



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

JAN 27 2000

REC'D  
'00 JAN 27 A11:14

UFC. OF  
QUALITY  
File No.: HA-2944

REF:PB:LT

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

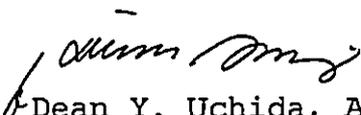
Dear Ms. Salmonson:

Subject: Conservation District Use Permit (CDUA) Application  
HA-2944 for the Proposed Water Utility and Service  
Access Easements Across State Land for the Kukio Beach  
Resort; TMK; (3) 7-2-04: por. 04 and 07, 7-2-06: por.  
17, and 7-2-07: Mamalahoa right-of-way, Kukio, North  
Kona, Hawaii

We reviewed the final EA document and the comments received  
during the public comment period that ended on December 8, 1999.  
The Department is issuing a Finding of No Significant Impact  
(FONSI) and request that you publish a notice of the FONSI in  
the February 8, 2000 OEQC bulletin. ✓

Enclosed are four copies of the final EA and a completed OEQC  
publication form. Should you have questions, please call Lauren  
Tanaka at 587-0385, Planning Branch of the Land Division.

Aloha,

  
Dean Y. Uchida, Administrator

Enclosures

15

FEB 8 2000

FILE COPY

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2000-02-08-HI-FEA—

**WB (KUKI'O RESORT UTILITY EASEMENTS)**

KUKI'O, NORTH KONA, HAWAII

CONSERVATION DISTRICT USE APPLICATION  
and ENVIRONMENTAL ASSESSMENT

January 2000

WB Kuki'o Resort Utility Easements  
Environmental Assessment

TMK: (3)7-2-04: Por. 04 and 07  
(3)7-2-06:17 Por.

(3)7-2-07: Mamalahoa Right-of-Way  
Kuki'o, North Kona, Hawai'i

Prepared for: WB Kuki'o Resorts, LLC.

Prepared by: PBR HAWAII

January 2000

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**WB KUKI'O RESORT UTILITY EASEMENT**

KUKI'O, NORTH KONA, HAWAII

CONSERVATION DISTRICT USE APPLICATION  
and ENVIRONMENTAL ASSESSMENT

PREPARED FOR  
WB KUKIO RESORTS, LLC

PREPARED BY  
PBR HAWAII

SEPTEMBER 1999

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**Office of Environmental Quality Control (OEQC)**  
**Publication Form**

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Office of Environmental Quality Control  
The Environmental Notice PUBLICATION FORM (ver. 6-98)  
(For instructions see other side)

1 **Project Name:** WB Kuki'o Resort Utility Easement  
**Island:** Hawaii  
**District:** Kuki'o, North Kona, Hawaii  
**Tax Map Key Number:** Portions of (3)7-2-04:04, 07; (3)7-2-06:17 and Homestead Road;  
(3)7-2-07: Mamalahoa Highway Right-of-Way

2 **Type of Action:**  agency action  applicant action  
**Type of Document:**  draft EA  final EA  draft EIS  final EIS Other \_\_\_\_\_  
**Legal Authority:**  State law (HRS 343)  
Applicable sections:  use of state or county lands or funds  
 use of conservation district lands  
 use of shoreline area  
 use of historic site or district  
 use of land in the Waikiki district  
 amendment to county general plan  
 reclassification of conservation lands  
 construction or modification of helicopter facilities  
 Federal law (NEPA)  
 County law (ROH CH. 25 or other ordinance)  
 Other: \_\_\_\_\_

**Agency determination:**  Anticipated FONSI  FONSI  
 EIS Prep. Notice  Final EIS Acceptance

3 **Proposing Agency or Applicant:** WB Kuki'o Resort LLC.  
**Address:** 395 Oyster Point, Suite 309  
South San Francisco, CA 94080  
**Contact:** Mr. Ed Divita/Mr. Mike Meldman **Phone:** (650)465-7256

4 **Approving Agency or Accepting Authority:** Department of Land and Natural Resources  
**Address:** 75 Aupuni Street,  
Hilo, Hawaii 96720  
**Contact:** Mr. Harry Yada **Phone:** (808)974-6203

5 **Consultant:** PBR HAWAII  
**Address:** 101 Aupuni Street, Suite #310  
Hilo, Hawaii 96720  
**Contact:** James M. Leonard, AICP **Phone:** (808)961-3333

6 **Public Comment Deadline:** \_\_\_\_\_  
**Permits required prior to implementation:** Conservation District Use Permit and other related  
construction permits  
**Project Summary (name of file on attached disk):** OEOC Form in WordPerfect Format  
**Public Library where document will be available:** Hilo and Kona  
**This form prepared by:** PBR Hawaii (Sue Keohokapu) **Phone:** (808)961-3333

**SUMMARY OF PROJECT:**

The applicant, WB Kuki'o Resort, LLC., is requesting easements across portions of Conservation District and State lands for the purpose of providing a utility corridor connection between the applicant's well system, located mauka of the State lands on the Makalei Hawai'i Corp. property, and the applicant's property which is planned for and has received land use approvals for the master-planned Kuki'o Beach Resort. An EIS was previously prepared for the Kuki'o development in May 1988.

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**Conservation District Use Application  
(CDUA) Form**

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HAWAII  
OF LAND AND  
SOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809  
CONSERVATION DISTRICT USE  
APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Date \_\_\_\_\_  
Docket/Fine No. \_\_\_\_\_  
180-Day Exp. \_\_\_\_\_  
EIS Required \_\_\_\_\_  
PH Required \_\_\_\_\_  
Board Approve \_\_\_\_\_  
Disapproved \_\_\_\_\_

SUMMARY PAGE

I. LANDOWNER

(If State land, to be filled by State of Hawaii or government entity with management control over parcel.)

Name:

Address:

Telephone No.:

SIGNATURE:

\_\_\_\_\_

Its

Date:

\_\_\_\_\_

NOTE: Signature of an authorized representative of DLNR under this section is not to be construed as an approval or as an application which shall be submitted separately with the appropriate fee. Also, for private lands with multiple owners, the application shall be signed by landowners whose property interests constitute or exceed 85% of the fee ownership of the parcel(s).

II. APPLICANT

Name: **WB Kukio LLC.**

Address: **395 Oyster Point, Ste 309  
South San Francisco, CA 94080**

Telephone No.: **(650)465-7256**

Interest in Property: **Owners of adjoining land and developer of proposed utility improvement over State lands.**

(Indicate interest in property, submit written evidence of this interest.)

SIGNATURE:

*Mike Waldman*

Date: 9-15-99

If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

AGENT

Name: **Steve S. C. Lim, Esq.**  
**Carlsmith Ball Law Firm**

Address: **121 Waiianuenue Avenue  
Hilo, Hawaii 96720**  
Telephone No. **(808)935-6644**

STATE OF HAWAII  
DEPARTMENT OF LAND AND  
NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809  
  
CONSERVATION DISTRICT USE  
APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
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AGENT

Name: **Steve S. C. Lim, Esq.  
Carlsmith Ball Law Firm**

Address: **121 Waiuanue Avenue  
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Telephone No. **(808)935-6644**

III. TYPE OF PERMIT

- (1) Departmental permit (see section 13-5-33);
- (2) Board permit (see section 13-5-34)
- (3) Emergency permit (see section 13-5-35)
- (4) Temporary variance (see section 13-5-36)
- (5) Nonconforming use (see section 13-5-37)
- (6) Site plan approval (see section 13-5-38); or
- (7) Management plan (see section 13-5-39)

IV. LAND PARCEL LOCATION

Island: Hawaii

County: Hawaii

District: Kuki'o North Kona

Tax Map Key: Portions of  
(3)7-2-04:04, and 07;  
(3)7-2-06:05

Area of Parcel: 2.58± Acres (w/i  
Conservation District)

Term (if lease): \_\_\_\_\_

V. SUMMARY OF PROPOSED IDENTIFIED LAND USE: (Cite applicable section of Title 13-5, HAR. Attached additional sheet (s) as needed.)

**SEE SECTION 1.6, PROJECT DESCRIPTION WITHIN THE ATTACHED DRAFT ENVIRONMENTAL ASSESSMENT**

VI. ENVIRONMENTAL REQUIREMENTS

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, a Draft Environmental Assessment of the proposed use must be attached. The Draft Environmental Assessment shall include, but not be limited to the following:

**A DRAFT ENVIRONMENTAL ASSESSMENT PREPARED IN ACCORDANCE WITH TITLE 11, CHAPTER 200, HRS IS ATTACHED**

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification of summary of major impacts and alternative considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VII. DESCRIPTION OF PARCEL

**SEE ATTACHED DRAFT ENVIRONMENTAL ASSESSMENT**

- A. Existing structures/use. (Attach description or map and one set of original photographs. Also, if applicable, include any previously obtained Federal, State and/or County permit approvals.)
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage.)
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate if rare or endangered native plants and/or animals are present.)
- D. Flora and Fauna. (Describe and provide map showing location and types of flora and fauna. Indicate if rare or endangered native plants and/or animals are present.)
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and area where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.)
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline.)
- G. Existing covenants, easement, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic site affected. (If applicable, attach map and descriptions.)

**(SEE ATTACHED DRAFT ENVIRONMENTAL ASSESSMENT)**

VIII. COMMENCEMENT DATE : **WITHIN 6 MONTHS OF CDUA AND BLNR PLAN APPROVAL**

**COMPLETION DATE: 12 MONTHS AFTER COMMENCEMENT (EXCLUDING CONSTRUCTION OF FUTURE OVERHEAD UTILITIES, IF REQUIRED)**

IX. CITE AND DESCRIBE IN DETAIL THE PROPOSED IDENTIFIED LAND USE.

X. AREA OF PROPOSED USE:  
**EASEMENT AND SERVICE ACCESS OVER AN AREA ENCOMPASSING APPROXIMATELY 2.58 ACRES WITHIN THE STATE CONSERVATION DISTRICT**

XI. NAME AND DISTANCE OF NEAREST TOWN OR LANDMARK;  
**LOCATED ON STATE LANDS GENERALLY BETWEEN QUEEN KA'AHUMANU HIGHWAY AND MAMALAHOA HIGHWAY. KAILUA-KONA IS LOCATED APPROXIMATELY 14 MILES TO THE SOUTH**

XII. LAND USE COMMISSION BOUNDARY INTERPRETATION: If the area is within fifty feet of the boundary of the conservation district, include a map showing the interpretation of the boundary by the State Land Use Commission.

**SEE FIGURE 9 WITHIN THE ENCLOSED ENVIRONMENTAL ASSESSMENT**

XIII. SUBZONE DETERMINATION: Prior to the department receiving for processing any application for a permit, if the applicant's proposed land use lies within fifty feet of a subzone boundary, the applicant shall first notify the department of the intended use and seek a determination of the precise boundary of the subzone with respect to the parcel in questions. (Refer to Section 13-5-17, HAR.)

XIV. FEES. Each application shall be accompanied by such filing fees as specified in Chapter 13-5, HAR. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.

**A CHECK IN THE AMOUNT OF THREE HUNDRED FIFTY EIGHT DOLLARS (\$358.00) PAYABLE TO THE STATE OF HAWAII IS ENCLOSED TO COVER THE APPLICATION FILING FEES.**

XV. PLANS. All applications shall contain associated plans such as a location map, site plan, floor plan, elevations and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.

A. Area Plan. Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.

B. Site Plan: Site plan (maps) should include, but not be limited to dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water, area, roads, and utilities. (For Site Plan Approvals, see Section 13-5-38, HAR.)

C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation area; landscaping, including buffers; roadways, including widths; off street parking area; existing and proposed drainage; proposed utilities and other improvements; revegetations plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.

## **XVII. JUSTIFICATION AND REASONS SUPPORTING THE PROPOSED ACTION**

The proposed action represents an appropriate use of the State Conservation District in that it is supportive of the following criteria used to evaluate such actions.

1. The proposed land use is consistent with the purpose of the Conservation District.

**Response:** As stated in Title 13, Chapter 5, Section 1 of the Hawaii Administrative Rules (HAR), the purpose of the Conservation District is as follows:

**"Purpose.** The purpose of this chapter is to regulate land use in the Conservation district for the purpose of conserving, protecting, and preserving the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare."

Based on the findings of the enclosed Environmental Assessment, the requested easements and water utility related improvements across certain Conservation District, State-owned lands do not represent a threat to the natural resources of the area, will add to the long-term sustainability, and will promote the health, safety, and welfare of the public by improving the existing access and management options for the subject lands while presenting a minimal impact to the existing environment.

2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

**Response:** The proposed use includes lands designated within the General (G) subzone of the State Conservation District. The objective of the General subzone as defined under Section 3-5-14, HAR, is to designate open space where specific conservation uses may not be defined, but where urban use would be premature. The proposed improvements are not anticipated to have any noticeable impact to the scenic and open space resources of the area due to the significant distance (over one mile) from the proposed improvements to Queen Ka'ahumanu Highway, the nearest public thoroughfare.

The improvements which are planned within the State Conservation District consist of approximately 3,750 feet of subgrade water lines and improvements to the existing Old Kona Village Road. Therefore there will be no impact to the open space quality of the area.

The location of both water tanks are within the State Agricultural District, which is adjacent to the mauka boundary of the Conservation District. The nearest water tank, planned at the approximately 891-foot elevation, would be located over a mile and a half from the Highway, and would be of a scale (less than twenty feet in height) so as not to have any significant effect on the scenic vistas or views of the traveling public. Also, to help minimize the visibility of such structures, the tanks will be painted to blend with the surrounding environs.

3. The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.

**Response:** Although the proposed action does not include the use of coastal property, and is not the action located in the County Special Management Area (SMA), an objective of the Hawaii Coastal Zone Management Program is to protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources. As noted above, the proposed improvements are of a character and scale so as not to have a significant impact on the scenic or open space character of the area, and the improvements would not impact the existing public views to the shoreline.

4. The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region.

**Response:** As addressed in the attached Environmental Assessment, the proposed use, by extending water utilities to existing and planned improvements in the area, is not expected to have a significant adverse impact to the existing natural resources and is deemed to have a positive impact on the surrounding area, the State, the County, and planned resort development at Kuki'o (as described in the EIS for the Kukio Beach Resort, PBR Hawaii, 1988).

5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

**Response:** The planned water utility and access improvements have been planned in relation to the existing facilities and environmental conditions so as to present the least impact practicable to the surrounding area and to be compatible with the physical conditions and capabilities of the affected parcels.

6. The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.

**Response:** As noted, the planned service access and water utility related improvements in the Conservation District will, for the most part be at grade or below ground.

The two water tanks planned as part of the water utility improvements are within the Agricultural District and of a scale and distance from the nearest thoroughfare so as not to have a significant impact on scenic vistas or view planes of the traveling public. Additionally, tanks will be painted with a color intended to blend with the surrounding environs so as to minimize their potential visual impact on the existing natural conditions.

7. Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.

**Response:** The proposed action, does not entail the subdivision of lands within the Conservation District or otherwise lead to an increase in the intensity of land uses in the Conservation District.

8. The proposed land use will not be materially detrimental to the public health, safety and welfare.

**Response:** The proposed action is deemed to be generally beneficial to the health safety, and welfare of the public in that the proposed action:

- a) has been planned in a manner so as to present the least impact practicable to the existing environmental conditions;
- b) will allow for the utilization of existing water resources that are intended to support a community development in a manner that is in keeping with the State and County long-range plans for the area, including the appropriate land use, General Plan, zoning, and SMA Use Permit approvals;
- c) will help to support other State and County activities in the area by providing potable water to the County's West Hawaii Veterans' Cemetery and certain State agricultural lots;
- d) includes the potential installation of a temporary water transmission line that would include provisions for irrigation and cattle watering, and that can help to improve fire safety on adjacent lands.

WB Kuki'o Resort Utility Easements  
Environmental Assessment  
TMK: (3)7-2-04: Por. 04 and 07  
(3)7-2-06:17 Por.  
(3)7-2-07: Mamalahoa Right-of-Way  
Kuki'o, North Kona, Hawai'i

Prepared for: WB Kuki'o Resorts, LLC.  
Prepared by: PBR HAWAII  
September 1999

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**1.0 Description of the Proposed Action**

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**1.0 DESCRIPTION OF THE PROPOSED ACTION**

**1.1 PROJECT SUMMARY**

**Project Name:** WB Kuki'o Resort Utility Easements

**Applicant:** WB Kuki'o Resort, LLC

**Landowner:** State of Hawai'i

**Tax Map Key:** Portions of the Following (3) 7-2-04: 04, 07  
(3) 7-2-06:17; (3) 7-2-07:Mamalahoa Right-of-Way

**Existing Use:** Disturbed vacant land; used intermittently for grazing and portions of the existing Mamalahoa Highway Right-of-Way

**Proposed Use:** Transmission of water utilities and service access.

**Land Use Designations:** *State Land Use:* Agricultural and Conservation (General subzone)  
*County General Plan:* Extensive Agricultural and Open  
*Zoning:* Agriculture and Open

**SMA:** The subject property is not in the SMA

**Action Requested:** Conservation District Use Permit and easements for utility and service access improvements

**Approving Agency:** Board of Land and Natural Resources

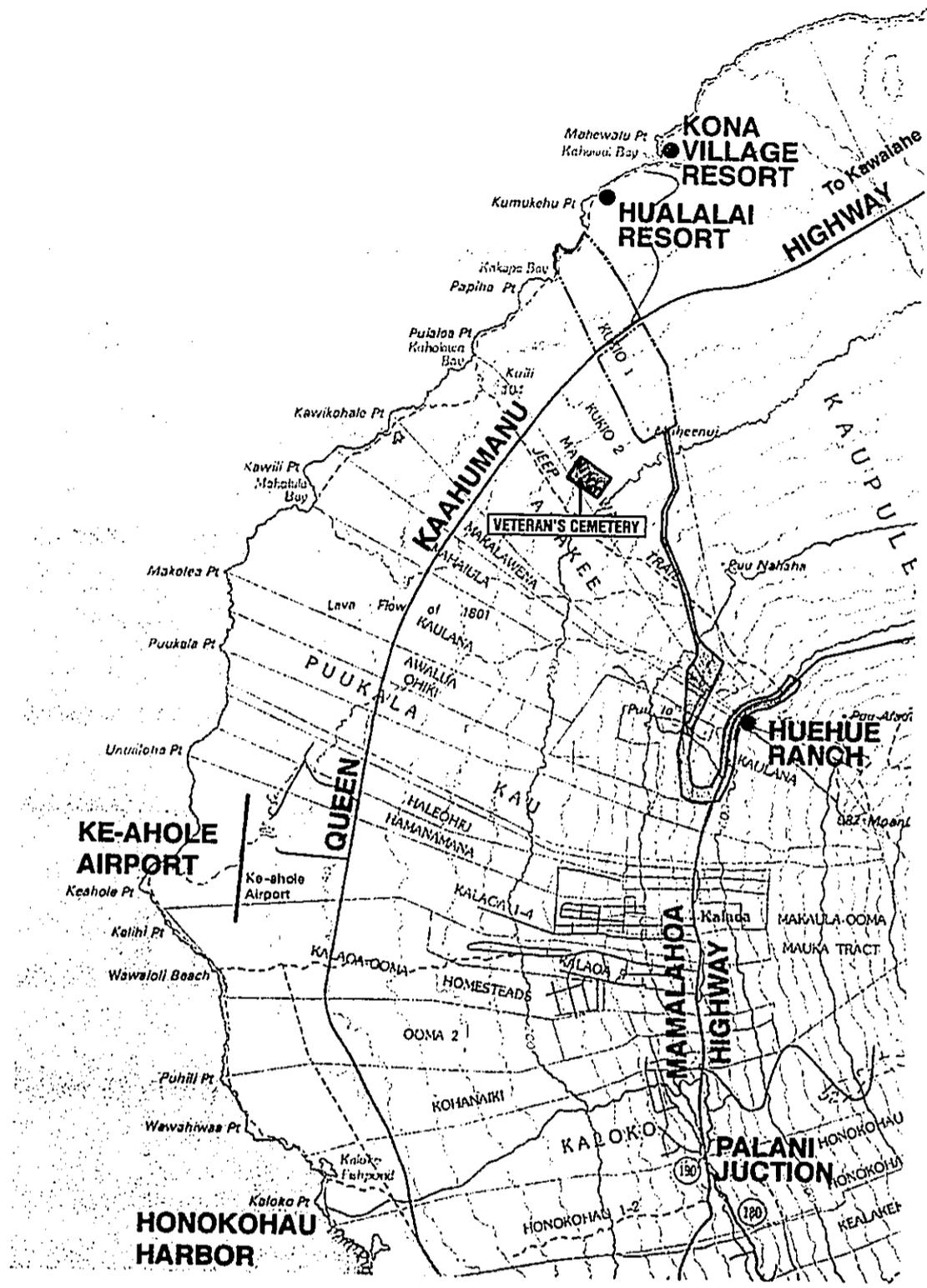
## **1.2 LOCATION AND OWNERSHIP**

This Environmental Assessment (EA) has been prepared to support a request to the State Board of Land and Natural Resources (BLNR) for the following 1) a Conservation District Use Application and 2) rights of entry and utility, maintenance, and access easements across certain Conservation and Agricultural District, State-owned lands at the ahupua'a of Kuki'o 2<sup>nd</sup>, Awake'e and Manini'owali, North Kona, Hawai'i.

The affected State lands, include portions of Tax Map Key (TMK) parcels (3) 7-2-04: portions of 04 and 07; (3) 7-2-06: portions of 17; and (3) 7-2-07: Mamalahoa Right-of-Way, are located mauka of Queen Ka'ahumanu Highway and include portions of Mamalahoa Highway, approximately 7 miles north of Keahole Airport and 14 miles north of Kailua-Kona. The island and regional location of the proposed action are shown in Figure 1 and the project location site map in Figure 2.

The adjacent lands to the northeast, which are within the ahupua'a of Ka'upulehu, are owned by Kamehameha Schools Bernice Pauahi Bishop Estate (KSBE) and are subject to a long-term lease agreement to Potomac Investment Associates (PIA). To the northwest, within the ahupua'a of Kuki'o 1<sup>st</sup>, is the Kuki'o Resort property belonging to the applicant, WB Kuki'o Resorts, LLC (WB Kuki'o). The Muhe'enui cinder cone is a notable landmark located at the southern corner of the WB Kuki'o property. The lands to the west of the State parcel, which are within the ahupua'a of Makalawena, are owned by KSBE. To the southeast and mauka of the State lands are the Makalei Hawai'i, Inc., properties, on which four of the five wells owned by the Applicant are located. The Applicant's fifth well and transmission line are located on two privately owned parcels of approximately 48 acres each. The land ownership of the affected lands and surrounding properties is shown in Figure 3.

HRA is also the current lessee of the subject State lands, with the exception of those portions located within the Mamalahoa Highway right-of-way (ROW).



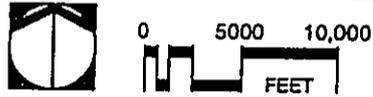
**LEGEND**

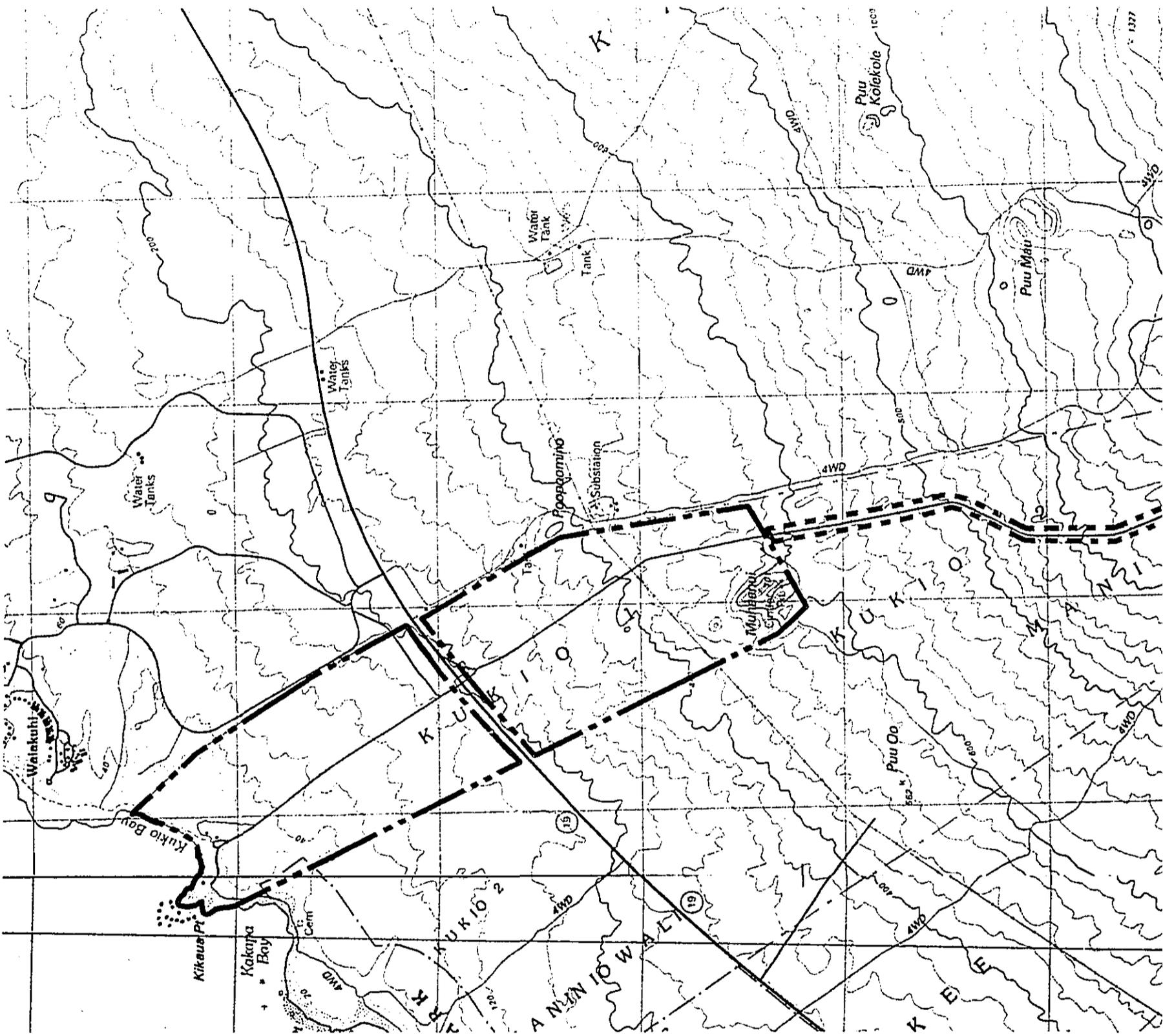
-  Project Area
-  WB Kukio Resort Property



**FIGURE 1**  
**REGIONAL LOCATION MAP**

**WB KUKIO UTILITY EASEMENT**





**LEGEND**

-  Project Area
-  WB Kukio Resort Property

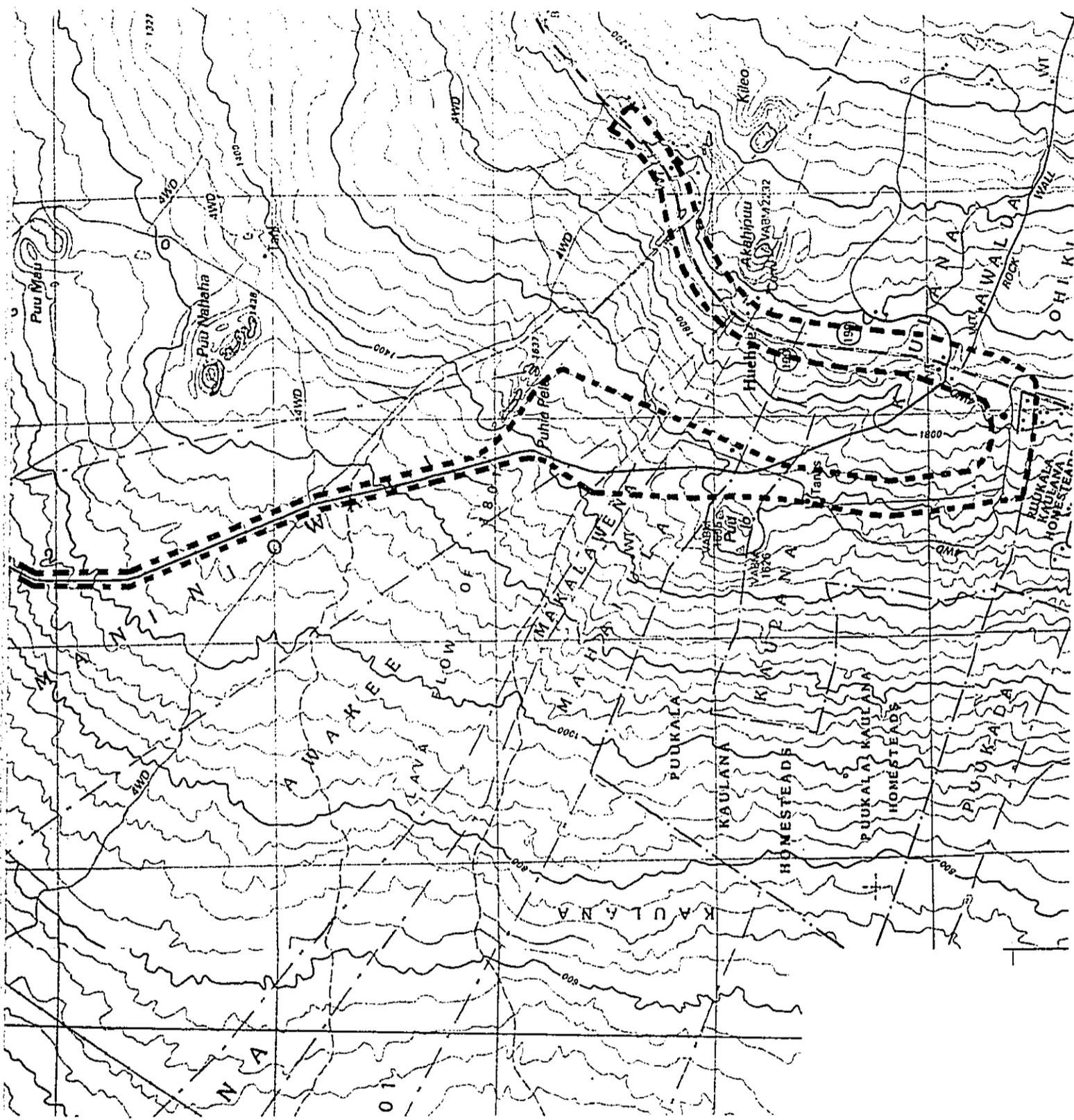
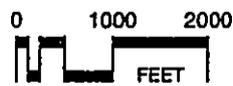
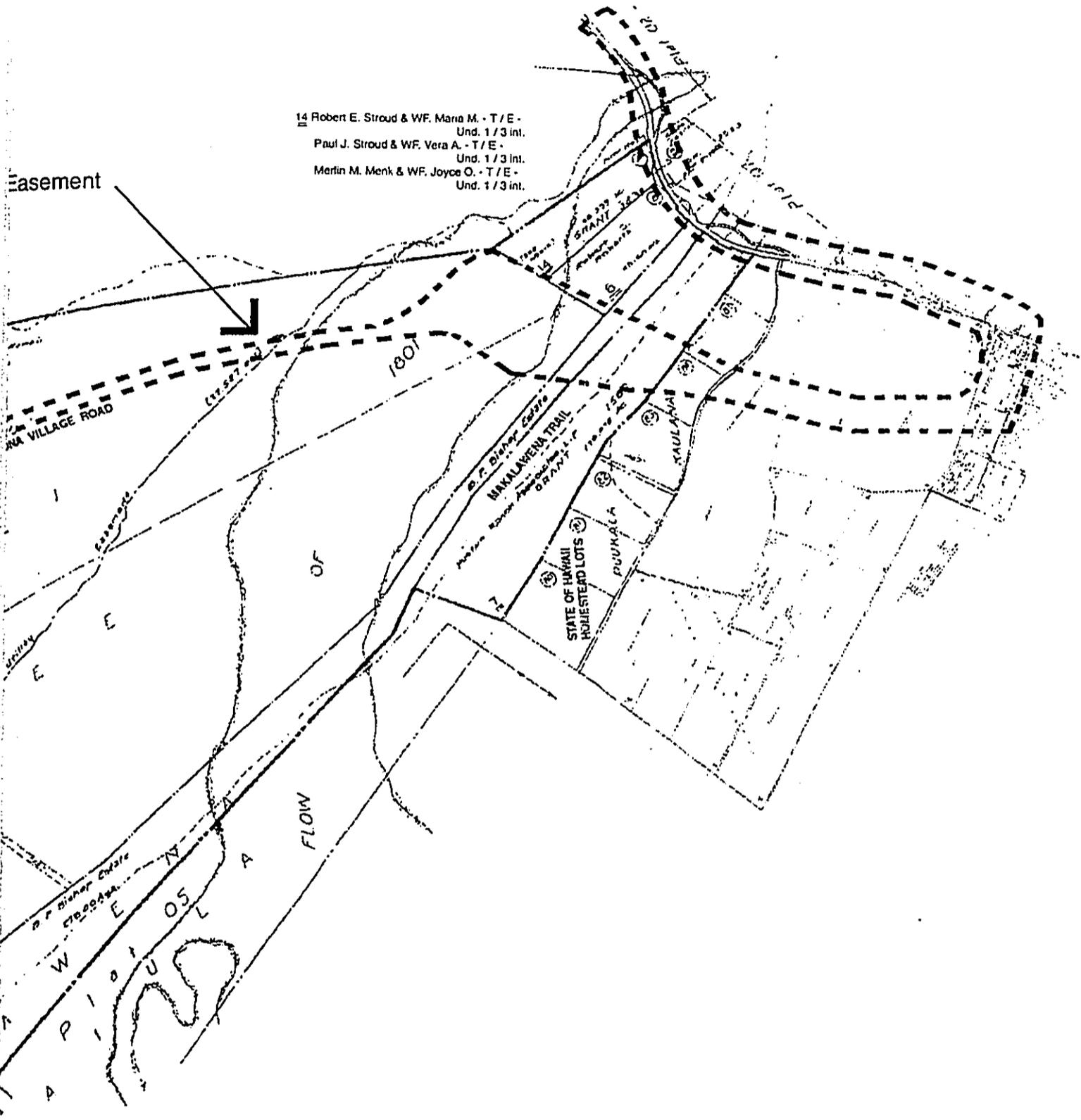


FIGURE 2  
PROJECT LOCATION MAP

WB KUKIO UTILITY EASEMENT





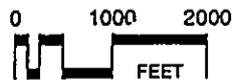


**LEGEND**

-  Project Area
-  WB Kukio Resort Property

FIGURE 3  
OWNERSHIP MAP

**WB KUKIO UTILITY EASEMENT**



August 1999



### **1.3 EXISTING AND SURROUNDING USES**

The affected State lands and the surrounding parcels are mostly vacant with the exception of the West Hawai'i Veterans Memorial Cemetery, which is located on the subject lands south of Muhe'enui cinder cone and the applicant's property. The subject lands are used intermittently for grazing.

Elevations on the property range from approximately 200 feet above mean sea level (amsl) at the makai boundary with Queen Ka'ahumanu Highway, to approximately 1,760 feet (amsl) at the Makalei Hawai'i property, adjacent to Mamalahoa Highway.

The bulk of the site consists of rough lava land and supports a minimum of dryland vegetation that is scattered throughout the property. Above the 1,000 foot elevation, some scattered trees and heavier shrubs are found and become more common with the increase in elevation and associated precipitation.

### **1.4 BACKGROUND**

On July 24, 1992, the Board of Land and Natural Resources approved the direct sale of a 25-foot wide and approximately 760-foot long utility and service road easement for a portion of the requested easement to Makalei Hawai'i Corporation (MHC) and Huehue Ranch Associates, L.P. (HRA). The applicant, WB Kuki'o Resorts, LLC., is the successor to the interest of HRA in that agreement. The perpetual, non-exclusive utility and service roadway easement crosses a Government "paper" Homestead Roadway and Lot 84, along the boundary between Lots 84 and 85, of the Pu'ukala-Kaulana Homesteads. These lots are further identified by TMK: 7-2-06: 17 (Por.), as shown previously on the land ownership map, Figure 3 (following page 2).

As a condition of the easement sale, the State obtained rights to purchase potable water from the approved MHC/HRA water system to serve the Pu'ukala-Kaulana Homestead Lots 80 to 85 and the County of Hawai'i operated West Hawai'i Veterans Cemetery Site at Pu'u O'o. The amount of water to be provided to these lots would be equal to the County of Hawai'i standards for domestic use, which is a maximum of 600 GPD per lot.

Although the water utility and service road improvements have been implemented in this portion, the agreement requires processing pursuant to the requirements of Chapter 343, HRS. Additionally, the conditions with regard to the provision of potable water to the State lots and County Veterans Cemetery have yet to be met. The subject easements, which include the same approximately 760' portion that crosses Lot 84 and the Government "paper" Homestead Roadway, are being sought with this Environmental Assessment, which is being filed and processed to meet the requirements of Chapter 343, HRS. Upon execution of the final easement agreement with the State, the applicant anticipates meeting the same conditions required for the original 1992 sale regarding the provision of providing potable water to the Pu'ukala-Kaulana Homestead Lots and to the County's West Hawai'i Veterans Cemetery, in an amount equal to the County standard for domestic use per lot.

## **1.5 CHAPTER 343, HRS COMPLIANCE**

The proposed action involves the use of Conservation District and State lands, triggering compliance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This EA has been prepared in accordance with the provisions of Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Sections 11-200-9 through 11-2000-13.

Provided within this EA is a description of the affected environment and the alternatives considered, proposed mitigation measures, preliminary impact determinations based upon the information contained herein, and the reasons supporting these determinations. The information contained in this EA has been developed from site visits and generally available information regarding the environmental characteristics of the project site and surrounding areas.

An Environmental Impact Statement (EIS) for the proposed Kuki'o Beach Resort was also prepared and processed according to the requirements of Chapter 343, Hawai'i Revised Statutes, HRS. The Kuki'o Beach Resort Final EIS was published on May 16, 1988. The Final EIS contains discussion on the water requirements and planned water system improvements for the Kuki'o Beach Resort, including the mauka well development and the proposed utility connections across the State lands to the resort development.

## **1.6 PROJECT DESCRIPTION AND OBJECTIVES**

### **1.6.1 Project Development Goals and Objectives**

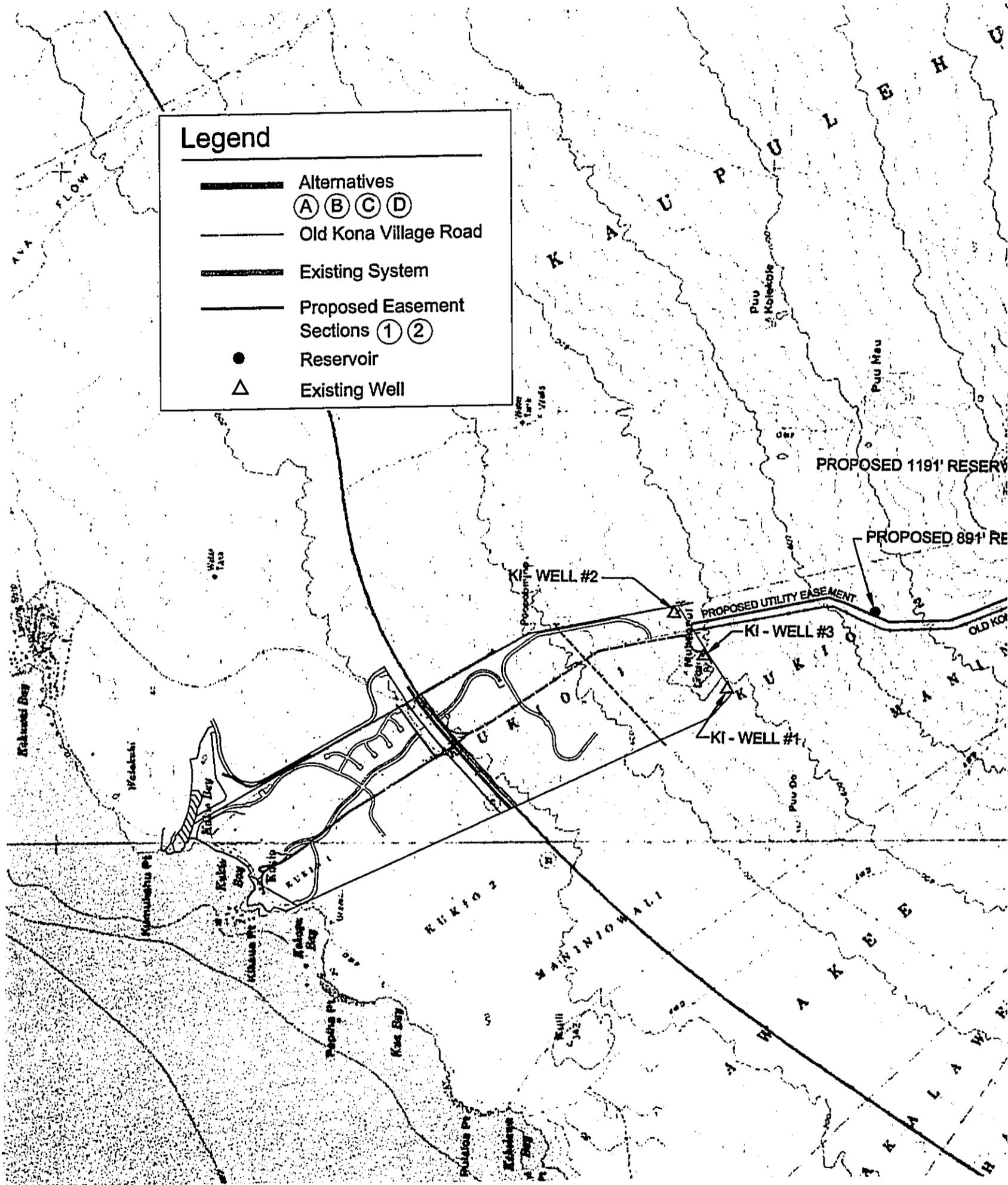
The applicant, WB Kuki'o Resort, LLC, is requesting an easement across portions of Conservation District and State lands for the purpose of providing a utility corridor connection between the applicant's well system, located mauka of the State lands on the Makalei Hawai'i property, and the applicant's property which is planned for and has received land use approvals for the master-planned Kuki'o Beach Resort.

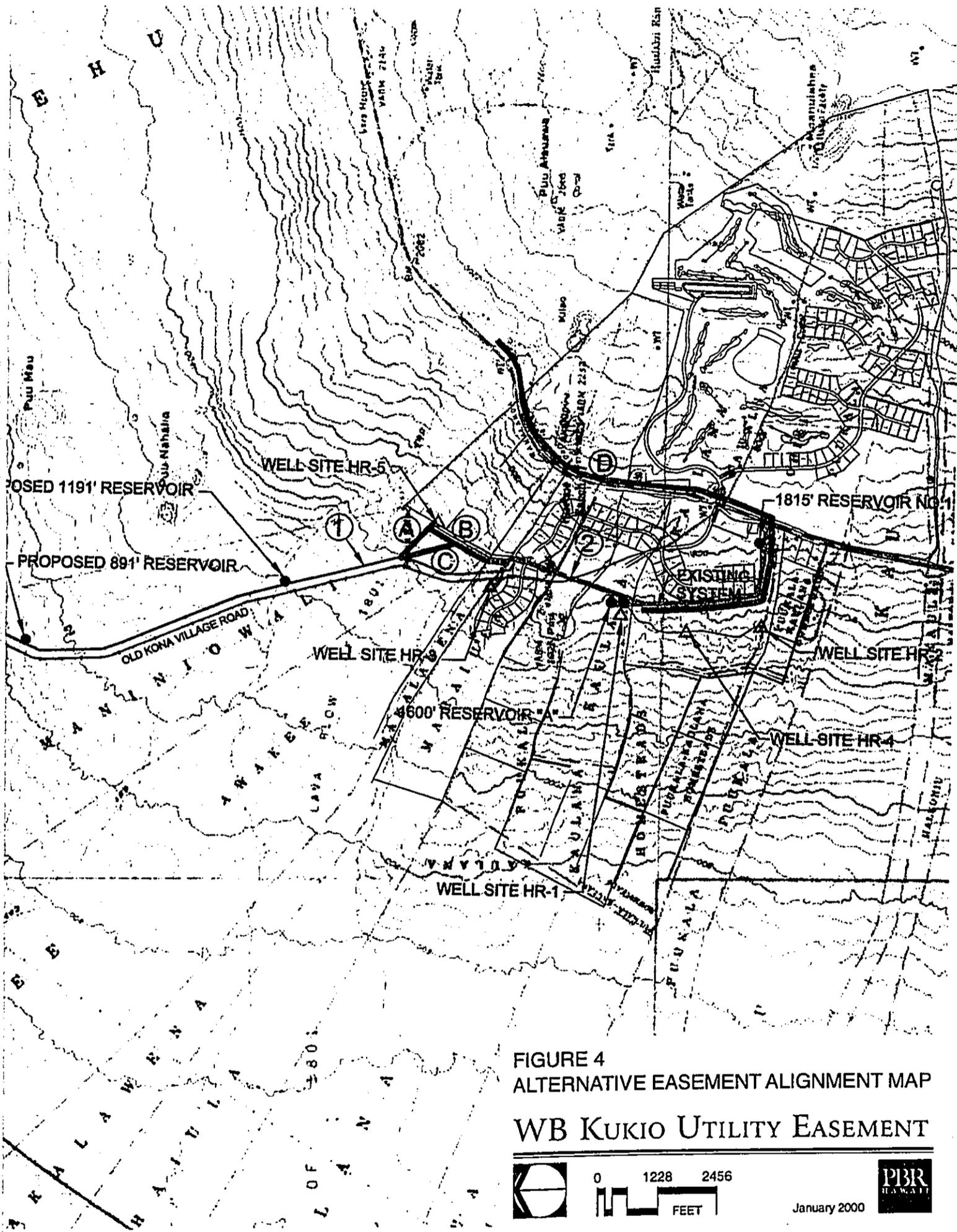
### **1.6.2 Alternative Alignments for the Utility Easement**

The requested easements, as shown in Figures 4 and 5, include a 30-foot utility and service easement that generally follows an existing ranch road, easements for two tank sites of approximately one-half acre each (shown within Portion 1 in Figure 4), and a 25-foot utility and service easement over

### Legend

-  Alternatives
-  Old Kona Village Road
-  Existing System
-  Proposed Easement Sections ① ②
-  Reservoir
-  Existing Well





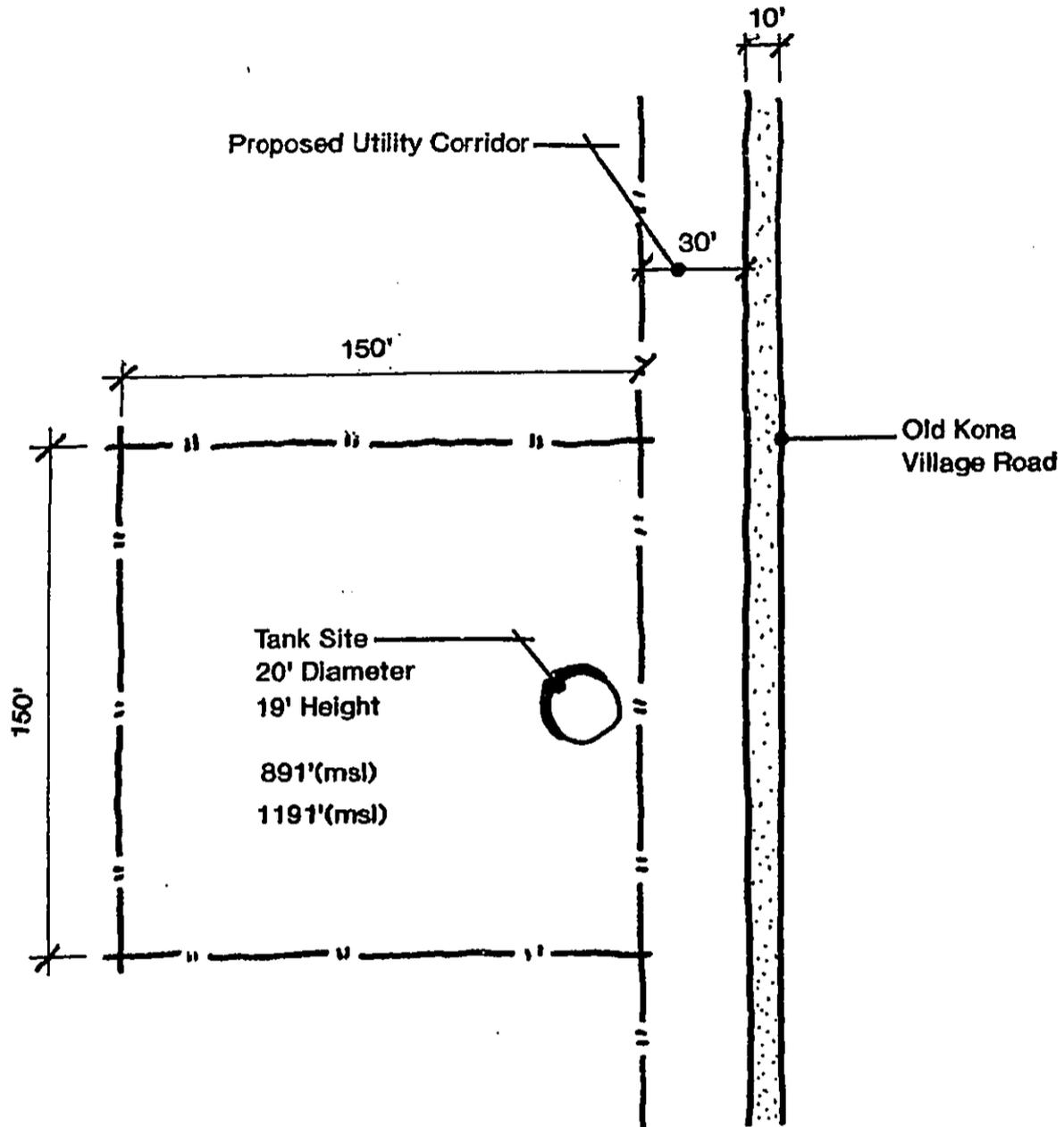
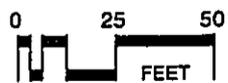


FIGURE 5  
 PLAN VIEW OF PROPOSED WATER TANK SITE  
 WB KUKIO UTILITY EASEMENT



an approximately 760-foot section of the Pu'ukala-Kaulana Homestead Lots and a Government "paper" Homestead Roadway (shown within Portion 2 in Figure 4). A large portion of the utility easement would run along the existing "Old Kona Village Road." This mauka-makai cinder access road extends makai from Mamalahoa Highway through State-owned land and is interrupted by Queen Ka'ahumanu Highway. The road was constructed in 1968 by Huehue Ranch and Signal Landmark to provide access to the Kona Village Resort and the historical Huehue Ranch lands which are now owned by Makalei Hawai'i, Corp. No formal easements have been recorded for this roadway.

In the mauka portion, near the Makalei property, four alternative alignments for the corridor connection to the well system are requested. (shown as Alternative Easement Alignments A, B, C and D in Figure 4). Since the eventual connection of the water system will require easements over other adjacent properties, for which agreements have yet to be reached, the alternative corridor alignments over the State lands including portions within the Mamalahoa Highway Right-of-way (ROW) are needed to provide some level of routing flexibility, depending on the outcome of the easement negotiations with the adjoining land owners.

Initially, the applicant plans to install a temporary, six-inch, overground irrigation line over the Alternative Easement A. This line would extend from the area of the applicant's HR-5 well site and proceed directly makai over the State lands covered by the 1801 lava flow to the Old Kona Village Road. It would then, and follow the Old Kona Village Road to the Kuki'o Beach Resort Project site. Planned permanent improvements would include utility lines (power and telecommunications) and an underground water transmission line, two "breaker" tanks located at approximately the 891-foot and 1191-foot elevations, and improvements to the existing Old Kona Village Road, which would serve as the service road to access the utility lines and tanks.

### **1.6.3 Description of the Tanks, Waterline and Utility Installation**

The planned improvements over the State land in the area of the Old Kona Village Road will be confined to the area of the requested 30-foot easement and tank sites and will include:

- A temporary overland irrigation line extending generally along the Old Kona Village Road from the HR-5 well site to the WB Kuki'o site in an alignment corresponding to the Alternative Easement Alignment A. The temporary line will consist of 6" - 8" black plastic pipe with fittings for the provision of water service to be used for cattle watering, fire control and provision of irrigation water to both the State and WB Kuki'o lands.
- A twelve-inch underground pipeline will be placed underground and backfilled to match the existing topography.
- Two tank sites of approximately one-half acre each, at the 891 and the 1,191 foot elevations and the installation of "breaker" tanks of approximately 40,000 gallons at each location. The tanks will be metal and will measure approximately 19 feet in height and 20 feet in diameter. They will be painted to blend with the natural environment.
- Improvements to the existing Old Kona Village Road, and in the case of the alternative easement alignment, potential extensions to the existing road to provide service access to the planned utility lines. The Old Kona Village Road consists of a 12'-wide cinder road which is paved in areas of steeper slopes. Improvements to the existing roadway would include resurfacing, and where appropriate, repaving of the existing roadway. Ongoing maintenance to the existing Old Kona Village Road and extension will be provided to maintain service access to the utility improvements.

- In the future, if required and approved by the State, overground electrical and telecommunication lines, may be included within the requested utility easement.

Currently in place in the area of the request a 25-foot wide and 760-foot long easement across the Pu'ukala - Kaulana Homesteads, service access, and water utility improvements as approved in a prior agreement with the State BLNR. No further improvements are proposed over this portion.

One alternative utility connection (shown in Figure 4) includes the potential placement of a water transmission line within the Māmalahoa Highway ROW.

Improvements within the Mamalahoa Highway ROW, if required, would include the underground placement of a twelve-inch ductile iron pipe as a portion of the MHC/HRA water system. All improvements within the Mamalahoa Highway Right-of-way will be in accordance with plans approved by and coordinated with the State Department of Transportation.

### **1.7 PURPOSE AND NEED FOR THE PROPOSED ACTION**

The Kuki'o Beach Resort and the five wells that provide it water are separated by State owned lands. Therefore, the requested easements through State lands are needed to provide underground water transmission lines to the proposed Kuki'o Resort and, potentially, for overground power and telecommunication transmission lines, as well.

Therefore, the applicant, WB Kuki'o Resorts, LLC, seeks to 1) implement improvements to an existing ranch road (Old Kona Village Road) and 2) provide a utility connection from its water source, which is located just mauka of the State lands at the approximately 1,500-foot elevation, to the planned Kuki'o Beach Resort development located makai of the State lands.

The Old Kona Village Road, which extends from the applicant's property to the area of the applicant's wells provides a logical alignment for the proposed utility corridor. Improvements to the existing Old Kona Village Road would be needed to provide service access to the utility lines.

The requested easements, in addition to providing a means to connect the applicant's water sources with the planned Kuki'o Beach Resort development, will also supply a means to provide potable water to the State Pu'ukala-Kulana Homestead Lots and the County's West Hawai'i Veterans Cemetery.

### **1.8 PROJECT TIMETABLE**

Following the necessary regulatory approvals from the State and County, including the proposed utility easement, the applicant anticipates that the construction of the water transmission, storage, and access improvements will start within six months and will be completed within one year of the project commencement.

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**2.0 Description of the Affected Environment  
Impacts and Mitigation Measures**

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## **2.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT, IMPACTS AND MITIGATION MEASURES**

### **2.1 PHYSICAL CHARACTERISTICS**

The bulk of the site consists of rough lava land and supports a minimum of dryland vegetation that is scattered throughout the property. In the upper elevations, above the 1,000 foot elevation, some scattered trees and heavier shrubs are found and become more common with the increase in elevation and associated precipitation.

#### **2.1.1 Climate**

The subject lands are located in the lee of the Hualalai Volcano, which generally buffers the site from the gusty trade winds. The predominant wind pattern comes from convection processes occurring from the daily heating and cooling of the land. Temperatures in the winter months (October through April) range from 60 to 75 degrees Fahrenheit, and in the summer months (May through September) temperatures range from 70 to 85 degrees Fahrenheit.

Rainfall is closely linked to elevation. The area of the Old Kona Village Road, along which the utility corridor is proposed, receives approximately 20 to 25 inches of rainfall annually in the upper elevations and 7 to 8 inches in the lower elevations. While the subject lands are sheltered from the trade winds, rainfall usually occurs in the late afternoons and evenings, caused by sea breezes moving onshore and up slope during the day.

The proposed utility corridor is expected to have little impact on the climate of the area.

### **2.1.2 Topography**

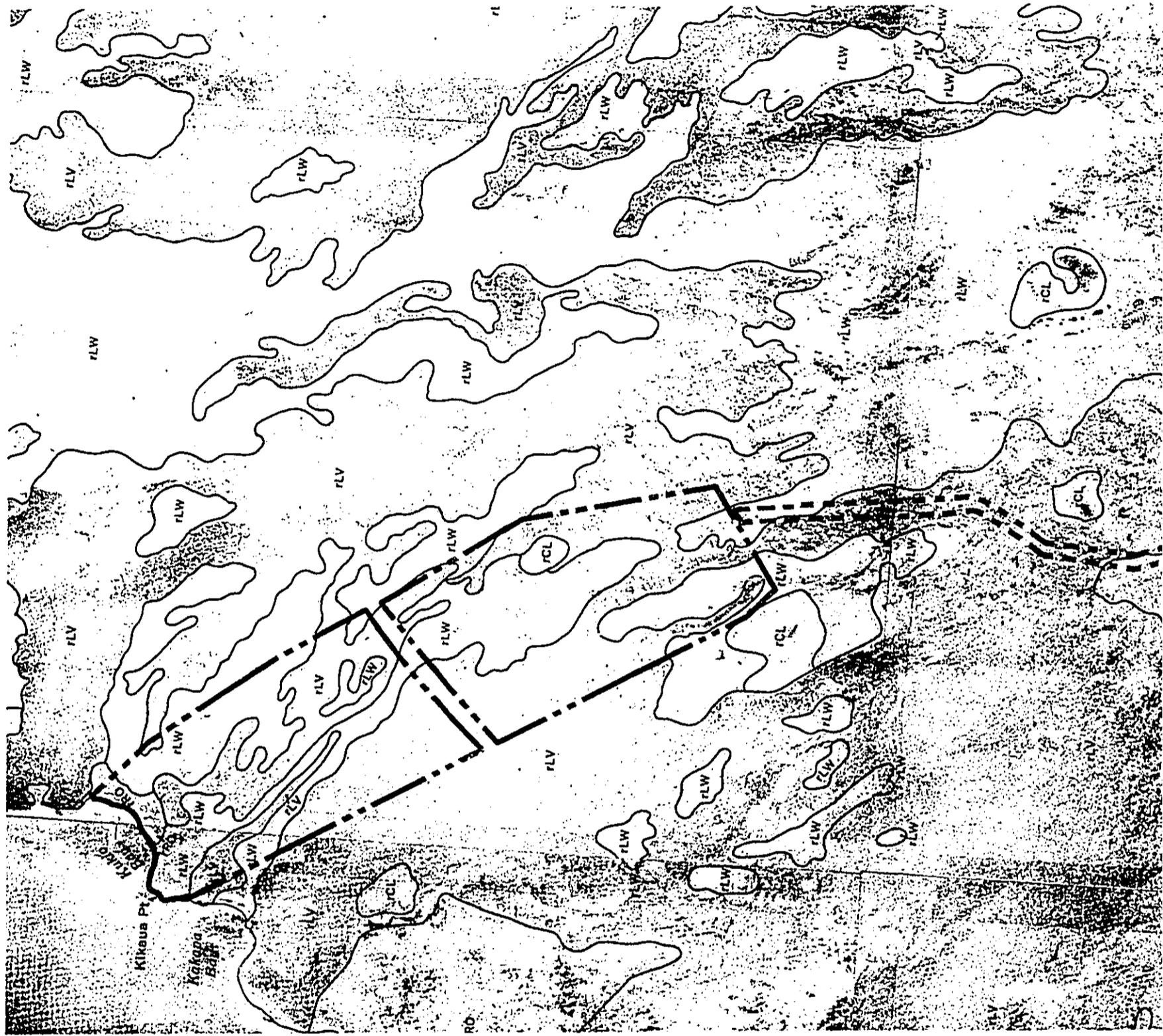
The topography of the land is generally uniform with a gradual mauka-makai slope. The average slope for the proposed utility easement through the State's lands ranges from five to ten percent. The proposed utility easement and related improvements, which would generally follow the existing Old Kona Village Road alignment, are expected to have little impact on the topography of the subject property.

### **2.1.3 Soils**

The soils underlying the project site consist primarily of cinder lands and pahoehoe and 'a'a lava flows with little or no soil cover. Some thin and rocky soils are found in the upper elevations near the Mākālei Hawai'i property. In the area between the 1,200 and 1,440 foot elevation, the lands are crossed by the 1801 Lava Flow, and therefore consist of almost entirely barren lava. The Soil Survey of the Island of Hawai'i, State of Hawai'i, U.S. Department of Agriculture, Soil Conservation Service, describes the soils underlying the project site, as shown in Figure 6, and are described as follows:

**Cinder Land (rCL):** Cinder lands consist of a combination of volcanic cinders, pumice and ash. Materials range in color from black, red yellow, brown to variegated, characterized by jagged edges and a glassy appearance. These lands support grasses, however, they are not recommended for pasture land due to a loose consistency.

**Lava Flows, 'A'a (rLV):** This lava has practically no soil covering and is bare of vegetation with the exception of mosses, lichens, and a few 'ohi'a trees. The lava is characterized by rough, broken, glassy, sharp fragments piled in heaps.



**LEGEND**



Project Area



WB Kukio Resort Property



Rock outcrop



Lava flows, pahoehoe



Lava flows, Aa



Cinder land



Punaluu



Kaimu

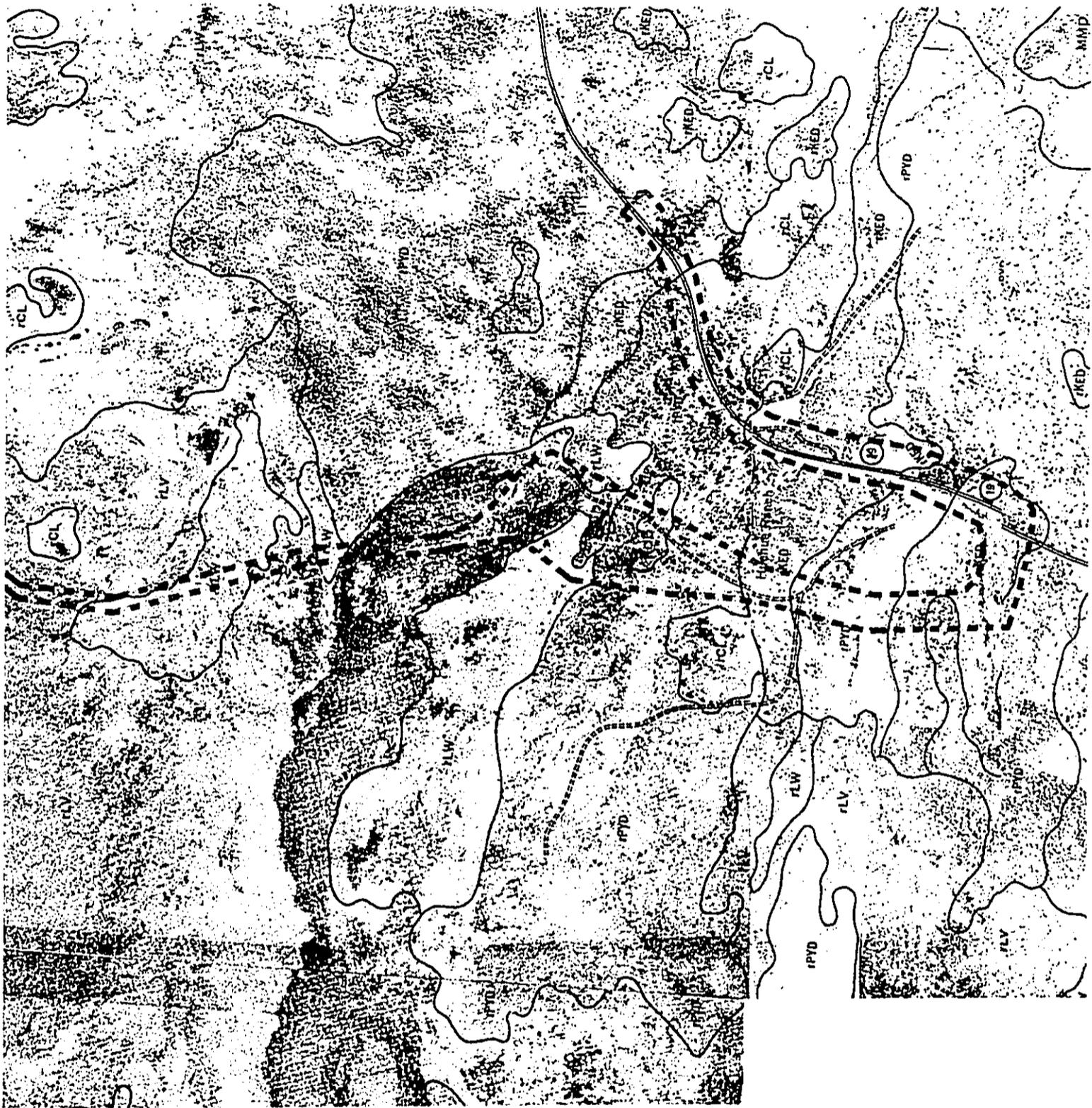
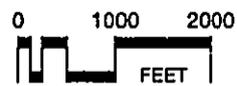


FIGURE 6  
SCS SOIL SURVEY MAP

WB KUKIO UTILITY EASEMENT



September 1999

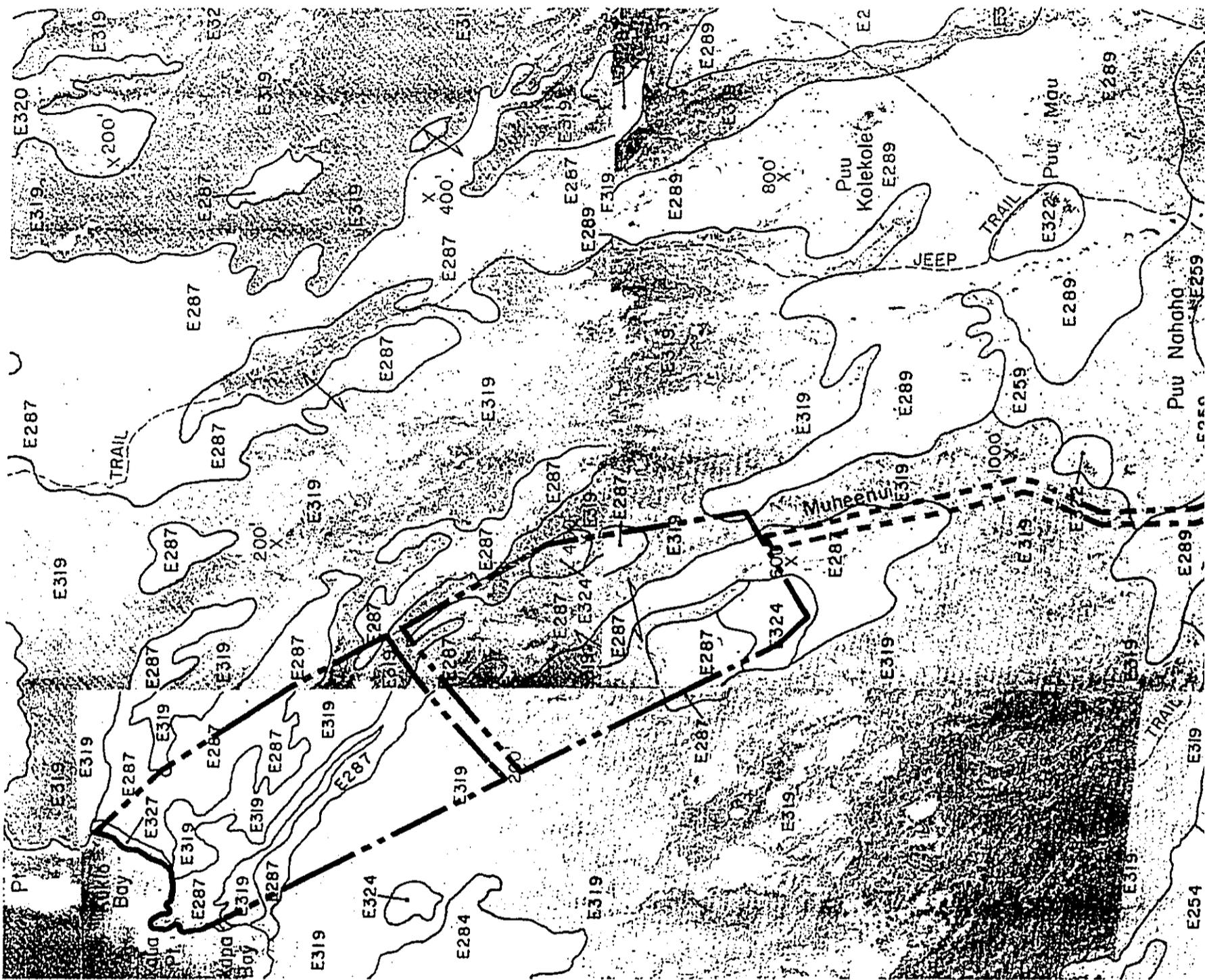


**Lava Flows, Pahoehoe (rLW):** Pahoehoe lava has no soil covering and is typically bare of vegetation with the exception of mosses and lichens. Predominant characteristics are relatively smooth surface with a billowy, glassy texture broken by rough hummocks and pressure domes.

**Punalu'u Extremely Rocky Peat, 6 to 20 percent slopes (rPYD):** This soil consists of well drained, thin organic soils over pahoehoe lava bedrock. The soil profile represents a surface layer of black peat 4 inches in depth, underlain by pahoehoe lava bedrock. The soil is of a medium acidity and the peat surface layer is rapidly permeable. The pahoehoe lava is slowly permeable, although water moves rapidly through the cracks. Runoff is slow and erosion hazard is slight.

From an agricultural perspective, the above lands are of marginal to poor agricultural quality. As shown in Figure 7, according to the Land Study Bureau Detailed Land Classification Report for the Island of Hawaii, the soils within the study area are predominately Class E. From an agronomic perspective these soils are generally poorly suited for agricultural use due to their rocky character, lack of soils and precipitation. Similarly, none of the soils are classified under the Department of Agriculture - Agricultural Land of Importance to the State of Hawaii (ALISH) System as Prime or Unique Agricultural Lands. A small segment near Mamalahoa Highway, as shown in Figure 8 includes lands classified as Other Important Agriculture Lands.

The subject lands are intermittently used for grazing purposes, depending on the availability of rainfall. Whereas the proposed improvements provide the potential for improved access and water transmission to portions of the State lands and will have no known detrimental effects on existing agricultural (grazing) activities, the potential impacts to the agricultural use of the lands are deemed to be positive and do not justify mitigative measures.



**LEGEND**

-  Project Area
-  WB Kukio Resort Property
-  E319 Shallow depth, moderately fine Texture, Pehoehoe outcrops, well drained, and 0 - 20% slope
-  E319 No soil material, sharp aa clinkers, excessively drained, and 0 - 12% slope

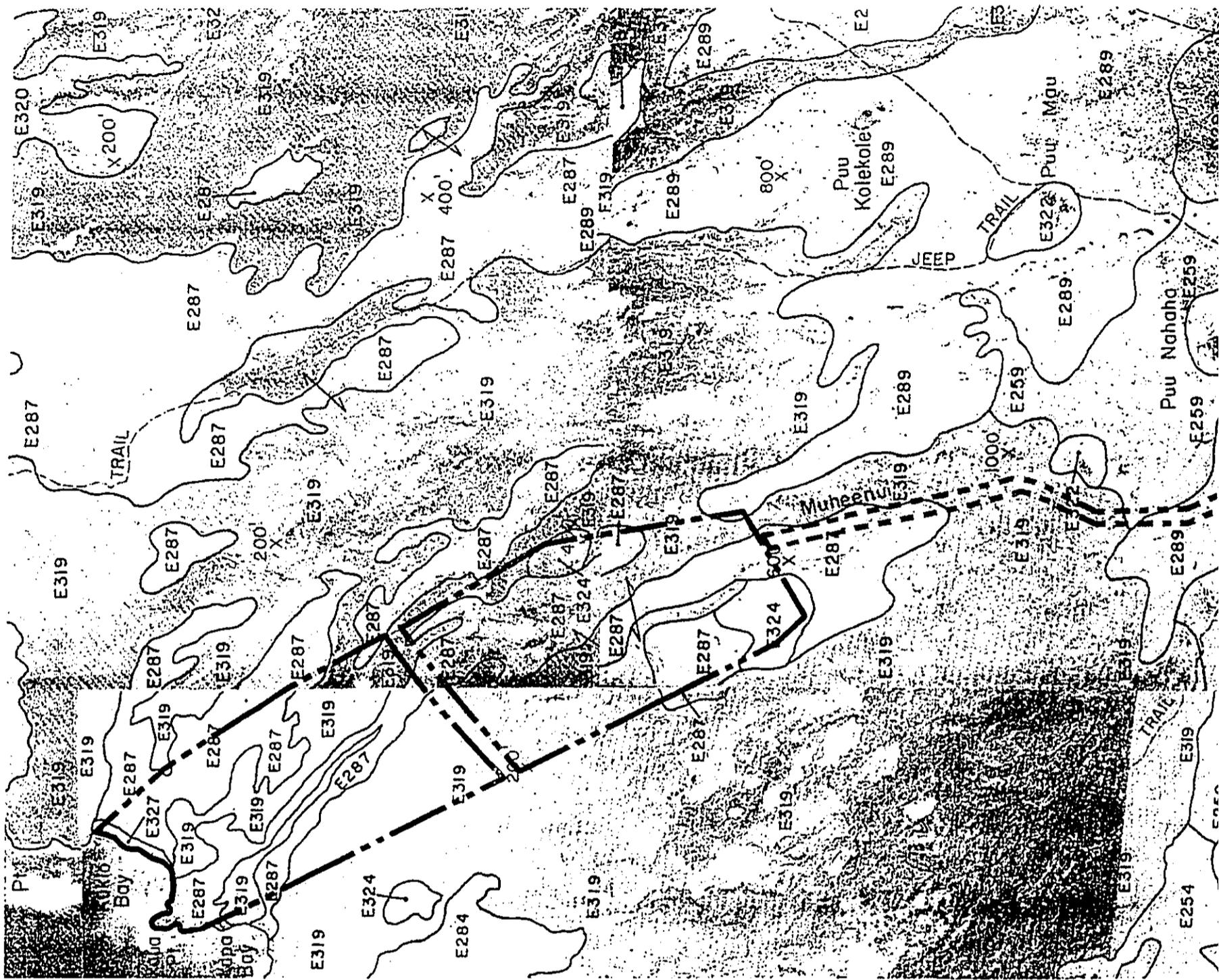
-  E320 No soil material, well drained, and 0 - 12% slope
-  E259 No soil material, sharp lava clinkers, excessively drained, and 0 - 35% slope
-  E289 No soil materials, well drained, and 0 - 35% slope
-  E287 No soil materials, well drained, and 0 - 10% slope
-  E324 Deep, unweathered cinders, stony, well drained, and 36 - 80% slope

-  E327 Deep, coarse, nonsto excessively drained, and
-  E262 No soil material, shar excessively drained, and
-  E268 No soil material, shar excessively drained, and
-  D267 Limited soil material, very well drained, and
-  D293 Shallow, moderately f well drained, and 0 - 3



# CORRECTION

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING



**LEGEND**



Project Area



WB Kukio Resort Property



Shallow depth, moderately fine Texture, Pehoehoe outcrops, well drained, and 0 - 20% slope



No soil material, sharp aa clinkers, excessively drained, and 0 - 12% slope



No soil material, well drained, and 0 - 12% slope



No soil material, sharp lava clinkers, excessively drained, and 0 - 35% slope



No soil materials, well drained, and 0 - 35% slope



No soil materials, well drained, and 0 - 10% slope



Deep, unweathered cinders, stony, well drained, and 36 - 80% slope



Deep, coarse, nonstony, excessively drained, and 0 - 35% slope



No soil material, sharp lava clinkers, excessively drained, and 0 - 35% slope



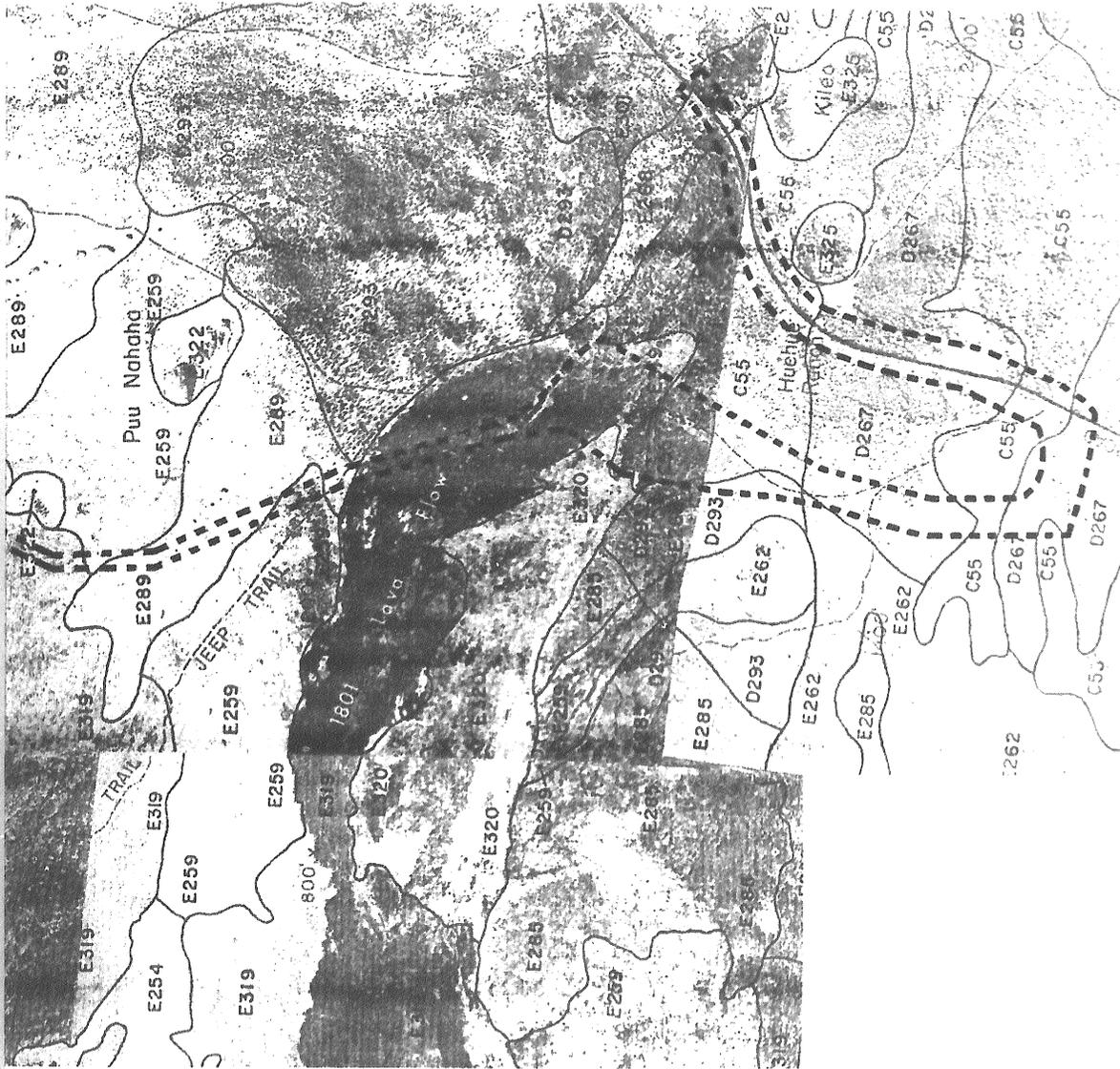
No soil material, sharp lava clinkers, excessively drained, and 0 - 35% slope



Limited soil material, sharp lava clinkers, very well drained, and 0 - 35% slope



Shallow, moderately fine texture, well drained, and 0 - 35% slope



deep, coarse, nonstony to stony,  
cessively drained, and 0 - 20% slope

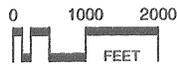
soil material, sharp lava clinkers,  
cessively drained, and 0 - 35% slope

soil material, sharp lava clinkers,  
cessively drained, and 0 - 35% slope

limited soil material, sharp lava clinkers,  
ry well drained, and 0 - 35% slope

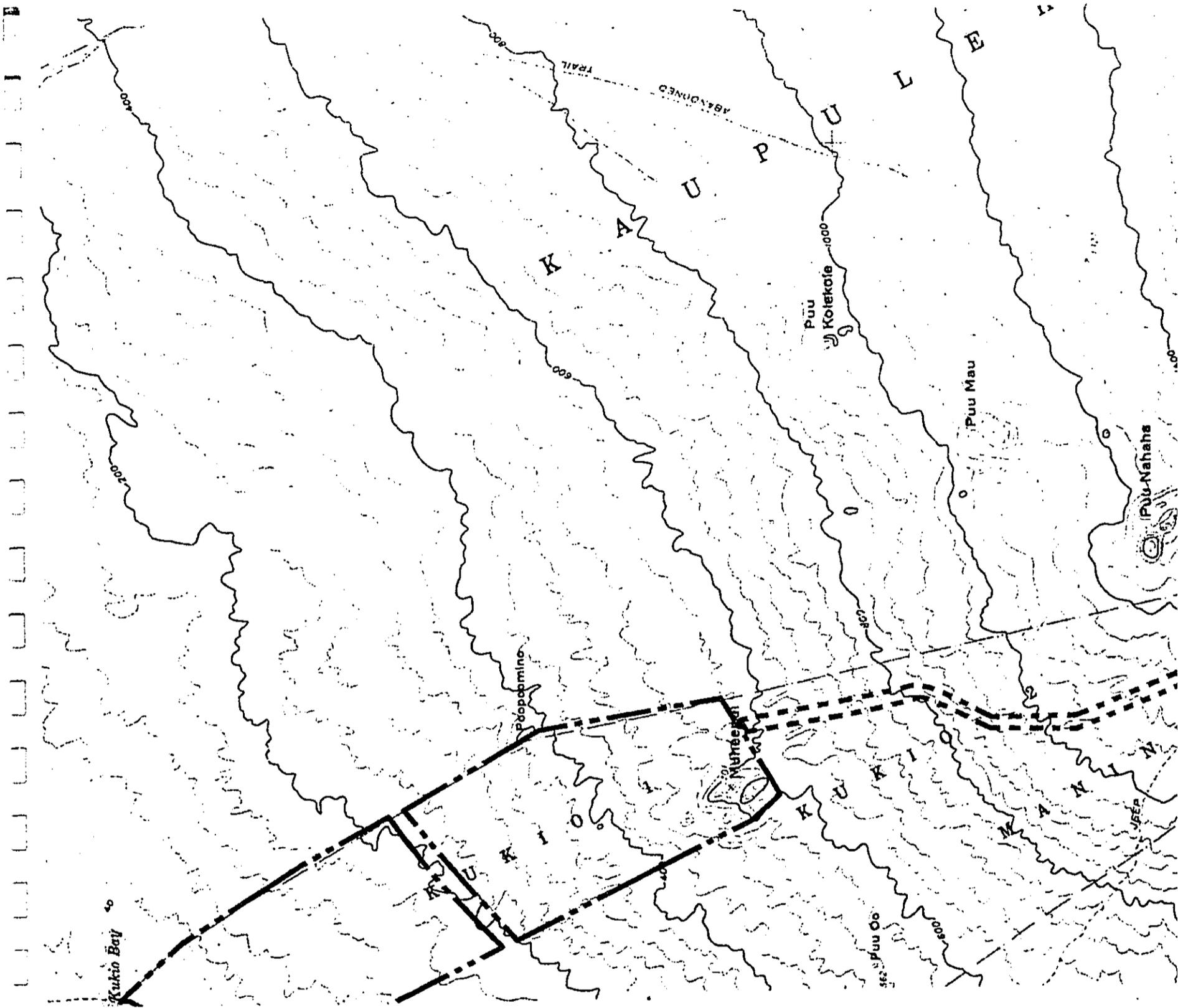
yellow, moderately fine texture, stony,  
all drained, and 0 - 35% slope

FIGURE 7  
LSB DETAILED LAND CLASSIFICATION MAP  
WB KUKIO UTILITY EASEMENT



September 1999





**LEGEND**



Project Area



WB Kukio Resort Property



Prime Agricultural Land



Unique Agricultural Land



Other Important Agricultural Land



Existing Urban Agricultural Land



U.S. Government



#### **2.1.4 Groundwater Hydrology**

The North Kona district is geologically divided by the northwest rift zone of Hualalai Volcano. The subject property generally experiences light daily rain showers that provide the area's source of water recharge. Groundwater occurs in a basalt lens configuration. The basal lens is a layer of fresh water floating on top of salt water that varies in thickness.

Groundwater recharge is relatively dependant on rainfall patterns. The rain is precipitated in light daily showers, as opposed to high volume, short duration storms. These conditions result in a relatively low recharge volume over the subject lands, because the infiltration water is first consumed by existing vegetation before it percolates into the groundwater supply. The primary source of groundwater recharge is from lands considerably mauka of the project site.

The proposed utility corridor is not anticipated to significantly affect existing drainage patterns, surface runoff, or groundwater recharge. Withdrawals of potable water from the existing wells at higher elevations are based on sustainable yields as approved by the State Department of Health through the well permitting process, and are not expected to alter groundwater salinity in the basal lens.

#### **2.1.5 Flora and Fauna**

Based on the findings of a botanical survey of the project site (Botanical Reconnaissance of the WB Kuki'o Utility Easement, Appendix A) the vegetation within the project site is dominated by fountain grass (*Pennesetism setaceum*) which makes up 70 to 100 percent of the cover with bare spots (*lava*) accounting for the rest. Shrubs and trees are found primarily in the upper elevations, above 1, 200-feet above mean sea level (AMSL), where they are highly scattered and account for less than 1 percent of the cover.

Those trees or shrubs that are present include the common natives lama, a' ali' i (*Dodonea viscosa*), and naio (*Myoporum sandwicense*), and the aliens lantana (*Lantana camara*), and indigo (*Indigofera suffruticosa*). Also several, apparently dead, wiliwili (*Erthrina sandwicense*) trunks were found near and extending into the proposed corridor at about the 1,200-foot elevation. A few highly scattered 'ohi'a are present at the extreme end of the project. Various native (none rare) and alien herbs and grasses are also present.

As a result of the botanical survey no species classified as listed, proposed or candidate threatened and endangered species by the U.S. Fish and Wildlife Service were detected within the project site. The botanical report further concludes that due to the alien nature of the vegetation, which is isolated and removed from areas of intact ecosystems, the project area was deemed to have a fairly low value in terms of native species or ecosystem conservation. However, care would be taken, where practical, to avoid the few native trees that are present during the excavation of trenches and placement of utility poles.

Typically, animal life in this habitat includes a variety of feral rodents, mongoose, feral goats, donkeys, pigs, and exotic dryland birds. Birds include the Indian gray francolin, the barred dove, the common mynah, the Japanese white-eye, the house finch, the house sparrow, the cardinal and the Brazilian cardinal. The proposed project will have minimal impact on the wildlife which frequents the lands underlying the proposed easement. No unique habitats are known to exist in the path of the proposed easement. The proposed improvements to the existing ranch road and related utility improvements are not anticipated to have any impact on the daily migration of animals in the area or to the existing animal habitats.

#### **2.1.6 Drainage**

Due to the low rainfall and highly porous ground conditions, natural runoff from seasonal rainfall is very limited and flood hazards are remote. What little surface runoff that occurs during storm events is predominantly carried as sheet flow before percolating to the groundwater table.

There are no natural drainage features in the project area and no floodways are indicated in the area of the project site on the Flood Insurance Rate Maps (FIRM) on file with the Department of Public Works. Some small minor gullies are found in the upper elevations and mauka of the project site, but, these features lose definition over a short distance and are not found in the area of the project site.

In that improvements for the proposed utility corridor would be confined primarily to the area of the existing Old Kona Village Road, the project is not expected to have a significant impact on drainage patterns in the area.

## **2.1.7 Noise and Air Quality**

### **2.1.7.1 Noise**

Existing noise sources in the area are limited to the distant traffic along Queen Ka'ahumanu Highway, infrequent vehicular activity along the Old Kona Village Road, natural sources (wind), and traffic along the Māmalahoa Highway. The site is well removed from the Keahole Airport departure zone, seven miles to the west.

During the installation of the waterline, some construction noise will be generated, however, these activities would occur over a relatively short period of time and during daylight hours. There are no residences in the area of the proposed utility corridor. The nearest residences include four homes located approximately 1.2 miles south and mauka of the project site, near Mamalahoa Highway. However, should improvement be implemented within the Mamalahoa Highway ROW, as shown as Alternative Easement Alignment D, (Figure 4), those residences located along Māmalahoa Highway may be impacted by construction related noise. These impacts, if present, are expected to be of relative short-term duration and will occur during daylight hours. Noise levels that would occur in these areas are anticipated to be similar to those experienced during periods of roadway maintenance along Mamalahoa Highway.

### **2.1.7.2 Air Quality**

Present air quality in the project area is mostly affected by air pollutants from natural and vehicular sources. There are no industrial or agricultural air pollution sources in the area. Natural sources of air pollution that may affect the air quality in the project area include aero-allergens from plants and wind-blown dust from areas of bare soil. Currently, the greatest intermittent natural contributor to air pollution is the eruptive activity at Kilauea Volcano, more than 50 miles east of the project site.

Queen Ka'ahumanu Highway, makai of the project site, is a major arterial roadway. Depending upon the prevailing wind direction, emissions from motor vehicles traversing Queen Ka'ahumanu Highway may be carried over the project site.

The Department of Health maintains monitoring stations in Hilo and in Honoka'a, about 60 miles east and northeast of the project site, but the data collected are specific to those localities and are of little relevance in describing the conditions at the project area. Based on available air quality studies conducted in the general area, it appears that both state and national ambient air quality standards are currently being met despite the persistent vog.

The construction and ongoing maintenance of the utility lines and improvements to the existing road are expected to have minimal impact on the air quality of the area.

### **2.1.8 Visual Quality**

The visual character of the project site, as viewed from Queen Ka'ahumanu Highway, the nearest public thoroughfare, is that of an open and expansive landscape dominated by various aged a'a and pahoehoe lava flows and fountain grass with a backdrop of Mount Hualalai. The project site, at its closest point is located nearly a mile mauka of Queen Ka'ahumanu Highway. The nearest reservoir site is located approximately a mile and a

quarter mauka of the Highway. Between the Highway and the corridor is the applicants' property including a large pu'u (cinder cone) near the mauka boundary which is planned for residential and golf use as part of the planned Kuki'o Resort development.

The potential visual impacts of the project to the traveling public along Queen Ka'ahumanu Highway was documented through photographic analysis which is simulated to approximate the potential utility features (transmission poles and reservoir tanks) on site photographs taken at viewing points along Queen Ka'ahumanu Highway, directly north and south of the Kuki'o property (see Figures 9 - Photographic Index Map). Photographs were taken using a 50mm lens to approximate a human's visual perspective. The potential utility corridor and related features are graphically depicted and highlighted (for visual reference) on the photographic. Refer to Figure 10.

Potential impacts to the visual quality of the existing landscape can be assessed through a "Visual Absorption Capability " (VAC) assessment methodology utilized by the U.S. Department of Agriculture, National Forest Service. The VAC methodology is an analytical process which identifies the landscapes susceptibility to visual change and provides a measure of the lands ability to absorb alteration while retaining its visual integrity. The capability of a landscape to accommodate alteration impacts, such as transmission lines and reservoirs and still maintain visual quality depends largely on biophysical factors (i.e. topography, vegetative patterns, soil, color contrast, etc.); perceptual factors (viewing distance, vantage point, duration of view, etc); and the activity factors (scale, form, color etc.).

In terms of the visual quality and color of the utility improvements, utility poles are generally of a dark color that provides little contrast to the surrounding environment and tanks will be painted to blend with their surroundings.

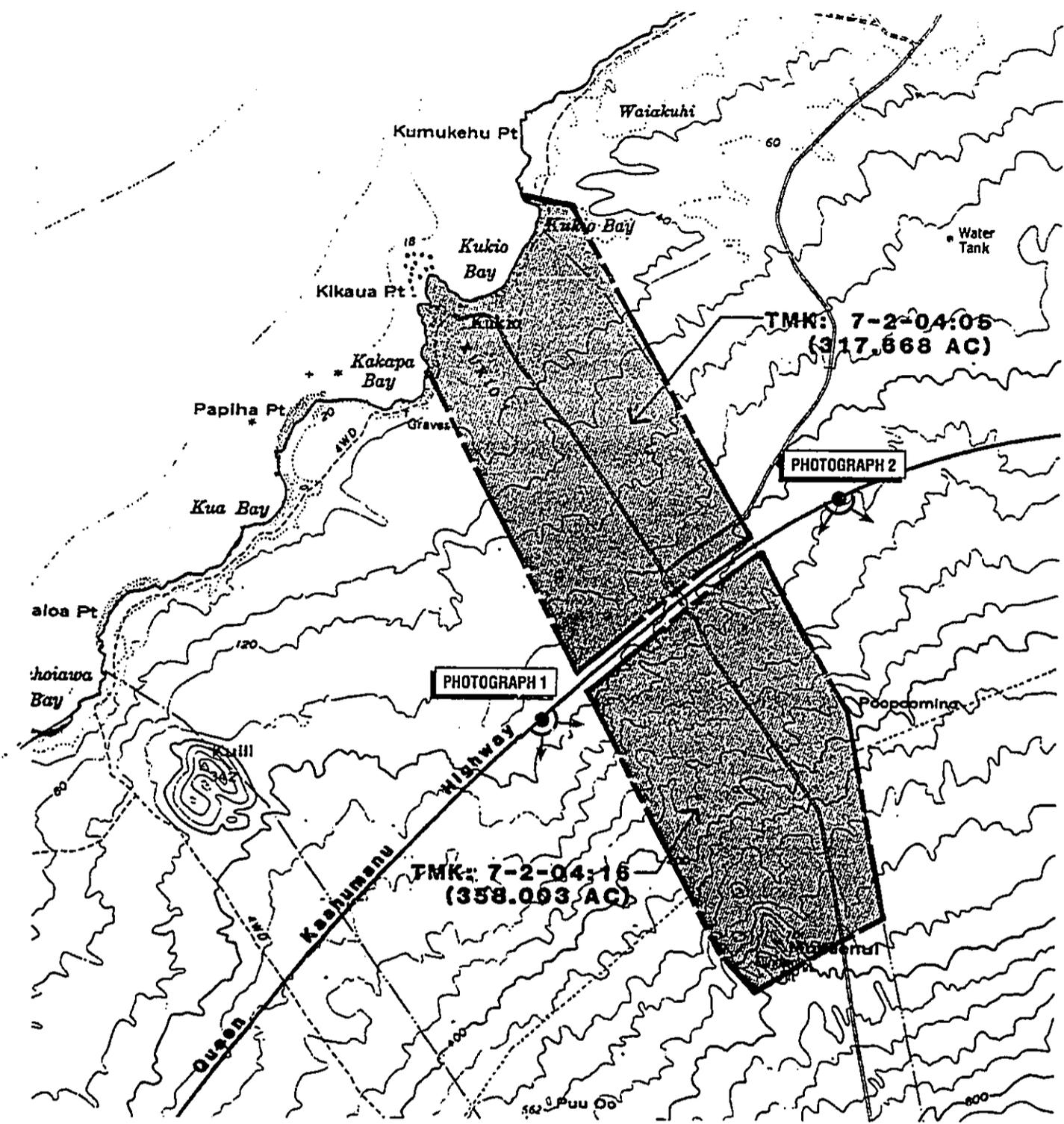
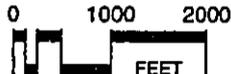
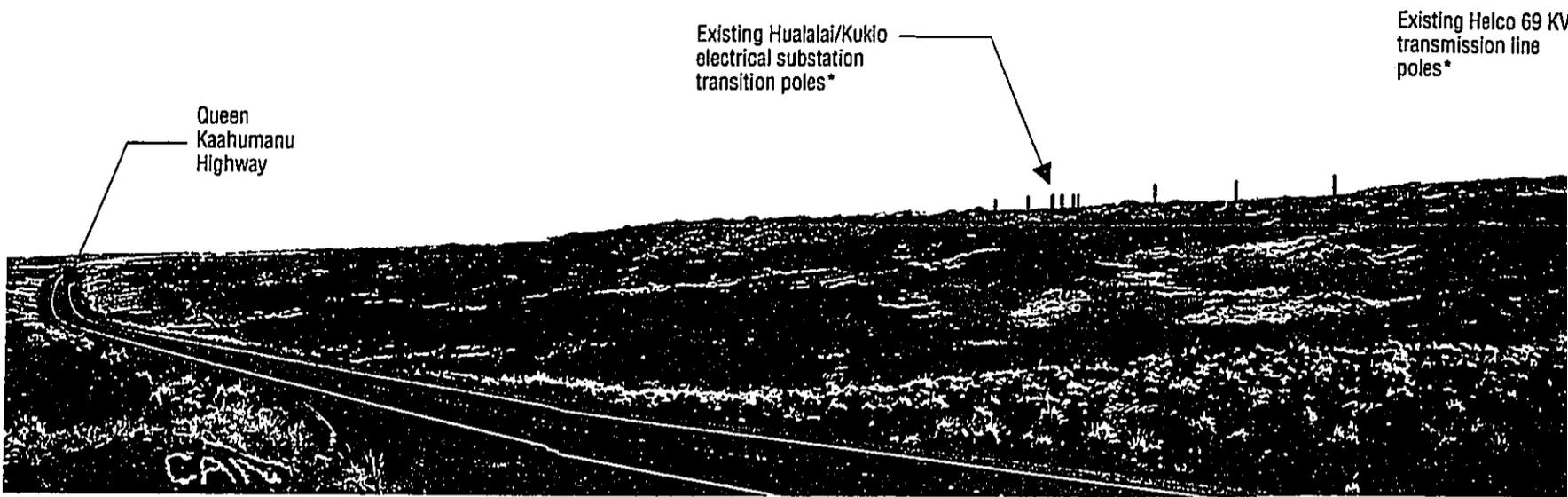


FIGURE 9  
 PHOTOGRAPH INDEX MAP  
 WB KUKIO UTILITY EASEMENT


January 2000

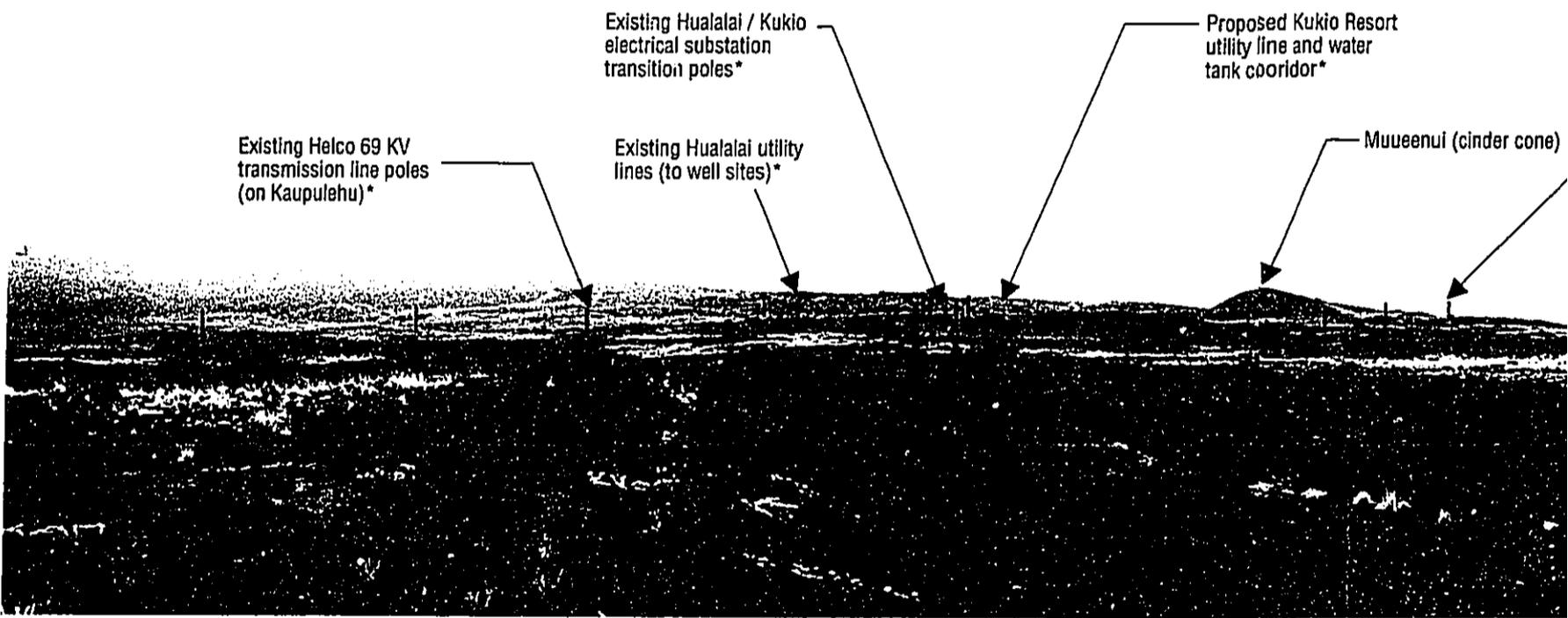


Queen Kaahumanu Highway

Existing Hualalai/Kukio electrical substation transition poles\*

Existing Helco 69 KV transmission line poles\*

**Photograph 1:** View from Queen Kaahumanu Highway (south of Kukio) looking mauka towards proposed utility line and water storage tank.



Existing Helco 69 KV transmission line poles (on Kaupulehu)\*

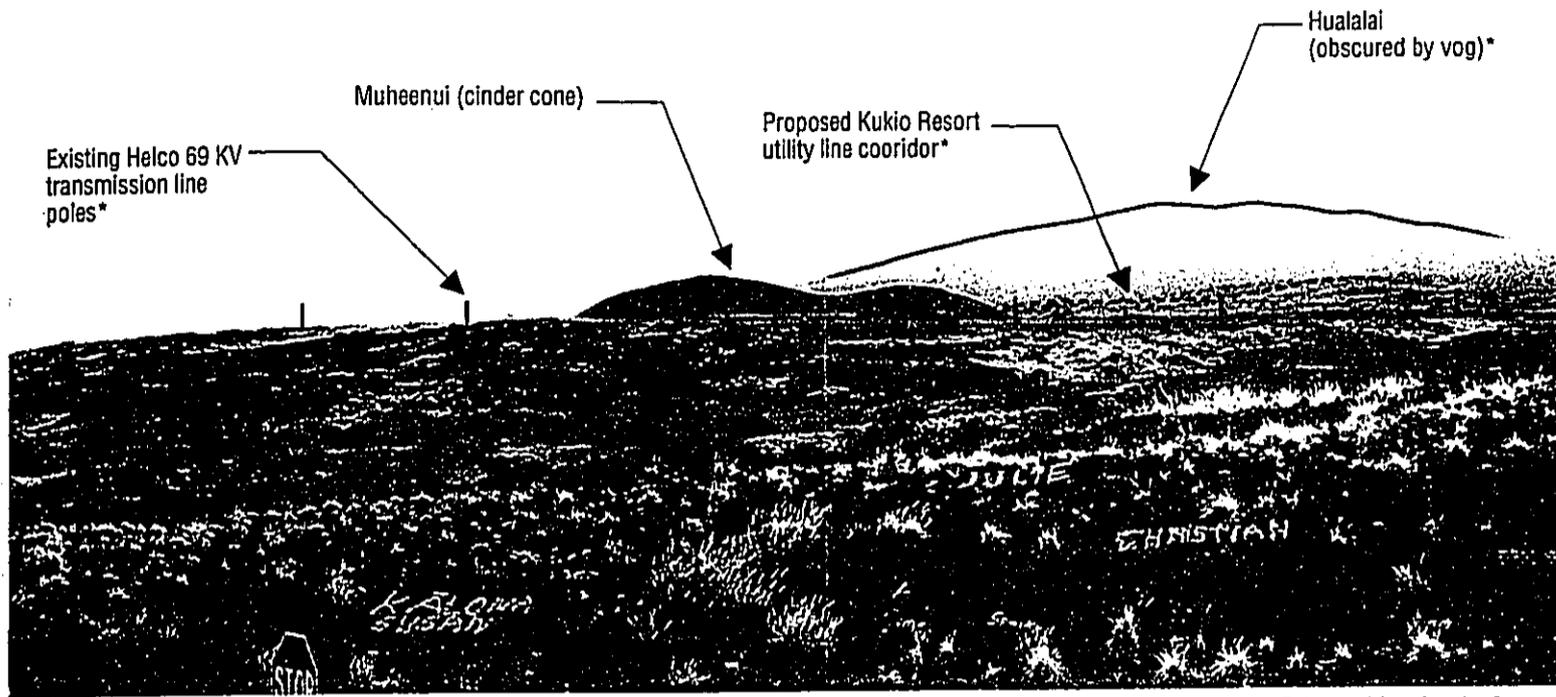
Existing Hualalai / Kukio electrical substation transition poles\*

Existing Hualalai utility lines (to well sites)\*

Proposed Kukio Resort utility line and water tank cooridor\*

Muueenui (cinder cone)

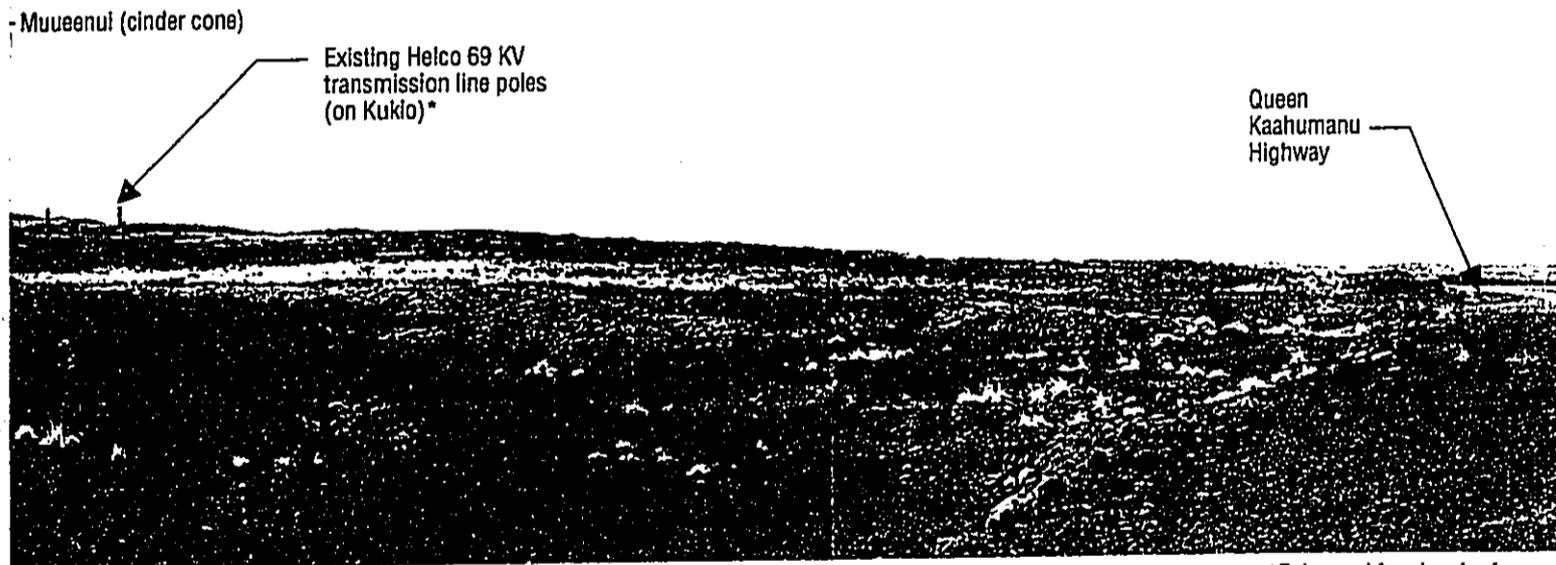
**Photograph 2:** View from Queen Kaahumanu Highway (north of Kukio) looking mauka towards existing Hualalai Resort utility lines and storage tanks and proposed Kukio utility line and water storage tank (not visible) and beyond.



\*Enhanced for visual reference

ge tank.

esort  
er



\*Enhanced for visual reference

nd

SITE PHOTOGRAPHS

WB KUKIO UTILITY EASEMENT

January 2000



Based on the VAC analysis the potential visual impacts to the landscape are deemed relatively low due to the following factors: the significant distance between the viewers and the affected area and size of the improvement; intervening topographic features that limit view of the area; the lower vantage point of viewers; the limited duration of views to the affected area; the scale and color of the proposed improvements as viewed from the potential vantage points; the absence of landscape focal points as backdrops to the affected area; the complexity of the landscape patterns and colors; and the absence of landscape edges (e.g. breaks in between forests and meadows), that may become visual reference points.

## **2.2 SOCIAL AND ECONOMIC ENVIRONMENT**

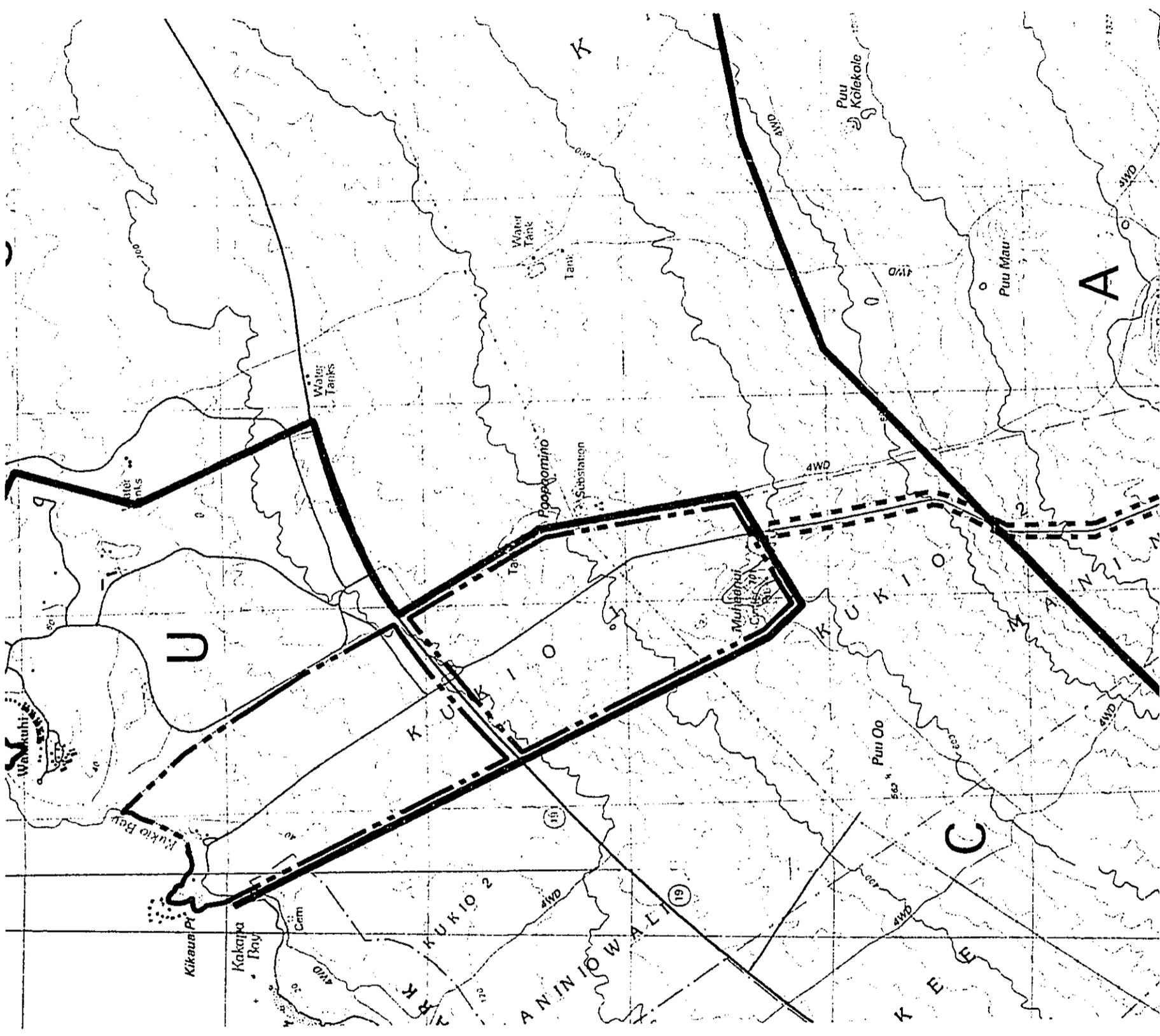
### **2.2.1 Land Use**

#### **2.2.1.1 State Land Use**

The proposed easement lies within lands owned by the State of Hawai'i. As shown in Figure 11, the lower portion of the State property is designated by the State Land Use Commission as within the Conservation district (General Subzone) and the upper portion is designated within the Agricultural District. These lands have been used intermittently for ranching, with the mauka portions having the greater grazing potential due to the slightly higher level of precipitation in these areas. In that the proposed improvements would be primarily limited to the area of the Old Kona Village Road, the potential impacts to the agricultural lands would be beneficial by providing improved access. The utility easement would also provide the potential to extend water transmission lines from existing MHC/HRA water systems at Mamalahoa Highway to the State farm lots located at the upper elevations, and thereby provide greater agricultural utility to these portions. Additionally, the proposed utility easement will provide the potential to supply potable water to the West Hawai'i Veterans Cemetery.

#### **2.2.1.2 General Plan**

The land uses designated on the Hawai'i County General Plan, Land Use Allocation Guide (LUPAG) map for the area of the project site include Extensive Agriculture and Conservation. This reflects the area's existing pasture and open space character and the State Land Use designations for the area (Figure 12).

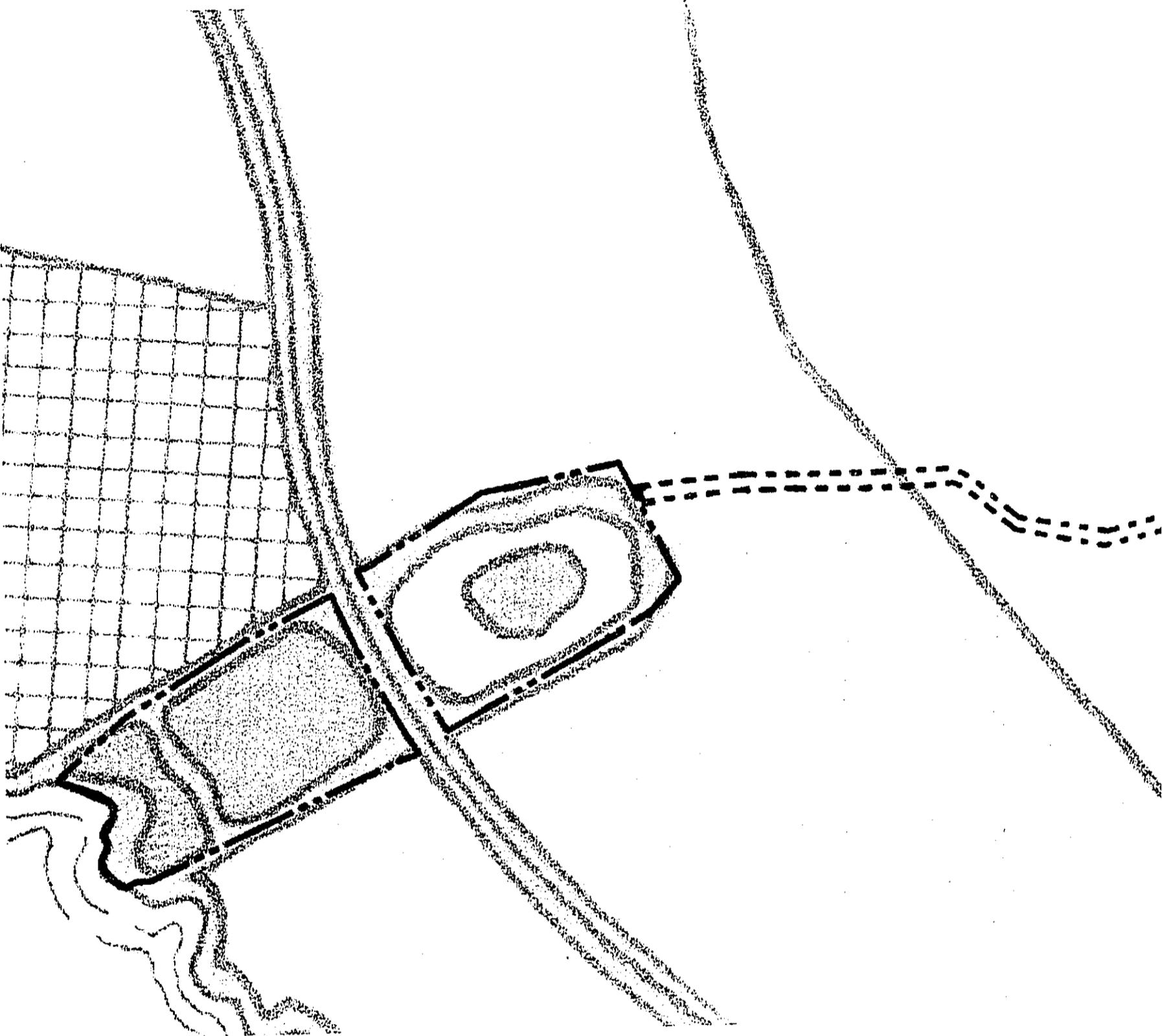


**LEGEND**

-  Project Area
-  WB Kukio Resort Property
-  Agriculture

-  Urban
-  Conservation





**LEGEND**

- |  |  |  |
|--|--|--|
|  Project Area                   |  Medium Density |  Open Area    |
|  WB Kukio Resort Property       |  Low Density    |  Conservation |
|  High Density Urban Development |  Orchards       |  |

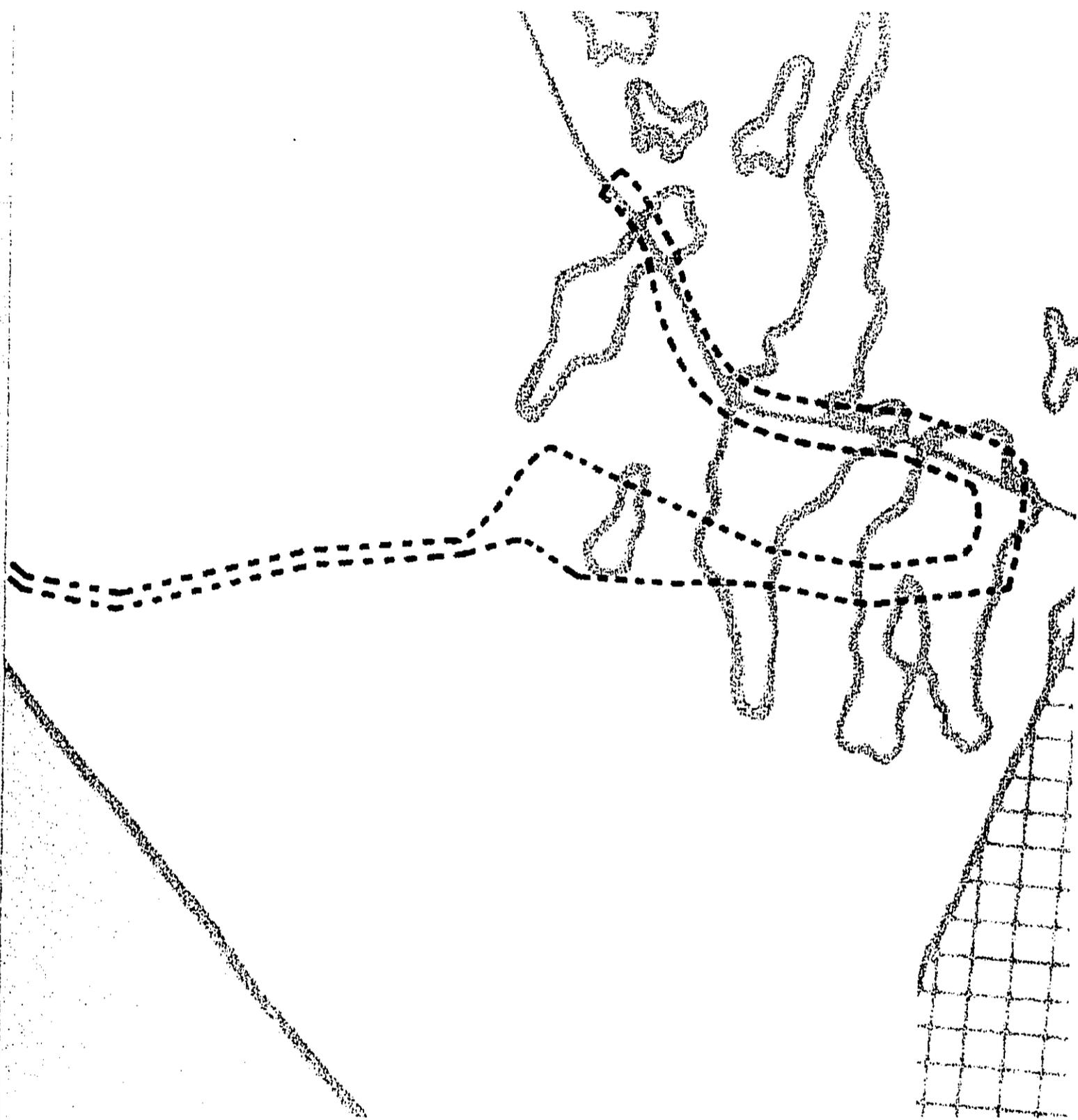


FIGURE 12  
LUPAG MAP

### WB KUKIO UTILITY EASEMENT



Approximate Scale  
0 1000 2000  
FEET

September 1999







### **2.2.1.3 Zoning**

The current County zoning designations for the project area are Agriculture (A-5a) in the upper portions and Open (O) in the lower portion, which is reflective of the State Land Use and County General Plan designations for these lands. The zoning designations for the project area are shown in Figure 13. The proposed use of the subject lands for utility purposes is consistent with Section 25-4-11 of the County Zoning Code, which allows for easements for the transmission of public or private utilities within any district.

### **2.2.1.4 Permits and Approvals**

The proposed utility corridor traverses state lands, a portion of which includes the State Conservation District. As such an approval of a Conservation District Use Permit and utility easement is required from the State Board of Land and Natural Resources. Other permits would be limited to those construction related permits required of the utility companies prior to installation of the electrical or telecommunications lines.

### **2.2.2 Historical and Cultural Resources**

A walk-through survey of the proposed utility easement was conducted with a State Historic Preservation Division staff archaeologist. No archaeological features were observed in the area of the proposed corridor and tank sites, much of which was previously altered for the construction of the existing Old Kona Village Road.

In the upper elevations, the historic Makalawena Trail extends in a mauka-makai direction through the Makalei property, between the area of the two easement segments. As such, the trail would not be impacted by improvements proposed within the requested utility and service easements. Any impacts to the Makalawena trail in this area would be likely to occur

### **2.2.1.3 Zoning**

The current County zoning designations for the project area are Agriculture (A-5a) in the upper portions and Open (O) in the lower portion, which is reflective of the State Land Use and County General Plan designations for these lands. The and zoning designations for the project area are shown in Figure 13. The proposed use of the subject lands for utility purposes is consistent with Section 25-4-11 of the County Zoning Code, which allows for easements for the transmission of public or private utilities within any district.

### **2.2.1.4 Permits and Approvals**

The proposed utility corridor traverses state lands, a portion of which includes the State Conversation District. As such an approval of a Conservation District Use Permit and utility easement is required from the State Board of Land and Natural Resources. Other permits would be limited to those construction related permits required of the utility companies prior to installation of the electrical or telecommunications lines.

### **2.2.2 Historical and Cultural Resources**

A walk-through survey of the proposed utility easement was conducted with a State Historic Preservation Division staff archaeologist. No archaeological features were observed in the area of the proposed corridor and tank sites, much of which was previously altered for the construction of the existing Old Kona Village Road.

In the upper elevations, the historic Makalawena Trail extends in a mauka-makai direction through the Makalei property, between the area of the two easement segments. As such, the trail would not be impacted by improvements proposed within the requested utility and service easements. Any impacts to the Makalawena trail in this area would be likely to occur

as a result of the planned Makalei development rather than the proposed water utility related improvements.

The area of the Alternative Easement Alignments A, B, C, and D were also found to be void of any archaeological features. This area had been previously cleared (chain-dragged) and seeded as part of the land preparation process for pasture use. Any features that may have been present in this area would likely have been disturbed as part of the land preparation process. The area of the Alternative Easement Alignment A is situated entirely within lands crossed by the 1801 lava flow. No archaeological features were observed in this area, nor would any be expected given the barren character of these lands. The area of the second easement segment (between the segments of the Makalei property) has been improved and no further improvements are anticipated for this portion. Accordingly, the proposed use is anticipated to have no effect on significant historical sites that may be present in the area. Should any significant artifacts, or other indicators of previous onsite activities be uncovered during the construction of the utility easement, their treatment will be conducted in strict compliance with the requirements of DLNR, SHPD.

In terms of the cultural history of the region, historical documentary research was conducted by Ms. Carol L. Silva and a summary of historical notations of the region was provided Hannah K. Springer as part of the Archaeological Inventory Survey that was prepared for the Kuki'o Beach resort project (Kuki'o Beach Resort Final EIS 1986). Ms. Springers' research included additional information from the files of the Kona Historical Society and from informant interviews which provide insight into the cultural history, lifestyles and values from about 1900 to the present. Included are detailed descriptions of the activities that occurred along the coast as well as descriptions of coastal (mauka - makai) movements along the established foot trails, and in the later half of the century (following construction of the Old Kona Village Road,) along the ranch roads that connected the mauka ranches with the beach areas along the coast. In modern times, settlements associated with ranches were concentrated in

the mauka land and residents would travel to the beaches by trail or roads to spend the weekends.

The account by Hannah Springer notes that by the 1960, with the addition of improved vehicular access, there was a renewed usage of the coastline, especially on privately owned parcels. However, it was at this time that vandalism increased and land owners began installing locked gates and controlling access along the roads to the coastline.

Potential cultural impacts resulting from the proposed project may include secondary impacts to historic trails in the area from the proposed water system improvements. Mauka-makai trails in the area of the proposed water utility corridor include the Makalawena Trail, which extends through the Makalei and KSBE's properties in the area of the existing MHC/HRA water utility system, and to the Kuki'o Puhia Pele Trail which extends in a makua - makai direction through the Ka'upulehu (KSBE) lands and branches into the Kuki'o 1 ahapua'a (WB Kuki'o property) near the 500-foot elevation.

Although the proposed easement and water utility improvement over State owned lands would not directly impact existing mauka - makai trails, the existing MHC/HRA water system improvements (water transmission line and service road) does cross the Makalawena Trail on the Makalei Hawaii property near the 1,600-foot elevation.

Also, one alternative to the proposed utility easement across State lands includes the potential interconnection with the existing Ka'upulehu Water System which currently extends within the KSBE-Ka'upulehu lands and intersects the Kuki'o Puhia Pele Trail in two locations. The impact of the existing Ka'upulehu Utility Corridor to the Kuki'o Puhia Pele Trail was addressed within an Environmental Assessment prepared and processed in support of a Conservation District Use Application for the Ka'upulehu Development Utility Corridor (March 1989). No direct or additional impacts to existing mauka-makai trails in the area are anticipated as a result of the proposed utility and service access road and related improvements.

Although there are no known features of archeological or cultural significance within the proposed utility corridor, should any human burials, artifacts or other cultural remains or deposits be encountered during the construction of the project, the State Historic Preservation Division would be contacted and appropriate mitigative measures taken.

### **2.3 POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES**

The proposed action includes the request by WB Kuki'o Resorts, LLC, for certain easements across State lands for a utility corridor which is needed to provide the connection of water and potentially electrical and telecommunications utilities for the proposed Kuki'o Resort. As noted, the water system would be underground. In that the proposed easement is to allow for utility connections across State lands, which are absent of any significant features from a historical, cultural or biological perspective and the improvements would be for the most part, underground, with the exception of a service roadway, two storage tanks and potentially overhead utility lines, the proposed action will not have a significant impact on the environment. Further, the proposed use would have no impact on the current use (pasture) of State lands. Additionally, from an economic and social perspective, the proposed improvements are deemed generally beneficial to both the applicant, the State and the County. Therefore, mitigation measures to address potential environmental, social or economic impacts are not warranted.

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### **3.0 *Alternatives Considered***

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### **3.0 ALTERNATIVES CONSIDERED**

Several alternatives to the proposed utility corridor have been considered. These include alternative alignments for the proposed corridor across the State parcel, the use of an existing utility corridor on the adjoining KSBE lands, serving the Hualalai Resort, and the "no-build" option.

#### **3.1 NO-BUILD ALTERNATIVE**

The "no-build" option would require that the proposed Kuki'o Beach Resort development use the available water from on-site wells, which consist of three brackish water wells located at approximately the 620-foot elevation (amsl). The "no-build" option would require that the applicant relinquish the use of its mauka well source and rely solely on its brackish wells in meeting its potable and irrigation needs. Although the existing brackish well source could be used to provide potable water through a desalinization process, the resulting potable water yield would not be sufficient to meet the combined needs of the irrigation and potable water demands of the full development of the property, as approved under the existing land use entitlements. The utility connection between the mauka wells and the applicant property, therefore, is a necessary component to the implementation of the full resort development.

#### **3.2 EASEMENT ALTERNATIVE THROUGH KSBE PROPERTY**

Another alternative that has been examined includes the placement of the utilities within an existing utility corridor on the KSBE property at Ka'upulehu, north of the State lands. This alternative would consist of implementing the planned utility improvements within the existing utility corridor which provides a connection between the Hualalai Resort development, makai of Queen Ka'ahumanu Highway, and potable wells located on KSBE property at the approximately 1,600-foot elevation. Although this alternative would appear to have the advantage of providing

a level of redundancy and back-up capacity to both the Hualalai and the Kuki'o Beach Resorts, such an arrangement would be dependent upon reaching an agreement with the adjoining property owner, however, due to competitive reasons, may be reluctant to enter into a cooperative agreement for water and utility transmission. Such an arrangement was sought by the prior owners of the Kuki'o Beach Resort (Huehue Ranch Associates, LP), however, these efforts were never concluded.

### **3.3 OTHER STATE LAND ALTERNATIVES**

In addition to the proposed alignment alternatives, two other alternative alignments for the proposed corridor within State lands were evaluated. These included an alignment on the State property along the boundary with the KSBE property at Ka'upulehu, and an alignment that would extend from the southeastern corner of the applicant's property and extend directly mauka to a point intersecting with the Old Kona Village Road. For both alternatives, the topography and geophysical conditions in the area present significant engineering challenges. The topographic variation in these areas would require a significant amount of grading, would restrict the placement of pressure tanks, and would add significantly to the cost of the service road construction. Additionally, there is a higher probability of encountering lava tubes as part of the construction activities in the area of the two alternative alignments, especially in the area of the existing pu'u. While the proposed corridor has been previously disturbed, the two alternative alignments, if pursued, would increase the potential impacts to the environment and archaeological features that may be present in these areas. It was for these reasons that the preferred alternative and proposed alignment following the existing Old Kona Village Road was deemed to present the least potential impact to the environment and would best meet the project objectives.

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**4.0 Determination with Supporting  
Findings and Reasons**

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## **4.0 DETERMINATION WITH SUPPORTING FINDINGS AND REASONS**

To determine whether the proposed action may have a significant impact on the environment, the project and its expected consequences, both primary and secondary, and the cumulative as well as short- and long-term effects have been evaluated. Based on the studies performed and research evaluated, a finding of no significant impact is anticipated and is summarized below.

### **4.1 SIGNIFICANCE CRITERIA**

According to the Department of Health Rules (11-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, the Rules establish "Significance Criteria" to be used as a basis for identifying significant environmental impacts. According to the Rules, an action shall be determined to have significant impacts on the environment if it meets any one of the following criteria:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;**

The bulk of the proposed project site consists of rough lava land and supports a minimum of dryland vegetation that is scattered throughout the property. In the upper elevations, above the 1,000 foot elevation, some scattered trees and heavier shrubs are found and become more common with the increase in elevation and associated precipitation. Vegetation is dominated by exotic species with a few common native species such as a'ali'i, lama, and naio. The majority of the proposed alignment is along the existing Old Kona Village Road through lava land

A walk through survey along the proposed utility easement was conducted with a staff archaeologist of the State Historic Preservation Division. No archaeological features were observed in the area of the proposed corridor and tank sites, much of which has been previously altered from the construction of the existing Old Kona Village Road or from prior land clearing activity.

In the upper elevations, the historic Makalawena Trail extends in a mauka-makai direction, through the Makalei property, between the area of the two easement segments. As such, the trail would not be impacted by improvements proposed within the requested utility and service easements. Any impacts to the Makalawena trail in this area would be likely to occur, or have previously occurred, as a result of the planned Makalei development rather than the proposed water utility related improvements.

All construction plans will include the following language as recommended by the State Historic Preservation Division. "However, should historic remains such as artifacts, burials, concentrations of shell or charcoal be encountered during the construction activities, work shall cease immediately in the immediate vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary."

In the event that any cultural deposits or human burials are uncovered in the sandy areas, all work will immediately be halted and plans will be modified to avoid any sensitive areas.

**(2) Curtails the range of beneficial uses of the environment;**

The various alternative utility alignments over State lands will occupy a relatively narrow (generally 30-foot wide), linear area that would contain improvements including underground lines and two water tanks. The successful implementation of the proposed utility lines would allow the approved Kuki'o Resort property to be developed as envisioned in the master plan (as described in the Kuki'o Resort Master Plan EIS, 1986) and approved by the State Land Use Commission and County of Hawai'i. This includes full use of the existing water system (e.g. developed wells and waterlines) located on mauka lands which is presently curtailed by the separation from the Kuki'o Resort property by the State lands. The proposed water utility improvement will also allow for the provisions of potable water to the West Hawai'i Veterans' Cemetery located southeast of the project site and Kuki'o Resort property. Hence, the proposed improvements will enhance the range of beneficial uses of the environment.

**(3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;**

The proposed development is consistent with the Environmental Policies established in Chapter 344, HRS.

**(4) Substantially affects the economic or social welfare of the community or state;**

The proposed project will beneficially affect the economic welfare of the community, County and State by providing for the efficient transmission of water (and other utilities) from the existing mauka source to the approved Kuki'o Resort property and by extending potential water usage to State lands and the County's West Hawai'i Veterans Memorial Cemetery. Surrounding land use patterns will not be negatively altered, nor will unplanned population growth or its distribution be stimulated.

**(5) Substantially affects public health;**

Although the public health may be affected by the short-term construction impacts which may affect air, noise, traffic, and water quality, these should not be significant especially when weighed against the positive economic, and social implications associated with the project. Mitigation measures will be used to address impacts that could potentially affect public health.

**(6) Involves substantial secondary impacts, such as population changes or effects on public facilities;**

The proposed utility easement is in support of the Kuki'o Resort project which is fully described in a separate EIS (May 1986) which was prepared and approved pursuant to Chapter 343, *Hawaii Revised Statutes* and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200. Therefore, any secondary impacts associated with the development of the utility easement have been fully described in the Kuki'o Resort EIS and the subsequent County of Hawaii and State of Hawaii regulatory approval processes.

**(7) Involves a substantial degradation of environmental quality;**

The development of the proposed easement will allow the use of an approved water source. There are no anticipated impacts that would degrade environmental quality.

**(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;**

The cumulative social and environmental effects of the subject proposed utility easement and the ultimate development of the approved Kuki'o Resort and the existing potable water wells have been fully described in a separate EIS (May 1986). The Kuki'o Resort has received State of Hawaii and County of Hawaii approvals for its development and is consistent with

the existing and planned urban character expressed in the State Land Use map and County LUPAG and zoning maps. The proposed use of the State land for utility purposes is consistent with Section 25-4-11 of the County Zoning Code which allows for the transmission of public or private utilities within the effected zoning districts. The commitment of fiscal resources to construct the improvements at the property will foreclose other uses of those resources.

**(9) Substantially affects a rare, threatened or endangered species or its habitat;**

Assessments of the wildlife and botanical resources indicate that there are no endangered plant or animal species within the project area.

**(10) Detrimentially affects air or water quality or ambient noise levels;**

The proposed construction within the linear utility easement will be contained within and limited to a narrow corridor. Due to the dry climatic conditions at this location and the lack of any drainages with the project area, water quality impacts to the near shore waters are not anticipated. Construction activities are planned during daylight hours and will be in compliance with DOH noise rules and any impacts to air quality will be mitigated by appropriate measures.

**(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters;**

The project area like all other areas in the region are susceptible to earthquakes and possible volcanic activity associated with dormant volcanoes. All improvements will be designed to meet the existing State and County's standards.

**(12) Substantially affects scenic vistas and view planes identified in County or State plans or studies;**

The mauka viewplane from Queen Ka'ahumanu Highway is identified in the County General Plan as an example of natural beauty in the Kona district. The improvements within the proposed utility easement will mainly be below the ground or at the ground level. The water tank planned at the 891-foot elevation would be located more than one and one-half mile from Queen Ka'ahumanu Highway at its closest point, and, if visible, is of a scale (less than 20-feet in height) so as not to have a significant affect on scenic vistas or view planes of the traveling public. Tanks will also be painted to blend in with the surrounding environs.

**(13) Requires substantial energy consumption;**

Construction and operation of the proposed project will not require substantial energy consumption.

**4.2 DETERMINATION**

On the basis of the above criteria, and the discussion of impacts and mitigative measures contained in this document, it is anticipated that the proposed project will not have a significant negative effect on the environment and will conversely, result in positive effects to the natural, cultural, and social environments.

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## **5.0 Agencies Consulted**

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## **5.0 AGENCIES CONSULTED**

The following agencies were consulted in the preparation of this environmental assessment:

### County of Hawai'i

Planning Department  
Department of Public Works  
Department of Water Supply

### State of Hawai'i

Department of Land and Natural Resources, State Historic Preservation Division  
Department of Land and Natural Resources, Land Division  
Department of Land and Natural Resources, Commission on Water Resource Management  
Department of Transportation  
Department of Health  
Office of Environmental Quality Control  
Office of Hawaiian Affairs

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**6.0 Comments to Received to the  
Draft Environmental Assessment**

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## **6.0 COMMENTS RECEIVED TO THE DRAFT ENVIRONMENTAL ASSESSMENT**

The Draft EA for this project was submitted to the Office of Environmental Quality Control (OEQC), and the notice of its availability appeared in the OEQC Bulletin on November 8, 1999 and November 23, 1999. The deadline for comments on the Draft EA was December 8, 1999. During the 30-day review period, comment letters were received. Copies of the comment letters and responses are included at the end of this section.

	<i><b>Date Of Letter</b></i>	<i><b>Received From</b></i>
1.	November 4, 1999	Department of Land and Natural Resources, Division of State Parks
2.	November 9, 1999	Department of Health
3.	November 30, 1999	Office of Hawaiian Affairs
4.	December 8, 1999	Office of Environmental Quality Control



LAND PLANNING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL STUDIES

January 4, 2000

Mr. Ralston Nagata, Administrator  
Department of Land and Natural Resources  
Division of State Parks, Room 310  
Post Office Box 621  
Honolulu, Hawaii 96809

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND  
SERVICE ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

Dear Mr. Nagata:

The following is in response to your November 4, 1999 memorandum to Dean Uchida of the DLNR Land Division regarding the subject application and Draft Environmental Assessment (EA).

While your comments pertain to an agreement between the State DLNR and the prior owner of the Kukio Resort property, and not to the subject application or Draft EA, we note that the current owner and applicant, W. B. Kukio, LLC., is interested in completing the agreement initiated by the prior owner regarding the disposition of the disputed parcel. To this end, the owner and its representatives are scheduling a meeting with the DLNR, Land Division to discuss the process for completing the agreement and initiating the planned park improvements at Kikaua Point within the context of the overall resort development.

Wai. Frank Brandt • Thomas S. Witten • R. Stan Duncan • Russell Y. J. Chung

**HONOLULU OFFICE**

1001 BISHOP STREET, PACIFIC LOWER, SUITE 650, HONOLULU, HAWAII 96813-3129  
TELEPHONE: (808) 521-5631 FAX: (808) 523-1102 E-MAIL: phb@pabob.com

**WAIKUKU OFFICE**

2123 KAOHUA STREET, WAIKUKU, HAWAII 96793-2201  
TELEPHONE: (808) 242-2878 FAX: (808) 242-2902

**HILO OFFICE**

101 AUPUNUI STREET, HILO LAGOON CENTER, SUITE 310, HILO, HAWAII 96720-4276  
TELEPHONE: (808) 961-3333 FAX: (808) 961-1989

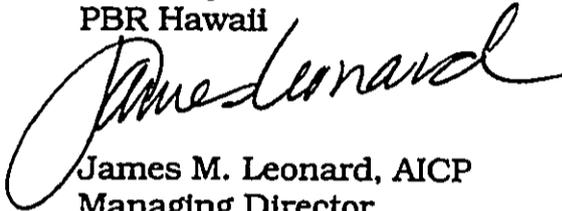
January 4, 2000

Mr. Ralston Nagata  
Page 2

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND SERVICE  
ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH**

We thank you for your comments and look forward to working with you and your staff in this process. A copy of your letter and this response will be included within the Final EA.

Sincerely,  
PBR Hawaii



James M. Leonard, AICP  
Managing Director  
PBR Hawaii - Hilo

cc: G. Salmonson, OEQC  
V. Goldstein, Planning Department  
D. Uchida, DLNR  
E. Divita  
S. Nesbit  
K. Kasai  
S. Lim



LAND PLANNING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL STUDIES

January 4, 2000

Mr. Bruce Anderson, Director of Health  
State of Hawaii  
Department of Health  
Post Office Box 3378  
Honolulu, Hawaii 96801

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND  
SERVICE ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

Dear Mr. Anderson:

This letter is in response to your November 9, 1999 memorandum to Timothy E. Johns, Chairperson, Department of Land and Natural Resources, regarding the subject application and Draft EA.

#### **Water Pollution**

We appreciate your reference to the applicable permitting requirements for discharges into the waters of the State. We note, however, that the proposed project site is located at least two miles mauka of the shoreline and no stormwater discharges or construction dewatering activities into State waters are anticipated.

Wm. Frank Brandt • Thomas S. Witten • R. Stan Duncan • Russell Y. J. Chung

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#### **HILO OFFICE**

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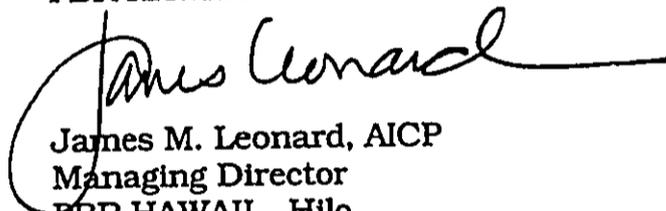
January 4, 2000

Mr. Bruce Anderson  
Page 2

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND SERVICE  
ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

We thank you for your comments to the subject application and Draft EA. A copy of your letter and this response will be included with the Final EA.

Sincerely  
PBR HAWAII



James M. Leonard, AICP  
Managing Director  
PBR HAWAII - Hilo

cc: G. Salmonson, OEQC  
V. Goldstein, Planning Department  
D. Uchida, DLNR  
E. Divita  
S. Nesbit  
K. Kasai  
S. Lim



LAND PLANNING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL STUDIES

January 4, 2000

Mr. Colin C. Kippen, Jr., Deputy Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawaii 96813

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND  
SERVICE ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

Dear Mr. Kippen:

This is response to your letter of November 30, 1999 in which you provide comments to the subject application and Draft Environmental Assessment (EA). With regard to your specific comments and recommendations we offer the following response:

Coordination with State Historic Preservation Division

Per your recommendation, SHPD will be contacted should any human burials, artifacts or other cultural remains or deposits be encountered during the construction of the project.

Native Flora

A botanical survey of the project site was conducted by consulting botanists, Ron Terry, Ph.D. and Layne Yoshida, MA. A copy of the botanical reconnaissance report is attached for reference. While the botanical survey confirmed that native species, such as lama, a'ali'i, and naio are occasionally found in the upper

Wm. Frank Brandt • Thomas S. Wirth • R. Stan Duncan • Russell A. J. Chung

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January 4, 2000

Mr. Colin C. Kippen, Jr.  
Page 2

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND SERVICE  
ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

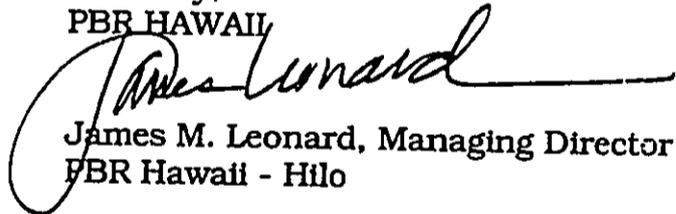
portions of the project site, generally above the 1,200 foot elevation, no species classified by the U.S. Fish and Wildlife Service as listed, proposed or candidate threatened and endangered species were found in the project site.

In areas where the native trees are present, best efforts will be made to avoid impacting such species in the construction of the proposed utility improvements.

Based on the findings of the botanical report, a further discussion of this issue will be included within the Final EA. Additionally, a copy of your letter and this response will be appended to the Final EA.

We thank you for your comments and recommendations to the subject application.

Sincerely,  
PBR HAWAII



James M. Leonard, Managing Director  
PBR Hawaii - Hilo

cc: G. Salmonson, OEQC  
V. Goldstein, Planning Department  
D. Uchida, DLNR  
E. Divita  
S. Nesbit  
K. Kasai  
S. Lim

PHONE (808) 594-1888

FAX (808) 594-1885



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPIOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

DEC 6 10 42 AM '99

November 30, 1999

Mr. Timothy E. Johns  
Chairperson  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

(PA #328)

Re: Conservation District Use Permit Application (CDUA)  
Draft Environmental Assessment (Draft EA) for WB Resort, LLC's  
Proposed Water Utility and Service Access Easements Across State  
Lands; TMK: (3) 7-2-02; pars. 04 and 07, 7-2-06; par. 17 and 7-2-07;  
Mamalahoa Right-of-Way, Kuhio, North Kona, Hawaii

Dear Mr. Johns,

Thank you for the opportunity to comment on the above referenced CDUA and Draft EA. The proposed project requests easements across portions of Conservation District and State lands for the purpose of providing a utility corridor connection between the applicants well system and the applicant's property which is planned for and as received land use approvals for the master-planned Kuki'o Beach Resort.

According to the Draft EA, no archaeological features were observed in the area of the proposed corridor and tank sites, due to previous alteration for the construction of the existing Old Kona Village Road.

Moreover, the area of the Alternative Easement Alignments A, B, C, and D contained no archaeological features because of previous clearing for pasture use.

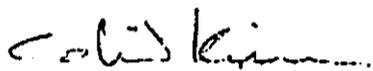
The State Historic Preservation Division should be contacted if any human burials, artifacts, or other cultural remains or deposits are encountered during construction of the proposed project.

Mr. Timothy E. Johns  
Chairperson  
Department of Land and Natural Resources  
November 30, 1999  
Page Two

The Office of Hawaiian Affairs urges that appropriate mitigative efforts be taken to preserve the native flora, which include the nalo and ōiāna, not mentioned in the Draft EA.

If you have any questions, please contact Mark A. Mararagan, Policy Analyst at 594-1945.

Sincerely,



Colin C. Kippen, Jr.  
Deputy Administrator

cc: OHA Board of Trustees  
Kona CRS



LAND PLANNING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL STUDIES

January 4, 2000

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

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND SERVICE  
ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

Dear Ms. Salmonson:

This is response to your letter of December 8, 1999 in which you provide comments to the subject application and Draft Environmental Assessment. With regard to your specific comments and recommendations we offer the following:

**1. Visual Impacts**

Per your recommendation, an exhibit will be included within the Final EA depicting the potential visual impact of overhead utility lines and reservoirs within the proposed utility corridor. As noted in the Draft EA, the proposed utility corridor, at its closest point, is located nearly a mile from Queen Ka'ahumanu Highway and the nearest reservoir site is approximately 1 ¼ mile mauka of Queen Ka'ahumanu Highway. Given the distance from this major thoroughfare, the scale of the proposed utilities, and the topography of the area, these features should be hardly visible to the traveling public. Your recommendation to underground the utility lines would result in a six-fold increase to the overall project costs and could make the project unfeasible. Given the significant costs involved and lack of significant visual impacts generated by the proposed utility lines, such mitigative measures do not appear to be warranted.

Wm. Frank Brandt • Thomas S. Witten • R. Stan Duncan • Russell Y. J. Chung

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January 4, 2000

Ms. Genevieve Salmonson  
Page 2

**SUBJECT: CONSERVATION DISTRICT USE PERMIT APPLICATION (CDUA)  
DRAFT ENVIRONMENTAL ASSESSMENT (DRAFT EA)  
WB KUKIO RESORT, LLC PROPOSED WATER UTILITY AND SERVICE  
ACCESS EASEMENTS ACROSS STATE LANDS  
TMKS:(3) 7-2-02; POR.04 AND 07; 7-2-06: POR. 17 AND 7-2-07:  
MAMALAHOA RIGHT-OF-WAY, KUKIO, NORTH KONA, HAWAII**

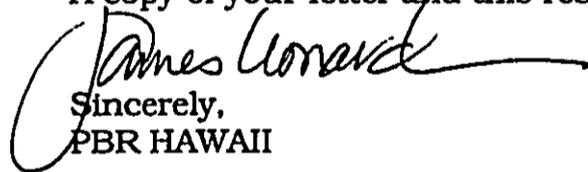
**2. Rare, threatened, or endangered plants**

To more fully describe the botanical character of the project site, a botanical survey of the project site was conducted by consulting botanists, Ron Terry, Ph.D. and Layne Yoshida, MA. A copy of the botanical reconnaissance report is attached for reference. While the botanical survey confirmed that native species, such as lama, a'ali'i, and naio are occasionally found in the upper portions of the project site, generally above the 1,200 foot elevation, no species classified by the U.S. Fish and Wildlife Service as listed, proposed, or candidate threatened or endangered species were found in the project site. Landscaping around the proposed reservoir tanks will consider the use of native plants, and those species common to the area that are particularly adaptive to the dry climatic conditions.

**3. List of permits and approvals**

A full listing of all permits and approvals will be included within the Final EA, as requested.

Again, we thank you for your comments to the subject application and Draft EA. A copy of your letter and this response will be appended to the Final EA.

  
Sincerely,  
PBR HAWAII

James M. Leonard, Managing Director  
PBR Hawaii - Hilo

cc: V. Goldstein, Planning Department  
D. Uchida, DLNR  
E. Divita  
S. Nesbit  
K. Kasai  
S. Lim

BENJAMIN J. CAYETANO  
GOVERNOR



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4185  
FACSIMILE (808) 586-4186

December 8, 1999

Mr. Tim Johns, Chair  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Johns:

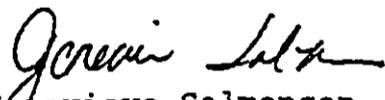
Subject: Draft Environmental Assessment for the Kuki`o Resort  
Utility Easements, North Kona, Hawai`i (CDUA HA-2961)

Thank you for the opportunity to review the subject document. We have the following questions and comments.

1. Please illustrate the visual impacts of the proposed reservoirs and overhead utility lines from public places such as roads and lookouts. Photos of existing conditions taken from public view points are helpful in evaluating visual impacts. Please provide renderings of future facilities superimposed on photos of existing views. We recommend landscaping with native Hawaiian plants to reduce the visual impacts. We also recommend the utility lines burying to avoid visual impacts.
2. Please describe whether the project will impact any rare, threatened or endangered plants. Please consult with the DLNR, Division of Forestry and Wildlife and the US Fish and Wildlife Service.
3. Please include a list of all permits and approvals (State, Federal, County) required for the project in the final environmental assessment.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

  
Genevieve Salmonson  
Director