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STATE OF HAWAII AUG -3 P2:28
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 6210
HONOLULU, HAWAII 96806

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LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Ref. LM-LMO

Mr. Gary Gill, Director
Office of Environmental Quality Control
220 South King Street, 4th Floor
Honolulu, HI 96813

Dear Mr. Gill:

Subject: **Negative Declaration for Deletion of Condition 2 of Land Patent Grant No. 15,242, Waiakea Homesteads, Waiakea, South Hilo, Hawai'i**
Tax Map Key:3rd/2-4-16:46
Applicant: WHW Group Limited Partnership

In accordance with the requirements of Chapter 343, Hawai'i Revised Statutes, and Chapter 200 of Title 11, Administrative Rules, a Final Environmental Assessment has been prepared for the subject parcel.

Notice of availability of the Draft Environmental Assessment for the project was published in the February 8, 1995 OEQC Bulletin. In response to your correspondence of February 7, 1995, the applicants have indicated the location of Palai Stream on Exhibits A and B in the final document.

As the proposing agency, we are forwarding herewith one copy of the OEQC Bulletin Publication form and four copies of the Final Environmental Assessment. We have determined that there will be no significant impacts as a result of the project and, therefore, are filing the Final Environmental Assessment as a negative declaration. We respectfully request that notice of the availability of Final Environmental Assessment be published in the next scheduled OEQC Bulletin.

Very truly yours,

Gilbert S. Coloma-Agaran
for MICHAEL D. WILSON

c: Hawai'i Land Board Member
Land Management Administrator
Hawai'i District Land Office
Thomas L.H. Yeh, Esq.

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1995-08-23 -HI- FEA - Waikeā Homesteads Request for AUG 23 1995
• Deletion of Condition No 2 of land
Patent Grant No 15,242

FILE COPY

FINAL ENVIRONMENTAL ASSESSMENT

WHW GROUP LIMITED PARTNERSHIP

WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII

Prepared For:

WHW Group Limited Partnership

May 18, 1995

Prepared By:

Thomas L.H. Yeh, Esq.
Menezes Tsukazaki Yeh & Moore
100 Pauahi Street, Suite 204
Hilo, Hawaii 96720

(808) 961-0055

FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED DELETION
OF CONDITION NO. 2, LAND PATENT GRANT NO. 15,242

Background Information Regarding Applicant and Proposed Action

WHW Group Limited Partnership is a registered Hawaii limited partnership whose mailing address is c/o 1031 Kahoa Road, Hilo, Hawaii 96720.

The applicant is the owner of a 20.44 acre parcel of real property located at Waiakea Homesteads, 1st Series, South Hilo, Hawaii, being Land Patent 11,566 and Land Patent 15,242, and further designated as Tax Map Key(3)2-4-16:46. Land Patent Grant 15,242 consists of an Abandoned Railroad Right of Way containing an area of 17,444 square feet which is traversed by a portion of what is commonly referred to as "Palai Stream." (See Vicinity Map of Project Site with location of Palai Stream and Map of Property showing location of Palai Stream and Railroad Right of Way attached hereto as Exhibits "A" and "B", respectively). Condition 2 of the Patent 15,242 provides that the patentee and the assigns "shall be responsible for maintaining that portion of Palai Stream which crosses said remnant."

The applicant is in the midst of developing a 61-lot subdivision on Tax Map Key(3)2-4-16:46. In conjunction with that development, the applicant will be constructing a lined concrete channel to contain that portion of Palai Stream which traverses the property. The channel will be constructed in accordance with dedicable standards of the County of Hawaii and dedicated to the County of Hawaii upon completion. As such, the County will have ownership and maintenance responsibility for Palai Stream, including the portion which traverses the railroad right of way. (See copy of plans for the subdivision showing the channel improvements and the location of the Abandoned Railroad Right of Way attached hereto as Exhibit "C".)

The applicant has requested that Condition 2 of Land Patent 15,242 therefore be deleted upon the dedication of the channel designated as Lots D-1 and D-2 on the map attached as Exhibit "C." The applicant proposes that the Department of Land and Natural Resources therefore authorize the deletion of Condition 2, upon the condition of the dedication of the channel and the payment of a sum equal to the difference between appraised value of the property with and without the condition. HRS §171-63(a), as amended.

Approving Agency

The approving agency for this proposal is the Department of Land and Natural Resources, Division of Land Management.

List of Agencies Consulted

In conjunction with this specific request, the Department of Public Works and the Planning Department of the County of Hawaii were consulted. Both departments have commented that they have no objections to the request to remove Condition 2 of Land Patent Grant 15,242 upon completion of the drainage improvements and the County's acceptance of the dedication deed to the lots.

In conjunction with review of zoning application and subdivision application regarding the proposed 61 lot subdivision, a number of public agencies, including the County's Planning Department, Department of Public Works, Department of Water Supply, Fire Department, and State of Hawaii's Health Department and Department of Transportation have been consulted. No objections to the project were received. In addition, the applicant's drainage improvement plans have since been reviewed and approved by the following agencies:

1. FEMA approval;
2. Army Corps of Engineers, Permit No. 94-047;
3. Clean Water Discharge Permit issued by Department of Health, File No. HI R10A345;
4. Stream Alteration Permit issued by Department of Land and Natural Resources, State of Hawaii (SCAP HA 150)
5. Section 401 Water Quality Certification (WQC 224) issued by Department of Health, State of Hawaii.

As the project is not located within the Conservation District, special management area, or the shoreline set back areas, agencies who have special jurisdiction over such areas have not been contacted.

Description of the Proposed Action

Technical

The design of the drainage improvements is intended to be capable of handling storm waters flowing through Palai Stream on a 100-year frequency (2,934 cfs).

Economic

The drainage improvements are scheduled to be completed in the latter part of 1994 or early 1996. The improvements are intended to maximize the use of the land for residential purposes

by restricting the flow of storm water to an area smaller than the present area of inundation.

Social

The project is not intended to adversely affect the community. On the contrary, the drainage improvements will place the flow of water within Palai Stream in a well defined location. Water flowing from the lower part of the property will be "daylighted" in a manner as to avoid any adverse effects upon downstream owners and drainage facilities. The Department of Public Works and FEMA have approved of the drainage improvement design after rigorous review.

Overall, the development of the property is expected to have beneficial effects upon the community by adding greatly needed inventory to East Hawaii's residential lot market.

Environmental Characteristics

The project is not located in what is considered to be an environmentally sensitive zone or area. Where Palai Stream traverses the property, only intermittent flow related to storm or heavy rains occurs. No peculiar stream related habitat is located at the property. Surrounding vegetation consists primarily of California grass, weeds, guava and gunpowder trees. The project is surrounded by residential development and a golf course.

Soils consist of the Panaewa series as described in the U. S. Department of Agriculture Soil Conservation Service's Soil Survey of the Island of Hawaii, 1973, and consists of shallow, moderately well-drained clay loams.

There are no rare, threatened or endangered species, either flora or fauna, which have been seen or noted on the property.

There are no significant archaeological or historical sites located on the property. The property was previously used for pasture or grazing purposes.

Summary of Environmental Impacts

No major or adverse impacts are expected on either a short-term or long-term scale as a result of the anticipated improvements or the deletion of the Condition. Short-term environmental impacts will involve the emission of construction related dust if dry conditions occur during construction. In such event, the contractor will control dust emissions through watering techniques.

There will be no effect on water resources. The drainage improvements will merely channelize the intermittent flow of water and it will outlet in the same volume and location as now exists.

Reviewing the proposed project, the Department of Land and Natural Resources and State Historical Preservation Office was previously contacted in relation to the applicant's zoning or subdivision application, and did not note the existence of any archaeological or historical sites.

An on-site inspection of the property has been conducted by the applicant, and no rare, threatened or endangered species who have held the land for decades, have been seen or noted on the property.

Water quality will similarly not be adversely affected as the proposed drainage improvements will only contain the flow of water, and no point sources of pollution will exist. Surrounding lots are required to treat sewage in individual waste water treatment facilities.

Alternatives Considered

The applicants have considered alternatives to the proposed drainage improvements and whether to have Condition 2 deleted. With respect to the drainage improvements, the applicant has rejected the alternative of keeping the property's drainage pattern in its present state, as it is not economically feasible or appropriate.

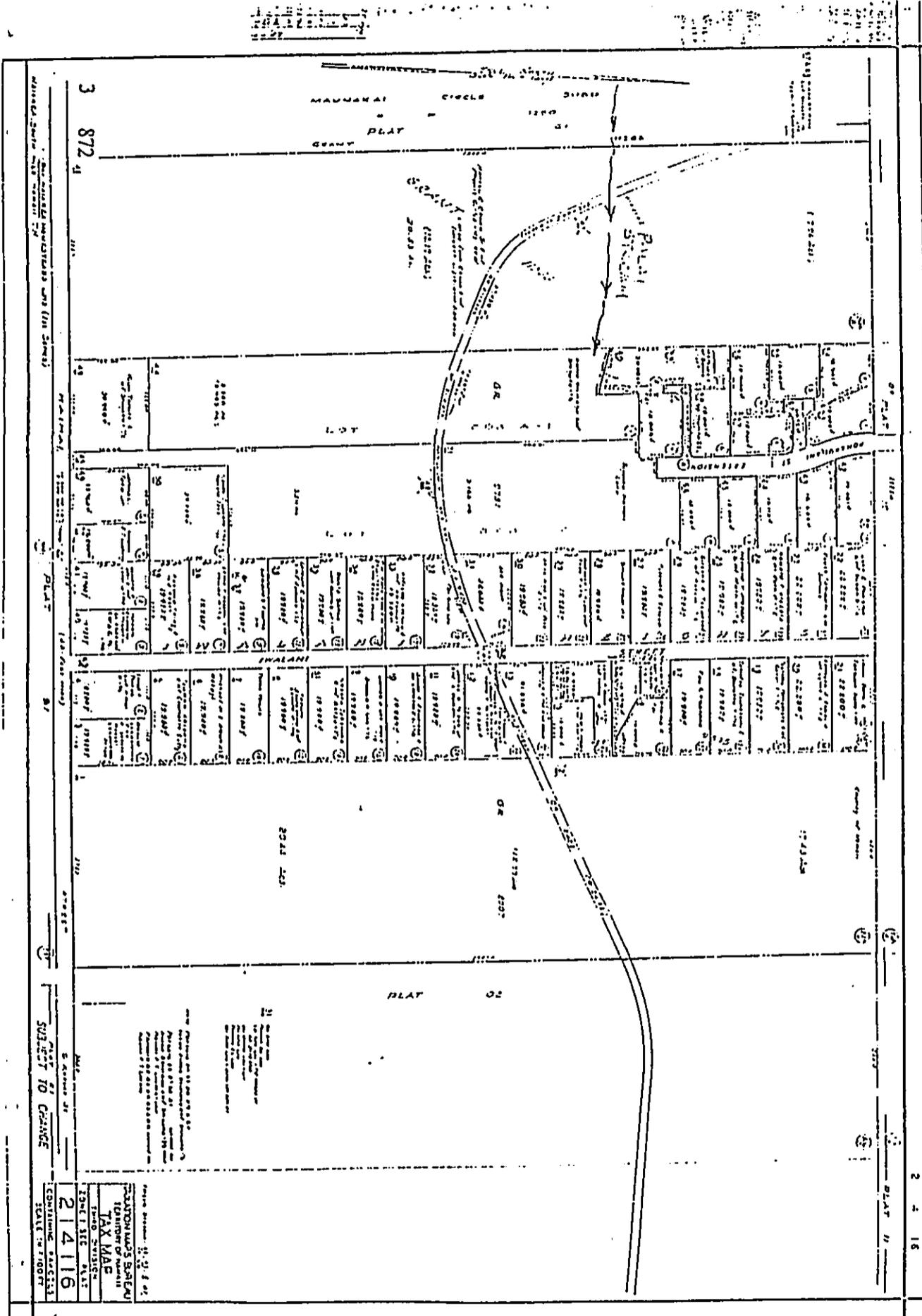
Retention of Condition 2 does not make practical sense since dedication of the drainage improvements to the County will obviate the need for individual lot owners, whose property boundary includes the railroad right of way, to maintain the improvements. Given the County's expertise, manpower, and equipment, the County of Hawaii is much better equipped to assume such responsibility.

Mitigation Measures

No mitigation measures of the proposal with respect to the deletion of Condition 2 are anticipated and none are needed. As indicated, construction of the improvements will involve mitigation of dust emissions, when necessary.

Summary

The proposed deletion of Condition 2 will not generate or result in significant environmental impacts. The placement of responsibility for maintenance of Palai Stream will result in a situation more beneficial to the community.



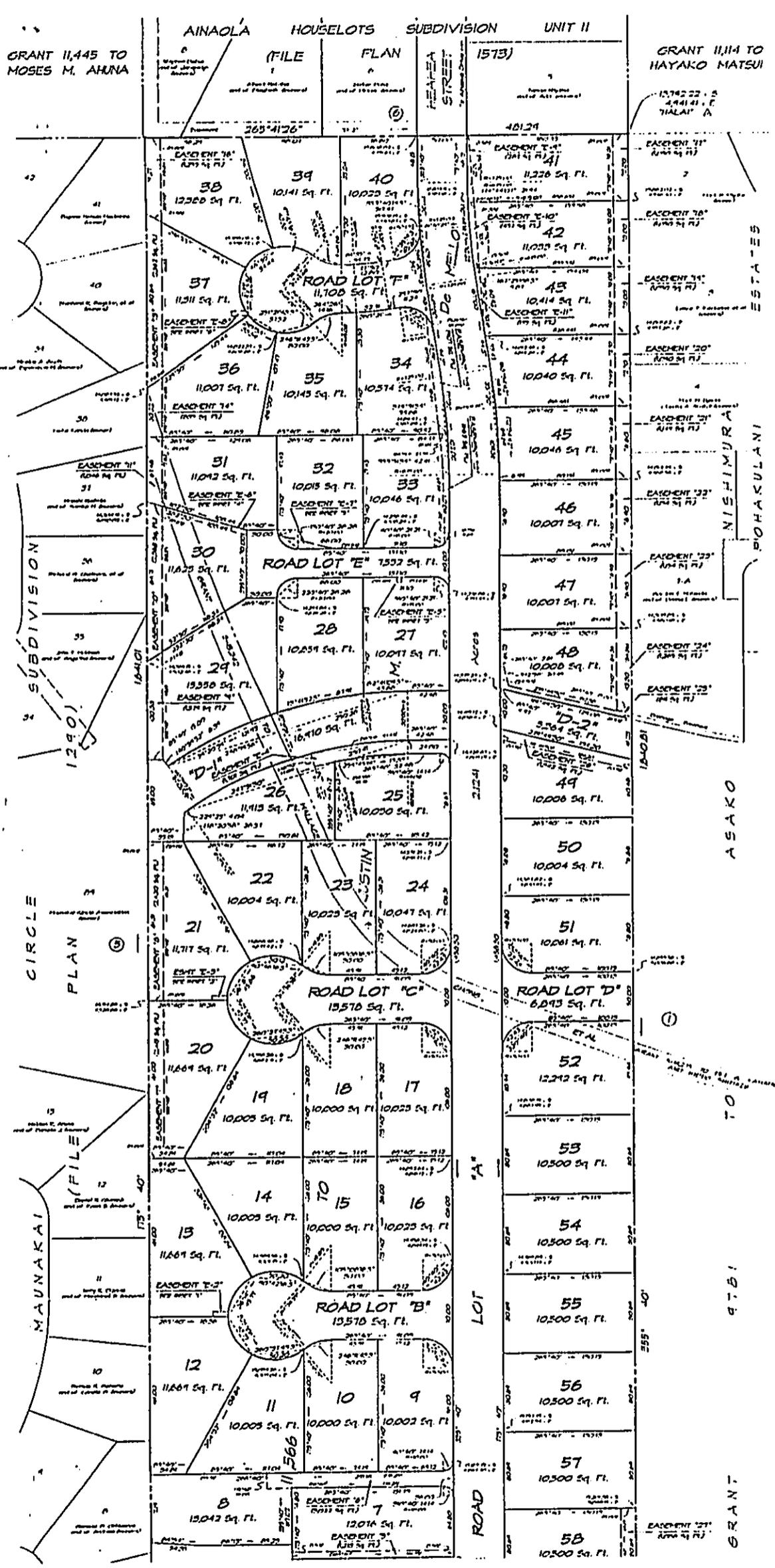
3 872 41

SUBJECT TO EASE

COUNTY OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 TAX MAP
 214116
 SCALE 1" = 100 FT

EXHIBIT "B"

TRUE NORTH
Scale 1 in. = 50 ft.



HEAHE
LAND SITU. TE
HAIHAI STEI
MAUNAKAI CIRCLE
AND ON
AINAOLA HOUSE
AT WAIAKEA, SOUTH

OWNERS: Ha.
Wc.
Wc.
ADDRESS: 74
HII

Being Grant 11566
And Land Patent Grant
Waiakea

SUBDIVIDED INTO
LOT
AND ROAD

Beginning at a pipe at
also the southeast corner of
Plan 1573, the coordinates of
Survey Triangulation Station
East and running by azimuths

1. 355° 10'
2. 05° 10'
3. 175° 10'
4. 265° 10'
5. 175° 10'
6. 265° 11' 26"

AND DESIGNATI

1. EASEMENT "1" 15-ft. wide for
2. EASEMENT "2" 15-ft. wide for
3. EASEMENT "3" 15-ft. wide for
4. EASEMENT "4" for drainage p
5. EASEMENT "5" 150-ft. wide for
6. EASEMENT "6" 15-ft. wide for
7. EASEMENT "7" 15-ft. wide for
8. EASEMENT "8" 15-ft. wide for
9. EASEMENT "9" 15-ft. wide for
10. EASEMENT "10" 15-ft. wide for
11. EASEMENT "11" 15-ft. wide for
12. EASEMENT "12" for sight line p
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25. EASEMENT "25" for drainage p
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27. EASEMENT "27" 15-ft. wide for
28. EASEMENT "28" 15-ft. wide for
29. EASEMENT "29" 15-ft. wide for
30. EASEMENT "30" 15-ft. wide for
31. EASEMENT "31" 15-ft. wide for
32. EASEMENT "E-3" for utility pole
33. EASEMENT "E-2" for utility pole
34. EASEMENT "E-4" for overhead

EXHIBIT "C"