pursuant to:

General Exemption Type 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.*

PART 2, Item 1: 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.

General Exemption Type 4: *Minor alterations in the conditions of land, water, or vegetation.*

PART 2, Item 5: Conduct removal of unexploded ordnance.

General Exemption Type 5: *Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.*

PART 1, Item 17: Conduct assessment and survey of unexploded ordnance.

PART 1, Item 19: Conduct planning and feasibility studies.

These exemptions and relevant class items are summarized in more detail in Land Division's Exemption Notification form, attached hereto as Exhibit 3, and incorporated herein.

REMARKS:

The current request from the Department of the Army, U.S. Army Corps of Engineers, Honolulu District (USACE), through its Real Estate Branch, asks for "Rights-of-Entry to investigate and clear unexploded ordnance (UXO) on State lands located within the former Waikoloa Maneuver Area, used by the U.S. Military in the 1940's for training during World War II." In their letter dated August 17, 2021, ten tax map key parcels were described. Refer to Exhibits 1 and 2, attached hereto.

Further communications from USACE staff clarified that, "After 2018, the Army Corps of Engineers received additional funding to perform more environmental remediation in the ten parcels in the package. The work is ongoing, and will continue until the current CERCLA phase is complete."

USACE staff further elaborated on their community coordination: "The Army Corps of Engineers coordinates access of every parcel with the property users. For example, for parcel 670010080000, at the Waimea Airport, our team has already contacted the State of Hawaii Department of Transportation on future access and escorts. Upon approval of the additional ten parcels to the blanket ROE, the Corps of Engineers will ask lessees for concurrence with the ROE, and coordinate future site visits. As of right now, no evacuations are necessary. However, if an evacuation becomes necessary, the Corps of Engineers will coordinate with users and the county and state officials. These additional properties were selected due to project prioritization with the State of Hawaii Department of Health."

The above USACE request requires amendment of the previous approval of the Board of Land and Natural Resources (Board) at its meeting on October 27, 2017, under Agenda Item D-11 (Exhibit C of Exhibit 4, attached hereto), where the Board approved right-of-

entry to the United States for environmental remediation on various State lands on the islands of Oahu, Maui and Hawaii to address munitions and explosives of concern, discarded military munitions, and munitions constituents left from previous military use by providing appropriate remediation, response and mitigation of hazardous conditions.

At its meeting on June 28, 2019, under Agenda Item D-9 (attached hereto as Exhibit 4), the Board had also approved a first amendment of their prior action of October 27, 2017, under its Agenda Item D-11, by adding nine additional tax map key parcels located in the former Waikoloa Maneuver Area on the Island of Hawaii.

This second amendment of the Board's October 27, 2017 approval under Agenda Item D-11 will add ten parcels in South Kohala as described in Exhibits 1 and 2, attached hereto. To facilitate the USACE's ability to continue its remediation work uninterrupted on the State properties described in Exhibits 1, 2, and 4 going forward, we also request this second amendment to include the Board's approval to allow the right-of-entry permit to be continued on a month-to-month basis for additional one-year periods, pursuant to §171-55, HRS, at the discretion of the Chairperson.

If approved, this second amendment of the October 27, 2017, Board approval under its Agenda Item D-11 will further expand the areas under remediation at the present time to improve safety for all residents and other users of these areas, and facilitate uninterrupted continuation of the USACE's remediation work going forward.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, Hawaii Administrative Rules, 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. Amend its prior Board action of October 27, 2017, under Agenda Item D-11, as amended, by:
 - a) Granting right-of-entry to the subject properties identified in Exhibit 1, attached hereto;
 - b) Authorizing the Chairperson to continue the right-of-entry permit on a month-to-month basis for additional one-year periods for good cause shown;
3. Affirm that, except as amended hereby, all terms and conditions listed in the Board's October 27, 2017 approval under Agenda Item D-11 to remain the same.

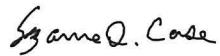
Respectfully Submitted,



Barbara Lee
Special Projects and Development Specialist



APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT 1

SUBJECT PROPERTIES TO BE ADDED TO PRIOR BOARD APPROVAL OF OCTOBER 27, 2017, UNDER AGENDA ITEM D-11, AS AMENDED

TMK PARCEL #	TRUST LAND STATUS	AREA (acres)	LOCATION	ENCUMBRANCES (Contact information)	STATE LAND USE DISTRICT	COUNTY ZONING	LOCATION ADDRESS
(3) 6-5-001:006	5(b)	135.0000	Parker Ranch, Waimea, S. Kohala	GL 4464 to Parker Ranch, Inc. for pasture use	Agriculture	A-1a, A-40a	Parker Ranch, 67-1349 Ala Ohia Road, Kamuela, Hawai'i 96743 DHHL, PO Box 1879, Honolulu, HI 96805
(3) 6-5-009:102	Undetermined	0.0020	Waimea Homesteads, S. Kohala	Unencumbered			DLNR-Land Division
(3) 6-6-001:011	5(b)	2.3300	Lalamilo, S. Kohala	EO 3836 to DHHL for 1.3230 acres	Agriculture, Urban	RS-10	Department of Hawaiian Home Lands, PO Box 1879, Honolulu, HI 96805
(3) 6-6-003:007	5(b)	10.1780	Lalamilo, Waimea, S. Kohala	GL 5471 to Lessee, The Outdoor Circle, for 10.1780 acres. Originally 10.5610 acres, a 0.383-acre portion (30' wide strip) was withdrawn for road purposes, now identified as a road reserve and shown in TMK Plat Map (3) 6-6-008.	Agriculture, Urban	CV-7.5	Waimea Outdoor Circle, P.O. Box 6144, Kamuela, HI 96743
(3) 6-6-004:141	Undetermined	2.2658	Lalamilo, S. Kohala	Unencumbered (<i>follows stream</i>)			DLNR-Land Division
(3) 6-7-002:011	Acquired after 8/59	14.7970	Waimea Village, "Parker Ranch 2020 Subd, Unit 1," S. Kohala	Doc: EO 2632 to DAGS for 15.00 acres in 1972, and in 1994 EO3618 amended EO2632 by withdrawing 8836 sf for roadway purposes, resulting in the new area of 14.797 acres for EO 2632. "Waimea Civic Center Park" Per DAGS-PB: (P)1241.3 to Lessee Parker Ranch, Inc. for ROE re: planning & engrng for new roadway.	Urban	A-40a	Department of Accounting and General Services, Hawaii District Office, 75 Aupuni Street, Hilo, HI 96720
(3) 6-7-002:015	5(b)	25.7960	Waimea Village, "Parker Ranch 2020 Subd, Unit 1," S. Kohala	EO 0211 to DOE for 25.7960 acres &, per Lessor, DOE to various lessees	Urban	A-40a, RM-5, RS-10, RS-7.5	Waimea Elementary & Intermediate School, 67-1225 Mamalahoa Highway, Kamuela, HI 96743
(3) 6-7-002:025	5(b)	0.7270	Waimea Village, "Parker Ranch 2020 Subd, Unit 1," S. Kohala	Per DLNR-LD: EO 03818 to CoH Per CoH: L6700110 to Lessee Waimea Housing Foundation for 6.6250 acres Per DAGS-PB: RP S-5750 to Lessee The Waimea Art Council for 0.1377 acres	Urban	RS-7.5	County of Hawaii
(3) 6-2-001:014	5(b)	0.3700	Kawaihae 2 nd , Lanikepu, Waimea, S. Kohala	Unencumbered	Agriculture	A-5a	DLNR-Land Division
(3) 6-7-001:008	5(a)	87.2970	Waikoloa, S. Kohala	EO1789 to DOT for 89.7180 acres +13 encumbrances	Agriculture	A-40a	<u>Department of Transportation, Highways Division</u>

TOTAL AREA: 278.7628 acres

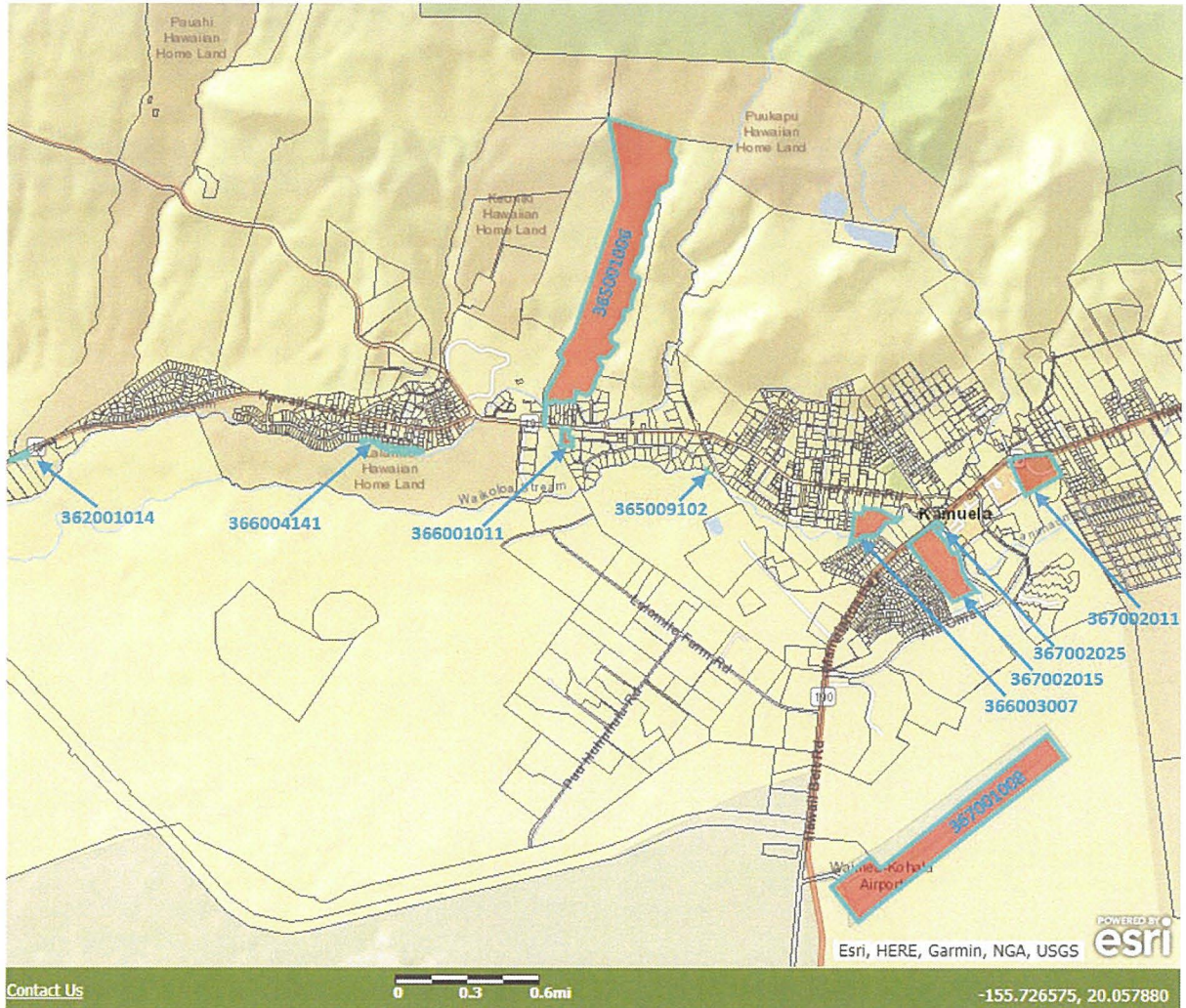
KEY TO ABBREVIATIONS

5(b) = Trust land status Section 5(b) of the Hawaii
Admissions Act
COH = County of Hawaii
DOA = State Department of Agriculture
EO = Governor’s Executive Order

COUNTY ZONING:
A-1a = Agricultural district (minimum building site of 1 acre)
A-5a = Agricultural district (minimum building site of 5 acres)
RS-10 = Single-family residential district (minimum building
site area of 10,000 sf)

EXHIBIT 2

Map view showing ten TMK parcels to be added to ROE #4342



Map view of parcels from PLTIS; TMK parcel numbers and arrows were added.

EXHIBIT 3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS, and Chapter 11-200.1, HAR:

Project Title: Second Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11, *Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.*

The purpose of the Second Amendment is to add ten tax map key parcels to the current list of State lands approved for right-of-entry by the prior Board action, as amended by its First Amendment, as requested by the United States Army Corps of Engineers, and to allow the right-of-entry permit to be continued on a month-to-month basis for additional one-year periods at the discretion of the Chairperson. The public lands are located in Lalamilo and Waikoloa on the island of Hawaii. See Exhibit 1 for a list of the subject properties to be added in this Second Amendment.

Project/Reference No.: PSF 16SD-160

Project Location: Various public lands on the island Hawaii. Refer to preceding Exhibits 1 and 2 for location information.

Project Description: Removal Activities conducted in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidelines through the Defense Environmental Restoration Program for Formerly Used Defense Sites (FUDS).

Ch 343 Trigger(s): Use of state lands (§343-5(a)(1), HRS)

Exemption Class No.: In accordance with the Chapter 343, HRS, Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request and previous requests, as approved by the Board on October 27, 2018, under Agenda Item D-11, and June 28, 2019, under Agenda Item D-9, are currently exempt from preparation of an environmental assessment pursuant to:

EXHIBIT 3

General Exemption Type 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.*

PART 2, Item 1: 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.

General Exemption Type 4: *Minor alterations in the conditions of land, water, or vegetation.*

PART 2, Item 5: Conduct removal of unexploded ordnance.

General Exemption Type 5: *Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.*

PART 1, Item 17: Conduct assessment and survey of unexploded ordnance.

PART 1, Item 19: Conduct planning and feasibility studies.

Cumulative Impact of Planned Successive Actions in Same Place Significant:

The proposed actions at the subject properties are planned as one-time actions, so there would be no significant cumulative impacts from planned successive actions in the same place.

Action May Have Significant Impact on Particularly Sensitive Environment:

Staff is not aware of any particularly sensitive environments in the subject areas, so the proposed actions should not have any significant impacts on any particularly sensitive environments.

Consulted Parties:

Staff at the Land Division were previously consulted as source authorities having jurisdiction or expertise in this matter.

Recommendation:

That the Board find 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.

EXHIBIT 4

**BLNR APPROVAL OF
JUNE 28, 2019, AGENDA ITEM D-9**

*Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11,
Issuance of a Right-of-Entry Permit to the United States to Conduct Defense
Environmental Restoration Program Activities on State Lands Including
Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for
List of Subject Properties.*

EXHIBIT A: SUBJECT PROPERTIES TO BE ADDED TO PRIOR BORD APPROVAL OF
OCTOBER 27, 2017, UNDER AGENDA ITEM D-11

EXHIBIT B: EXEMPTION NOTIFICATION

EXHIBIT C: BOARD APPROVAL OF OCTOBER 27, 2017, AGENDA ITEM D-11

EXHIBIT 4

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

June 28, 2019

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

PSF No.: 16SD-160

STATEWIDE

Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11, Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.

The purpose of the amendment is to add nine tax map key parcels to the list of State lands approved for right-of-entry by the prior Board action, as requested by the United States through the U.S. Army Corps of Engineers acting as its agent. These public lands are located in Lalamilo and Waikoloa on the island of Hawaii. See Exhibit A for a list of the subject properties.

APPLICANT:

The United States through its Army Corps of Engineers, Honolulu District, Department of the Army (USACE).

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portions of Government lands in Lalamilo and Waikoloa, on the island of Hawaii, as identified in Exhibit A, attached hereto.

AREA:

87.814 acres, more or less.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
June 28, 2019 GD

ZONING:

State Land Use District: Various (refer to Exhibit A)
County of Hawaii CZO: Various (refer to Exhibit A)

TRUST LAND STATUS:

Refer to Exhibit A.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

The subject properties have various encumbrances (refer to Exhibit A).

CHARACTER OF USE:

Environmental remediation purposes.

COMMENCEMENT DATE OF AMENDMENT:

Following approval of the Board, upon execution of an amendment to ROE #4342.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with §11-200-8(a) of the Hawaii Administrative Rules (HAR) and the “Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on June 5, 2015,” the subject request is exempt from the preparation of an environmental assessment pursuant to:

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;

Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation;

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;

Exemption Class 6: Construction or placement of minor structures accessory to existing facilities;

These exemptions and relevant class items are summarized in more detail in Land Division's Exemption Notification form, attached hereto as Exhibit B, and incorporated herein.

REMARKS:

At its meeting on October 27, 2017, under Agenda Item D-11 (attached hereto as Exhibit C), the Board of Land and Natural Resources approved right-of-entry to the United States for environmental remediation to address munitions and explosives of concern (MEC) (commonly referred to as unexploded ordnance, or UXO), discarded military munitions (DMM), and munitions constituents (MC) left from previous military use, by providing appropriate remediation, response and mitigation of hazardous conditions.

On March 12, 2018, Right-of-Entry #4342 was executed by the Department for a five-year term, as approved by the Board, for various State lands on the islands of Oahu, Maui and Hawaii identified in the Board submittal.

On May 1, 2019, the Department received a request for right-of-entry from the United States Army Corps of Engineers (USACE), on behalf of the United States, to the subject properties which are located in the project site known as the former Waikoloa Maneuver Area on the Island of Hawaii. Commencement of site work is contingent upon availability of both federal funding and timely landowner consent. As it could not be predicted in 2017 when additional funding would be available for these additional areas, now that funding is available, staff requests that right-of-entry be approved for the subject properties by amendment of the prior Board approval.

VALUE TO THE STATE OF HAWAII. Right-of-entry is provided *gratis* to the Applicant, as the State of Hawaii benefits from the expenditure of federal dollars to remediate long standing munitions-related environmental contamination left by past military use, all at no cost to the State. Consequently, to protect the health, safety and welfare of the general public, it is in the State's best interests to support and facilitate the DoD's investigation and remediation efforts under its various programs.

These federal programs are currently the State's sole means to address military munitions remediation efforts on a statewide scale. Experience has shown that, with so many moving parts to be coordinated in each project, the USACE cannot always submit ROE requests far in advance of annual funding opportunities, and delays to ROE issuance can result in loss of funding. In addition, plus-up funding, sometimes available from year to year, when received, not only means more work can be planned for a given year, but also that additional contracting must be initiated within a critically short time period. Therefore, it is important that the Department be able to issue right-of-entry access to State lands to the USACE in a timely manner to support this important work. An

amendment of prior Board action, as proposed, followed by amendment of the current ROE #4342 will be the most expedient route to support the USACE's current process.

RECOMMENDATION: That the Board

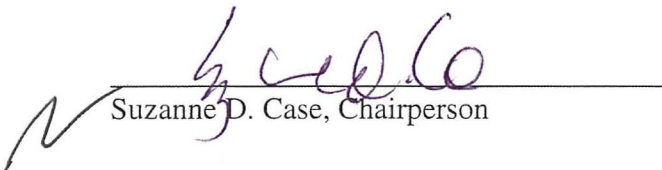
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Amend its prior Board action of October 27, 2017, under Agenda Item D-11, by granting right-of-entry to the subject properties identified in Exhibit A, attached hereto.
3. Affirm that, except as amended hereby, all terms and conditions listed in the Board's October 27, 2017 approval under Agenda Item D-11 to remain the same.

Respectfully Submitted,



Barbara J. Lee, Project Development Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

SUBJECT PROPERTIES TO BE ADDED TO PRIOR BOARD APPROVAL OF OCTOBER 27, 2017, UNDER AGENDA ITEM D-11

TMK PARCEL #	TRUST LAND STATUS	AREA (acres)	LOCATION	ENCUMBRANCES (Contact information)	STATE LAND USE DISTRICT	COUNTY ZONING	LOCATION ADDRESS
(3) 6-6-001:005	5(b)	2.1350	Lalamilo, South Kohala	Unencumbered	Agriculture	A-5a	66-1299 Ko Uka Lane
(3) 6-6-001:040	5(b)	2.4100	Lalamilo, South Kohala	EO 1777 to COH (for Corporation Yard, Department of Public Works, subject to HELCO high tension power line)	Agriculture	A-5a	NONE
(3) 6-6-001:050	5(b)	8.8960	Lalamilo, South Kohala	EO 2004 to COH (Kamuela Rubbish Dump and Quarry Site)	Agriculture	A-5a	66-1597 Kawaihae Rd.
(3) 6-6-001:056	5(b)	1.8480	Lalamilo, South Kohala	EO 2004 to COH	Agriculture	A-5a	66-1595 Kawaihae Rd.
(3) 6-6-001:070	Undetermined	0.8650	Lalamilo, South Kohala	EO 3836 to COH-Water Commission	Urban	(road), RS-10	66-1539 Kawaihae Rd.
(3) 6-6-005:001	5(b)	15.2090	Waikoloa, Waimea, South Kohala	EO 4273 to DLNR (Lalamilo Farm Lots)	Agriculture	(road), A-5a	66-1450 Mamalahoa Hwy.
(3) 6-6-005:021	5(b)	16.9580	Lalamilo, South Kohala	EO 4250 to DOA	Agriculture	A-5a	66-1294 Lalamilo Farm Road
(3) 6-6-005:026	5(b)	35.8180	Lalamilo, South Kohala	EO 4250 to DOA	Agriculture	(road), A-5a	66-1469 Lalamilo Farm Road
(3) 6-6-005:028	5(b)	3.6750	Lalamilo, South Kohala	EO 4389 to DOA	Agriculture	(road), A-1a, A-5a	66-1370 Mamalahoa Hwy.

TOTAL AREA ADDED: 87.814

KEY TO ABBREVIATIONS

5(b) = Trust land status Section 5(b) of the Hawaii Admissions Act
 COH = County of Hawaii
 DOA = State Department of Agriculture
 EO = Governor’s Executive Order

COUNTY ZONING:
 A-1a = Agricultural district (minimum building site of 1 acre)
 A-5a = Agricultural district (minimum building site of 5 acres)
 RS-10 = Single-family residential district (minimum building site area of 10,000 sf)

EXEMPTION NOTIFICATION

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

- Project Title: Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11, *Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.*
- Project/Reference No.: PSF 16SD-160
- Project Location: Various public lands on the island Hawaii. Refer to preceding Exhibit A for location information.
- Project Description: Removal Activities conducted in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidelines through the Defense Environmental Restoration Program for Formerly Used Defense Sites (FUDS).
- Ch 343 Trigger(s): Use of state lands (§343-5(a)(1), HRS)
- Exemption Class No.: In accordance with §11-200-8(a) of the Hawaii Administrative Rules and the “Exemption List for the Department of Land and Natural Resources, reviewed and concurred upon by the Environmental Council on June 5, 2015,” the subject request is exempt from the preparation of an environmental assessment pursuant to:
- 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.
1. 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.
- Exemption Class 4**
Minor alteration in the conditions of land, water, or vegetation.
1. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to

EXHIBIT B

damage from occurring and to restore the topographical features and biological resources.

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.

1. Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
3. Conduct topographic, sounding, wave, littoral transport, bathymetric, and location surveys.
12. Conduct terrestrial and marine archaeological surveys.
22. Conduct planning and feasibility studies.
23. Permission to enter state lands for the purpose of conducting those activities listed above.

Exemption Class 6

Construction or placement of minor structures accessory to existing facilities.

1. Construction, placement or installation of signage, pavement markings, buoys, or other similar structures.

Cumulative Impact of Planned Successive Actions in Same Place Significant:

The proposed actions at the subject properties are planned as one-time actions, so there would be no significant cumulative impacts from planned successive actions in the same place.

Action May Have Significant Impact on Particularly Sensitive Environment:

Staff is not aware of any particularly sensitive environments in the subject areas, so the proposed actions should not have any significant impacts on any particularly sensitive environments.

Consulted Parties:

Staff at the Land Division, Division of Forestry and Wildlife, Division of Aquatic Resources, and Office of Conservation and Coastal Lands, were previously consulted as source authorities having jurisdiction or expertise in this matter.

Recommendation:

That the Board find 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.

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

October 27, 2017

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

PSF No.: 16SD-160

STATEWIDE

Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.

APPLICANT:

The United States through its Army Corps of Engineers, Honolulu District, Department of the Army.

LEGAL REFERENCE:

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

LOCATION:

Portions of Government lands on the islands of Oahu, Maui, and Hawaii, as identified in the attachments labeled Exhibit A, B, C and D, attached hereto.

AREA:

30,625.195 acres, more or less.

ZONING:

State Land Use District: Various (refer to Exhibit A)
County of Hawaii CZO: Various (refer to Exhibit A)

TRUST LAND STATUS:

Of the subject properties, 22,418.007 acres are categorized as Section 5(b) lands of the

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
October 27, 2017 *uo.*

D-11

EXHIBIT C

Hawaii Admission Act (refer to Exhibit A).

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES NO

CURRENT USE STATUS:

A total of 6,960.505 acres of the subject properties are categorized as unencumbered, and the remaining 23,664.69 acres have various encumbrances (refer to Exhibit A).

CHARACTER OF USE:

Environmental remediation purposes.

TERM OF RIGHT-OF-ENTRY:

Five years (60 months) from date of execution.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with §11-200-8A of the Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:

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;

Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation;

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;

Exemption Class 6: Construction or placement of minor structures accessory to existing facilities;

These exemptions and relevant class items are summarized in more detail in Land Division's Exemption Notification form, attached hereto as Exhibit E, and incorporated herein.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from lessees and permittees of the subject lands regarding the Applicant's planned activities;
- 2) Provide to easement holders written notification of the Applicant's planned activities;
- 3) Consult with the Division of Aquatic Resources should any disturbance of coral resources be found necessary in the implementation of project activities; and
- 4) Report back to the Department the results of all investigations after project activities are concluded.

REMARKS:

The United States Army Corps of Engineers (USACE) is the executing agency for the Defense Environmental Restoration Program/Formerly Used Defense Sites (DERP/FUDS) Program and also handles right of entry requests for the U.S. Army Garrison (USAG) which is the executing agency for the DERP Military Munitions Response Program (MMRP). Administered by the U.S. Department of Defense, both programs assess and evaluate the presence of munitions and explosives of concern (MEC) (commonly referred to as unexploded ordnance, or UXO), discarded military munitions (DMM), and munitions constituents (MC) in the environment, left from previous military use, and provide appropriate remediation, response and mitigation of hazardous conditions.

In Hawaii, many DERP/FUDS and MMRP projects are located on public lands managed by the Department. Federal program protocols require right-of-entry (ROE) to those lands before site-specific project contract funding can be encumbered and work can begin.

BLANKET ROE REQUEST. A request for right-of-entry to a long list of State lands identified by Tax Map Key (TMK) parcel numbers was submitted by the Applicant to the Department in November 2016 for DERP projects funded for execution between 2017 through 2022 (referenced hereinafter as "blanket ROE request"). The list of properties, updated and expanded in April and August 2017, is being brought to the Board in batches according to USACE project planning constraints, and to allow sufficient time for Staff to complete land data research on each TMK parcel. The properties being addressed in this submittal are those DERP/FUDS and MMRP projects planned to commence during 2017, and are identified in a table attached hereto as Exhibit A.

Since USACE handles all ROE requests for both FUDS and USAG MMRP projects, projects from both programs were included in the blanket ROE request. Commencement

of project site work is contingent upon availability of both federal funding and landowner consent to right-of-entry. FUDS/MMRP are voluntary programs, so a FUDS/MMRP-eligible site could become ineligible if the landowner does not grant access to the property. Pursuant to USACE guidelines ER 200-3-1 dated May 2004, should a landowner refuse a request for right-of-entry, the USACE is directed to reclassify the subject property as an ineligible project, and notify the appropriate authorities.

NEED FOR MUNITIONS CLEANUP PROGRAMS. To attain the level of readiness necessary to deter adversaries and defend our nation, the Department of Defense (DoD) must develop, test, and deploy weapon systems and military munitions, and then train its personnel to use and maintain these systems. Since World War II, large areas both onshore and offshore in Hawaii have been used for such military training involving live ammunition. As a result, some properties are known or suspected to still contain DMM, MEC, and MC remaining from previous DoD use, and are the subject of a massive, long-term remediation effort carried out by the DoD today.

VALUE TO THE STATE OF HAWAII. Right-of-entry is being provided *gratis* to the Applicant, as the State of Hawaii is benefiting from the expenditure of federal dollars to remediate long standing munitions-related environmental contamination left by past military use, all at no cost to the State. Consequently, in order to protect the health, safety and welfare of the general public, it is in the State's best interests to support and facilitate the DoD's investigation and remediation efforts under its various programs. The inability to address these hazards prior to the advent of the DERP/FUDS program previously resulted in injuries and as well as fatalities when unsuspecting members of the public inadvertently encountered UXOs in the environment.

REGULATORY FRAMEWORK. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980 to address releases or threatened releases of hazardous substances that may endanger public health or the environment. In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA), which amended and strengthened CERCLA.

SARA also renamed its Installation Restoration Program (IRP) as the Defense Environmental Restoration Program (DERP) and expanded the IRP with programs to address environmental cleanup on various types of DoD-used properties. These included Formerly Used Defense Sites (FUDS), real property formerly owned, leased, possessed by, or otherwise under the jurisdiction of the Secretary of Defense prior to 1986. The USACE was designated as the executing agency for the DERP/FUDS Program. In September 2001, DoD established the Military Munitions Response Program (MMRP) and designated the USAG as its executing agency to manage environmental responses specifically related to MEC, DMM, and MC on FUDS sites.

Response actions today are authorized under DERP and SARA Section 211. CERCLA

provides the regulatory framework for environmental restoration. The State of Hawaii Department of Health Office of Hazard Evaluation and Emergency Response (DOH HEER) plays an important role to assure the DoD of State coordination and support for regulatory matters, however, cooperation by other State agencies to allow access to lands under their control must also be provided.

FUDS and MMRP sites currently owned by the State of Hawaii include both unencumbered and encumbered lands which may be in park, forestry, agricultural, conservation, urban or submerged areas. Remediation work at each project site is conducted in steps following a well-established CERCLA process.

SCOPE AND RANGE OF PROJECTS. USACE Honolulu District, which includes Hawaii, American Samoa, CNMI (Commonwealth of the Northern Mariana Islands), Guam and the Republic of Palau, has 505 FUDS (including MMRP) properties. Annual funding levels from FY 11 through FY17 have averaged about \$16M per year, with each year subject to possible “plus-up” funding by Congress to supplement existing annual budgets, though no year is guaranteed such a boost (plus-ups were received in each year of this period, except for FY16).

FUDS and MMRP projects on public and private lands in Hawaii involve thousands of acres. For example, on the island of Hawaii, the former Waikoloa Training Area project site (WTA) is comprised of 101,055 acres, three times bigger than the island of Kahoolawe. A training area for the 2nd Marine Division, dubbed Camp Tarawa, was located there from 1943-1946, and was WWII's largest single staging area for military training. Today it remains the single largest U.S. site contaminated with military munitions and UXO.

An estimated 10% of the military munitions used during live-fire training in the WTA may have failed to detonate, and remaining MEC, DMM, and MC were widespread. In the years following closure of the WTA in 1946, MEC contamination caused three deaths and five serious injuries, highlighting the high risk of hazards and prompting establishment of these environmental remediation programs. Under the DERP programs, by 2016 remediation work over a 29,000 acre portion of the WTA had been completed at a total cost of \$217.7M. It is anticipated that the remaining 71,000 acres will likely take decades more to finish. Projected cost to complete environmental remediation of the entire site is \$720M.

TIME-CRITICAL ROE REQUESTS. The federal DERP/FUDS/MMRP programs are currently the State's sole means to address military munitions remediation efforts on a statewide scale. Experience has shown that, with so many moving parts to be coordinated in each project, the USACE cannot always submit ROE requests far in advance of annual funding opportunities, and delays to ROE issuance can result in loss of funding.

In addition, plus-up funding, when received, not only means more work can be planned

for a given year, but also that additional contracting must be initiated within a critically short time period. This is the case for the current batch of projects addressed herein, slated to commence in 2017. Therefore, it is important that the Department be able to issue appropriate right-of-entry access to State lands to the USACE in a timely manner to help streamline the approval process to support this important work.

ROE CONDITIONS. A set of standard ROE conditions appropriate to the DERP/FUDS and MMRP projects were negotiated with assistance of the Department of Attorney General in January 2017. Two ROE documents under the Applicant's blanket ROE request have already been executed earlier this year to address time-critical project sites:

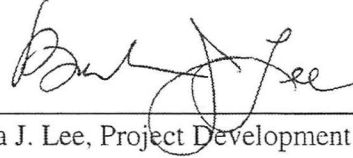
- 1) ROE executed January 31, 2017 for: Government Lands in Waimea, District of South Kohala, Island of Hawaii, at Puu Kawaiwai, Panoluukia, and Kapia, Tax Map Key: (3) 6-2-001:015 (por.), and at Ouli, Tax Map Key: (3) 6-2-005:022. Board approval granted on January 27, 2017, Item D-12, and amended on February 24, 2017, Item D-6.
- 2) ROE executed September 7, 2017 for: Encumbered Land Onshore at Makua Beach and Unencumbered Submerged Lands Offshore of Makua Beach at Kahanahaiki, Waianae, Island of Oahu, Tax Map Key: (1) 8-1-001:portion of 008 and seaward of 008. Board approval, as amended, granted on June 23, 2017, Item D-9.

The ROE document which will address the subject properties identified in Exhibit A is planned to also follow the same ROE form.

RECOMMENDATION: That the Board

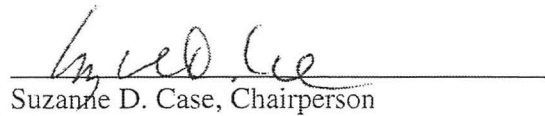
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the United States 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. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barbara J. Lee, Project Development Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



**SUBJECT PROPERTIES FOR USACE RIGHT-OF-ENTRY*
PROJECT AREAS SCHEDULED TO COMMENCE IN 2017**

TMK PARCEL # (SORTED BY ISLAND & PROJECT)	TRUST LAND STATUS	AREA (ACRES)	LOCATION	ENCUMBRANCES	STATE LAND USE DISTRICT	COUNTY ZONING	DERP PROGRAM	CERCLA PHASE
ISLAND OF OAHU								
Fort Shafter								
(1) 1-1-008:013	PL-88-233	750.28	U.S. Military Reservation- Fort Shafter, Moanalua	EO-g41 Watershed FR & easements LOD28647- & 28862-HECO; various camping & commercial trail permits	Conservation, Urban	F-1, P-1, R-5	MMRP	TC & RI/FS
Pali Training Camp								
(1) 4-1-008:013	5(b)	362.192	Waimanalo, Koolaupoko	EOg40a-Waimanalo FR; Maunawili Trail-Commercial Trail Permit	Agriculture, Conservation	AG-2, P-1	FUDS	RA-C
(1) 4-1-010:074	5(b)	33.553	Waimanalo, Koolaupoko	EOg40a-Waimanalo FR; Maunawili Trail-Commercial Trail Permit	Agriculture, Conservation	AG-2	FUDS	RA-C
(1) 4-1-010:093	5(b)	59.000	Waimanalo, Koolaupoko	EOg40a-Waimanalo FR; Maunawili Trail-Commercial Trail Permit	Agriculture, Conservation	AG-2, P-1	FUDS	RA-C
(1) 4-1-010:094	5(b)	2.500	Waimanalo, Koolaupoko	EOg40a-Waimanalo FR; Maunawili Trail-Commercial Trail Permit	Agriculture	AG-2	FUDS	RA-C
(1) 4-1-010:099	5(b)	10.171	Waimanalo, Koolaupoko	EO4239-DOA	Agriculture	AG-2	FUDS	RA-C
(1) 4-2-005:001	5(b)	209.237	Kailua, Koolaupoko	EO3652-DOFAW for Waimanalo FR & Mt Olomana State Monument & CE	Conservation	P-1	FUDS	RA-C
(1) 4-2-006:002	5(b)	437.000	Kailua, Koolaupoko	EO0172-DHS, EO3039-CCH	Ag, Conserv, Urb	AG-2, P-1	FUDS	RA-C
(1) 4-2-010:001	5(b)	1934.540	Kailua, Koolaupoko	EO-g40a, Commercial Trail Permit	Conservation	P-1	FUDS	RA-C
(1) 4-2-010:004	5(b)	80.350	Kailua, Koolaupoko	EO-3726, EO-q40a	Ag, Conservation	AG-2, P-1, P-2	FUDS	RA-C
(1) 4-2-010:005	Post-8/59	190.000	Kailua, Koolaupoko	RP7242-Luluku Banana Growers Co-op.	Conservation	Agricultural	FUDS	RA-C
Pacific Jungle Combat								
(1) 5-2-001:001	Post-8/59	3881.940	Kahana, Koolauloa	EO 3518-CCH, LOD 27590-BWS- easement	Conservation	P-1	FUDS	RA-C
(1) 5-2-002:001	Post-8/59	1338.666	Kahana, Koolauloa	EO 3518-CCH, easement LOD 27590- BWS	Ag, Conservation	AG-2, P-1, P-2	FUDS	RA-C
Makua Training Area								
(1) 6-9-003:001	5(b)	321.000	Kuaokala, Waialua	DOFAW permits: Various Camping & Commercial Collection	Ag, Conservation	P-1	MMRP	LTM
(1) 6-9-003:005	5(b)	77.370	Kuaokala, Waialua	EO 1716, GL384-USAF, LOD28991- Hawaiian Telcom	Ag, Conservation	P-1	MMRP	LTM

*See page 13 for EXHIBIT A KEY TO ABBREVIATIONS.

TMK PARCEL # (SORTED BY ISLAND & PROJECT)	TRUST LAND STATUS	AREA (ACRES)	LOCATION	ENCUMBRANCES	STATE LAND USE DISTRICT	COUNTY ZONING	DERP PROGRAM	CERCLA PHASE
(1) 8-1-001:007	5(b)	1211.660	Keawaula & Kahanahaiki	GL3848-USArmy lease	Ag, Conservation	P-1, P-2	MMRP	LTM
(1) 8-1-001:008	5(b)	28.000	Keawaula & Kahanahaiki	GL5555-ATT easement	Conservation	P-1	MMRP	LTM
(1) 8-1-001:012	5(b)	438.6	Keawaula & Kahanahaiki	Unencumbered	Conservation	P-1	MMRP	LTM
(1) 8-1-001:018	5(b)	14.613	Keawaula & Kahanahaiki	Unencumbered	Conservation	P-1	MMRP	LTM
(1) 8-1-001:023	5(b)	2.999	Keawaula & Kahanahaiki	GL3809-COK for Nawiliwili Harbor Park	Conservation	P-1	MMRP	LTM
(1) 8-1-001:024	5(b)	0.230	Keawaula & Kahanahaiki	Unencumbered	Conservation	P-1	MMRP	LTM
ISLAND OF MAUI								
Kanaio Local Training Area								
(2) 2-1-002:001	5(b)	5,948.000	Kaunuahane, Kaloii, Kanaio & Honuaula, Makawao	Unencumbered	Ag, Conservation	Agriculture, Interim	MMRP	SI, RI/FS
(2) 2-1-002:002	5(b)	281.000	Kaunuahane, Kaloii, Kanaio & Honuaula, Makawao	EO3530-DOFAW for NAR	Ag, Conservation	Agriculture	MMRP	RI/FS
ISLAND OF HAWAII								
Waikoloa Maneuver Area								
(3) 6-1-003:030	5(a)	1.916	Kawaihae 1 st , Kohala	EO1759-DOT	Conserv., Urban	Open	FUDS	RA-C
(3) 6-1-003:031	5(a)	1.000	Kawaihae 1 st , Kohala	EO1759-DOT	Conservation	Open	FUDS	RA-C
(3) 6-1-003:047	Undet.	0.121	Kawaihae 1 st , Kohala	EO1759-DOT	Urban	MG-1a	FUDS	RA-C
(3) 6-1-003:055	Undet.	2.002	Kawaihae 1 st , Kohala	EO1759-DOT	Urban	MG-1a	FUDS	RA-C
(3) 6-2-001:011	5(b)	144.000	Kawaihae 2nd-Lanikepu, Waimea	RP7653 pasture use	Ag., Urban	A-40a	FUDS	RI/FS & LTM
(3) 6-2-001:015	5(b)	1,930.640	Kawaihae 2nd-Lanikepu, Waimea	2 Easements & baseyard. NB: ROE issued in Jan 2017 categorized most of area as unencumbered.	Ag., Urban	Road, A-40a	FUDS	RI/FS & LTM
(3) 6-2-001:065	Post-8/59	0.227	Kawaihae 2nd-Lanikepu, Waimea	Unencumbered	Agriculture	A-40a	FUDS	RA-C
(3) 6-2-001:066	5(b)	0.190	Kawaihae 2nd-Lanikepu, Waimea	Unencumbered	Agriculture	A-40a	FUDS	RA-C
(3) 6-2-002:001	5(b)	31.279	Ouli & Kawaihae 2nd, Waimea	EO2909, Easement: LOD 28759	Conserv., Urban	A-1a	FUDS	RA-C
(3) 6-2-002:008	5(a)	13.365	Ouli & Kawaihae 2nd, Waimea	EO 0729-COH for Spencer Bch Park, LOD28766 to USA perpetual access & utility easement; see next note	Conserv., Urban	Open	FUDS	RA-C
(3) 6-2-002:008-A seaward	5(b)	17.909	Ouli & Kawaihae 2nd, Waimea	LOD28465 to Verizon for seaward perpetual easement	Conservation	Open	FUDS	RA-C
(3) 6-2-003:058	5(a)	0.133	Kawaihae 2nd, Waimea	Unencumbered	Urban	A-40a	FUDS	RA-C

TMK PARCEL # (SORTED BY ISLAND & PROJECT)	TRUST LAND STATUS	AREA (ACRES)	LOCATION	ENCUMBRANCES	STATE LAND USE DISTRICT	COUNTY ZONING	DERP PROGRAM	CERCLA PHASE
(3) 6-2-005-022	5(a)	0.035	Ouli, Waimea	Unencumbered	Agriculture	A-3a	FUDS	RI/FS & LTM
(3) 6-6-001-002	5(b)	8,573.730	Lalamilo, S. Kohala	EO3221-COH, GL5373-Rice & var. easements	Ag., Rural, Urban	A-5a	FUDS	RA-C
(3) 6-6-001-009	5(b)	1.120	Lalamilo, S. Kohala	Unencumbered	Ag., Urban	RS-10	FUDS	RA-C
(3) 6-6-001-010	5(b)	17.600	Lalamilo, S. Kohala	LOD26710-HELCO easement	Agriculture	road, A-5a	FUDS	RA-C
(3) 6-6-001-063	Undet.	1.093	Lalamilo, S. Kohala	GL 5396-HELCO	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-064	5(b)	2.529	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-065	5(b)	1.970	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-066	5(b)	0.882	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-067	5(b)	0.284	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-068	5(b)	0.744	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-069	Undet.	0.230	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-071	5(b)	78.081	Lalamilo, S. Kohala	GL6076-COH easement	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-072	Undet.	0.861	Lalamilo, S. Kohala	Unencumbered	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-073	Undet.	5.000	Lalamilo, S. Kohala	Unencumbered	Agriculture	A-1a, A-5a	FUDS	RA-C
(3) 6-6-001-075	Undet.	0.479	Lalamilo, S. Kohala	EO3221-COH	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-001-076	Undet.	0.174	Lalamilo, S. Kohala	GL6076-COH easement	Agriculture	A-5a	FUDS	RA-C
(3) 6-6-002-002	5(b)	6.344	Ouli & Lalamilo, S. Kohala	EO2909-SP, LOD27467, 28277, 28586 perpetual easements	Conservation, Urban	Open, RS- 15	FUDS	RA-C
(3) 6-6-002-006	Post 8/59	0.450	Ouli & Lalamilo, S. Kohala	EO2909-SP for Hapuna State Park	Urban	RS-20	FUDS	RA-C
(3) 6-6-002-007	Undet.	1.350	Ouli & Lalamilo, S. Kohala	EO2909-SP for Hapuna State Park	Conservation, Urban	RS-15	FUDS	RA-C
(3) 6-6-002-031	5(b)	158.719	Ouli & Lalamilo, S. Kohala	EO2909-SP, Easements: LOD 28428 & 28463-Verizon, 28586- COH Water Commission, SP Permits: S7166, SP408	Conservation, Urban	CV-10, Open, RS- 15, RS-20, V-1.25	FUDS	RA-C
(3) 6-6-002-032	Post-8/59	1.331	Ouli & Lalamilo, S. Kohala	EO2909-SP for Hapuna State Park	Conservation, Urban	Open	FUDS	RA-C
(3) 6-6-002-034	Post-8/59	0.170	Ouli & Lalamilo, S. Kohala	EO2909-SP for Hapuna State Park	Conservation, Urban	Open	FUDS	RA-C
(3) 6-6-002-035	5(b)	36.460	Ouli & Lalamilo, S. Kohala	EO2909-SP for Hapuna State Park	Conservation, Urban	Open	FUDS	RA-C
(3) 6-6-002-040	5(b)	144.207	Ouli & Lalamilo, S. Kohala	EO2909-SP, LOD28459-Verizon	Ag., Conservation	A-5a	FUDS	RA-C
(3) 6-6-002-041	5(b)	137.832	Ouli & Lalamilo, S. Kohala	EO2909-SP, LOD28463-Verizon	Conservation	A-5a	FUDS	RA-C
(3) 6-6-002-042	5(b)	3.140	Ouli & Lalamilo, S. Kohala	LOD28586-COH Water Commission	Conservation	Residential	FUDS	RA-C

TMK PARCEL # (SORTED BY ISLAND & PROJECT)	TRUST LAND STATUS	AREA (ACRES)	LOCATION	ENCUMBRANCES	STATE LAND USE DISTRICT	COUNTY ZONING	DERP PROGRAM	CERCLA PHASE
				easement				
(3) 6-6-002:043	5(b)	0.186	Ouli & Lalamilo, S. Kohala	Unencumbered	Conservation	A-5a	FUDS	RA-C
(3) 6-6-002:045	5(b)	5.000	Ouli & Lalamilo, S. Kohala	GL5993-UH	Conserv., Urban	Open	FUDS	RA-C
(3) 6-6-003:006	5(b)	15.855	Lalamilo, Waimea, S. Kohala	LOD28882-COH easement	Ag., Urban	A-1a	FUDS	RA-C
(3) 6-6-004:021	5(b)	0.247	Lalamilo, S. Kohala	Unencumbered	Urban	RS-10	FUDS	RA-C
(3) 6-6-006:002	5(b)	1.096	Lalamilo, S. Kohala	RP7547 pasture	Urban	RS-10	FUDS	RI/FS & LTM
(3) 6-6-006:003	5(b)	1.004	Lalamilo, S. Kohala	RP7547 pasture	Urban	RS-10	FUDS	RI/FS & LTM
(3) 6-6-006:004	5(b)	1.005	Lalamilo, S. Kohala	RP7547 pasture	Urban	RS-10	FUDS	RI/FS & LTM
(3) 6-6-006:005	5(b)	1.005	Lalamilo, S. Kohala	RP7547 pasture	Urban	RS-10	FUDS	RI/FS & LTM
(3) 6-7-003:020	5(b)	3.866	Lalamilo & Waikoloa, S. Kohala	Unencumbered	Urban	A-40a	FUDS	RA-C
(3) 6-9-001:001	5(b)	0.045	Lalamilo, S. Kohala	Unencumbered	Conservation	A-5a	FUDS	RA-C
(3) 6-9-001:002	5(b)	50.501	Lalamilo, S. Kohala	RE3744-TNC, GL5980-PuakoCA, GL5863-HalePuako, LLC, & easements: GL6022-Arroyo, GL6049-Wilbur, GL6071-CH2, Hurwitz & Chancer.	Conservation, Urban	Open, V-1.25	FUDS	RA-C
(3) 6-9-001:015	5(b)	545.025	Lalamilo, S. Kohala	RE3677-Puako Comm. Assoc., RP778 + 7820-Volcano Island Honey Co., LLC	Conservation, Urban	road, A-5a	FUDS	RA-C
(3) 6-9-001:017	5(b)	230.067	Lalamilo, S. Kohala	GL5162-MaunaLani Resort	Conservation, Urban	A-5a, Open	FUDS	RA-C
(3) 6-9-002:006	5(b)	0.527	Lalamilo, S. Kohala	LOD26994-Hodgins easement, RP7531 landscaping permit, EO4333-Hapuna SP	Conservation, Urban	Open, V-1.25	FUDS	RA-C
(3) 6-9-002:007	5(b)	0.820	Lalamilo, S. Kohala	LOD26994-easement to Sullivan	Conserv., Urban	Open	FUDS	RA-C
(3) 6-9-002:008	5(b)	0.840	Lalamilo, S. Kohala	Unencumbered	Conserv., Urban	Open	FUDS	RA-C
(3) 6-9-002:009	5(b)	0.654	Lalamilo, S. Kohala	2 perpetual + 2 term easements, 1 land permit	Conserv., Urban	Road, A-5a, Open	FUDS	RA-C
(3) 6-9-002:010	5(b)	0.390	Lalamilo, S. Kohala	GL6041 term easement, LOD28611 perpetual easement	Conservation., Urban	road, Open	FUDS	RA-C
(3) 6-9-002:020	5(b)	4.773	Lalamilo, S. Kohala	EO4171 to DOBOR for boat ramp & anchorage	Conservation, Urban	Open, V-1.25	FUDS	RA-C
(3) 6-9-004:001	5(b)	0.425	Puako Beach Lots,	Unencumbered	Urban	RS-10	FUDS	RA-C

TMK PARCEL # (SORTED BY ISLAND & PROJECT)	TRUST LAND STATUS	AREA (ACRES)	LOCATION	ENCUMBRANCES	STATE LAND USE DISTRICT	COUNTY ZONING	DERP PROGRAM	CERCLA PHASE
			Lalamilo, S. Kohala					
(3) 6-9-005:019	5(b)	0.643	Puako Beach Lots, Lalamilo, S. Kohala	GL 3933 church lease	Urban	RS-10	FUDS	RA-C
(3) 6-9-005:046	5(b)	0.129	Puako Beach Lots, Lalamilo, S. Kohala	RP4135 permit for church parking	Urban	RS-10	FUDS	RA-C
(3) 6-9-006:001	5(b)	0.310	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered Puako Beach Lots	Urban	Open	FUDS	RA-C
(3) 6-9-006:002	5(b)	0.313	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 6-9-006:003	5(b)	0.346	Puako Beach Lots, Lalamilo, S. Kohala	GL5980-PuakoCA term easement	Urban	Open	FUDS	RA-C
(3) 6-9-006:049	5(b)	0.310	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 6-9-006:050	5(b)	0.304	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 6-9-006:051	5(b)	1.063	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 6-9-006:052	5(b)	1.406	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 6-9-006:053	Undet.	1.063	Puako Beach Lots, Lalamilo, S. Kohala	Unencumbered	Urban	Open	FUDS	RA-C
(3) 7-1-003:002	5(b)	1.916	Puuanahulu Makai, North Kona	EO3890-SP, EO4161-SP & easements: LOD 27750-De Joria et al., 28372- Wheeler & Shanholt, 28422-The Nature Conservancy, 28585-Genreau	Ag, Conservation, Urban	A-5a, Open	FUDS	RA-C

TOTAL AREA: 30,625.195

EXHIBIT A KEY TO ABBREVIATIONS

Trust Land Status:

5(a) = Section 5(a) of the Hawaii Admissions Act
5(b) = Section 5(b) of the Hawaii Admissions Act
Post-8/59 = Acquired after August 1959 (Statehood admissions date)
PL-88-233 = Public Law-88-233
Undet. = Undetermined (to date)

Encumbrances:

BWS = Board of Water Supply
CA = Community Association
CE = Conservation easement
DOA = State Department of Agriculture
DOBOR = DLNR Division of Boating & Ocean Recreation
DOFAW = DLNR Division of Forestry & Wildlife
DOH = State Department of Health
DOT = State Department of Transportation
EO = Governor's Executive Order
FR = Forest Reserve
GL = General Lease
LOD = Land Office Document
NAR = Natural Area Reserve
RE = Right of Entry
RP = Revocable Permit
SP = DLNR Division of State Parks

State Land Use District:

Conserv. = Conservation
Ag = Agriculture

Other:

COH = County of Hawaii
COK = County of Kauai
CCH = City & County of Honolulu
NB = *nota bene* (Latin), "note well"

County Zoning:

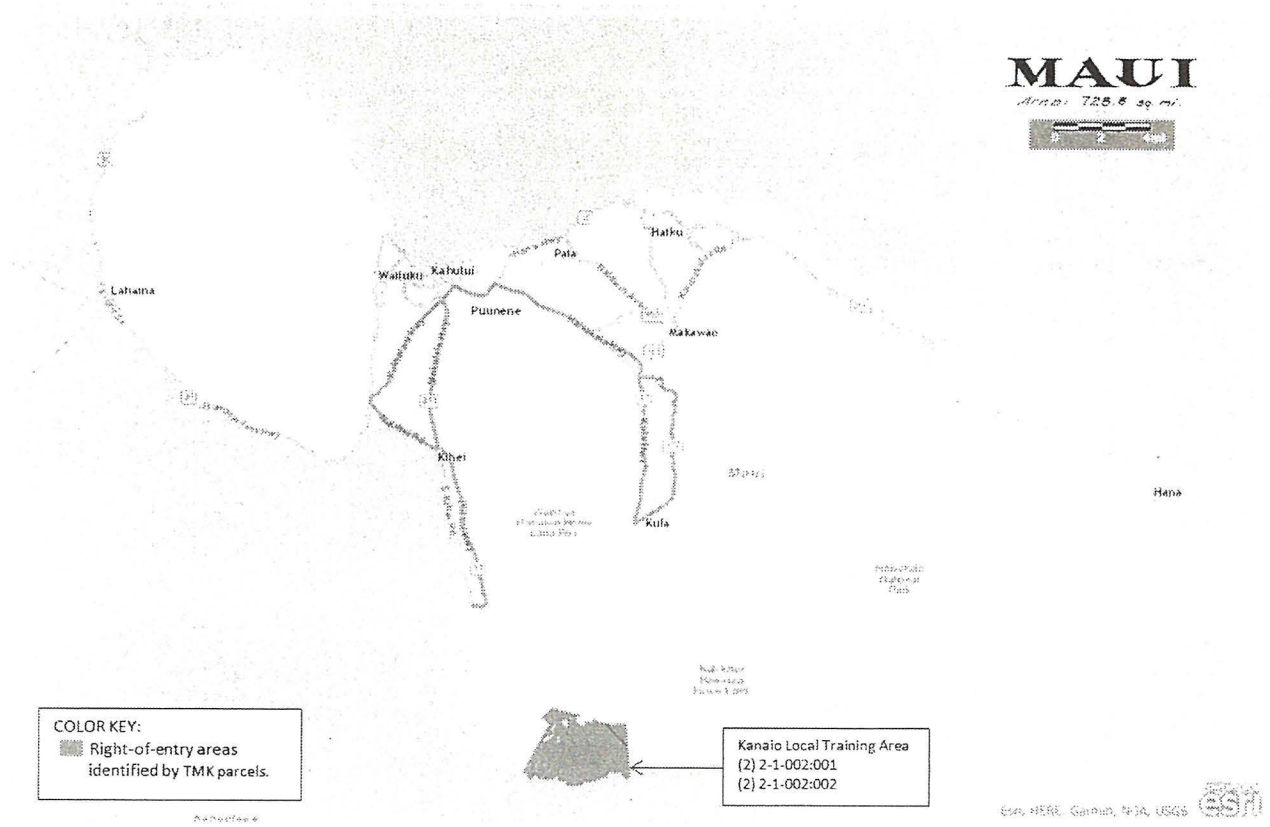
A-1a = COH Agricultural district (minimum building site of 1 acre)
AG-2 = CCH General agricultural district
A-5a = COH Agricultural district (minimum building site of 5 acres)
A-40a = COH Agricultural district (minimum building site of 40 acres)
CV-10 = COH Village commercial district (minimum land area of 10,000 square feet, required for each building site)
F-1 = CCH Military & federal preservation district
MG-1a = COH General industrial district (minimum 1 acre for each building site)
Open = COH Open district
P-1 = CCH Restricted preservation district
P-2 = CCH General preservation district
R-5 = CCH Residential district (5,000 square feet (sf) minimum lot area one family dwelling, 7,500 sf for two family dwelling, or 3,750 sf for duplex)
RS-10 = COH Single-family residential district (minimum building site area of 10,000 square feet)
RS-15 = COH Single-family residential district (minimum building site area of 15,000 square feet)
RS-20 = COH Single-family residential district (minimum one family building site area of 20,000 square feet)
V-1.25 = COH Resort-hotel district (required land area of 1,250 square feet for each dwelling unit, or for each separate rentable unit, or other similar rentable units)

DERP Program:

FUDS = Formerly Used Defense Sites
MMRP = Military Munitions Response Program

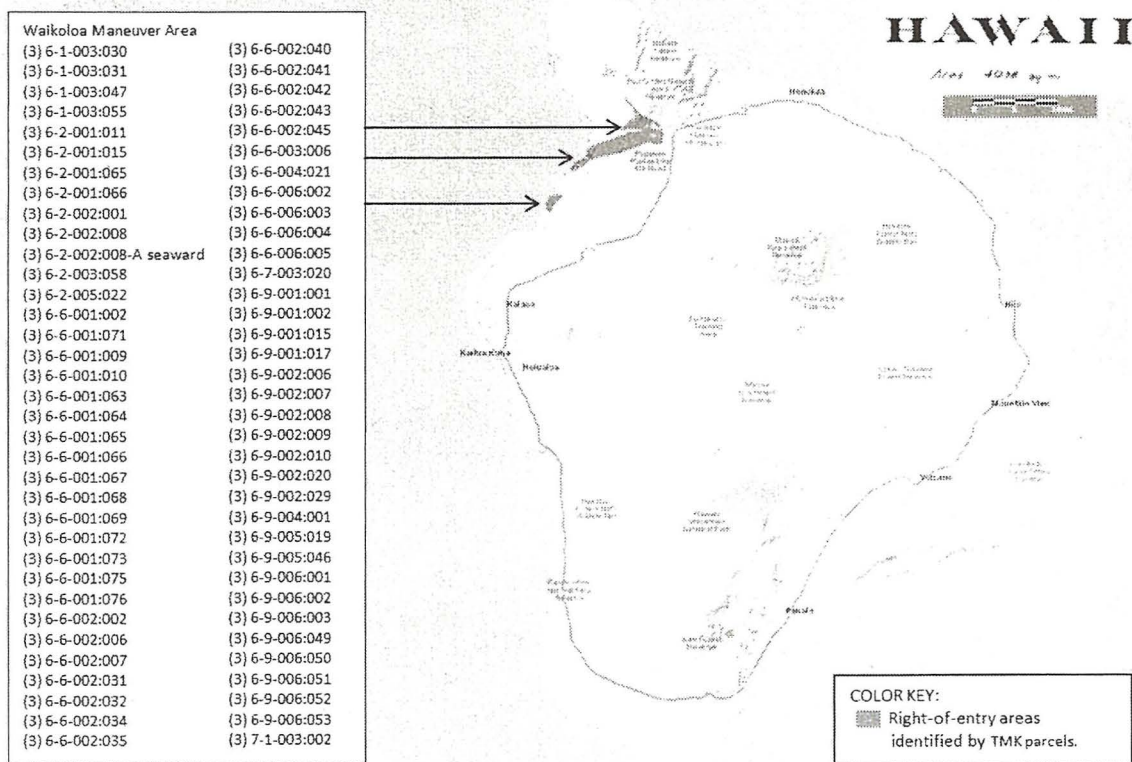
CERCLA Phase:

BD/DR = Building Demolition/Debris Removal
LTM = Long Term Maintenance
SI = Site Investigation
RA-C = Remedial Action-Construction (Environmental Clean Up)
RI/FS = Remedial Investigation/Feasibility Studies
TC = Time Critical



Esri, HERE, Garmin, FSA, USGS

EXHIBIT C



BLNR-17-001 (Public Notice) 10/27/17

EXHIBIT D

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 to the United States in order to Perform Site Investigations, Remedial Investigation/Feasibility Studies, Remedial Action-Construction, and Long Term Monitoring activities on property owned by the State of Hawaii, listed in Exhibit A, attached.

Project/Reference No.: PSF 16SD-160

Project Location: Various public lands on the islands of Oahu, Maui, and Hawaii. Refer to preceding Exhibits A, B, C, or D for location information.

Project Description: Site Investigations, Remedial Investigation/Feasibility Studies, Remedial Action-Construction, and Long Term Monitoring activities conducted in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidelines through the Defense Environmental Restoration Program for Formerly Used Defense Sites (FUDS) for a period not to exceed sixty (60) months.

Ch 343 Trigger(s): Use of state lands (§343-5(a)(1), HRS)

Exemption Class, Item and Description, and Rationale: Project activities at the subject properties will follow the U.S. EPA's CERCLA guidelines which set high standards for environmental protection in all stages of environmental remediation projects.

In accordance with §11-200-8(a) of the Hawaii Administrative Rules and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:

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.

1. 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.

EXHIBIT E

Exemption Class 4

Minor alteration in the conditions of land, water, or vegetation.

1. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical features and biological resources.

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.

1. Conduct surveys or collect data on existing environmental conditions (e.g., noise, air quality, water flow, water quality, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
3. Conduct topographic, sounding, wave, littoral transport, bathymetric, and location surveys.
12. Conduct terrestrial and marine archaeological surveys.
22. Conduct planning and feasibility studies.
23. Permission to enter state lands for the purpose of conducting those activities listed above.

Exemption Class 6

Construction or placement of minor structures accessory to existing facilities.

1. Construction, placement or installation of signage, pavement markings, buoys, or other similar structures.

Consulted Parties:

Staff at the Land Division, Division of Forestry and Wildlife, Division of Aquatic Resources, and Office of Conservation and Coastal Lands, were consulted as source authorities having jurisdiction or expertise in this matter.

Recommendation:

That the Board find 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.