

STATE OF HAWAII
Department of Land and Natural Resources
Land Division, Planning Branch
Honolulu, Hawaii

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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

REF:PB:LT

File No.: HA-2922
180-Day Exp. Date: 9/3/99

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania St., Suite 702
Honolulu, Hawaii 96813

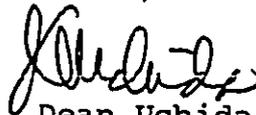
Dear Ms. Salmonson:

Subject: Final Environmental Assessment (EA) for the Brand
Single Family Residence; TMK: 7-9-05: 13 at Honalo,
North Kona, Hawaii

The Department of Land and Natural Resources has reviewed the
comments received during the public comment period which ended on
May 10, 1999. We hereby issue a Finding of No Significant Impact
and request that you publish this notice in the July 8, 1999
issue of the Environmental Notice. ✓

Enclosed are four copies of the final environmental assessment, a
completed OEQC Bulletin Publication Form. If you have any
questions, please call Lauren Tanaka at 587-0385.

Aloha,



Dean Uchida, Administrator

Enclosures

JUL 8 1999

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**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT
★ BRAND SINGLE-FAMILY HOME ★**

TMK (3rd): 7-9-05:13
Honalo, North Kona, Hawaii Island, State of Hawaii

June 1999

Prepared for:

Hawaii State Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

**FINAL ENVIRONMENTAL ASSESSMENT
AND FINDING OF NO SIGNIFICANT IMPACT
BRAND SINGLE-FAMILY HOME**

TMK (3rd) 7-9-5:13
Honalo, North Kona District, Island of Hawaii, State of Hawaii

APPLICANT:

Gary Brand
C/o Gregory R. Mooers
P.O. Box 1101
Kamuela, Hawaii 96743

**ACCEPTING
AUTHORITY:**

Hawaii State Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

CONSULTANT:

Ron Terry Ph.D.
HC 2 Box 9575
Keaau, Hawaii 96749

CLASS OF ACTION:

Action in Conservation District

This document is prepared pursuant to:
the Hawaii Environmental Protection Act,
Chapter 343, Hawaii Revised Statutes (HRS), and
Title 11, Chapter 200, Hawaii Department of Health Administrative Rules (HAR).

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SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Project Summary

The project consists of construction of a single family home on a kuleana of 26,185 sf. on the shoreline 1.25 miles south of Keauhou Bay in the Conservation District. The two-story house would consist of seven rooms occupying approximately 3,500 sf, with associated improvements including an Individual Wastewater System, a swimming pool/deck and landscaping. The design would blend in with the surroundings through use of natural rock walls and earth-tones on other surfaces. Access is via the existing Keauhou-Kainaliu jeep road. Electric/phone lines would be brought to the house via a route that extends directly uphill to existing lines. The house would be set back approximately 55 feet from the shoreline.

Short Term Impacts

Construction Impacts: Landclearing and construction activities will produce short-term impacts to noise, air quality, access and scenery. In order to ensure that construction-related damage to the land and adjacent ocean is avoided or minimized, the following will be implemented:

Mitigation Measure: Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; and construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean.

Long Term Impacts

No sensitive biological, hydrological or historic site resources are present and no adverse long-term impacts are expected to result from the project. The project has been surveyed for historic sites and the State of Hawaii determined that no sites that require preservation are present on the parcel. The shoreline in Kona is used for fishing and gathering. The following will be implemented in order to ensure no adverse impacts to historic sites or traditional fishing, gathering and access rights:

Mitigation Measure: If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation. Furthermore, the applicant will not obstruct access or otherwise hinder fishing, gathering, ceremonial or other traditional activities in the areas adjacent to the parcel.

PART 1: PROJECT DESCRIPTION

1.1 Project Description and Location

The project consists of construction of a single family home on a kuleana in the Conservation District identified by TMK (3rd) 7-9-5:13 in the ahupua`a of Honalo in the North Kona on the Island of Hawaii (Figs. 1-3). The lot is owned in fee by Mr. Gary Brand, and consists of 26,185 sf. situated on the shoreline about 1.25 miles south of Keauhou Bay.

The proposed house would consist of seven rooms (bedroom, bathroom, living room, dining room, foyer, kitchen, and breakfast room) occupying approximately 3,500 square feet (Figs. 4-5). Associated improvements would include an Individual Wastewater System in conformance with Hawaii State Department of Health regulations, a swimming pool/deck and landscaping. The design would blend in with the surroundings through use of natural rock walls and earth-tones on other surfaces. Road access is via the existing Keauhou-Kainaliu jeep road. Electric/phone lines would be brought to the house via a route that extends directly uphill to existing lines. The house would be set back approximately 55 feet from the shoreline, which was certified on September 28, 1998. The approximate cost of the improvements is \$300,000, and all funding is private (no public funds are involved). Earlier permit applications resulted in the granting of both an SMA Minor Use Permit and a Conservation District Use Permit in 1985, but due to other commitments of the landowner, the only improvements implemented were grading and building of the wall.

1.2 Summary of Regulatory Requirements

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawaii Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawaii Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawaii. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 5 lists these criteria and the preliminary findings made by the State of Hawaii Department of Land and Natural Resources. If no impacts are considered significant, then the proposing or approving agency will issue a Finding of No Significant Impact (FONSI).

Accordingly, if this study concludes that no significant impacts would occur from implementation of the proposed action, a FONSI will be prepared and the action will be permitted to occur. If this study finds that significant impacts are expected to occur as a

result of the proposed action, then an Environmental Impact Statement (EIS) will be prepared.

1.3 Public Involvement and Agency Coordination

The following agencies and organizations have been consulted during the Environmental Assessment Process:

County:

Planning Department
Department of Water Supply

County Council

State:

Department of Land and Natural Resources, Historic Preservation Division
Department of Land and Natural Resources, Na Ala Hele Program
Office of Hawaiian Affairs

Private:

Kona Outdoor Circle

Copies of communications received during preconsultation are contained in Appendix 1A.

Notice of the availability of the Draft EA was published by the Hawaii State Office of Environmental Quality Control (OEQC) in the *Environmental Notice* of 8 April 1999. This initiated a 30-day comment period during which the public and agencies were invited to respond to the Draft EA with comments or questions. Eight comment letters were received. These letters and the responses to them are included as Appendix 1B. The Final EA was revised in portions to incorporate corrections or clarifications supplied by these letters.

PART 2: ALTERNATIVES

2.1 Proposed Project

The proposed project is described in Section 1.1 above and illustrated in Figures 1-3.

2.2 No Action

Under the No Action Alternative, the property would remain vacant. This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

No other Alternatives have been considered by Mr. Brand or are addressed in this EA.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

3.1 Basic Geographic Setting

The project site is a slightly sloping shelf perched above the shoreline behind low cliffs. The partially graded lot is moderately vegetated with kiawe trees and assorted alien shrubs and herbs (Fig. 6). Several cattle walls and a concrete/lava rock wall built in the 1980s are present. The mauka boundary of the lot is the Keauhou-Kainaliu Beach Road, a government jeep road which provides access to the site from the end of Alii Drive. The site varies in elevation from sea level to about 42 feet above sea level. The surface geology consists of lava flows from Hualalai dated between 5 and 10 ka (Wolfe and Morris 1996). Soil is minimal and is classified as Kainaliu very stony silty clay loam. This thin soil is very permeable with low runoff and slight erosion hazard (U.S. Soil Conservation Service 1973). Annual rainfall averages about approximately 40 inches (U.H. Hilo-Geography 1998:57).

3.2 Physical Environment

3.2.1 Drainage, Flooding and Hazards

Environmental Setting

A portion of the parcel lies within Zone VE (Coastal High Hazard Area) on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) (see Fig. 2). Chapter 27 of the Hawaii County Code stipulates that any new construction or substantial improvements within Special Flood Hazard Areas must adhere to certain requirements.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The project site is located in Lava Flow Hazard Zone 4 (on a scale of ascending risk 9 to 1). In Zone 4, "the frequency of eruptions is lower than that for Kilauea or Mauna Loa" (Heliker 1990). About 5 percent of Zone 4 areas have been covered by lava flows since 1800, and less than 15 percent within the last 750 years. As such, there is only a small risk of lava inundation over relatively short time scales.

In terms of seismic risk, the entire Island of Hawaii is rated Zone 4 Seismic Probability Rating (Uniform Building Code, Appendix Chapter 25, Section 2518). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built.

Impacts and Mitigation Measures

In general, geologic and drainage conditions impose no substantial constraints on the project. In order to avoid impacts to the VE Flood Zone, the project will be reviewed by the Hawaii County Department of Public Works to ensure that it conforms with Chapter 27 of the Hawaii County Code. All structures will conform to the Uniform Building Code. Although the project is located in an area exposed to a certain amount of hazard from coastal flooding, lava flows and earthquake, the project presents no additional hazard to the public and is not imprudent for landowner.

3.2.2 Flora and Fauna, Wetlands, and Threatened and Endangered Species

Flora and Fauna

The site was inspected for biological resources in October 1998. The vegetation is dominated by scattered alien trees and shrubs with very scattered alien herbs and vines. Prominent species include kiawe (*Prosopis pallida*), koa haole (*Leucaena leucocephala*), and opiuma (*Pithecellobium dulce*). A few common native species are found, including uhaloa (*Waltheria indica*). Several individuals of the Polynesian introduction noni (*Morinda citrifolia*) are also present. No listed, candidate or proposed endangered animal or plant species were found or would be expected in the area. In terms of conservation value, no botanical or zoological resources requiring special protection are present.

Impacts and Mitigation Measures

Because of the lack of native ecosystems and threatened or endangered plant species, no adverse impacts would occur as a result of clearing and improvements.

3.2.3 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in the Kona is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that persistently blankets the district. Drier areas experience blowing dust, especially during construction in high wind episodes.

Noise on the site is very low and is almost exclusively derived from natural sources, especially waves crashing on the lava shoreline.

The area shares the quality of scenic beauty along with most of the Kona coastline. The Hawaii County General Plan contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment. The Plan does not contain any references to this area.

Impacts and Mitigation Measures

The project would not affect air quality or noise levels, except for very minor and brief effects during construction. No substantial impact to scenery is expected, because the site, which will contain a home and landscaping that is blended into the background, is not visible from any roads, scenic lookouts, or other likely public viewpoints.

3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on onsite inspection and information on file, it appears that the site contains no hazardous or toxic substances and exhibits no other hazardous conditions. In order to ensure that construction-related damage is avoided or minimized, the following will be implemented:

Mitigation Measure: Construction activities will be limited to periods of low rainfall; cleared areas will be replanted or otherwise stabilized as soon as possible; and construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean.

3.3 Socioeconomic and Cultural

3.3.1 Land Ownership and Land Use, Designations and Controls

Existing Environment

The kuleana property is owned by Gary Brand. Surrounding land is owned by various private landowners. Currently the subject parcel and surrounding areas within 1,000 feet do not contain structures. The general area is used for cattle grazing and recreation.

Zoning is A-5a (Agriculture, minimum lot size 5 acres). The State Land Use District is Conservation, and the Subzone is Limited. The Land Use Pattern Allocation Guide Maps identify the area as Open. The site is within the Special Management Area.

Construction of a single-family home within such designation is permitted if a Conservation District Use Permit and a Special Management Area Use Permit are obtained. This Environmental Assessment is part of the process for obtaining the permits. The consistency of the project with the regulations and policies of the Conservation District and Special Management Area are discussed in Section 3.7.

3.3.2 Socioeconomic Characteristics

Existing Environment: Social Characteristics

The project site is within the ahupua`a of Honalo in the North Kona District of the island of Hawaii. Kona was an important district in pre-Contact Hawaii, a center of political power and population. However, after 1850 it became a sleepy rural district of scattered coffee farms and cattle ranches. The growth of the visitor industry in West Hawaii since the 1960s has attracted new residents lured by Kona's physical beauty and its employment and entrepreneurial opportunities. Population has grown rapidly in all of West Hawaii and particularly in North Kona, where the number of inhabitants increased from 4,832 in 1970 to 22,284 in 1990. Population is expected to rise to over 50,000 by the year 2005, according to most projections. Along with increasing numbers have come changes in social characteristics. Census data reveals that Kona is practically unique among the many districts in the State for its high proportion of Caucasian population (over 54 percent) and simultaneously high Hawaiian population (almost 20 percent). The retired mainlanders who have flocked to Kona have also raised the median age of the district to 34.6 years -- 2.0 years higher than the State median -- despite the fact that 27.4 percent of the population in Kona is under 18 years of age - much higher than the statewide average of 25.2 percent.

With its 1990 median income of \$16,385, Kona appears relatively affluent when compared to the statewide median of \$15,770. This average statistic, however, disguises a relatively high rate of poverty -- 11.6 percent, much higher than the statewide figure of 8.3 percent.

The large-scale urban geography of Kona has begun to assume a clear and definite form as a result of recently created housing, commercial and industrial areas and the framework set by the Keahole to Kailua Plan (Hawaii County Planning Dept: 1991). Kona's population is growing and changing in ways that are taxing existing recreational resources.

The State Comprehensive Outdoor Recreation Plan (SCORP) surveys accomplished in 1988 revealed that the most popular pastimes in Kona were ocean boating, walking-jogging-running, bicycle riding and surfing-bodysurfing-bodyboarding (Hawaii DLNR 1990). Clearly, residents value fitness and ocean recreation. According to the Statewide Tourism Impact Core Survey (Community Resources, Inc. 1989), one in four residents said that some favorite place had been taken over by visitors in the past five years. Nevertheless, residents reported that their favorite place to interact with visitors was outdoors, at beaches and parks.

Impacts and Mitigation Measures

Preservation of access to coastal areas is vital for maintaining the recreational opportunities of Kona residents. A condition of a previous SMA Minor Permit (No. 85-10) was the requirement for a 10-foot wide mauka-makai pedestrian access from the Keauhou-Kainaliu Beach Road. The applicant recognizes the need to fulfill this condition. This project does not impede shoreline or government road access and will not interfere with this important goal.

3.3.3 Archaeology, Historic Sites and Cultural Setting

Archaeology: Environmental Setting, Impacts and Mitigation Measures

The site was inspected for archaeological resources in 1981 as part of an earlier Conservation District Use Permit. Appendix 3 contains the archaeological report. The archaeologist found two features on the property, both of which are terraces that appear to date from the 19th century or later. After field survey, mapping and data recovery, he concluded that neither feature contained sufficient value for preservation or information to qualify them for inclusion on the State or National Historic Registers. The State of Hawaii in a letter of 24 February 1984 (see end of Appendix 3) concurred with the conclusion that no further archaeological work or mitigation would be required, other than that stated below:

Mitigation Measure: If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral

alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

In a letter of 8 January 1999 in response to preconsultation for this EA (App. 1A), SHPD reiterated that no mitigation would be necessary for any activities on the parcel itself. The agency questioned whether access to the parcel might have any adverse effect. In response, the Draft EA clarified that access would occur via an existing government jeep road that the applicant would not improve or modify. In a letter of 7 April 1999 (App. 1B), SHPD agreed that given these conditions, no effects would likely occur.

Traditional Cultural Practices: Environmental Setting, Impacts and Mitigation Measures

Kona was an important and powerful district in pre-Western contact Hawaii, the seat of ruling chiefs. Along with the rest of Kona, the Honalo ahupua`a had productive upland agriculture and teeming shoreline and offshore fisheries. Nearby is the burial ground for the Kuamoo Battle Warriors, an important cultural area and registered historic site. The entire coastline from Keauhou to Kaawaloa (the site of the Captain Cook Monument) is currently used by native Hawaiians, among others, for fishing, diving and gathering, both on the shore and via boats. A number of beach homes dot the coastline and are used by the owners and visitors to enjoy the area and its resources.

According to a 30 November 1998 letter from the Hawaii State Na Ala Hele Program (see Appendix 1A), the State of Hawaii has asserted ownership over the Old Government Road (also known as the Keauhou-Kainaliu Beach Road) that is on the mauka border of the property, and is concerned that "this roadway alignment remain unimpeded for public access." The landowner is unaware of any mauka-makai trails through or near the property and will not block or hinder access around the parcel or through the 10-foot wide easement that is required as part of the 1985 SMA permit.

This report and the recommendations contained herein include the strong presumption that the practice of traditional gathering rights in the areas near the property, including the shoreline in front and directly adjacent to the parcel, is traditional, ongoing and important.

Therefore, the project has been designed to avoid any obstruction or hindrance to the exercise of such practice. No public road or trail will be directly or indirectly blocked, and the public will be allowed free access along the lava shelf area makai of the shoreline, which is commonly used by fishermen. No mauka-makai trails will be disturbed or impeded.

Mitigation Measure: It is proposed that the CDUP explicitly state that the applicant will not obstruct access or otherwise hinder fishing, gathering, ceremonial or other traditional activities in the areas adjacent to the parcel.

3.4 Public Facilities

The site is not served by paved roads, water, sewer, electricity or telephone service. No impact upon public services is expected as a result of the action.

Access is through the Keauhou-Kainaliu Beach Road. Electric/phone lines would be brought to the house via a route that extends directly uphill to existing lines. Water service may be provided via this same route or possibly through another means. Sewage treatment will occur via a septic system in conformance with Hawaii State Department of Health rules and regulations.

3.5 Secondary and Cumulative Impacts

The proposed project will not involve any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. Other projects in progress or planning include the Oceanside 1250 project, a large-scale development involving several hundred single-family homes, and new infrastructure. The adverse effects of the Brand project – very minor and temporary disturbance to air quality, noise, and visual quality during construction, as well as adding to the density of houses along this relatively unpopulated stretch of the North Kona coastline – are negligible in the context of the Oceanside project. No special mitigation measures should be required to counteract the small adverse cumulative effect.

3.6 Required Permits and Approvals

Construction of the restrooms would require the following:

County of Hawaii:

Special Management Area Permit
Building Permit

State of Hawaii

Conservation District Use Permit

3.7 Consistency With Government Plans and Policies

3.7.1 Consistency with CD/SMA Rules, Guidelines and Objectives

The property is in the State Land Use Conservation District, Subzone Limited. Any proposed use must undergo an examination for its consistency with the goals and rules of this district and subzone. The applicant has concurrently prepared a Conservation District Use Application (CDUA), to which this EA is an Appendix. The CDUA includes a detailed evaluation of the consistency of the project with the criteria of the Conservation District permit process. Because it is located in the Special Management Area (SMA), the CDUA must also address the consistency of the project with SMA objectives. Briefly, the following individual consistency criteria should be noted:

- The development of this single family residence is a regulated land use within the Limited Subzone and is consistent with the purpose of the district as defined in Chapter 13-5, HAR. The objective of the Limited Subzone is to limit uses where natural conditions suggest constraints on human activities. The proposed action is a permitted use in the Limited Subzone and will not create any hazards for the public. The property is located on the Federal Insurance Rate Maps (FIRM) in the "X" and "VE" areas. The VE height is identified in this area. All construction on the subject property will be consistent with the County of Hawaii's Chapter 27-Flood Control. This will insure that all safety considerations are addressed.
- The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management." Single family residences are considered to be an exempt action under the County's Special Management Area (SMA) guidelines. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, or coastal hazards. The applicant has filed a SMA Use Permit Assessment Application request with the Planning Department and an SMA Impact Assessment Application. Through the granting of a prior exemption, the Planning Department has previously confirmed that the proposed action is exempt from SMA Rules.
- The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region. The construction activities of this single family residence will be confined to the owner's lot and will not have any adverse impact on the natural resources of the area, community or region.
- The proposed land use, including buildings, structures and facilities are compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels. This parcel of land was granted by Royal Patent 3804, L. C. Aw. 7958, Apana 2, to Keliinohokaha as a kuleana, and was intended for use as a residence. Owners of kuleana lands may be entitled to

the property meets certain requirements. The applicant's property meets all such requirements and is compatible with and appropriate to its surroundings and capabilities as part of the Conservation District.

- The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable. The physical beauty of the lot will be improved with the removal of unwanted plant material and the installation of landscaping.
- Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District. The proposed action will not subdivide the property and will not lead to any increase in intensity of use beyond the permitted single family residence

PART 4: DETERMINATION

The proposed project will not significantly alter the environment and impacts will be minimal. Therefore, the Hawaii Department of Land and Natural Resources has made a Finding of No Significant Impact (FONSI), and an Environmental Impact Statement will not be prepared.

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawaii Administrative Rules, outlines those factors agencies must consider when determining whether a project has significant effects. The following outlines the evaluation for significance according to each factor.

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resource would be involved, committed or lost.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State's long term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will not have any substantial effect on the economic or social welfare of the Kona community or State.

5. *The proposed project does not substantially affect public health in any detrimental way. The project will not affect public health and safety in any way.*
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities. As the project involves only one single-family home, no secondary effects are expected.*
7. *The proposed project will not involve a substantial degradation of environmental quality. The project is minor and environmentally benign, and it would thus not contribute to environmental degradation.*
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. The site supports overwhelmingly alien vegetation. No rare, threatened or endangered species of flora or fauna are known to exist on the project site, and none would be affected by any project activities.*
9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions. The project is not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions.*
10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels. No substantial effects to air, water, or ambient noise would occur. Brief, temporary effects would occur during construction and will be mitigated.*
11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area. Although the proposed project is located in zone exposed to flood damage, earthquake and volcanic hazard, there are no reasonable alternatives that would avoid such exposure. Although the project is located in an area exposed some hazard from coastal flooding, lava flows and earthquake, the project presents no additional hazard to the public and is not imprudent for landowner. All construction will adhere to the Uniform Building Code and Chapter 27, Flood Control, of the Hawaii County Code.*
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies. No County or State plan, including the Hawaii County General Plan, identifies important views in this area. The project will not impair views of or along the coastline.*
13. *The project will not require substantial energy consumption. Negligible amounts of energy input will be required for construction.*

For the reasons above, the proposed project will not have any significant effect in the context of Chapter 343, Hawaii Revised Statutes and section 11-200-12 of the State Administrative Rules.

REFERENCES

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- Hawaii County Planning Department. 1991. *Keahole to Kailua Development Plan*. Hilo.
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- University of Hawaii at Hilo, Dept. of Geography. 1998. *Atlas of Hawaii*. 3rd ed. Honolulu: University of Hawaii Press.
- Wolfe, E.W., and J. Morris. 1996. *Geologic Map of the Island of Hawaii*. USGS Misc Investigations Series Map i-2524-A. Washington, D.C.: U.S. Geological Survey.

APPENDIX 1A

COMMENT LETTERS IN RESPONSE

TO PRECONSULTATION



NA ALA HELE
Hawai'i Trail & Access System

November 30, 1998

MEMORANDUM:

TO: Ron Terry, Ph. D.
Geo Metrician
HCR 9575
Keaau, HI 96749

FROM:  Rodney T. Oshiro, Na Ala Hele

SUBJECT: Pre-Consultation on Environmental Assessment for Construction of Single-Family Dwelling at TMK 7-9-05:13, Honalo, North Kona

The subject property is located adjacent to the Old Government Road alignment in which the State of Hawaii has asserted ownership. Our concern in the development of parcel 13 is that this roadway alignment remain unimpeded for public access. The environmental assessment will need to address historical/cultural sites that are located on the property.

We will appreciate a copy of the EA when it is completed.

Attachment

TMK/AREA/ SOURCE OF TITLE *trail noted	LANDOWNER(S)/ VESTING DOCS	PUBLIC ACCESS PROVIDED
7-9-5-11 / 0.20 acre LCAward 7978:2 *cites Alanui Aupuni	Benjamin Jumalon et al (17053-510)	LCA 7978 dated 1853 cites: "...ma ke alanui" (along the road)
7-9-5-12 / 0.17 acre LCAward 8575:2 * cites Alanui	Moses Y. Kealamakia & Eva L. Kealamakia, as T/E (8419-149)	Metes & Bounds in LCA dtd 1852 cites: "ma ke Alanui.." (along the Road)
7-9-5-13 / 25861 sq. Ft. or 0.594 acre LCAward 7958:2 * cites Alanui	Bishop Trust Co., Ltd, a HI corp., as Trustee etc. (21469-48)	Metes & Bounds in LCA dtd 1852 cites: "ma ke Alanui..." (along the Road)
7-9-5-15/ .439 acre portion Grant 1574 * delineates Road Makai	Agnes Smith et al (22159-237)	Excluding Old Govt. Trail being 1532 sq. ft. or .035 acres (22159-237)
7-9-5-16 / .948 acre por Grant 1595 * previously noted	Burnette Hazen, Trustee of the Burnette Hazen Trust (90-17386)	CA 2229 JG in 8684- 395 cites: "The Keauhou-Kainaliu Beach Road is excluded from the said property."
7-9-5-39 / .306 acre LCAward 9918:2	Allen D. Israel, as Trustee of the Kona Residence Trust etc. (90-52501)	Metes & Bounds in 90-52501 cites: "along the Southwest side of Old Keauhou- Kainaliu Beach Road.."
7-9-5-40 / .345 acre LCAward 7960:2	Allen D. Israel, as Trustee of the Kona Residence Trust etc. (90-52501)	Metes & Bounds in 90-52501 cites: "along the Southwest side of Old Keauhou- Kainaliu Beach Road.."
7-9-5-75 / .907 acre por LCA 7130:2 LP 8592 * previously noted	Wm. J. Paris Trust (LP S-8592)	CSF 19631 (Lot B) LP 8592 cites: "along the easterly side of an old Government (road) trail..."

BENJAMIN J. CAVETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
75 AUPUNI STREET
HILO, HAWAII 96720

CHAIRPERSON
MICHAEL D. WILSON
BOARD OF LAND AND NATURAL RESOURCES
SECRETARY
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CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVICTIONS
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

December 7, 1998

Dr. Ron Terry
GEO METRICIAN
HCR 9575
Keaau, HI 96749

Re: Pre-Consultation on Environmental Assessment for Construction of Single-Family
Dwelling at TMK: 7-9-05:13, Honalo, North Kona

Dear Dr. Terry:

Thank you for your letter dated November 24, 1998, regarding the above-referenced matter. I would appreciate a copy of the EA when completed.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Nishimoto".

Robert T. Nishimoto, PhD

xc: Richard Sixberry

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P.O. BOX 936
HILO, HAWAII 96721-0936

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

December 8, 1998

Ron Terry, Ph.D.
Geo Metrician
HCR 9575
Keaau, Hawaii 96749

SUBJECT: Pre-consultation on environmental assessment for construction of single-family dwelling at North Kona, Hawaii, tax map key: (3) 7-9-5-13.

Dear Mr. Terry:

Thank you for your letter dated November 24, 1998, concerning the above referenced subject matter. We have no comments to provide. No State properties are impacted by your request.

Should you have any questions, please call our office at 974-6203.

Sincerely,

A handwritten signature in cursive script that reads "Charlene E. Unoki".

Charlene E. Unoki

xc: Hawaii BM
Support Services

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

December 10, 1998

Mr. Ron Terry, Ph.D.
Geo Metrician
HCR 9575
Kea'au, Hawaii 96749

PC 29

Re: Advanced comments for the Preparation of a Draft Environmental Assessment for Construction of a Single Family Dwelling at TMK: 7-9-05:13, Honalo, North Kona

Dear Mr. Terry:

Thank you for the opportunity to comment on the preparation of a draft Environmental Assessment (DEA) for a single-family residence on kuleana lands at Honalo, North Kona.

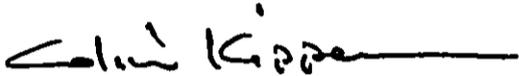
The Office of Hawaiian Affairs' primary concern is for the cultural and historic resources that may remain on the property, as well as for any traditional gathering rights which may have occurred in the project area. This is especially important as Kuleana owners are likely to have practiced subsistence gathering. This information should be fully discussed in the environmental documents.

We offer you the following caution in doing the assessment of cultural resources. Controversy often arises among the Hawaiian community when a proponent relies solely on contracted archaeologists or anthropologists for the interpretation of cultural sites and practices. In order to avoid this controversy, we suggest that you contact a Hawaiian cultural expert to help prepare the environmental assessment. We strongly suggest that the Hawaiian cultural expert you choose should be a person who is recognized within the immediate Hawaiian community for his/her cultural expertise. The concerns of the community will not be addressed if the DEA contains information provided solely by a person whose knowledge of Hawaiian culture is limited to a study of archaeology or anthropology.

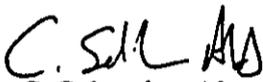
Mr. Ron Terry, Ph.D.
Geo Metrician
December 10, 1998
Page two

We look forward to receiving your draft environmental assessment. We will carefully review the document, especially as it pertains to cultural properties and make appropriate comments. If you have any questions, please contact Sebastian Aloit, Land and Natural Resource Division Officer or Lynn Lee, EIS Planner at 594-1936.

Sincerely,



Colin Kippen
Deputy Administrator



C. Sebastian Aloit
Acting Land and Natural Resources
Division Officer

cc: Board of Trustees
West Hawaii Community Affairs Office



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

25 AUPUNI STREET • HILO, HAWAII 96720
TELEPHONE (808) 961-8660 • FAX (808) 961-8657

January 4, 1999

Ron Terry, Ph.D.
HCR 9575
Keaau, HI 96749

PRE-ASSESSMENT CONSULTATION FOR THE PROPOSED SINGLE FAMILY DWELLING
SITUATED AT HONALO, NORTH KONA, HAWAII
TAX MAP KEY 7-9-005:013

We have reviewed the subject pre-assessment consultation and for your information, the Department's nearest facility is a 12-inch waterline at the southern end of Alii Drive, which is about 2,500 feet away.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8660.

A handwritten signature in black ink, appearing to read "M. Pavao", with a long horizontal flourish extending to the right.

Milton D. Pavao, P.E.
Manager

BCM:gms

... Water brings progress...

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhihewa Building, Room 555
601 Kamehaha Boulevard
Kapolei, Hawaii 98707

January 8, 1999

Dr. Ron Terry
Geo Metrician
HCR 9575
Keaau, Hawaii 96749

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

LOG NO: 22671 ✓
DOC NO: 9812PM05

Dear Dr. Terry:

**SUBJECT: Pre-Consultation on Environmental Assessment for Construction
of Single Family Dwelling, Honalo, North Kona, Hawaii Island
TMK: 7-9-05:13**

Thank you for your letter of November 24, 1998 and the opportunity to comment on the proposed project. Our files indicated that the subject parcel had an archaeological survey, but we could not find the report or any correspondence relating to this parcel. We appreciate the copy of the report and Departmental memo that you sent us on December 28, 1998.

The archaeological survey report indicates that one site with two constituent features was found on the parcel in 1981. According to the memo dated February 24, 1984 from Ralston Nagata, Acting State Parks Administrator, to Roger Evans, OCEA-DLNR Planner, the Department of Land and Natural Resources agreed that no further mitigation of the site would be required.

While no further archaeological work seems to be required in the parcel itself, we would like to know how the landowner will access the property and whether or not the access could have an adverse effect on historic sites. These issues should be addressed in any environmental assessment that is done. Dr. Peter Mills of the University of Hawaii at Hilo conducted a field school in this area last summer and may have some information relevant to this issue.

If you should have any questions please contact Patrick McCoy (692-8029).

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

DON HIBBARD, Administrator
State Historic Preservation Division

PM:amk

APPENDIX 1B

COMMENT LETTERS TO DRAFT EA

AND RESPONSES

Stephen K. Yamashiro
Mayor



Jiro A. Sumada
Deputy Chief Engineer

County of Hawaii
DEPARTMENT OF PUBLIC WORKS
25 Aupuni Street, Room 202 • Hilo, Hawaii 96720-4252
(808) 961-8321 • Fax (808) 961-8630

March 23, 1999

Department of Land and Natural Resources
Division of Land Management
P.O. Box 621
Honolulu, Hawaii 96809

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 6 9 13 AM '99

**SUBJECT: Conservation District Use Application HA-2922B
for a Single Family Dwelling**
Location: /lonalo, North Kona, Hawaii
TMK: 7-9-05: 013

We have reviewed the subject application and offer the following comments:

1. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
2. All grading and grubbing activities shall comply with Chapter 10 of the Hawaii County Code.
3. The FEMA map shows a portion of this parcel to lie within the "VE" flood zone. Any construction must comply with Chapter 27 of the Hawaii County Code.


Galen Kuba, Division Chief
Engineering Division

TWP:swa

cc: Engineering-Hilo
Engineering-Kona



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Kaaui, Hawaii 96749
(808) 982-5831

June 7, 1999

Galen Kuba, Division Chief
Engineering Division
Hawaii County Department of Public Works
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr Kuba:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments on the subject project contained in your letter of 23 March 1999. The applicant is aware of the requirements to dispose of runoff on site and to ensure that grading activities comply with Chapter 10 of the Hawaii County Code. We would note that Section 3.2 of the EA provides a discussion of the flood zone status and the statement that the requirements of Chapter 27 of the Hawaii County Code must be met.

Sincerely,


Ron Terry, Ph.D.
Project Environmental Consultant



NA ALA HELE
Hawaii Trail & Access System

April 28, 1999

Post-It® Fax Note	7871	Date	5/12/99	# of Pages	9
To	GLA Muever	From	Lauren Tanaka		
Co./Dept		Co.	DLNR		
Phone #		Phone #	5870385		
Fax #	(808) 8861574	Fax #	5870495		

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 30 9 49 AM '99

MEMORANDUM:

TO: Lauren Tanaka, Planner
Land Division

FROM:  Rodney T. Oshiro, Na Ala Hele

SUBJECT: CDUA HA-2922
Applicant: Gary Brand, Single Family Residential Construction
TMK: (3) 7-9-05: 15, Honalo, North Kona, Hawaii

Na Ala Hele would like to point out item 3 of the conditions stipulated under SMA Minor 85-10 that "a 10-foot wide mauka-makai public pedestrian access from the Keauhou-Kainaliu Beach Road to the shoreline shall be provided. The shoreline access area shall be described by metes and bounds, approved by the Planning Director, and recorded with the Bureau of Conveyances within six months of the effective date of the Shoreline Setback Variance". An identical condition is endorsed by the Na Ala Hele Trails and Access program in the issuance of another SMA minor permit by the County of Hawaii.

Also, electrical/telephone poles will need to be sited away from the Keauhou-Kainaliu Beach Road as much as possible to mitigate undesirable visual impact.

Thank you for the opportunity to comment.

cc: Curt Cottrell, Na Ala Hele



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Kaaui, Hawaii 96749
(808) 962-5831

June 7, 1999

Rodney Oshiro
Na Ala Hele Program
Hawaii State DLNR-DOFAW
P.O. Box 4849
Hilo, Hawaii 96720-0849

Dear Mr Oshiro:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments on the subject project contained in your letter of 28 April 1999 to Lauren Tanaka of the DLNR Land Division. We acknowledge that the condition stipulated under SMA Minor Permit 85-10 for a 10-foot wide mauka-makai pedestrian access from the Keauhou-Kainaliu Beach Road to the shoreline is still in effect. This information has been added to Section 3.2.3 of the EA. Concerning the utility poles, Mr. Brand seeks to bring them via a route that extends directly uphill to existing lines. If this option is not available, then a route along the Keauhou-Kainaliu Beach Road may become necessary. It is acknowledged that this latter option may require an additional CDUP if it involves work in the Conservation District.

Sincerely,

Ron Terry, Ph.D.
Project Environmental Consultant

PHONE (808) 594-1888

FAX (808) 594-1665



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 600
HONOLULU, HAWAII 96813

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 21 8 47 AM '99

April 18, 1999

Mr. Dean Uchida, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

PA (99) 223

Re: Conservation District Use Application (CDUA) HA-2922B for a Single Family Residence at Honalo, North Kona, Hawaii (TMK: 7-9-05:13)

Dear Mr. Uchida:

Thank you for the opportunity to review the Conservation District Use Application (CDUA) for a single family residence at Honalo, North Kona, Hawaii. This application raises several concerns for the Office of Hawaiian Affairs (OHA).

The applicant propose to build a single family home on 26,185 square feet of Kuleana land. The home will have one bedroom and one and a half bathrooms in a home of a 3,500 square feet. The applicants also propose to build a swimming pool. The home will be 55 feet from the shoreline and is in a conservation district.

The archaeological report prepared for this project was done in 1981. In the intervening years between the report and this application, new information has been gathered and a new understanding of the patterns of Hawaiian occupation and use of the land has been developed.

At best, it would be difficult to make decisions based on a twenty year old report. At worst, it may be inappropriate to base decisions on a report which is based on an obsolete scientific approach. As Kuleana property this parcel carries some unique privileges as well as unique responsibilities. The preparation of this supplemental archaeological information is thus not only appropriate it is essential. Therefore, we urge you to require the preparation of a supplemental archeological report.

Mr. Dean Uchida
April 18, 1999
Page two

In addition, this application may have some special responsibilities in the area of access. The applicant claims that shoreline access will not be impeded by this project because there is open space near the project from which to access the shoreline. However, the restrictions in the property description of the deed indicate that ownership of this parcel is subject to "[r]ights of native tenants". This explicit requirement in the deed must be considered before any approval to build a home is granted. We suggest that this be handled in two ways.

First, the applicant should be required to prepare a report on the gathering practices that once occurred and/or continue to occur in this area. This report could be done following the guidelines for a cultural impact statement prepared by the Office of Environmental Quality Control. We further suggest that the applicant hire a Hawaiian cultural expert to prepare the report. The Hawaiian cultural expert chosen to work on the report must be someone recognized within the Hawaiian community for his/her cultural expertise. The concerns of the community will not be addressed if the cultural impact statement contains information and analysis provided solely by a person whose knowledge of Hawaiian culture is limited to a study of archaeology or anthropology.

When this assessment has been completed, a formal access or gathering easement should be included as a condition to granting the conservation district use permit. This condition should have language which assures that the project proponents will not hamper, impede or otherwise limit the exercise of traditional, customary or religious access or practice.

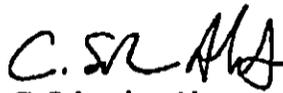
We urge you to hold this application until these reports have been satisfactorily completed.

Finally, we would appreciate receiving a copy of the supplemental archaeological and cultural impact reports when completed. If you have any questions, please contact Lynn Lee, EIS Planner at 594-1936.

Sincerely,



Colin Kippen
Deputy Administrator



C. Sebastian Aloot
Land and Natural Resources Division Officer

cc: Board of Trustees
OHA West Hawaii Community Affairs Office
Office of Environmental Quality Control



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Keeau, Hawaii 96749
(808) 982-5831

June 7, 1999

Colin Kippen, Deputy Administrator, and
Sebastian Aloit, Land and Natural Resources Division Officer
Hawaii State Office of Hawaiian Affairs
711 Kapi`olani Blvd., Suite 600
Honolulu, Hawai`i 96813

Dear Sirs:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawai`i**

Thank you for your comments on the subject project contained in your letter of 18 April 1999.
A detailed response to each of the points raised in your letter is supplied below:

1. *Supplemental Archaeological Report.* A full archaeological inventory survey was conducted in 1981 by a qualified archaeologist. The conclusion that no significant historic sites were present was reviewed and approved by the State Historic Preservation Officer. Subsequent to that finding, the applicant engaged in a substantial amount of surface preparation. The State Historic Preservation Division in letter of 8 January 1999 (see App. 1 of the EA) recommended no further investigation of mitigation on the site. There appears to be little justification for the expense and time required for a supplemental archaeological report.
2. *Access and Rights of Native Tenants.* The Hawaii Environmental Policy Act (and the National Environmental Policy Act on which it is modeled) are clear that the scope and extent of information gathered for an EIS should be commensurate with the impacts expected. Your letter suggests an elaborate, expensive and time-consuming process for collecting data with no clear goal in terms of what impact is being avoided. The parcel in question is slightly larger than half an acre and is surrounded on all sides by undeveloped land. The vegetation is almost exclusively non-native, and those native or Polynesian-introduced species that are present are common throughout the region. The shoreline in front of the parcel – which the applicant in no way proposes to alter or block and in fact is obliged to provide an easement towards – is typical of the shoreline for miles in either direction. What specific resources or gathering practices is your agency concerned about? We can conceive of none that is threatened in this area; absent this, the cultural impact assessment

process your refer to, which may be perfectly justified on a large piece of undeveloped land,
is excessive in the context of a house lot.

Sincerely,



Ron Terry Ph.D.
Project Environmental Consultant

STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 Land Division
 Planning and Technical Services Branch
 Honolulu, Hawaii

MAR 9 1999

SUSPENSE DATE: 21 Days

ADMINISTRATOR
 ASST. ADMIN.
 DIV. BR.
 PLAN BR.
 RES. MGT. BR.
 PROJ. CONTROL
 SW. REC. PLAN.
 CLERICAL STAFF
 ADMIN. ASST.
 INTERP. BR.
 CIRCULATE/POST/STAFF RM
 COMMENTS & REC.
 PART REPLY
 FILE
 FOLLOW UP
 NO.
 DATE (DUE) _____
 NO COPY TO: _____

MEMORANDUM

TO: Aquatic Resources, Oahu District Land Agent, Historic Preservation, Division of Forestry and Wildlife, State Parks, Commission on Water Resources Management, Engineering Branch, Conservation and Resources Enforcement

FROM: Dean Uchida, Administrator
 Land Division

SUBJECT: REQUEST FOR COMMENTS Conservation District Use Application HA-2922B for a Single Family Residence at Honalo, North Kona, Hawaii

APPLICANT: Gary Brand
 AGENT: Greg Mooers
 TMK: 7-9-05:13
 LOCATION: Honalo, North Kona, Hawaii

PUBLIC HEARING: YES ___ NO X

Please contact Sam Lemmo at 587-0381, should you have any questions on this matter.

If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp.

Attachment(s)

No comments.

RALSTON NAGATA, State Parks Administrator

Date: 3/10/99

Unless adequately screened by vegetation, this home and other similar development along the coastline will greatly diminish views of the coastline from offshore vessels. Also consider use of earth tones to mask structure.

RECEIVED
 DIVISION OF
 LAND MANAGEMENT
 MAR 12 11 24 AM '99

**GEO METRICIAN**

Ron Terry, Ph.D.

HC 2 Box 9575
Keeau, Hawaii 96748
(808) 982-5831

June 7, 1999

Ralston Nagata, Director
State Parks Division
Hawaii State DLNR
P.O. Box 621
Honolulu Hawaii 96809

Dear Mr Nagata:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments on the subject project contained in your note of 10 March 1999 to Dean Uchida of DLNR, which was forwarded to us. Any home built on the coastline will be visible from the ocean. The aesthetic impact of a man-made feature on the landscape will depend upon the viewer and the particular qualities of the structure. The Brand home will have attractive architecture and landscaping, but it will of course insert a manmade element in the viewplane. We believe that it would be unreasonable to require the applicant to camouflage his home. We would note that dozens of homes and structures, including the massive Kona Surf Hotel, are present on the shoreline between Keauhou Bay and Kealahou Bay, and that we disagree that another home would "greatly diminish" views of the coastline.

Sincerely,

Ron Terry, Ph.D.
Project Environmental Consultant

Received Jan-17-98 04:50am
LAND MANAGEMENT DIV.

from 808 587 0455 → GEO
ID:808-587-0455 JUN 07'99

page 1
8:24 No.003 P.01

BENJAMIN J. CAYSTAND
GOVERNOR OF HAWAII

RECEIVED
DIVISION OF
LAND MANAGEMENT



APR 21 3 19 PM '99 STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kekuhihewa Building, Room 858
801 Kamehameha Boulevard
Kapolei, Hawaii 96707

TIMOTHY E. JOHNS, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
JANET E. KAWALO

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CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

April 7, 1999

MEMORANDUM

LOG NO: 23177 ✓
DOC NO: 9904PM01

TO: Dean Uchida, Administrator
Land Division

FROM: Don Hibbard, Administrator
State Historic Preservation Division *[Signature]*

SUBJECT: Conservation District Use Application HA-2922B for a
Single Family Residence, Honaio, North Kona, Hawaii Island
TMK: 7-9-05:13

In 1984 the Department agreed that no further mitigation of historic sites would be required for the subject parcel, which had been surveyed in 1981. The correspondence relating to this determination, along with a copy of the archaeological survey report, are contained within the Draft EA. Earlier this year we were invited to provide further comment on the proposed development of this parcel. In a letter dated January 8, 1999 to Dr. Ron Terry, we indicated that our only concern was access to the property and what affect, if any, this might have on other historic sites. The Draft EA indicates that the owner will access the property using an existing jeep road that will not be improved or modified. With this understanding and the previous determination by the Department that no further mitigation would be required, we believe that the proposed residence will have "no effect" on significant historic sites.

PM:amk



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Keeau, Hawaii 96749
(808) 982-5831

June 7, 1999

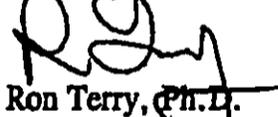
Don Hibbard, Administrator
State Historic Preservation Division
601 Kamokila Blvd., Rm. 555
Kapolei, Hawaii 96707

Dear Mr Hibbard:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments on the subject project contained in your memo of 7 April 1999 to Dean Uchida of DLNR, which was forwarded to us. We take note of your determination that given the inventory and mitigation already done for the site and the fact that no improvements will occur to the access road, no effect on significant historic sites would be expected to occur.

Sincerely,



Ron Terry, Ph.D.
Project Environmental Consultant



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Keauu, Hawaii 96749
(808) 982-5831

June 7, 1999

William Devick, Administrator
Hawaii State Division of Aquatic Resources
1151 Punchbowl St., Room 325
Honolulu, Hawaii 96813

Dear Mr Devick:

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

As part of the Draft EA/CDUA consultation process, we received from DLNR a copy of the comments you had submitted in response to a 1984 CDUA (HA-1656) for the same parcel. It is our understanding that your office re-sent these comments in response to the current CDUA. This letter is simply to acknowledge that we did receive and consider the comments as part of the Draft EA process. We agree that given the conditions that have been and will be imposed upon the landowner as part of Conservation District, Building and Special Management Areas, no adverse impact to coastal access or aquatic resources is likely to occur.

Sincerely,

Ron Terry, Ph.D.
Project Environmental Consultant

ENGINEERING BRANCH

COMMENTS

We agree that the proposed construction work follow Chapter 27 of the Hawaii County Code.

We confirm that the proposed project site is located in Zone VE. This is an area located within the 100-year flood plain where coastal flooding occurs with velocity hazard (wave action), and base flood elevations determined.



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9575
Kapaau, Hawaii 96749
(808) 982-5831

June 7, 1999

Engineering Branch
C/o Lauren Tanaka, Land Division
Hawaii State Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments on the subject project contained in your undated memo to Dean Uchida of DLNR, which was forwarded to us. Concerning your specific comments, Section 3.2.1 of the Draft EA explains the flood zone status for the project area and that the project must comply with Chapter 27 of the Hawaii County Code.

Sincerely,

Ron Terry, Ph.D.

Project Environmental Consultant

03/10/99

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT

DOCARE-18
(Rev. 1/94)

SITE VISIT/FIELD INSPECTION REPORT

BRANCH: HAWAII REPORT IS DUE AT DOCARE ADMIN BY: 03/29/99

1. CASE DATA

- a. FILE NUMBER: 29228 HA-00/00/00
- b. INITIATOR: BRAND, Mr. Gary
- c. LOCATION: TMK:(3)7-9-05:13 Honolulu, North Kona, Hawaii
- d. SUMMARY: Construction of single family residence & assoc improvements
- e. REMARKS: * Agent is Gregory Mooers, Kamuela, 808-885-6839

2. INSTRUCTIONS FOR OFFICER

- a. Familiarize yourself with the attached CDUA paperwork, then conduct an inspection as directed by your Supervisor.
- b. Determine if action described in the CDU proposal would have any apparent conflict with any statute, rule, or regulation of which you are aware.
- c. Attach any pertinent photographs and/or information as exhibits. Return original DOCARE-18 Form and all supporting documents to DOCARE Administrative Office (Attn: Investigator).

3. FILL-IN THE FOLLOWING BLANKS:

- a. Branch Report Number (if one is assigned): HA-99-798
- b. Date Case Referred to Officer: 3/22/99
- c. Date of Site Visit/Inspection: / / 03/23 & 29/99
- d. Had any project work been done? YES NO

If "YES," briefly describe the work: cemented stonewall, bulldoze parcel and cesspool with cemented cap. Refer to supplementry's submitted to report HA-99-798

RECEIVED
DIVISION OF
LAND MANAGEMENT
APR 28 9 58 AM '99

RECEIVED
DOCARE
HONOLULU, HAWAII
APR 12 2 19 PM '99

- e. Did you detect any discrepancy in the applicant's description of the site conditions/situation? Yes (); No (x). If "Yes," describe:

It is believed that all existing work done on the property was done when first CUDA application was approved.

- f. Did you note anything that might be a bar to approval of the applicant's proposal? Yes OOO; No (). If "yes," describe (continue on a separate sheet if necessary).

It is unknown whether a site inspection was conducted by a state archaeologist no report to stipulate.

It should be mentioned that there are evidence that some unknown individuals did some cement work on the access road leading into the area of the parcel. Road is within the conservation Zone. Work appeared to have commenced during the sametime when original work was done on the parcel.

Nothing mentioned within the EIS.

- g. General comments, if any. (Along with other observations, you should include opinions on possible impact of the proposal on flora, fauna, archeological and/or historical sites: No report from state archeologist...


Reginald LEB #122
Office's Signature Badge No.


Charles NAHALE 19/16/99
Supervisor's Signature Date



GEO METRICIAN

Ron Terry, Ph.D.

HC 2 Box 9576
Keeau, Hawaii 96749
(808) 982-5831

June 7, 1999

Division of Conservation and Resources Enforcement
C/o Lauren Tanaka, Land Division
Hawaii State Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

**Subject: Comments to Draft Environmental Assessment for Conservation
District Use Application for Brand Single Family Dwelling at Honalo,
TMK 7-9-5:013, North Kona, Island of Hawaii**

Thank you for your comments that were based on a site inspection of the subject parcel, which we reviewed in your memo of 28 April 1999 to Dean Uchida of DLNR. Concerning your specific comments: 1) an archaeological inventory survey was conducted in 1981 as part of an earlier Conservation District Use Permit, as explained in Section 3.2.2 of the Draft EA. Appendix 3 of the Draft EA contains the archaeological report. The archaeologist found two features on the property, both of which are terraces that appear to date from the 19th century or later. After field survey, mapping and data recovery, he concluded that neither feature contained sufficient value for preservation or information to qualify them for inclusion on the State or National Historic Registers. The State of Hawaii in a letter of 24 February 1984 concurred with the conclusion that no further archaeological work or mitigation would be required other than standard conditions for inadvertent finds. SHPD reviewed the situation again in 1999 and concluded similarly; and 2) we have no information concerning the cement work done on the Kainaliu-Keauhou Road, which accesses a number of parcels.

Sincerely,

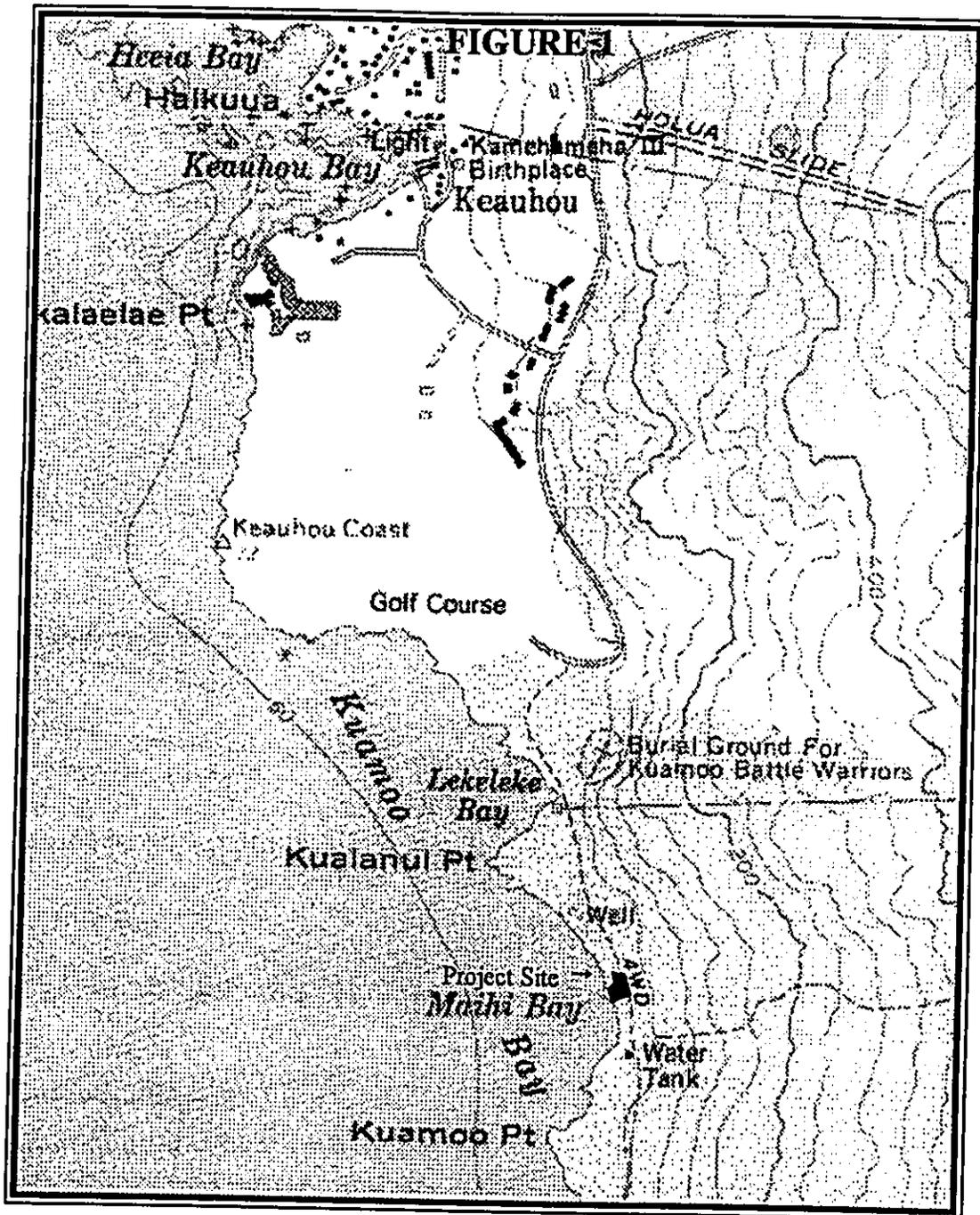


Ron Terry, Ph.D.

Project Environmental Consultant

APPENDIX 2

FIGURES



Scale: 1 inch = 3,125 feet

Source: USGS Kealakekua 7 1/2° Map

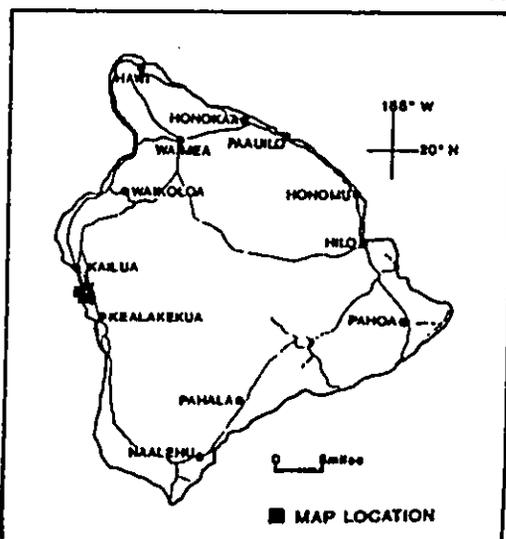
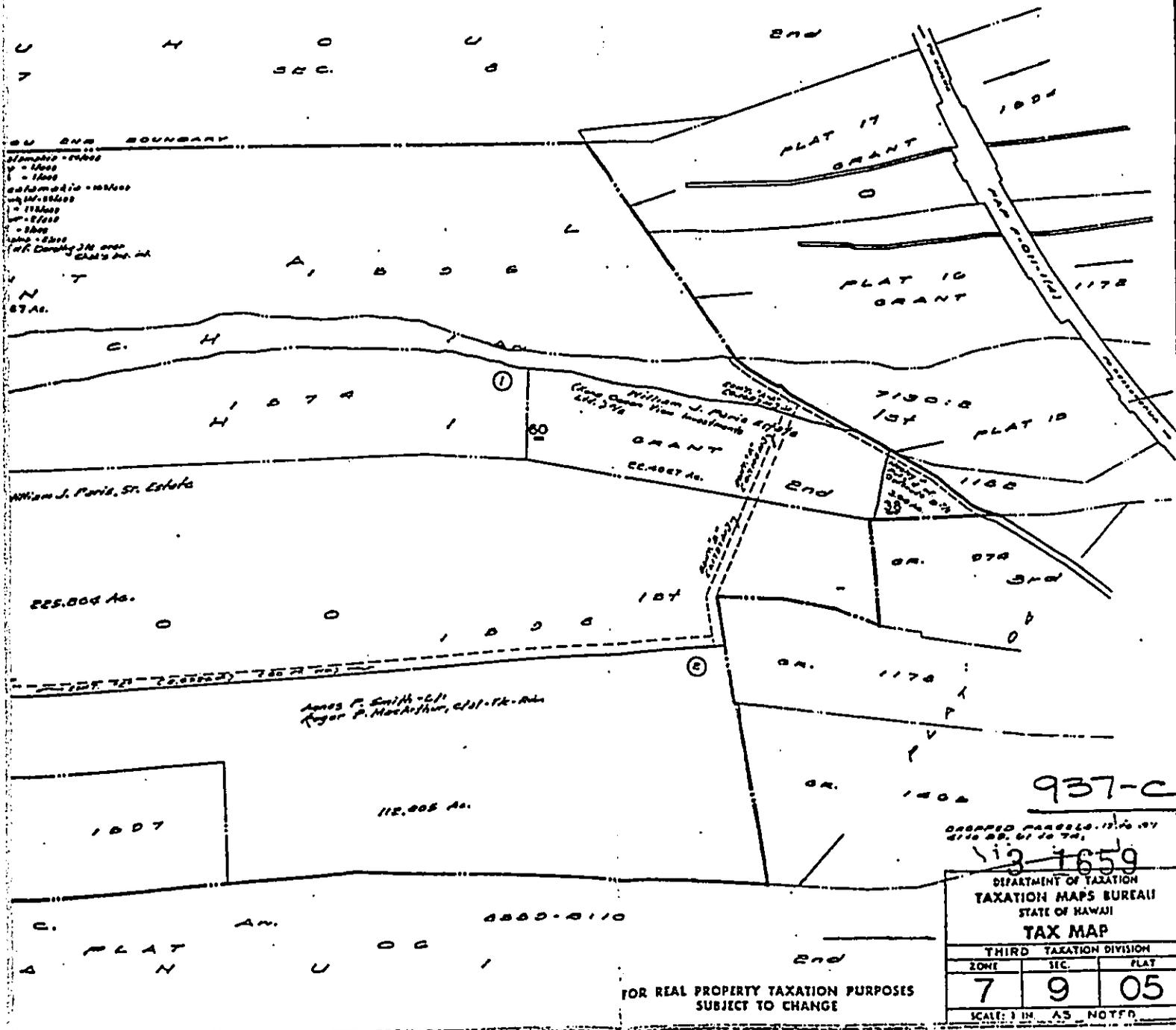


FIGURE 2

TAX MAP, WITH F.I.R.M. FLOOD ZONE

THE FLOOD ZONES AND FIRM FLOOD ZONE
 DPW'S INFORMATION ON THE FIRM
 (FLOOD MAPS, AS OF 12/22/98)



GRANTED PARCELS 11/20 BY 2110 22, 01 TO 74,

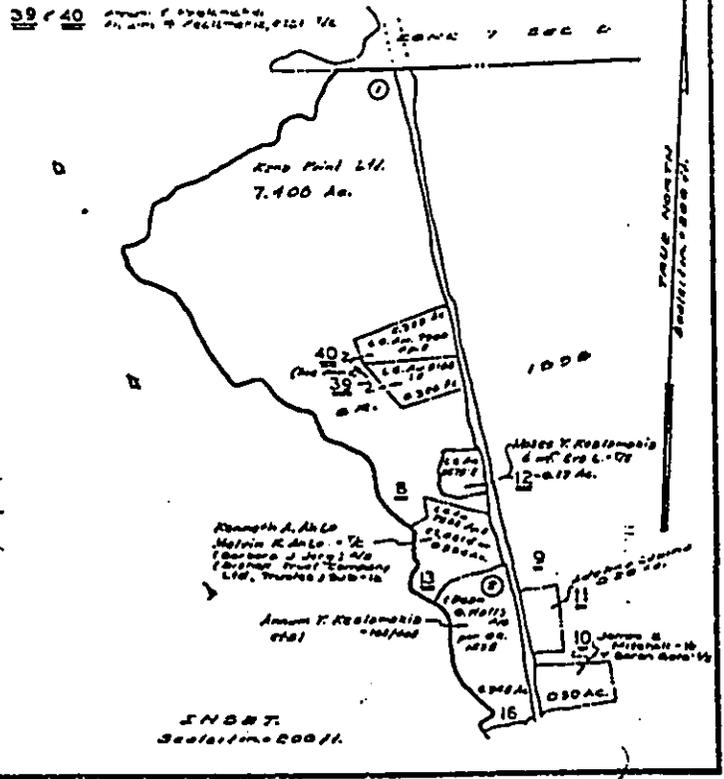
113-1659

DEPARTMENT OF TAXATION
 TAXATION MAPS BUREAU
 STATE OF HAWAII
 TAX MAP

THIRD TAXATION DIVISION		
ZONE	SEC.	PLAT
7	9	05

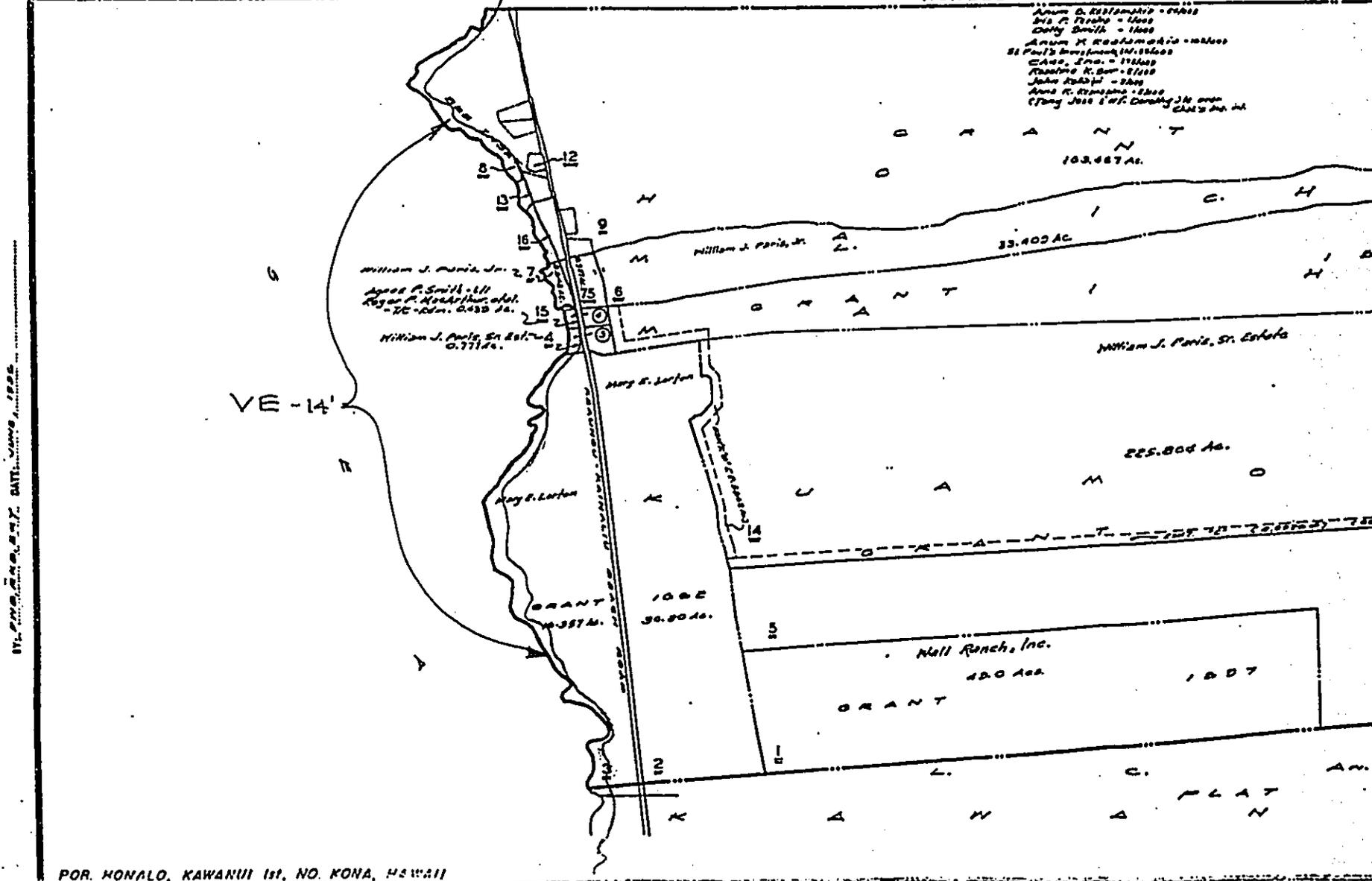
SCALE: 1 IN. AS NOTED

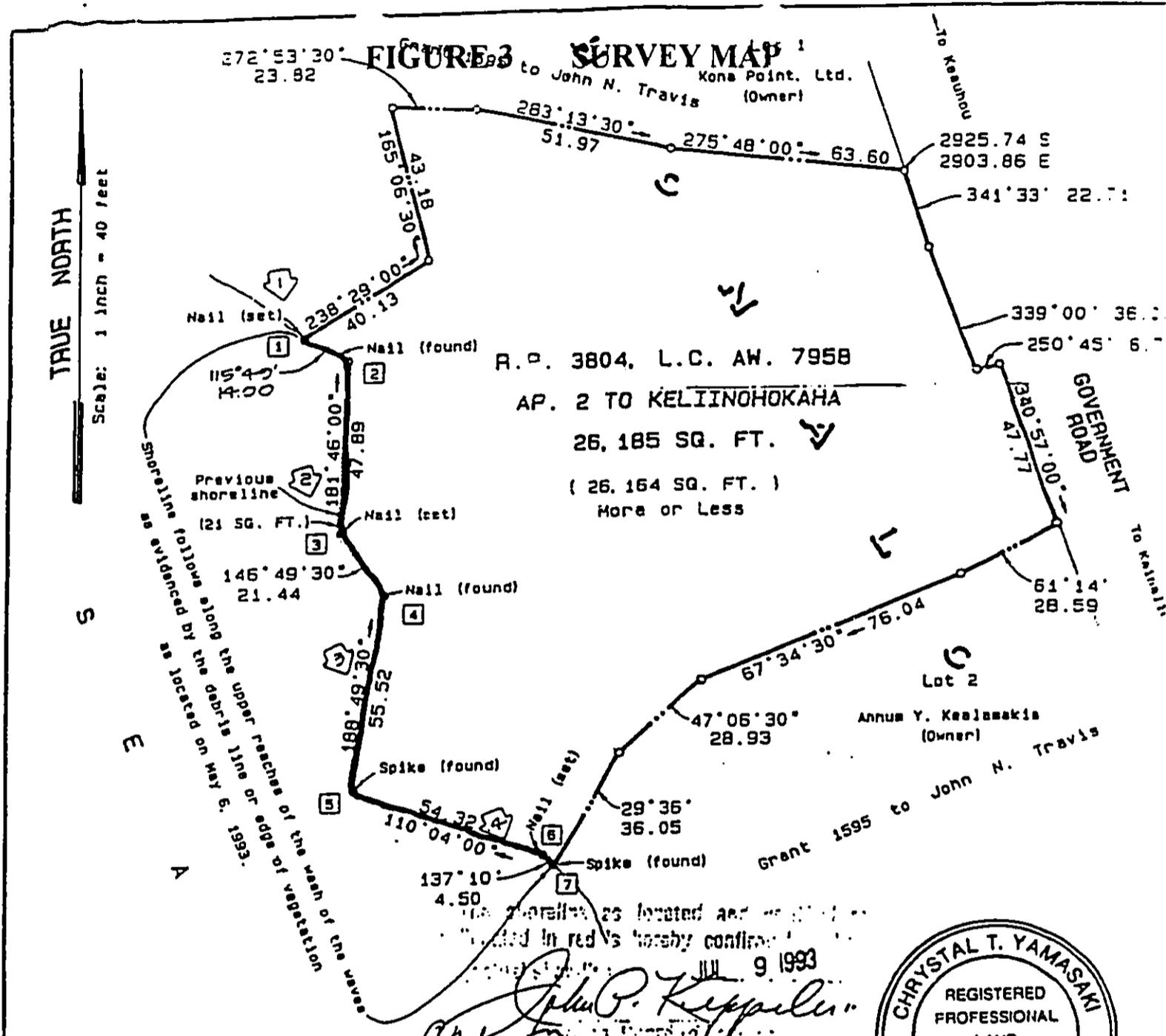
FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE



THE FLOOD ZONES SHOWN
ON THIS MAP ARE BASED ON
D.P.W.'S INFORMATION OF
(FLOOD MAPS, AS OF 12)

K O N A
Z O N E
7



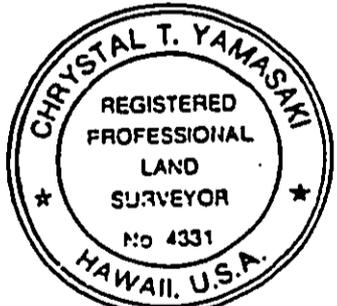


SHORELINE CERTIFICATION MAP SHOWING
THE WHOLE OF R.P. 3804, L.C. AW. 7958
AP. 2 TO KELIINOHOKAHA
AT HONALO, NORTH KONA, ISLAND AND COUNTY OF HAWAII
STATE OF HAWAII

NOTES:

- 1. [8] Denotes numbered point in photographs.
- 2. [3] Denotes photograph number and direction of view

John P. Keppeler
 Surveyor
 Date: May 9, 1993

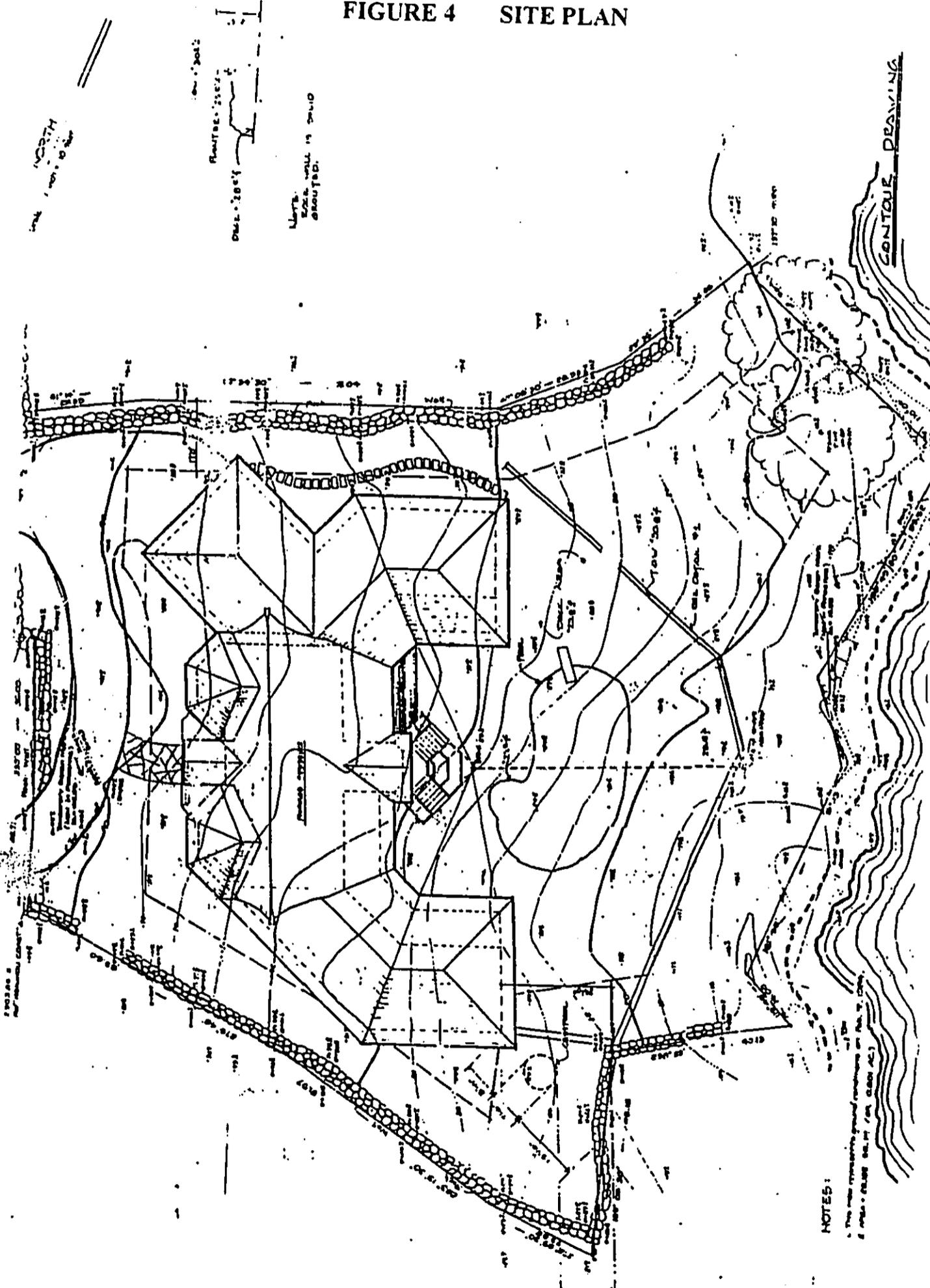


This map was prepared by me or under my direct supervision.
Chrystal Thomas Yamasaki
 CHRYSTAL THOMAS YAMASAKI
 Registered Professional Land Surveyor
 State of Hawaii Certificate Number LS-433

PROJECT NUMBER: 03436.2
 DATE: MAY 20, 1993
 FIELD BOOK: 959 DISK: 450
 TMK: 7-9-05: 13 (3RD DIVISION)

WES THOMAS & ASSOCIATES, INC.
 LAND SURVEYORS
 1721 Kalia Road, Suite 200, Kona, Hawaii 96740

FIGURE 4 SITE PLAN



NORTH

Scale: 1" = 200'
1" = 200'
1" = 200'

NOTE: SCALE SHALL BE 20:10
AS SHOWN.

CONTOUR DRAWING

NOTES:

1. This plan represents ground conditions as shown on the site plan of the project. It is not to be used for any other purpose without the written consent of the engineer.

FIGURE 5A

ARCHITECTURAL
ELEVATION

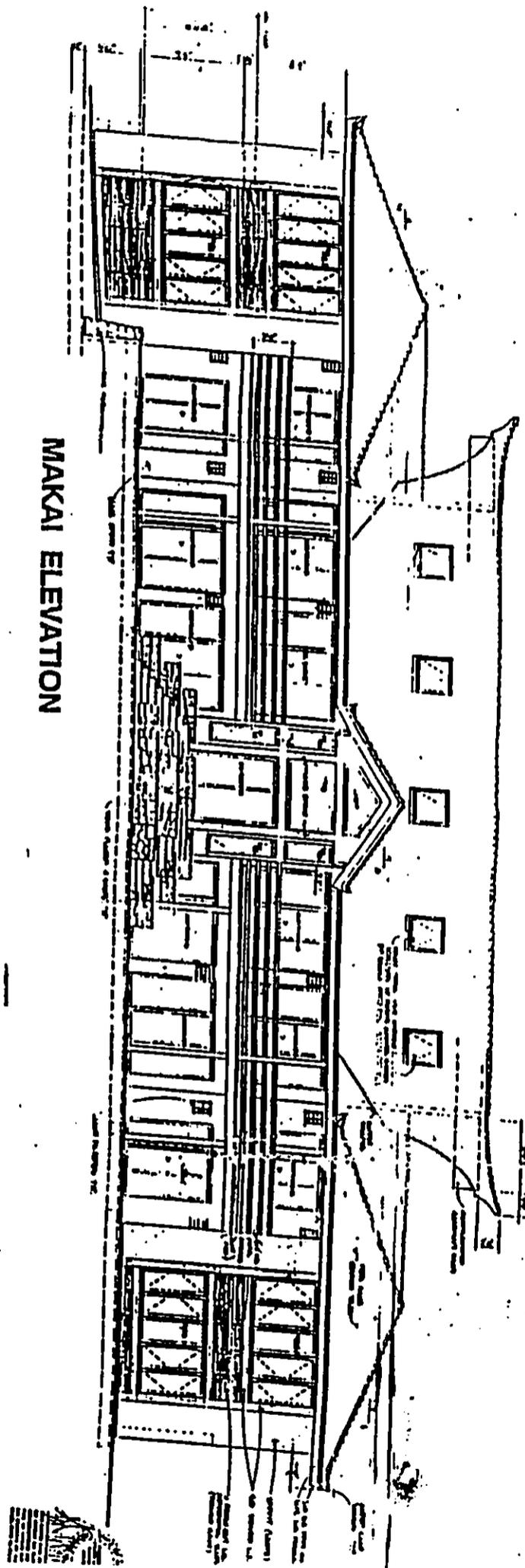


FIGURE 5B

ARCHITECTURAL
ELEVATION

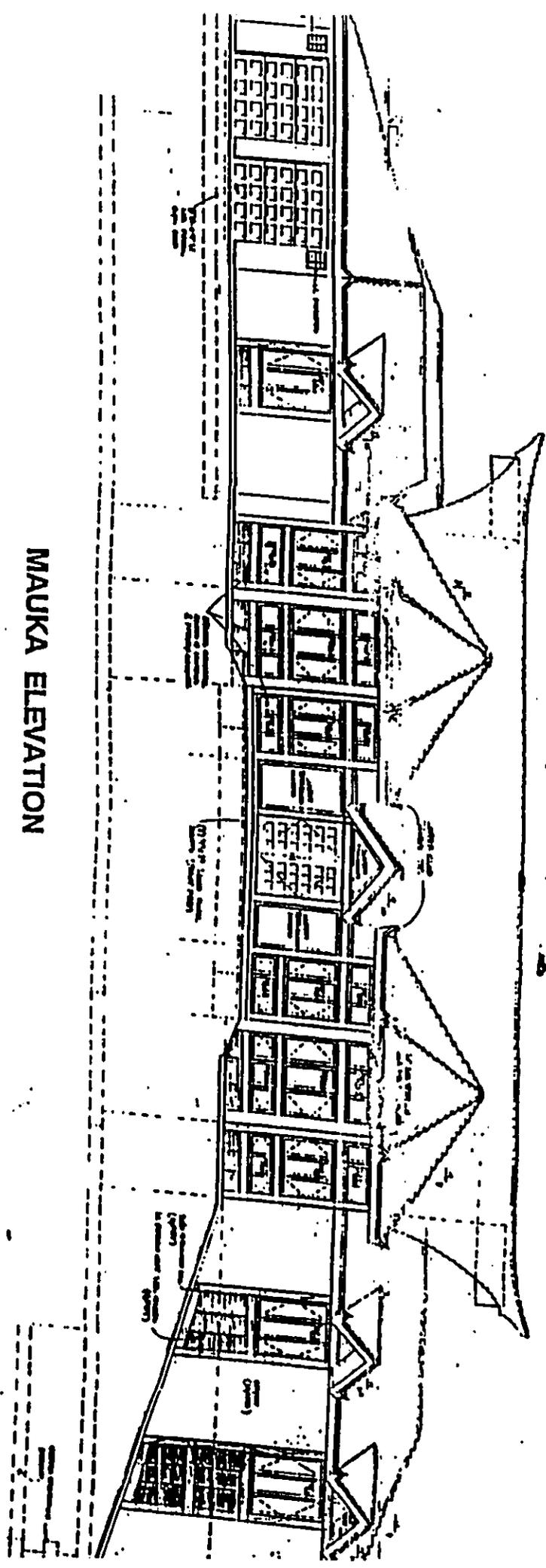
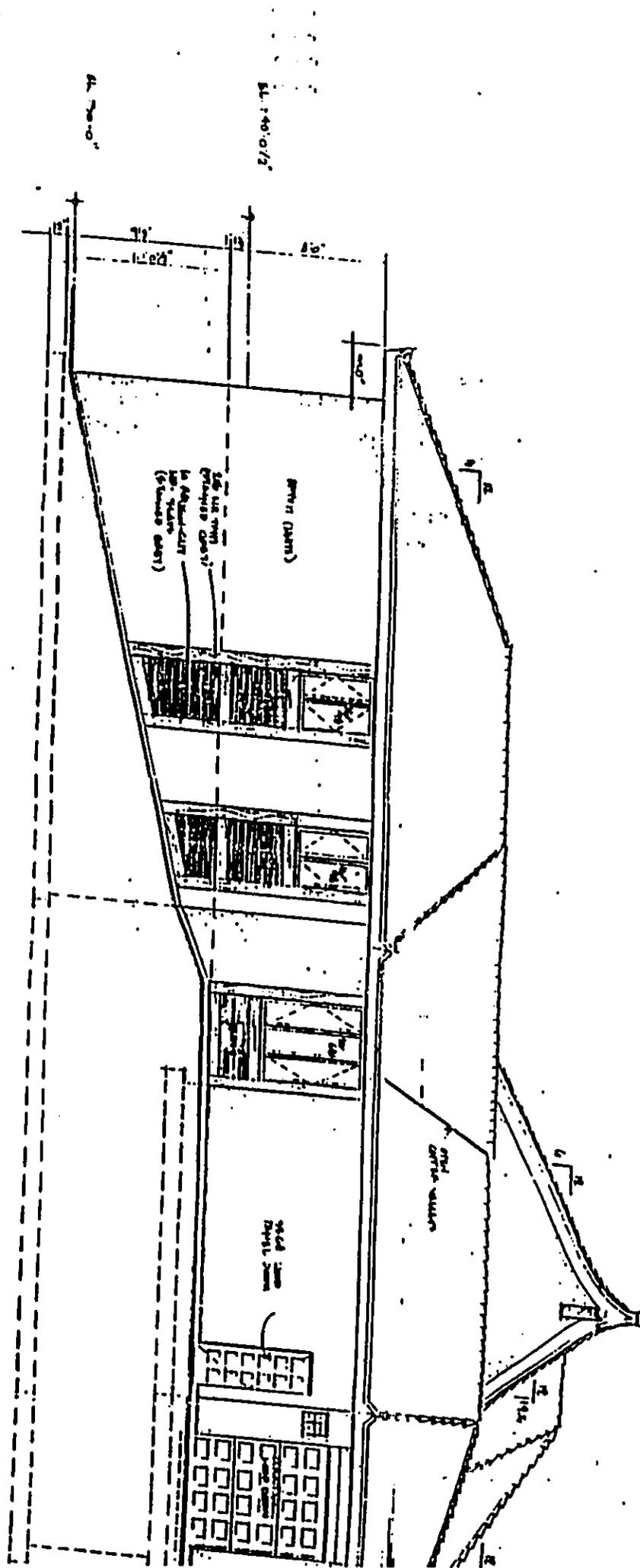


FIGURE 5C

ARCHITECTURAL
ELEVATION

KA'U ELEVATION



View on north
edge of parcel
looking south
along shoreline

B →

A ↓
Access Road



FIGURE 6

EXISTING SITE
PHOTOGRAPHS

Proposed House Site

C ↓



APPENDIX 3

ARCHAEOLOGICAL REPORT

FINAL REPORT OF AN INTENSIVE ARCHAEOLOGICAL SURVEY AT
HONALO MAKAI, NORTH ZONA, HAWAII - (TMK 7-9-05:13)

Prepared by:

Hamilton M. Ahlo Jr.
Science Management Inc.
830 Ala Moana Blvd. #220
Honolulu, Hawaii

Prepared for:

Stan Jorg
May 6, 1961

At the request of Mr. Stan Jorg, an intensive archaeological survey was conducted on a 1/2 acre parcel of land at Honalo Makai, Nae-Kona, Hawaii (TMK 7-9-95:13) on April 23, 1981. The purpose of the survey was to identify and evaluate the significance of any archaeological resources located on the parcel.

The surveyed parcel is located on gently sloping land along the coast approximately 1.25 miles south of the Kona Surf Hotel. Vegetation on the parcel is sparse (the property has been recently cleared) with a few kiawe (Prosopis pallida) and numerous weed and grass species present. Soil cover on the property is thin and occurs mainly in pockets. The Soil Conservation Service classifies the soils in the area as "Kainaliu very stony silty loam". Approximately 30% of the parcel, primarily the inland portion, appears to have been recently cleared by earth moving machinery.

The parcel is within the boundaries of the Kona Field System (Hawaii Register of Historic Places Site Number 10-37-6601) and the Honalo Archaeological Complex (Site Number 10-37-4161). The parcel is bounded on the east by the old Keauhou to Kainaliu Beach Road and along the west by the Pacific Ocean.

Dr. Robert Hemmon and Mr. Hamilton M. Ahlo, Jr. surveyed the parcel on April 23, 1981. The parcel was thoroughly inspected for any signs of archaeological material. In addition, test probings with a trowel in areas with soil deposits were done. No evidence of any archaeological deposit was located, though a thin scatter of shell fragments, old ceramic fragments and bottle glass, and urchin spines is present throughout the area. Only two archaeological features were identified.

Feature A is a 16 by 12 meter terrace in the northwest corner of the parcel. It is bounded on the west and north by walls along the property boundary. Approximately 30% of the terrace (the southwest corner) is paved with a'a cobbles and coral fragments ranging in size from 3 to 10 cm. diameter. A breach in the wall along the western edge of the terrace approximately 1.5 meters wide may have been associated with a set of steps leading from the terrace down to a second terrace on an adjoining piece of property. A small ash and charcoal filled fireplace approximately 1 meter in diameter is present in the northwest corner of the terrace. The fireplace appears to have been used quite recently. A small, broken cowrie shell octopus lure was found on the terrace. The unfaded condition of the shell suggests that it was manufactured and used recently.

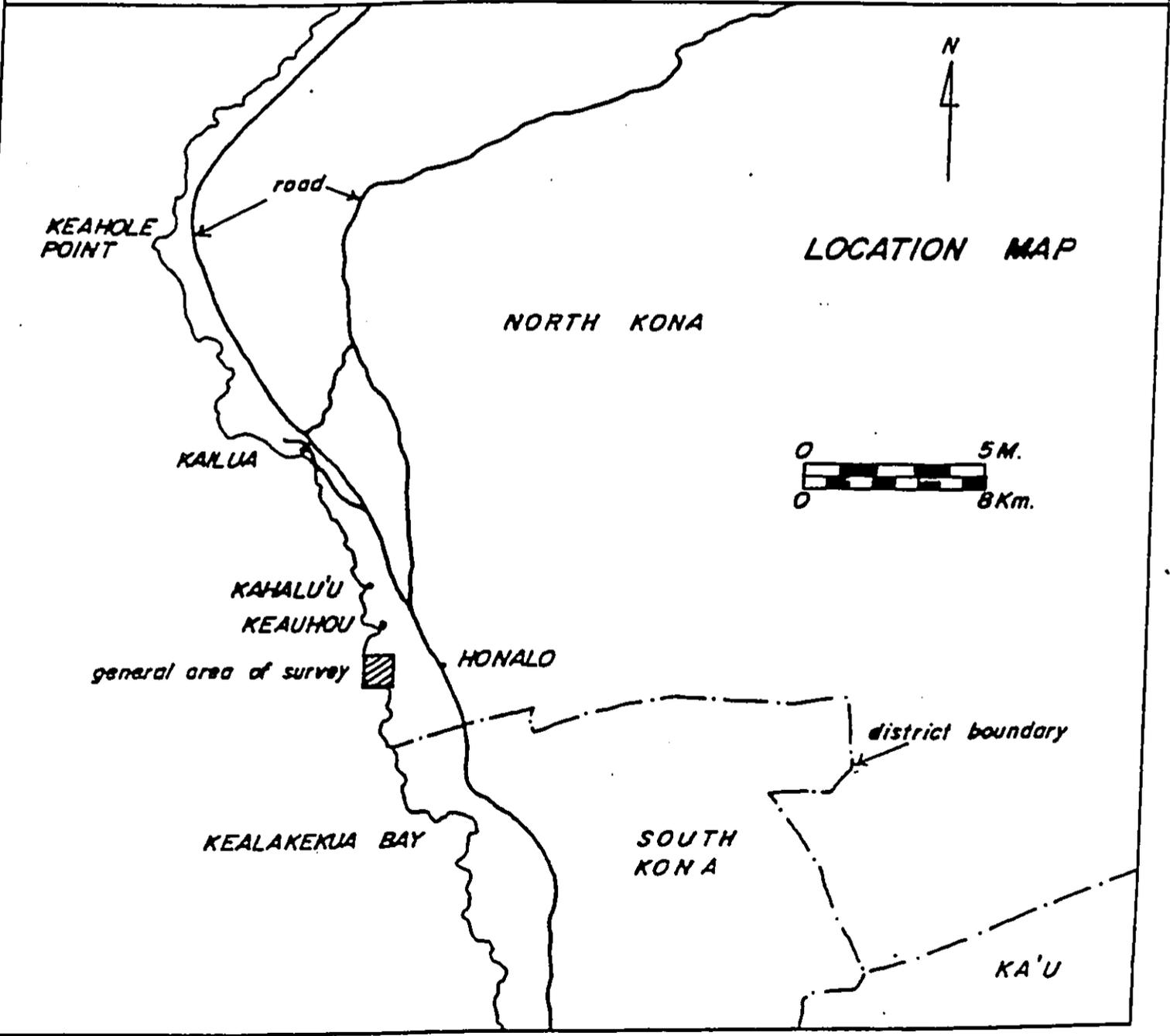
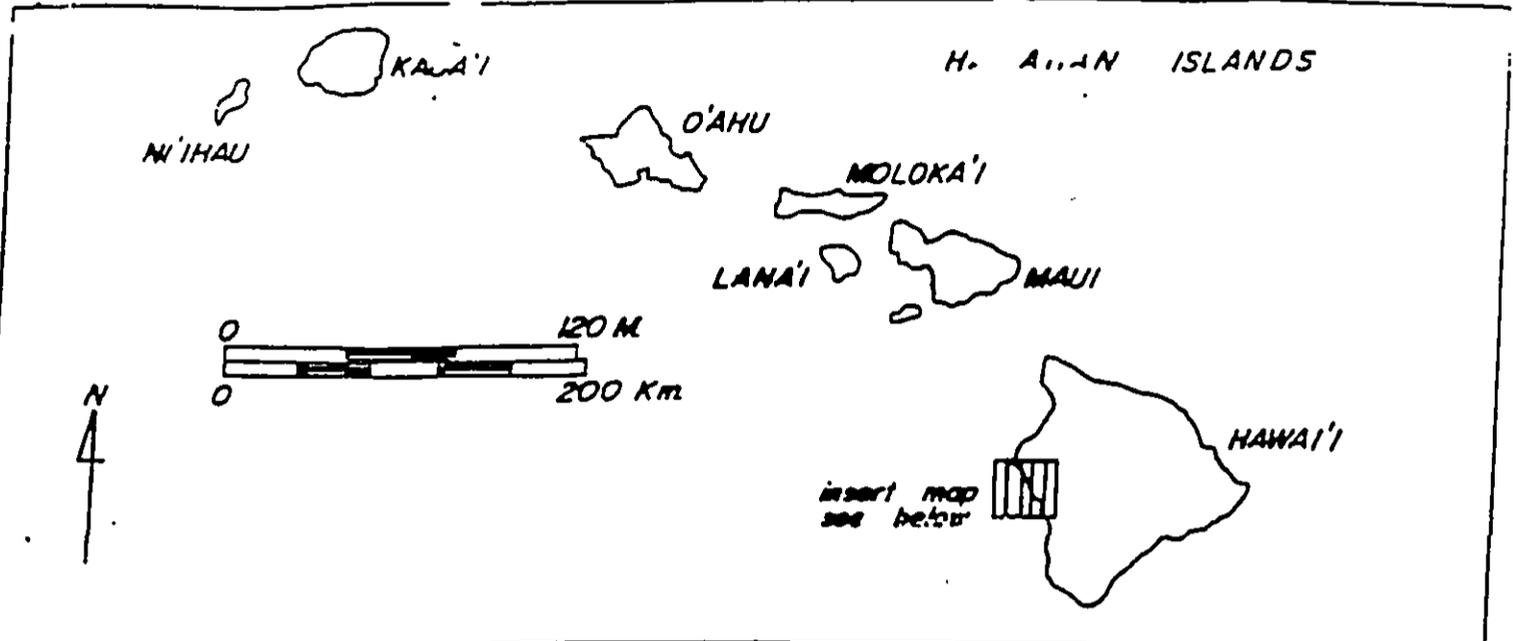
Feature B is a small (1.5 x 4 meter) terrace located near the eastern property boundary of the parcel. It retains only a very small a'a pebble and coral fragment pavement. A single alignment of stones approximately .5 meter high forms the western margin of the terrace while a bedrock outcrop forms the eastern and southern margins. No artifactual material or other items of archaeological interest were noted in this feature.

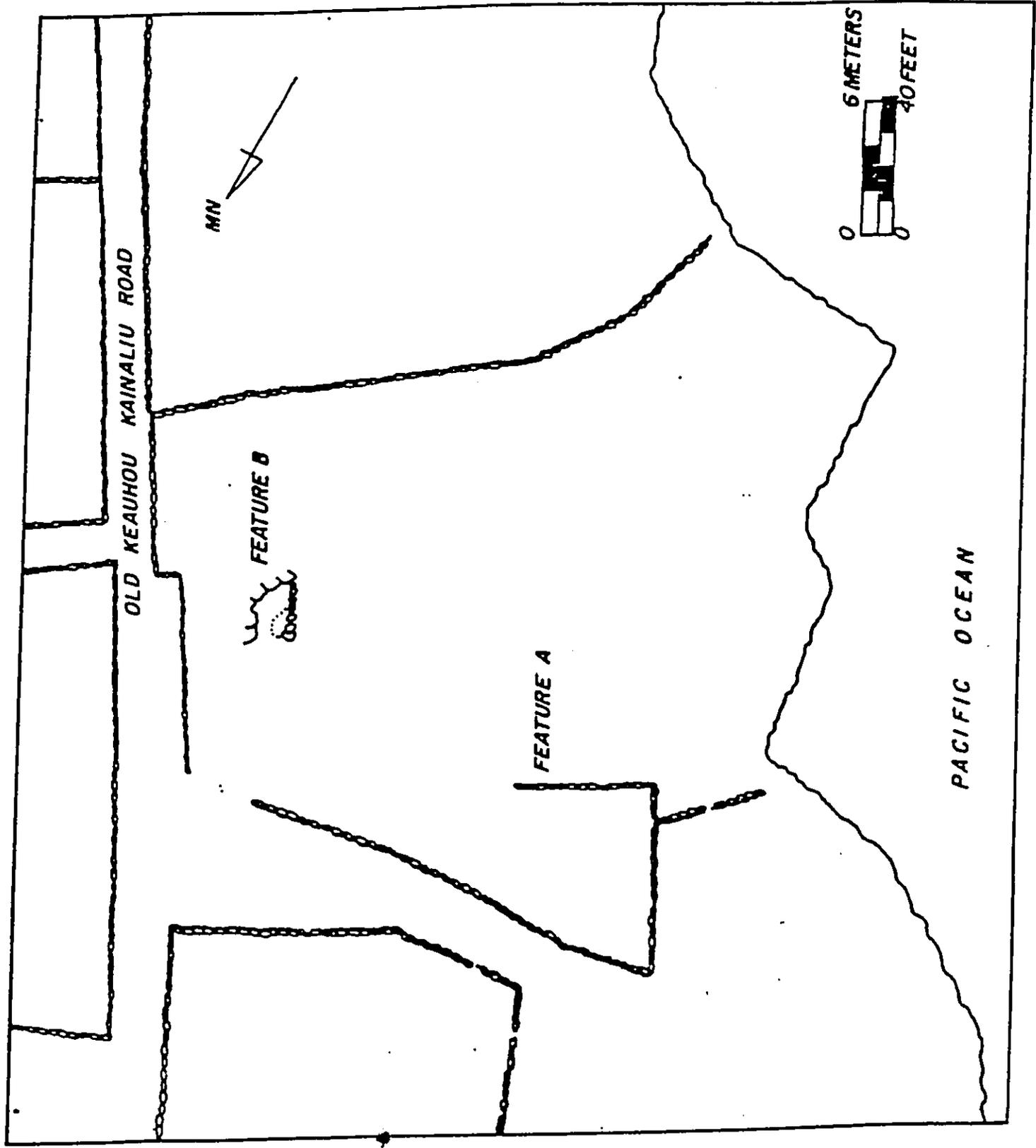
Conclusions

According to Mr. Stan Jorg, the previous owner of the parcel informed him that the parcel was occupied in the early part of this century and that a house once stood on what we have termed Feature A. Though no remnants of a structure can be seen today, the presence of bottle glass and ceramic fragments in the area support this. Except for some disturbance along its eastern margin and a tree stump in the middle of the terrace the feature is in relatively good condition. Insufficient evidence exists to determine the age of the feature. It was certainly used within the historic period but any conjecture as to an earlier use or date of construction cannot be substantiated.

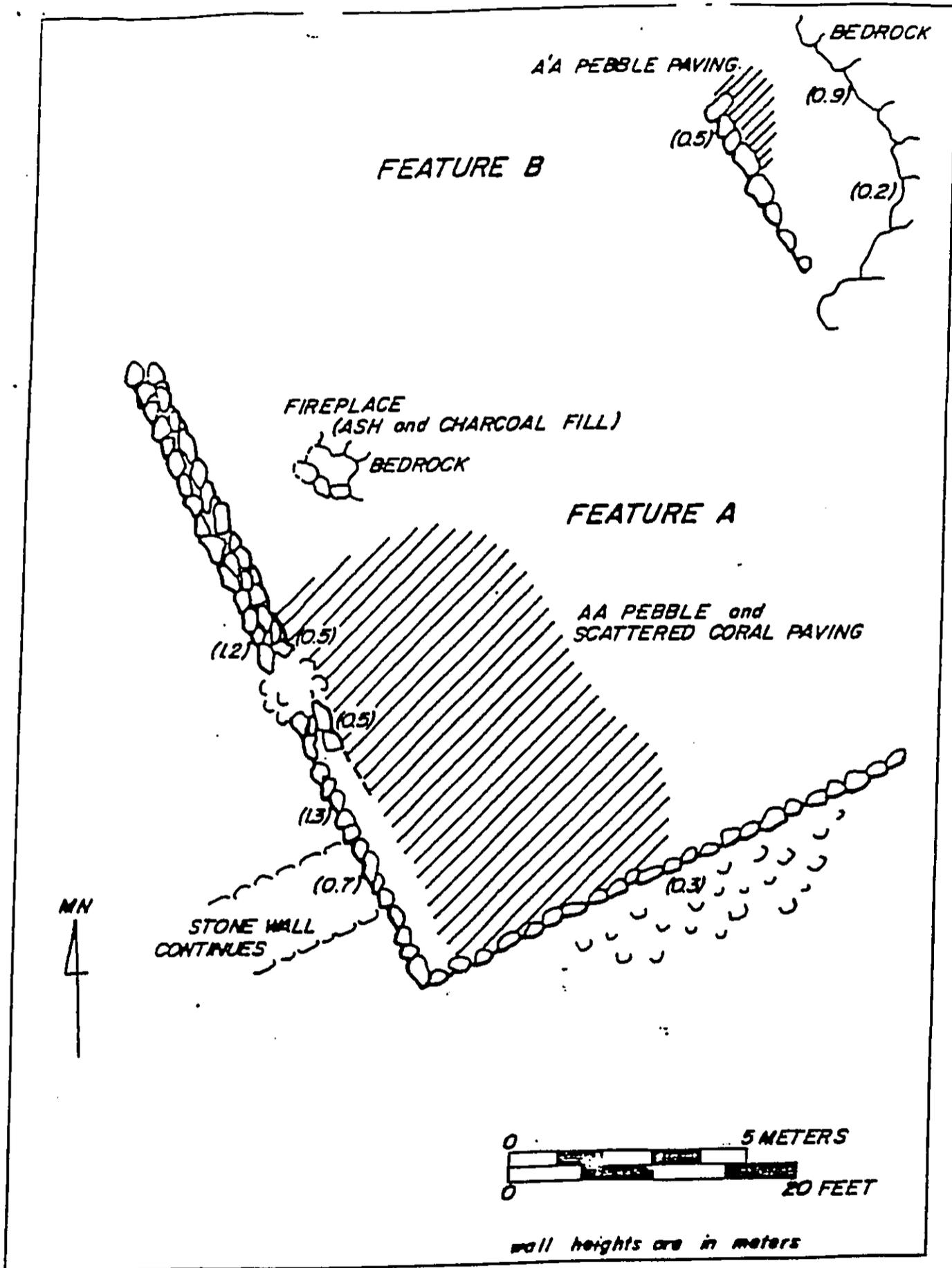
Feature B is in very poor condition and would probably not even be recognizable as an archaeological feature to a layman.

Neither feature contains sufficient information to qualify them for inclusion on either the State or National Registers of Historic Places. No mitigation would be warranted were construction to occur on the site. Though our examination of the parcel was as thorough as practicable, there still exists a possibility however, that subsurface archaeological material without corresponding surface manifestations may be discovered during construction. In this event, we recommend that work be stopped and a qualified archaeologist be consulted as to the appropriate course of action. In addition, if any human skeletal material is discovered, removal and disinterment should conform to the regulations of the Department of Health.





Jorg Property Survey Area TMK 3/7-9-5:13



Detailed Plan View of Features A & B

(spatial relationship between features A & B is incorrect - see Fig. 2 for correct perspective)

Figure 3

February 24, 1984

MEMORANDUM

TO: Mr. Roger Evans, Planner
Planning Office

FROM: Ralston H. Nagata, Acting State Parks Administrator

SUBJECT: CDUA HA-1/19/84-1656
Review of Archaeological Reconnaissance (SMI, 1981)
Stan Jorg (Gary Brand)
Honalo, North Kona, Hawaii
TMK: 7-9-05:13

Thank you for the opportunity to comment on the subject application.

HISTORIC SITES concerns:

A review of our records indicates that the subject parcel occurs in the Kona Field System (site #6601), a site determined Eligible for Inclusion to the National Register of Historic Places, and in the Honalo Archaeological Complex (site #4161), a site listed on the Statewide Archaeological Inventory.

Our review of the subject archaeological reconnaissance entitled, "Final Report of an Intensive Archaeological Survey at Honalo Makai, North Kona, Hawaii" (Science Management Inc., 1981), has resulted in our concurrence that the two features occurring on the subject parcel do not qualify for placement on either the Hawaii or National Registers of Historic Places. We further concur that no further archaeological mitigation would be necessary prior to construction.

We do recommend that in the event that any previously unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, please direct the applicant to stop work and contact our office at 548-7460 immediately.

RECREATION Concerns:

There are no known public recreation interest except to provide public shoreline access wherever it is feasible to do so.

/s/ RALSTON H. NAGATA
RALSTON H. NAGATA