



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION
 P.O. BOX 821
 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

RECEIVED

'00 JUN 27 A8:28

JUN 26 2000

OFF. OF ENVIRONMENTAL
 QUALITY CONTROL

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

Dear Ms. Salmonson:

Subject: Final Environmental Assessment and Finding of No
 Significant Impact (FONSI) Determination for the
 Proposed Set-Aside of State Land for Addition to
 the Liliuokalani Gardens and their Subsequent
 Development situate at Waiakea, South Hilo,
 Hawaii, Tax Map Keys: 3rd/2-1-03:17 & 22

The Department of Land and Natural Resources, Land Division,
 has reviewed the final environmental assessment for the
 Proposed Action and has issued a Finding of No Significant
 Impact (FONSI) determination. Please publish notice of
 availability for this Proposed Action in the next scheduled
 edition of the OEQC Environmental Notice.

We have enclosed a completed OEQC Publication Form, four (4)
 copies of the final environmental assessment and the project
 summary on disk. Should you or your staff have any questions,
 please feel free to call on Harry Yada, District Land Agent at
 (808) 974-6203.

Very truly yours,

TIMOTHY E. JOHNS
 Chairperson

Enclosures

JUL 8 2000

FILE COPY

2000-07-08-HI-~~FEA~~-

OFFICE OF THE MAYOR
COUNTY OF HAWAII

FINAL ENVIRONMENTAL ASSESSMENT FOR THE
ACQUISITION OF STATE LAND FOR
ADDITION TO (LILIUOKALANI GARDENS)

SITUATE AT WAIAKEA, SOUTH HILO, HAWAII
TAX MAP KEYS: 3RD/2-1-03:17 AND 22

TABLE OF CONTENTS

	<u>Page</u>
TITLE PAGE	i
TABLE OF CONTENTS/LIST OF MAPS	1- 2
SUMMARY	3- 4
1.0 <u>INTRODUCTION</u>	5- 6
1.1 Introduction of Proposed Action	
1.2 Proposing Agency	
1.3 Accepting Authority	
1.4 Parties Being Consulted	
Federal	
State of Hawaii	
County of Hawaii	
Other Interested Parties	
2.0 <u>PROPOSED ACTION</u>	6- 8
2.1 Ownership	
2.2 Location	
2.3 Uses	
Project Site	
Surrounding Properties	
2.4 Project Description	
Statement of Need	
Conceptual Plan	
Timetable	
3.0 <u>AFFECTED ENVIRONMENT</u>	8- 12
3.1 Physical Characteristics	
Climate	
Topography	
Soils	
Flora and Fauna	
Air Quality and Noise	
Water Resources	
3.2 Natural Hazards	
Flood Hazard	
Tsunami Hazard	
Volcano Hazard	
Seismic Hazard	
3.3 Social and Cultural	
Ceded Lands	
Historic Resources	
Visual Impact	

	<u>Page</u>
3.4 Infrastructure and Public Service Requirements	
Roads	
Water Services	
Wastewater Services	
Electrical and Telephone Services	
Drainage Systems	
Emergency Services	
Other Public Services	
4.0 <u>LAND USE PLAN AND POLICIES</u>	12-18
4.1 Hawaii State Planning Act	
4.2 State Land Use Commission	
4.3 The General Plan-County of Hawaii	
4.4 Zoning Code of the County of Hawaii	
4.5 Coastal Zone Management	
4.6 Special Management Area	
4.7 Hawaii Redevelopment Agency	
5.0 <u>OTHER PERMITS, APPROVALS, ETC.</u>	19-20
6.0 <u>SUMMARY OF PROBABLE IMPACTS AND MITIGATION MEASURES</u>	20
6.1 Design Phase	
6.2 Construction Phase	
6.3 Operational Phase	
7.0 <u>ALTERNATIVES TO THE PROPOSED ACTION</u>	21
7.1 No Action	
7.2 Alternative Sites	
8.0 <u>DETERMINATION</u>	21-24
<u>LIST OF MAPS</u>	
Map 1, Island of Hawaii	
Map 2, City of Hilo	
Map 3, Tax Map-3rd/2-1-03	
<u>APPENDICES</u>	
Appendix A: References	
Appendix B: Letters/Responses to Pre-Assessment Consultation	
Appendix C: Letters/Responses to Draft Environmental Assessment	

SUMMARY

Project: Proposed acquisition of State land for addition to the Liliuokalani Gardens and its subsequent development

Proposing Agency: County of Hawaii
25 Aupuni Street, Room 215
Hilo, HI 96720

Approving Agency: Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Location: Portion of the Waiakea Peninsula situate at Waiakea, South Hilo, Hawaii

Tax Map Keys: 3rd/2-1-03:17 and 22

LUC District: Urban

Zoning: Limited Industrial (ML-20)

Class of Action: Use of State lands and use of County funds

Proposed Action: The County of Hawaii has expressed an interest in acquiring by Governor's Executive Order, State land identified as Tax Map Keys: 3rd/2-1-03:17 and 22 for addition to the Liliuokalani Gardens for parks and recreation purposes. Parcel 17, being 21,030 square feet, more or less, was formerly used as a dry dock site. Parcel 22, being 11,718 square feet, more or less, is a roadway parcel.

Prior to any construction activity on the subject properties, the County of Hawaii will complete the appropriate permitting process.

The proposed development of the subject properties should entail minimal ground disturbance. Where desirable, lawn grasses and/or ground cover will be planted and shade trees may be planted or relocated thereon. The roadway parcel will continue to be used as a roadway and will be repaired as needed. Any development of the subject properties should not compromise the open space and scenic qualities of the area.

Design for the subject properties shall conform to the Americans with Disabilities Act Accessibility Guidelines and any other provisions of Section 103-50, Hawaii Revised Statutes, as amended, titled Building design to consider needs of persons with disabilities.

Determination: Finding of No Significant Impact (FONSI).

ADDITION TO LILIUOKALANI GARDENS

1.0 INTRODUCTION

1.1 Introduction of Proposed Action

The County of Hawaii has expressed an interest in acquiring by Governor's Executive Order, State lands identified as Tax Map Keys: 3rd/2-1-03:17 and 22 for addition to the Liliuokalani Gardens for parks and recreation purposes. Parcel 17, being 21,030 square feet, more or less, was formerly used as a dry dock site. Parcel 22, being 11,718 square feet, more or less, is a roadway parcel.

The County of Hawaii proposes to develop the subject properties for passive recreational purposes and shoreline activities such as picnicking and pole fishing. The roadway parcel will continue to be used as a roadway and improvements will be done as needed.

The use of State lands and the use of County funds trigger the environmental review requirements under Chapter 343, Hawaii Revised Statutes, as amended, and the Environmental Impact Statement Rules, Title 11, Chapter 200, Hawaii Administrative Rules of the Department of Health.

1.2 Proposing Agency

County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720

1.3 Accepting Authority

Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

1.4 Parties Being Consulted

Federal
U.S. Army Engineer Division, Pacific Ocean
U.S. Fish and Wildlife Service
Federal Aviation Administration

State of Hawaii

Department of Accounting and General Services
DBEDT-Office of Planning
Department of Education
Department of Hawaiian Home Lands
Department of Health
Office of Hawaiian Affairs - Big Island
Office of Hawaiian Affairs - Honolulu
Department of Transportation
Airports Division
Harbors Division
Highways Division
Department of Land and Natural Resources
Division of Aquatic Resources
Division of Boating and Ocean Recreation
Division of Conservation and Resources Enforcement
State Historic Preservation Division
Land Division
Land Division-Engineering Branch
Land Division-Hawaii District Branch
Division of State Parks
Division of Water Resource Management

County of Hawaii

Hawaii County Civil Defense Agency
Department of Parks and Recreation
Planning Department
Department of Public Works
Department of Research and Development
Department of Water Supply
Hawaii County Fire Department
Hawaii County Police Department
Hawaii Redevelopment Agency

Other Interested Parties

Adjacent businesses and landowners
Hilo Outdoor Circle
Hawaii Island Economic Development Board
Council of the County of Hawaii

2.0 PROPOSED ACTION

2.1 Ownership

The subject properties are owned by the State of Hawaii through its Board of Land and Natural Resources.

2.2 Location

The subject properties are located on the Waiakea peninsula, fronting and along side the Nihon

Restaurant property and adjacent to an area commonly referred to as the "Isles," situate at Waiakea, South Hilo, Hawaii. The subject properties are further described as Tax Map Keys: 3rd/2-1-03:17 and 22.

2.3 Uses

Subject Properties. Parcel 17 is currently vacant. It was formerly encumbered under Revocable Permit No. S-5519 to Samuel I. Kumukahi for dry dock purposes. At the request of the permittee, the permit was cancelled effective February 28, 1995. Parcel 22 is a roadway parcel that serves as access to the Coast Guard light beacon and the fishing spot commonly referred to as the "Isles."

Surrounding Properties. Identified uses surrounding the subject properties are as follows:

North: State lands - Parcel 18 is a light beacon site encumbered under Executive Order No. 239 to the United States Department of Commerce, Lighthouse Service, and Parcel 16 is a portion of Liliuokalani Gardens.

South: State lands - Parcel 8 is encumbered under General Lease No. S-4786 to Hilo Trading Co., Ltd., dba Nihon Restaurant and Cultural Center, and Parcel 13 is the Happiness Garden Park encumbered to DLNR-Division of State Parks. A portion of Hilo Bay is also located south of the subject properties.

East: State lands - Parcel 8 is encumbered under General Lease No. S-4786 to Hilo Trading Co., Ltd., dba Nihon Restaurant and Cultural Center.

West: Hilo Bay.

2.4 Project Description

Statement of Need. The Coastal Zone Management Program lists, among others, the following objectives:

- (1) For recreation resources, provide coastal recreational opportunities accessible to the public; and
- (2) For scenic and open space resources, protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

The acquisition and subsequent development of the subject properties which are currently vacant will increase the availability of park space and accessible shoreline for use by the public.

Conceptual Plan. The proposed plan for the subject properties is to develop the area for passive recreation and shoreline activities such as picnicking and pole fishing.

There should be minimal ground disturbance. Any features, i.e., holes, isolated sharp rock outcrops, etc., that may pose a public safety threat will be addressed. In areas with sufficient soil, lawn grass, and/or ground cover may be planted to control erosion. The planting or relocation of shade trees, the placement of picnic tables, benches, etc. will be addressed during the design phase.

The roadway parcel will continue to be used as a roadway and will be repaired as necessary.

Design for the Proposed Action shall conform to the Americans with Disabilities Act Accessibility Guidelines and any other provisions of Section 103-50, Hawaii Revised Statutes, as amended, titled Building design to consider needs of persons with disabilities. Plans shall be submitted to the Commission on Persons with Disabilities for advice and recommendations.

Timetable. It is anticipated that plans and design for the development of the subject properties shall commence within one (1) year of receipt of the executive order document and construction to follow soon thereafter.

3.0 AFFECTED ENVIRONMENT

3.1 Physical Characteristics

Climate. The annual rainfall for the city of Hilo recorded between 1991 and 1997 ranged from a low of 85.92 inches per year to a high of 182.81 inches per year. The average yearly temperature for the same time period ranged from a low of 73.8 degrees F. to a high of 75.6 degrees F. The wind pattern for the city of Hilo is predominantly, easterly trade winds during the day and westerly, mountain winds during the night time hours.

Topography. The subject properties are relatively flat and the elevation is approximately 3 to 6 feet above sea level according to the U. S. Geological Survey map for the city of Hilo.

Soils. The Soil Survey of the Island of Hawaii, State of Hawaii classifies the soil as Keaukaha extremely rocky muck, 6 to 20 percent slopes (rKFD). The Survey describes the soil as undulating to rolling and follows the topography of the underlying pahoehoe lava. Rock outcrops occupy about 25 percent of the area. In a representative profile, the surface layer is very dark brown muck about 8 inches thick. This soil is strongly acid.

The Department of the Army, U.S. Army Engineer District, Honolulu, in their letter of May 9, 2000, writes, "Based on a review of the information provided, it appears that wetlands may be present at the site. According to the draft environmental assessment, the soil series in the area is classified as Keaukaha. Although this soil type is characterized as being non-hydric, the probability of hydric soil inclusion is highly probable. In addition, a few types of the vegetation identified at the site are species commonly found in wetlands. Therefore, prior to any maintenance or construction activity, a site assessment will need to be completed to determine the presence of wetlands."

A site visit for a wetlands determination shall be conducted by the Regulatory Branch, U.S. Army Engineer District, Honolulu.

Flora and Fauna. The subject properties have been mechanically altered for use as a dry dock site and as a roadway.

Over time, a certain amount of gravel and other materials have been placed on the subject properties to aid in laying a roadbed and pavement on Parcel 22 and to level certain spots on Parcel 17 to facilitate the storage of boats during dry dock.

The subject properties contain several common tree species and a variety of grass and weed species. The tree species include two large ironwood trees (*Casuarina equisetifolia*), an African Tulip tree (*Spathodea campanulata*), a young coconut tree, (*Cocos nucifera*) and a young Hala tree (*Pandanus odoratissimus*). The grass and weed species include

Hilo grass (*Paspalum conjugatum*), Manienie (*Stenotaphrum secundatum*), Honohono (*Oplismenus hirtellus*), Spanish Needle (*Biden* spp.), Beggarweed (*Desmodium* spp.), Sensitive Plant (*Mimosa pudica*), maile pilau (*Paederia scandens*) and Wedelia (*Wedelia trilobata*).

While the subject properties are not a habitat, nesting area or flight path for any known threatened or endangered wildlife, the U.S. Fish and Wildlife Service has reported two (2) sightings of the Hawaiian Hoary Bat in the general area. To reduce conflict with the bats, to the extent possible, tree trimming and tree cutting activities at Liliuokalani Gardens will be scheduled between the months of September to April.

Air Quality and Noise. There may be a certain amount of noise associated with the development of the subject properties. This short term impact should be mitigated by requiring the contractor to comply with the noise abatement regulations of the Department of Health. Air quality may also be impacted during the development phase. The contractor shall be required to develop a dust control plan.

The acquisition of the subject properties and the subsequent development for passive recreation purposes and shoreline activities should not have a long-term detrimental affect on air or water quality or ambient noise levels.

Water Resources. Hilo is underlain by basal groundwater.

3.2 Natural Hazards

Flood Hazard. The subject properties are designated Zone VE on the Flood Insurance Rate Map (FIRM) which means the site is located in a coastal high hazard zone with high velocity hazard caused by wave action, i.e., coastal flood, tsunami inundation. The base flood elevation has been determined to be 22 feet. Development of the subject property shall comply with the provisions of Chapter 27, Hawaii County Code titled Flood Control.

Tsunami Hazard. The project site is within the Hawaii County Civil Defense Tsunami Evacuation Zone. This inclusion requires that all occupants must evacuate the area during any tsunami warning issued by the Hawaii County Civil Defense Agency.

Volcano Hazard. The project site is classified as Lava Flow Hazard Zone 3 by the U.S. Geological Survey.

Seismic Hazard. The entire County of Hawaii is rated Zone 4, Seismic Probability Rating, according to the Uniform Building Code, Appendix Chapter 25, Section 2518, on a scale of ascending risk 0 to 4. The Code contains certain structural requirements to address the potential seismic hazards.

3.3 Social and Cultural Issues

Ceded Land. According to the State Land Inventory, the subject properties are classified as ceded lands (Sub-section 5(b) land of the Hawaii Admission Act). With certain reservations, upon admission into the Union, the lands ceded to the United States at the time of annexation, were returned to the State of Hawaii in the form of a public trust. The Hawaii Admission Act stipulated that the lands or any income therefrom, shall be held for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread basis as possible, for the making of public improvements, and for the provision of lands for public use

The Proposed Action meets the criteria of the public trust obligation of providing lands for public use.

Historic Resources. The subject properties have been mechanically altered for use as a dry dock site and as a roadway. Any archaeological features would have been destroyed in the course of land alteration.

There are no historic or culturally significant sites adjacent to the subject properties which are listed on the National and/or Hawaii Register of Historic Places. However, the Japanese style garden portion of Liliuokalani Gardens and certain neighboring properties may be eligible for inclusion into the National and Hawaii Register of Historic Places.

Visual Impact. Parcel 22 is a roadway parcel that has been paved but is in need of some repairs. Parcel 17 is currently vacant. It was recently cleaned. However, without periodic maintenance, it will soon be overgrown with weeds and attract the dumping of refuse and garbage.

3.4 Infrastructure and Public Services Requirements

Roads. The subject properties are serviced by Lihiwai Street which is owned and maintained by the County of Hawaii.

Water Services. The Proposed Action will not require water service, however, there is an existing 6-inch water line along that portion of Lihiwai Street that fronts the subject properties.

Wastewater Services. The Proposed Action will not require wastewater services.

Electrical and Telephone Services. Overhead electrical and telephone lines are available along Lihiwai Street.

Drainage System. If there is any increase in runoff attributed to the Proposed Action, the runoff shall be disposed of on-site through a method or system acceptable to the Department of Public Works.

Emergency Services. If required, fire and emergency medical personnel are stationed at the Waiakea Fire Station on Keaa Street and at the Central Fire Station at the corner of Kinoole and Ponahawai Streets. If police assistance is required, the Hawaii County Police Department is located on Kapiolani Street.

Other Public Services. The Proposed Action should not impact other public services.

4.0 LAND USE PLANS AND POLICIES

4.1 Hawaii State Planning Act

The Proposed Action conforms with the objectives and policies of Chapter 226, Hawaii Revised Statutes, as amended, titled The Hawaii State Planning Act. Pertinent sections of the Act reads as follows:

226-23 Objectives and policies for socio-cultural advancement-leisure. (a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

b) To achieve the leisure objective, it shall be the policy of this State to:

- (1) Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.
- (2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.
- (3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.
- (4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.
- (5) Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.
- (6) Assure the availability of sufficient resources to provide for future cultural, artistic, and recreational needs.
- (7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawaii's people.
- (8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk, and traditional art forms.

- (9) Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.
- (10) Assure adequate access to significant natural and cultural resources in public ownership.

226-12 Objectives and policies for the physical environment - scenic, natural beauty, and historic resources. (a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

- b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:
 - (1) Promote the preservation and restoration of significant natural and historic resources.
 - (2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.
 - (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.
 - (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.
 - (5) Encourage the design of developments and activities that complement the natural beauty of the islands.

The Proposed Action will expand the shoreline component of the park. The additional area will provide increased opportunities for residents and visitors to enjoy the scenic, historic, and recreational resources of the park.

4.2 State Land Use Commission

The subject properties are zoned urban by the State Land Use Commission.

In accordance with Chapter 205 of the Hawaii Revised Statutes, as amended, titled Land Use Commission, urban districts shall include activities and uses as provided by ordinances or regulations of the county within which the urban district is situated.

4.3 The General Plan-County of Hawaii

The County of Hawaii's General Plan is the policy document for the long-range comprehensive development of the County of Hawaii. The General Plan provides the direction for the future growth of the County. It brings into focus the relationship between residents and their pursuits and institutions, offering policy statements which embody the expressed goals for present and future generations.

The Hawaii County Charter mandates that the General Plan contain the following:

"A statement of development objectives, standards and principles with respect to the most desirable use of land within the county for residential, recreational, agricultural, commercial, industrial and other purposes which shall be consistent with proper conservation of natural resources and the preservation of our natural beauty and historical sites; the most desirable density of population in the several parts of the county; a system of principal thoroughfare, highways, streets, public access to the shorelines, and other open space; the general locations, relocations and improvements of public buildings, the general location and extent of public utilities and terminals, whether public or privately owned, for water, sewers, light, power, transit, and other purposes; the extent and location of public housing projects; adequate drainage facilities and control; air pollution; and such other matter as may, in the council's judgment, be beneficial to the social, economic, and governmental conditions and trends and shall be designed to assure the coordinated development of the county and to promote the general welfare and prosperity of its people."

The General Plan lists the provisions, "Provide a wide variety of recreational opportunities for the residents and visitors of the county, maintain the natural beauty of recreation areas, and provide a diversity of environments for active and passive

pursuits" as its Goals for Recreation. The General Plan also includes as its Policies for Recreation, (1) "The County of Hawaii shall improve public facilities for optimum use, (2) Recreational facilities in the County shall reflect the natural, historic and cultural character of the area, and (3) the County shall provide facilities and a broad recreational program for all age groups with special considerations for the elderly and young children."

The Proposed Action will expand the recreational opportunities for residents and visitors by increasing the area of the park.

The General Plan Land Use Pattern Allocation Guide Map (LUPAG) designates the subject properties as Open. The designation is characterized by parks and historic sites.

4.4 Zoning Code of the County of Hawaii

The subject properties are zoned Limited Industrial (ML-20) according to the Zoning Code. The proposed addition to Liliuokalani Gardens is for public purposes. Consequently, the Proposed Action is a permitted use for Limited Industrial classified lands according to Section 25-5-142, of the Zoning Code.

4.5 Coastal Zone Management (CZM)

Chapter 205A, Hawaii Revised Statutes, as amended, titled Coastal Zone Management, provides the following definitions:

"Coastal zone management area means all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the United States territorial sea;" and

"Coastal zone management program means the comprehensive statement in words, maps, or the permanent media of communication, prepared, approved for submission, and amended by the State and approved by the United States government pursuant to Public Law No. 92-583, as amended, and the federal regulations adopted pursuant thereto, which describes objectives, policies, laws, standards, and procedures to guide and regulate public and private uses in the coastal zone management area....."

Since all lands of the State is subject to Chapter 205A, the proposed project shall comply with the objectives and policies of the coastal zone management program.

Section 205A-2, Hawaii Revised Statutes, as amended, list among others, the following objectives and policies for its CZM program:

Objectives

- (1) For recreation resources, provide coastal recreational opportunities accessible to the public; and
- (2) For scenic and open space resources, protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources;

Policies

- (1) For Recreational resources, provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - a) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - b) Provide an adequate supply of shoreline parks and other recreational facilities suitable for public recreation; and
 - c) Ensuring public recreational use of county, state or federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources.
- (2) For scenic and open space resources, preserve, maintain and where desirable, improve and restore shoreline open space and scenic resources.

The Proposed Action is consistent with the objectives and policies of the Coastal Zone Management program.

4.6 Special Management Areas (SMA)

Section 205A-21, Hawaii Revised Statutes, as amended, titled Findings and purposes of the Special Management Areas states: "The legislature finds that, special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

The subject properties are within the boundaries of the special management area as delineated by the Planning Commission of the County of Hawaii.

Prior to the commencement of any work activity on the subject properties, an application for a special management area use permit shall be submitted to the Planning Department of the County of Hawaii. The application needs to show that the proposed development of the subject properties will have no adverse environmental or ecological effect; that the proposed development is consistent with the objectives, policies, and any guidelines of the special management area; and that the proposed development is consistent with the county general plan and zoning.

4.7 Hawaii Redevelopment Agency

The subject properties are within the boundaries of the Amended Urban Renewal Plan for the Kaiko'o Project, Project No. Hawaii R-4 (Plan) as administered by the Hawaii Redevelopment Agency (HRA). The area of the Plan, which generally corresponds to the area of Hilo devastated by the seismic wave of May 23, 1960, is classified in two categories, the "Elevated Areas," where only commercial uses were originally permitted, and the "Open Areas," where limited commercial, limited industrial, temporary non-conforming and open uses were originally permitted.

The subject properties are within the boundaries of the "Open Area". Public use such as a park is permitted within this area.

Prior to the commencement of any development on the subject properties, the proposal shall be submitted to the HRA for its review and approval.

5.0 OTHER PERMITS, APPROVALS, ETC.

The following permits, approvals, etc., may be required to proceed with the Proposed Action:

Federal Government

Pending the results of a site inspection by the staff of the Regulatory Branch, U.S. Army Engineer District, Honolulu, a Department of the Army permit in accordance with the Clean Water Act may be required.

State of Hawaii

Acquisition is subject to the approval of the Board of Land and Natural Resources and a favorable recommendation to the Governor of Hawaii for the issuance of an executive order setting aside the subject properties to the County of Hawaii as additions to the Liliuokalani Gardens for parks and recreation purposes.

Development on the subject properties may require compliance with Title 11, Chapter 23, Hawaii Administrative Rules of the Department of Health titled "Underground Injection Control."

The contractor of the development on the subject properties may be required to comply with the provisions of Title 11, Chapter 46, Hawaii Administrative Rules of the Department of Health titled "Community Noise Control."

County of Hawaii

Development on the subject properties may require approval of a special management area use permit by the Planning Commission of the County of Hawaii.

Development on the subject properties may require a Plan Approval from the Planning Department in accordance with Chapter 25 of the Hawaii County Code titled Zoning.

Development plans for the subject properties shall be submitted to the Hawaii Redevelopment Agency for their review and approval.

Should work on the roadway parcel include work within the Lihiwai Street right-of-way, a Driveway Connection Permit from the Department of Public Works in accordance with Chapter 22 of the Hawaii County Code titled Streets and Sidewalks, may be required.

The design plans and specifications for development of the subject properties shall be submitted to the Commission on Persons with Disabilities for review and recommendations.

6.0 SUMMARY OF PROBABLE IMPACTS AND MITIGATION MEASURES

6.1 Design Phase

To conform to the Americans with Disabilities Act Accessibility Guidelines and any applicable provisions of Section 103-50, Hawaii Revised Statutes, as amended, titled Building Design to Consider Needs of Persons with Disabilities, the design plans and specifications for the subject properties shall be submitted to the Commission on Persons with Disabilities for advice and recommendations.

6.2 Construction Phase

To mitigate any noise generated during the development of the subject properties, the contractor shall comply with the provisions of Title 11, Chapter 46, Hawaii Administrative Rules of the Department of Health titled Community Noise Control.

To mitigate any impact to air quality during the development of the subject properties, the contractor shall be required to develop and implement a dust control plan.

6.3 Operational Phase

To minimize any adverse environmental and ecological impacts, proper maintenance shall be performed at the subject properties.

To minimize any complaints from the surrounding property owners, i.e., night time noise, loitering, etc., the appropriate rules and regulations of the Department of Parks and Recreation shall be enforced.

7.0 ALTERNATIVES TO THE PROPOSED ACTION

7.1 No Action

If no action is taken to acquire the subject properties for addition to Liliuokalani Gardens, the subject properties will remain unencumbered State land. Should there be other proposals submitted for their use, the subject properties may be leased or otherwise disposed of that may limit the public's accessibility to the shoreline.

7.2 Alternative Sites

There are no other unencumbered State lands or vacant private parcels in the area that may be acquired for additions to the Liliuokalani Gardens.

8.0 DETERMINATION

In accordance with Chapter 343, Hawaii Revised Statutes, the technical and environmental issues, their potential impacts and significance as they relate to the proposed acquisition of Tax Map Keys: 3rd/2-1-03:17 and 22 for addition to Liliuokalani Gardens and their subsequent development for passive, shoreline recreation purposes, has been discussed in the Final Environmental Assessment. It is anticipated that the Proposed Action will not significantly impact the environment, therefore, a Finding of No Significant Impact (FONSI) has been issued and an Environmental Impact Statement will not be required. This determination is based on the significant criteria listed in Section 11-200-12, Hawaii Administrative Rules of the Department of Health titled Environmental Impact Statement Rules which are discussed below:

- (1) The Proposed Action does not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.

The acquisition of the subject properties will increase the availability of park space at Liliuokalani Gardens and provide public accessibility to additional shoreline area. The Proposed Action will enhance Liliuokalani Gardens, a cultural resource.

- (2) The Proposed Action does not curtail the range of beneficial uses of the environment.

No restriction of beneficial uses would occur as the proposed use of the subject properties is consistent with existing land use plans and policies.

- (3) The Proposed Action does not conflict 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 broad goals of the State's long-term environmental policies are to conserve natural resources and enhance the quality of life. The proposed acquisition of the subject properties and their subsequent development for passive, shoreline recreation purposes is consistent with the goals and guidelines outlined in Chapter 344, Hawaii Revised Statutes, as amended.

- (4) The Proposed Action does not substantially affect the economic or social welfare of the community or State.

The availability of additional park space will have a beneficial impact on the social welfare of our community.

- (5) The Proposed Action does not substantially affect public health.

The acquisition of the subject properties and their subsequent development for passive, shoreline recreation purposes will not substantially affect public health and/or safety.

- (6) The Proposed Action does not involve substantial secondary impacts, such as population changes or effects on public facilities.

No secondary effects are expected. While the Proposed Action will increase the availability of accessible public shoreline, this availability will not cause population shifts or increases.

- (7) The Proposed Action does not involve a substantial degradation of environmental quality.

The acquisition of the subject properties will not involve a substantial degradation of environmental quality. The subsequent development for passive,

shoreline recreation purposes will utilize Best Management Practices and shall comply with all applicable statutes, laws, ordinances, rules and regulations of the Federal, State and County of Hawaii governments.

- (8) The Proposed Action is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.

The acquisition of the subject properties and their subsequent development for passive, shoreline recreation purposes is a part of the Hilo Bay Park and Recreation Complex which encompasses the region from Reed's Bay to the Wailuku River. Plans for the complex include the development of the necessary infrastructure and facilities to enhance and emphasize the cultural and natural resources within the complex and to serve as a gateway to the City of Hilo.

- (9) The Proposed Action does not substantially affect any rare, threatened or endangered species or its habitat.

While the subject properties is not a habitat, nesting area or flight path for any known rare, threatened, or endangered species of flora or fauna, the U.S. Fish and Wildlife Service has reported two (2) sightings of the Hawaiian Hoary Bat in the general area. To reduce conflict with the bats to the extent possible, tree trimming and tree cutting activities at Liliuokalani Gardens will be scheduled between the months of September to April.

- (10) The Proposed Action does not detrimentally affect air or water quality or ambient noise levels.

No substantial effects to air, water or ambient noise levels will occur from the acquisition of the subject properties and their subsequent development for passive shoreline recreation purposes. Temporary effects may occur during the development phase but will be mitigated by employing Best Management Practices and strict adherence to applicable statutes, rules and regulations, etc., regarding air, water and noise.

- (11) The Proposed Action does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.

Although the Proposed Action is located in a coastal high hazard zone (tsunami inundation), there are no reasonable alternatives for development of a shoreline recreation area that would avoid such exposure. There are no plans for the construction of any structures on the subject properties. Prior to any development, approvals from the Hawaii Redevelopment Agency (HRA) and the Planning Department on a Special Management Area Use Permit shall be obtained.

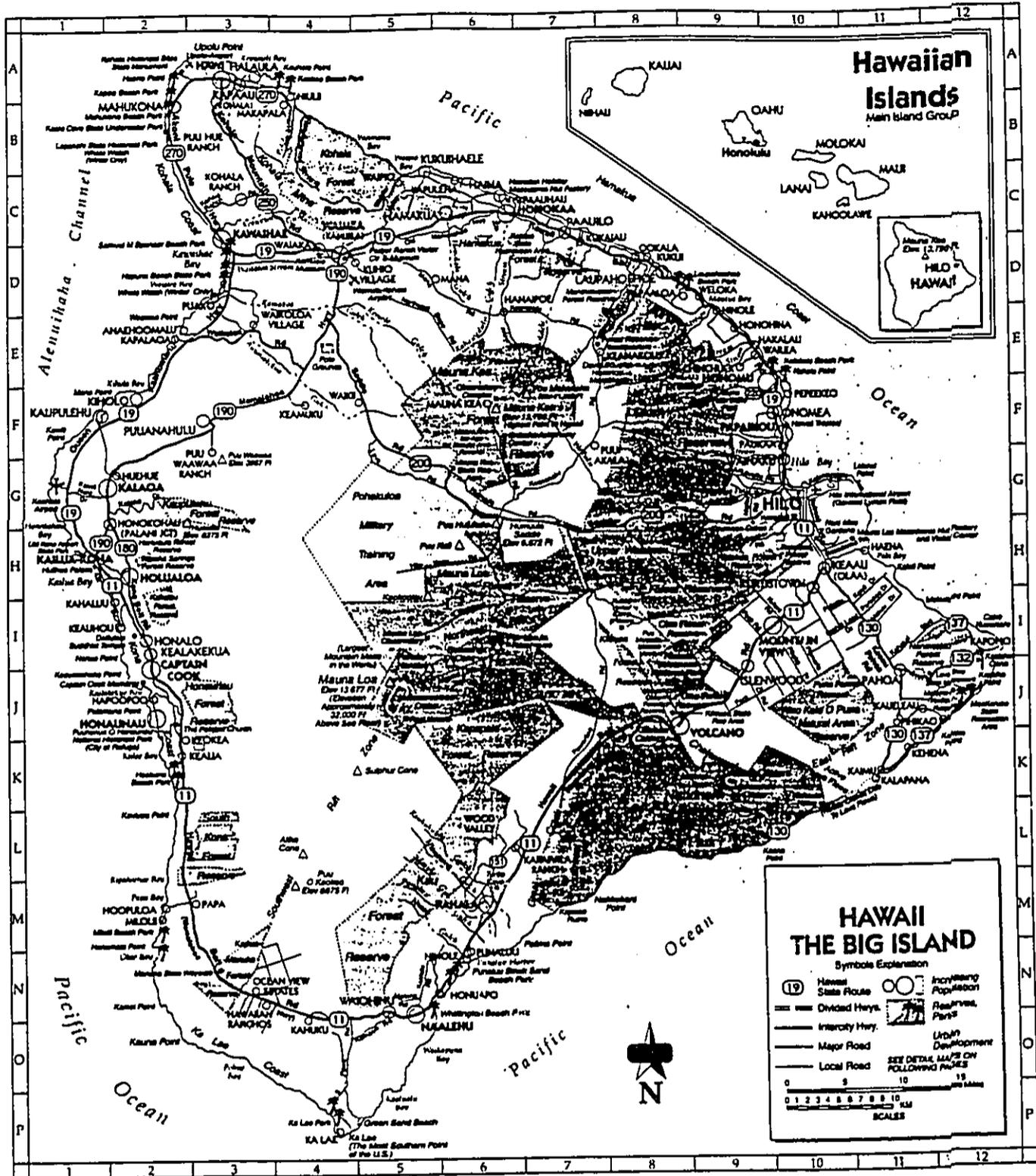
- (12) The Proposed Action will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.

The entire Banyan Drive scenic area is listed in the General Plan as an area of natural beauty. The proposed acquisition of the subject properties and subsequent development for passive, shoreline recreation purposes will enhance the natural beauty and scenic quality of the area.

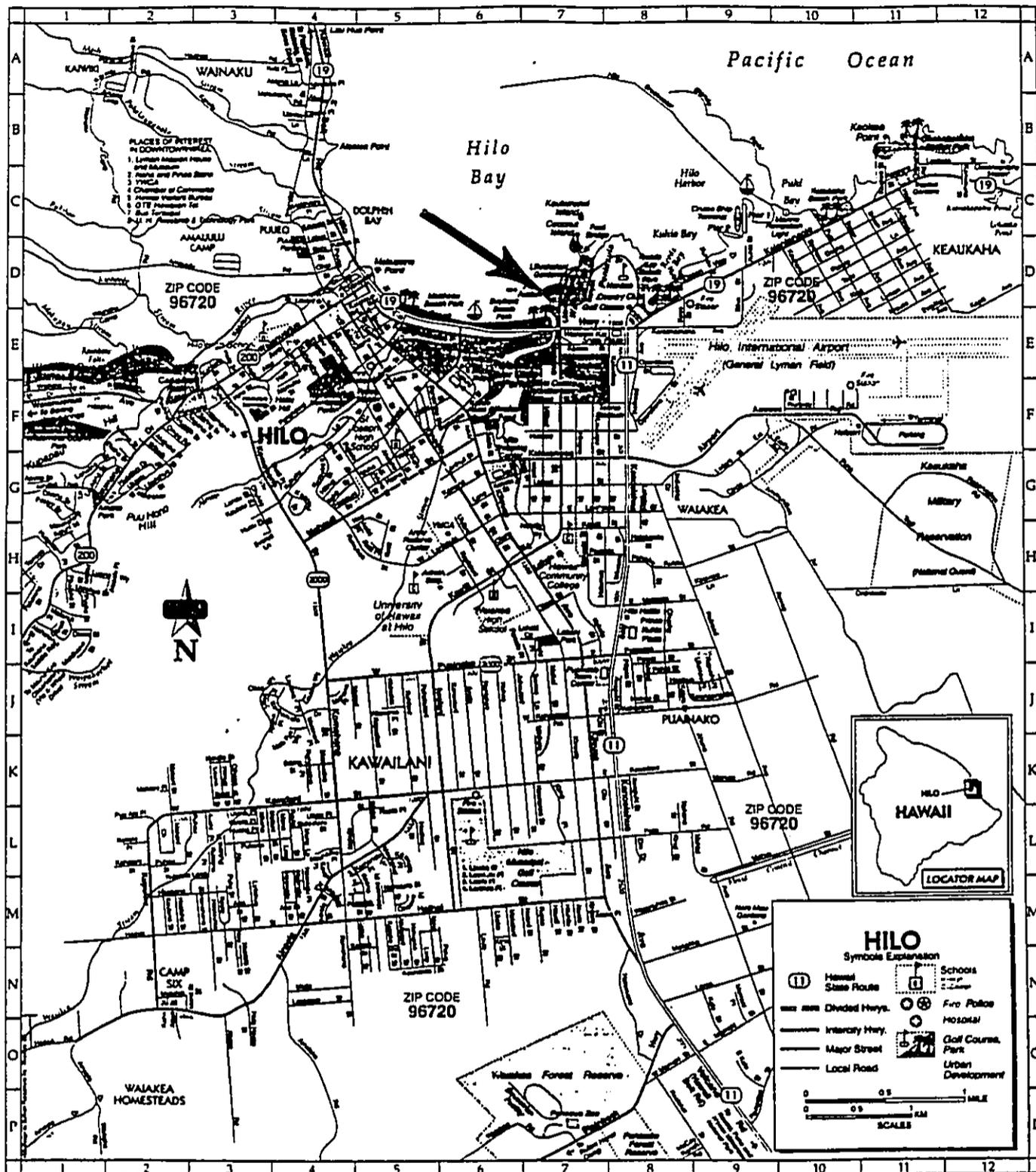
- (13) The Proposed Action will not require substantial energy consumption.

The acquisition of the subject properties and their subsequent development for passive, shoreline recreation purposes will not require substantial energy consumption.

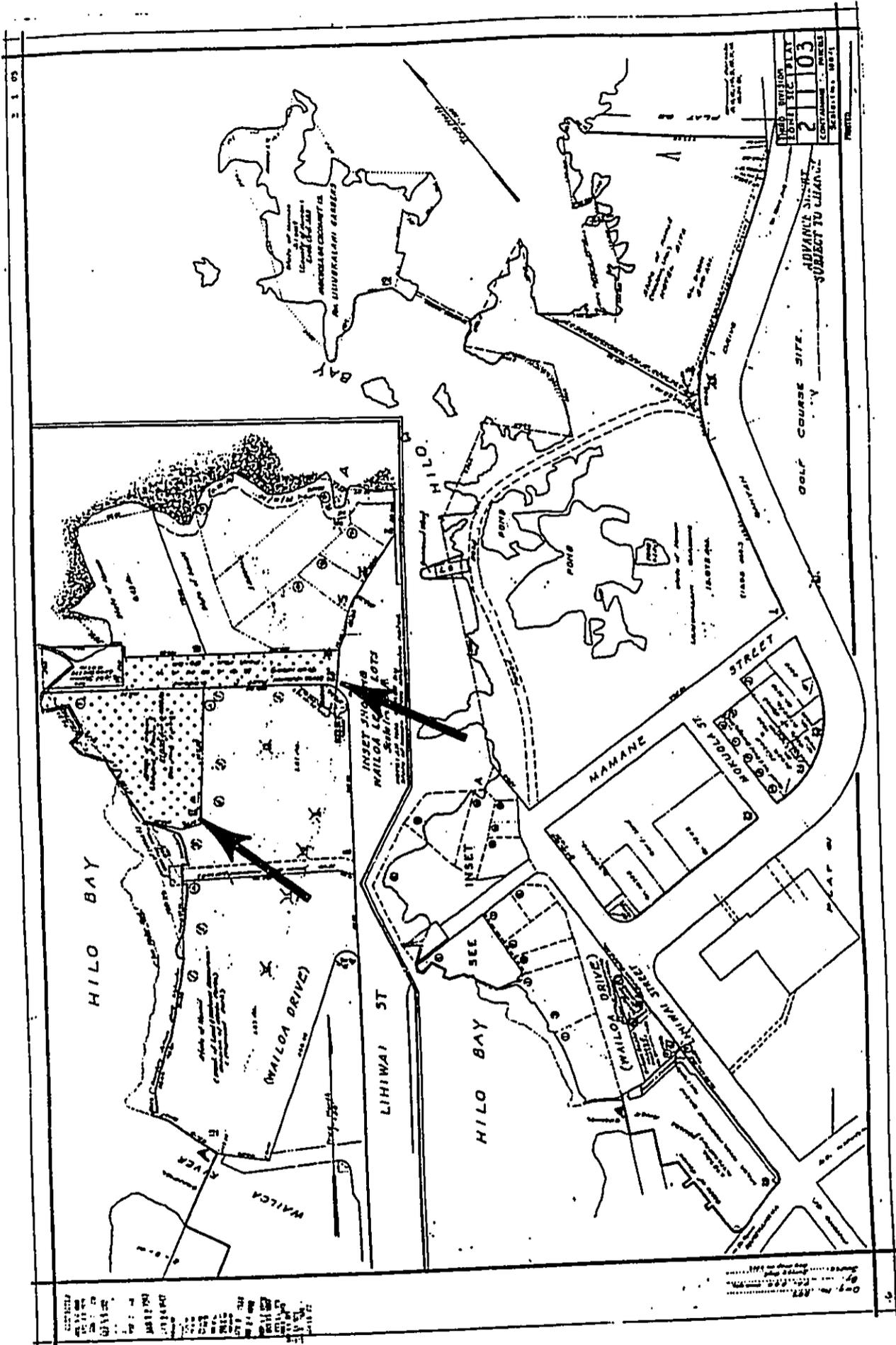
M A P S



Map 1...ISLAND OF HAWAII



Map 2...CITY OF HILO



Map 3...Tax Map

APPENDIX A: REFERENCES

REFERENCES

1. Chapter 343, Hawaii Revised Statutes, as amended, titled Environmental Impact Statement.
2. Environmental Impact Statement Rules, Title 11, Chapter 200, Hawaii Administrative Rules of the Department of Health.
3. Revocable Permit No. S-5519 to Samuel I. Kumukahi.
4. Section 103-50, Hawaii Revised Statutes, as amended, titled Building design to consider needs of persons with disabilities.
5. Data Book 1998, County of Hawaii, Department of Research and Development.
6. United States Geological Survey (USGS) map, Hilo quadrangle.
7. Soil Survey of the Island of Hawaii, State of Hawaii, 1973, United States Department of Agriculture, Soil Conservation Service in cooperation with the University of Hawaii Agricultural Experiment Station.
8. In Gardens of Hawaii by Marie C. Neal, 1965.
9. Federal Emergency Management Agency, Flood Insurance Rate Map, Panel No. 880.
10. United States Department of the Interior, United States Geological Survey (USGS), Hawaii Volcano Observatory map as published in the Data Book 1998, County of Hawaii, Department of Research and Development.
11. State Land Inventory, State of Hawaii, Department of Land and Natural Resources, Land Division, dated January 28, 1997.
12. Underground Injection Control, Title 11, Chapter 23, Hawaii Administrative Rules of the Department of Health.
13. Chapter 226, Hawaii Revised Statutes, as amended, titled Hawaii State Planning Act.
14. Chapter 205, Hawaii Revised Statutes, as amended, titled Land Use Commission.

15. The General Plan, Hawaii County 1989.
16. Chapter 25, Hawaii County Code, titled Zoning, as amended by Ordinance No. 96 160.
17. Chapter 205A, Hawaii Revised Statutes, as amended, titled Coastal Zone Management.
18. Section 205A-21, Hawaii Revised Statutes, as amended, titled Special Management Areas, Findings and purposes.
19. Amended Urban Renewal Plan for the Kaiko'o Project, Project No. Hawaii R-4.
20. Final Environment Assessment, Waiakea Peninsula Improvements dated July 1, 1999, prepared by Roy R. Takemoto, Land Use Consultant.
21. Uniform Building Code, Appendix Chapter 25, Section 2518.
22. Section 103-50, Hawaii Revised Statutes, as amended, titled Building design to consider needs of persons with disabilities.
23. Chapter 27, Hawaii County Code, titled Flood Control.
24. A Pocket Guide to Hawaii's Trees and Shrubs by H. Douglas Pratt, Ph.D., 1998.

**APPENDIX B: LETTER/RESPONSES TO
PRE-ASSESSMENT CONSULTATION**

Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director

Henry Cho
Deputy Managing Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

January 18, 2000

MEMORANDUM

To: All Cooperating Agencies and Interested Parties

From: Stephen K. Yamashiro, Mayor *SKY*
County of Hawaii

Subject: Pre-Assessment Consultation for the Proposed
Set Aside of Government Land situate at Waiakea,
South Hilo, Hawaii, Tax Map Keys: 3rd/2-1-03:17 & 22

The County of Hawaii has expressed an interest in acquiring Tax Map Keys: 3rd/2-1-03:17 and 22 through a Governor's Executive Order. The proposed set aside would place the properties under the control and management of the County of Hawaii as an addition to the Liliuokalani Gardens for parks and recreation purposes.

Since the Proposed Action involves State owned lands and County funds, an environmental assessment is being prepared in accordance with the requirements of Chapter 343, Hawaii Revised Statutes, as amended, and the Environmental Impact Statement Rules, Title 11, Chapter 200, Hawaii Administrative Rules of the Department of Health.

Your review of the enclosed pre-assessment consultation document is appreciated. We would appreciate receiving any comments you may have by February 18, 2000. Should you have any questions on this matter, please feel free to call on Executive Assistant Glenn Y. Taguchi at (808) 961-8503.

Enclosure

c: U.S Army Engineer Division, Pacific Ocean
U.S. Fish and Wildlife Service
Federal Aviation Administration
Department of Accounting and General Services
DBEDT-Office of Planning
Department of Education
Department of Hawaiian Home Lands
Department of Health
Office of Hawaiian Affairs
DLNR-Division of Aquatic Resources
DLNR-Division of Boating and Ocean Recreation
DLNR-Division of Conservation and Resources Enforcement
DLNR-State Historic Preservation Division
DLNR-Land Division
DLNR-Land Division, Engineering Branch
DLNR-Land Division, Hawaii District Branch
DLNR-Division of State Parks
DLNR-Division of Water Resource Management
DOT-Airports Division
DOT-Harbors Division
DOT-Highways Division
Hawaii County Civil Defense Agency
Department of Parks and Recreation
Planning Department
Department of Public Works
Department of Research and Development
Department of Water Supply
Hawaii County Fire Department
Hawaii County Police Department
Hawaii Redevelopment Agency
Council of the County of Hawaii
Disability Rights Hawaii
Hilo Trading Co., Ltd.
Suisan Company, Ltd.
Hilo Outdoor Circle
Hawaii Electric Light Company, Inc.
Mauna Kea Agronomics, Inc.
Hawaii Island Economic Development Board

Stephen K. Yamashiro
Mayor



County of Hawaii
HAWAII REDEVELOPMENT AGENCY (HRA)

25 Aupuni Street, Room 217 • Hilo, Hawaii 96720-4252
(808) 961-8223 • Fax (808) 961-6553

RECEIVED
'00 FEB 22 PM 2 32
BY
MAYOR
COUNTY OF HAWAII

February 17, 2000

Mr. Glenn Taguchi, Executive Assistant
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Dear Mr. Taguchi:

We thank you for your presentation regarding Mayor Yamashiro's "Pre-Assessment Consultation for the Proposed Set-Aside of Government Lands situated at Waiakea, S. Hilo, further described as TMK: 2-1-03:17 & 22.

It is the consensus of HRA that the plan is a commendable one, deserving your further pursuit. Please note that the discussion did reveal some concern as regards to the location of the restroom, which we understand will be addressed and referred to the State Commission on Persons with Disabilities for its recommendation and approval.

Please keep us advised on a timely basis.

Sincerely,

David Reed
HRA Chairman

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: February 18, 2000

Memorandum

TO: Glenn Y. Taguchi, Executive Assistant
Office of the Mayor

FROM: *for* *Oh* Department of Public Works

SUBJECT: **PRE-ASSESSMENT CONSULTATION**
for the Proposed Set Aside of Government Land
Location: Waiakea, South Hilo, Hawaii
TMKs: 2-1-03: 017 & 022

RECEIVED
'00 FEB 18 PM 2 24
OFFICE OF THE MAYOR
COUNTY OF HAWAII
BY
MAYOR

We have reviewed the subject application forwarded by your memo dated January 18, 2000 and have the following comments.

1. Any building construction shall conform to current code requirements.
2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
3. The subject properties are located within Flood Zone VE according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard (wave action).

Any new construction within the subject parcels will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

4. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.
5. Any construction within the Lihwai Street right-of-way (County) shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.

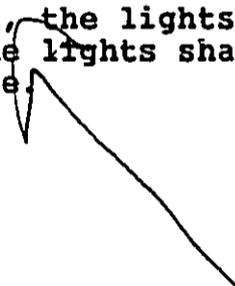
Questions may be referred to Kelly Gomes at ext. 8327.

KG

January 26, 2000

Note to File:

Per telecon this date from Jay Nelson of the U.S. Fish and Wildlife Service, the USFWS had three (3) concerns after reviewing the pre-assessment consultation document for the acquisition of additional lands for the Liliuokalani Gardens. The concerns are as follows:

1. There have been two (2) sightings of the Hawaiian Hoary Bat in the area. Young bats, if they roost in the area, will most probably be between the months of May to August. If the County of Hawaii were to do any tree trimming in the area, the work should be done between the months of September to April to avoid disturbance of the Hawaiian Hoary Bat.
 2. During the construction phase, the contractor should implement a dust control plan using an appropriate sprinkler system.
 3. The USFWS have concerns about any additional artificial lighting in the area. Lights at night may distract the dark rumped petrel (*Pterodromo phaeopygia sandwichensis*). However, it was explained that there were no plans for additional lights in this area. If any lighting is added in the future, to the extent possible, the poles will not exceed twenty-five (25) feet in height, the lights shall be directed downwards, the lights shall be directed away from the shore, the lights shall be shaded, the lights shall be as low voltage as possible and the lights shall be of a muted color instead of bright white.
- 

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

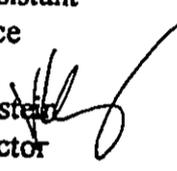
PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

January 26, 2000

MEMORANDUM

TO: Glenn Taguchi
Executive Assistant
Mayor's Office

FROM: Virginia Goldstein 
Planning Director

SUBJECT: Proposed Liliuokalani Gardens Expansion
Pre-Assessment Consultation for the Proposed Set Aside of Government Land
Situate at Waiakea, South Hilo, Hawaii
TMK: (3) 2-1-003:017 & 022

RECEIVED
JAN 26 PM 3 44
COUNTY OF HAWAII
MAYOR

Thank you for the opportunity to review the Pre-Assessment Document. We have no comments to offer.

Should you have any questions, please contact Rodney Nakano of my staff.

RKN:pak
F:\WP60\RODNEY\2000-1\mTaguchi

**APPENDIX C: LETTER/RESPONSES TO
DRAFT ENVIRONMENTAL ASSESSMENT**

Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director

Henry Cho
Deputy Managing Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

April 24, 2000

MEMORANDUM

To: All Cooperating Agencies and Interested Parties

From: Stephen K. Yamashiro, Mayor,
County of Hawaii

Subject: Draft Environmental Assessment for the Proposed
Set Aside of State Land and its Subsequent
Development situate at Waiakea, South Hilo, Hawaii
Tax Map Keys: 3rd/2-1-03:17 & 22

Thank you for participating in the pre-assessment consultation phase of this Proposed Action. All comments received are included in Appendix B and where appropriate, have been addressed in the Draft Environmental Assessment.

The County of Hawaii would like to proceed with the acquisition of Tax Map Keys: 3rd/2-1-03:17 and 22 through a Governor's Executive Order. The proposed set-aside would place the properties under the control and management of the County of Hawaii as an addition to the Liliuokalani Gardens for parks and recreation purposes.

The Draft Environmental Assessment describes the Proposed Action, the technical and environmental issues, their potential impacts and significance as they relate to the acquisition of the subject properties and their subsequent development as an addition to the Liliuokalani Gardens. The County of Hawaii believes that the Proposed Action will not significantly impact the environment.

Your review of the enclosed draft environmental assessment is appreciated. The thirty (30) day comment period expires on May 23, 2000. Should you have any questions on this matter, please feel free to call on Executive Assistant Glenn Y. Taguchi at (808) 961-8503.

Enclosure

c: U.S Army Engineer Division, Pacific Ocean
U.S. Fish and Wildlife Service
Federal Aviation Administration
Department of Accounting and General Services
DBEDT-Office of Planning
Department of Education
Department of Hawaiian Home Lands
Department of Health
Office of Hawaiian Affairs
DLNR-Division of Aquatic Resources
DLNR-Division of Boating and Ocean Recreation
DLNR-Division of Conservation and Resources Enforcement
DLNR-State Historic Preservation Division
DLNR-Land Division
DLNR-Land Division, Engineering Branch
DLNR-Land Division, Hawaii District Branch
DLNR-Division of State Parks
DLNR-Division of Water Resource Management
DOT-Airports Division
DOT-Harbors Division
DOT-Highways Division
Hawaii County Civil Defense Agency
Department of Parks and Recreation
Planning Department
Department of Public Works
Department of Research and Development
Department of Water Supply
Hawaii County Fire Department
Hawaii County Police Department
Hawaii Redevelopment Agency
Council of the County of Hawaii
Disability Rights Hawaii
Hilo Trading Co., Ltd.
Suisan Company, Ltd.
Hilo Outdoor Circle
Hawaii Electric Light Company, Inc.
Mauna Kea Agronomics, Inc.
Hawaii Island Economic Development Board



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

May 9, 2000

Regulatory Branch

Mr. Glenn Y. Taguchi
Executive Assistant
County of Hawaii
Planning Department
25 Aupuni Street, Room 109
Hilo, Hawaii 96720-4252

BY
MAYOR M.D. O.M.B.

OFFICE OF THE MAI'UR
COUNTY OF HAWAII

00 PMY 16 PM 1 09

RECEIVED

Dear Mr. Taguchi:

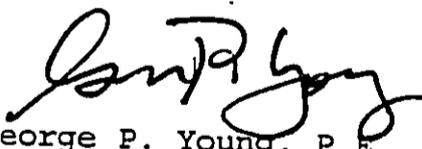
This letter is written in regards to the proposed set aside of government land situated at TMK 2-1-03 parcels 17 and 22 for the expansion of Liliuokalani Gardens located in Hilo, Hawaii.

Based on a review of the information provided, it appears that wetlands may be present at the site. According to the draft environmental assessment, the soil series in the area is classified as Keaukaha. Although this soil type is characterized as being non-hydric, the probability of hydric soil inclusion is highly probable. In addition, a few types of the vegetation identified at the site are species commonly found in wetlands. Therefore, prior to any maintenance or construction activity, a site assessment will need to be completed to determine the presence of wetlands.

A site visit for a wetland determination can be conducted within the next few months. You may contact Ms. Lolly Silva of my staff at (808)438-7023 or by fax at (808)438-4060 to arrange a date and time. Should you require this determination to be done sooner, you should contact a consultant.

File number 200000182 is assigned to this project. Please refer to this file number in future correspondence with this office.

Sincerely,


George P. Young, P.E.
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

May 10, 2000

Civil Works Technical Branch

Mr. Glenn Y. Taguchi, Executive Assistant
Office of the Mayor
County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720-4252

RECEIVED
'00 MAY 16 PM 1 10
OFFICE OF THE MAYOR
COUNTY OF HAWAII
BY
MAYOR M.D. B.M.D.

Dear Mr. Taguchi:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment (DEA) for the Proposed Set Aside of State Land at Waiakea, South Hilo, Hawaii (TMKs 2-1-3: 17 and 22). The following comments are provided in accordance with Corps of Engineers authorities to provide flood hazard information and to issue Department of the Army (DA) permits.

a. Based on the information submitted, a DA permit may be required for the project. Separate correspondence regarding the wetland determination is being prepared and will be sent to the County of Hawaii. For further information, please contact Ms. Lolly Silva of our Regulatory Section at 438-7023 and refer to file number 200000182.

b. The flood hazard information provided on page 10 of the DEA is correct.

Sincerely,

James Pennaz, P.E.
Chief, Civil Works
Technical Branch

May 16, 2000

Note to File:

Per telecon this date from Michael Richardson of the U.S. Fish and Wildlife Service, the USFWS has no objections or concerns to the County of Hawaii's proposed acquisition of State land for addition to the Liliuokalani Gardens and its subsequent development based on the information provided in the draft environmental assessment.

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

April 20, 2000

RECEIVED
'00 APR 25 AM 11 51
OFFICE OF THE MAYOR
COUNTY OF HAWAII
MAYOR M.D. B.M.D.

Timothy Johns
Department of Land & Natural Resources
PO Box 621
Honolulu, HI 96809

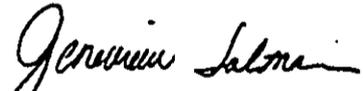
Attn: Harry Yada

Dear Mr. Johns:

Subject: **Draft Environmental Assessment (EA) for State Land Acquisition for
Liliuokalani Gardens, Hilo**

We are in receipt of this draft EA and have no comments to offer at this time. If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,


GENEVIEVE SALMONSON
Director

c: Glenn Taguchi



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

April 26, 2000

Mayor Steven K. Yamashiro
County of Hawai'i
25 Aupuni Street, Room 215
Hilo, Hawai'i 96720
Attn: Glenn Y. Taguchi

EIS# 385

Subject: Draft Environmental Assessment for the Proposed Set Aside of
State Land and its Subsequent Development situate at Waiakea,
South Hilo, Hawai'i; TMK: 3rd/2-1-03:17 & 22

Dear Mayor Yamashiro,

Thank you for the opportunity to review and comment on the DEA for the above-referenced project. The Office of Hawaiian Affairs has repeatedly opposed any sale or exchange of ceded lands. OHA has a fiduciary responsibility to ensure that the ceded land trust is not diminished in any way. The protection of ceded lands and the integrity of the ceded lands are of utmost concern to OHA.

Moreover, there are ongoing legal issues regarding ceded lands that have not been resolved. Until such time when determinations are made to these longstanding issues, OHA will remain strongly opposed to the sale or exchange of ceded lands. If you have any questions, please contact Ken R. Salva Cruz, Policy Analyst, at 594-1847.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colin C. Kippen, Jr.".

Colin C. Kippen, Jr.
Deputy Administrator

cc: Board of Trustees
Hilo CAC
OEQC
DLNR

Stephen K. Yamashiro
Mayor



William G. Davis
Managing Director

Henry Cho
Deputy Managing Director

County of Hawaii

25 Aupuni Street, Room 215 • Hilo, Hawaii 96720-4252 • (808) 961-8211 • Fax (808) 961-6553
KONA: 75-5706 Kuakini Highway, Suite 103 • Kailua-Kona, Hawaii 96740
(808) 329-5226 • Fax (808) 326-5663

May 2, 2000

MEMORANDUM

To: Colin C. Kippen, Jr.
Deputy Administrator
Office of Hawaiian Affairs

From: Glenn Y. Taguchi, Executive Assistant

Subject: Response to Draft Environmental Assessment for the
Proposed Set Aside of State Land and its Subsequent
Development situate at Waiakea, South Hilo, Hawaii
Tax Map Keys: 3rd/2-1-03:17 & 22

Reference is made to your response of April 26, 2000 (EIS #385) and my telecon of May 1, 2000 with Ken R. Salva Cruz, Policy Analyst, on the subject draft environmental assessment.

As was discussed, the County of Hawaii will be requesting that the above-listed properties be set aside by Governor's Executive Order for an addition to the Liliuokalani Gardens. The County of Hawaii is not proposing to acquire the fee simple interest in the properties. The State of Hawaii will retain ownership of the properties, therefore, the proposed set aside will not diminish the ceded land trust.

Should you have any questions on this matter, please feel free to call on me at (808) 961-8503.

c: William G. Davis, Managing Director
Juliette M. Tulang, Director of Parks and Recreation
Genevieve Salmonson, Director
Dean Y. Uchida, Administrator
Harry Yada, District Land Agent

PHONE (808) 594-1888

FAX (808) 594-1865



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

May 8, 2000

RECEIVED
'00 MAY 16 PM 1 09
OFFICE OF THE MAYOR
COUNTY OF HAWAII
BY
MAYOR M.D. D.M.B.

Glenn Y. Taguchi
Executive Assistant
County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720

EIS# 385

Subject: Response to Draft Environmental Assessment for the Proposed Set
Aside of State Land and its Subsequent Development situate at
Waiakea, South Hilo, Hawaii; TMK: 3rd/2-1-03:17 & 22

Dear Mr. Taguchi,

Thank you for your May 2, 2000 response letter clarifying the County of Hawaii's use of land for Liliuokalani Gardens. At this time, the Office of Hawaiian Affairs has no further concerns or comments on this project.

If you have any questions, please contact Ken R. Salva Cruz, Policy Analyst, at 594-1847.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colin C. Kippen, Jr.".

Colin C. Kippen, Jr.
Deputy Administrator

cc: Board of Trustees
Hilo CAC
OEQC
Harry Yada/DLNR

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

JANET E. KAWELO
DEPUTY DIRECTOR

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

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

May 9, 2000

RECEIVED

MAY 16 PM 1 09

OFFICE OF THE MAYOR
COUNTY OF HAWAII

M.D. D.M.D.

Mr. Geny Taguchi
Executive Assistant
County of Hawaii
25 Aupuni Street, Room 215
Hilo, Hawaii 96720

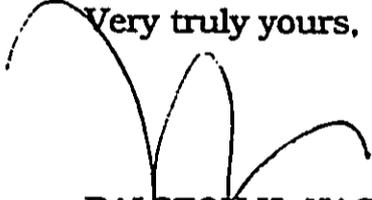
Subject: Draft Environmental Assessment for the Proposed Set Aside of State Land and its Subsequent Development Situated at Waiakea, South Hilo, Hawaii - Tax Map Key 3rd/2-1-03:17 & 22

Dear Mr. Taguchi:

This is in response to Mayor Stephen Yamashiro's request for comments on the subject DEA.

We support the County's efforts to enhance the shoreline recreational opportunities. The County may want to also seek jurisdiction of the nearby "Happiness Garden Park" currently encumbered to our division. In doing so, it would result in the shoreline park continuity to the mouth of Wailoa River.

Very truly yours,


RALSTON H. NAGATA
State Parks Administrator

c Timothy E. Johns
Russell Kokubun
Allan Takeya

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



TIMOTHY E. JOHNS
CHAIRPERSON

BRUCE S. ANDERSON
ROBERT G. GIRALD
BRIAN C. NISHIDA
DAVID A. NOBRIGA
HERBERT M. RICHARDS, JR.

LINNEL T. NISHIOKA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

May 12, 2000

Honorable Stephen K. Yamashiro, Mayor
County of Hawaii
25 Aupuni St., Room 215
Hilo, HI 96720-4252

Attn: Mr. Glenn Y. Taguchi

SUBJECT: Draft EA for the Acquisition of State Land for Addition to Liliuokalani Gardens

Thank you for the opportunity to review the subject document. Our comments related to water resources are marked below.

In general, the CWRM strongly promotes the efficient use of our water resources through conservation measures and use of alternative non-potable water resources whenever available, feasible, and there are no harmful effects to the ecosystem. Also, the CWRM encourages the protection of water recharge areas, which are important for the maintenance of streams and the replenishment of aquifers.

- [] We recommend coordination with the county government to incorporate this project into the county's Water Use and Development Plan.
- [] We recommend coordination with the Land Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- [] We are concerned about the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- [] A Well Construction Permit and/or a Pump Installation Permit from the Commission would be required before ground water is developed as a source of supply for the project.
- [] The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit from the Commission would be required prior to use of this source.
- [] Groundwater withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- [] We recommend that no development take place affecting highly erodible slopes which drain into streams within or adjacent to the project.
- [] If the proposed project includes construction of a stream diversion, the project may require a stream diversion works permit and amend the instream flow standard for the affected stream(s).
- [] If the proposed project alters the bed and banks of a stream channel, the project may require a stream channel alteration permit.
- [x] OTHER:

We have no comments at this time. MAY 12 2000
RYAN INTAKE

If there are any questions, please contact Ryan Intake at 587-0255.

Sincerely,

Handwritten signature of Linnel T. Nishioka.

LINNEL T. NISHIOKA
Deputy Director

Rl:ss

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

RECEIVED

'00 MAY 16 PM 1 13

County of Hawaii

OFFICE OF THE MAYOR
COUNTY OF HAWAII

PLANNING DEPARTMENT

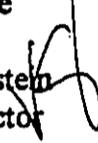
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

BY _____
MAYOR _____ M.D. _____ B.M.D. _____

May 9, 2000

MEMORANDUM

TO: Glenn Taguchi
Executive Assistant
Mayor's Office

FROM: Virginia Goldstein 
Planning Director

SUBJECT: **Proposed Liliuokalani Gardens Expansion**
Draft Environmental Assessment for the Proposed Set Aside of Government
Land Situate at Waiakea, South Hilo, Hawaii
TMK: (3) 2-1-003:017 & 022

Thank you for the opportunity to review the Draft Environmental Assessment. We have no comments to offer.

Should you have any questions, please contact Rodney Nakano of my staff.

RKN:pak
F:\WP60\RODNEY\2000-1\mTaguchi

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 22, 2000

Memorandum

TO: Stephen K. Yamashiro, Mayor
County of Hawaii

FROM: *for* *OK* Department of Public Works

SUBJECT: **DRAFT ENVIRONMENTAL ASSESSMENT**
for the Proposed Set Aside of State Land and its
Subsequent Development
Location: Waiakea, South Hilo, Hawaii
TMK: 2-1-03: 017 & 022

RECEIVED
00 MAY 22 AM 9 50
OFFICE OF THE MAYOR
COUNTY OF HAWAII
BY
MAYOR M.D. D.M.B.

We have reviewed the subject assessment forwarded by your memo dated April 24, 2000 and have the following comments.

1. All new building construction shall conform to current code requirements.
2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

The applicant shall be informed that if they include drywells in the subject development, an Underground Injection Control (UIC) permit may be required from the Department of Health, State of Hawaii.

3. The subject properties are located within Flood Zone VE according to the Flood Insurance Rate Map by the Federal Emergency Management Agency. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard (wave action).

Any new construction within the subject parcels will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

4. All earthwork activity, including grading and grubbing, shall conform to Chapter 10 - Erosion and Sedimentation Control, of the Hawaii County Code.
5. Any construction within a County right-of-way shall conform to Chapter 22 - Streets and Sidewalks, of the Hawaii County Code, and will require a permit from the Department of Public Works.

Questions may be referred to Kelly Gomes at ext. 8327.

KG

Stephen K. Yamashiro
Mayor



Margarita L. Hopkins
Director

RECEIVED

'00 MAY 16 PM 1 13

County of Hawaii

DEPARTMENT OF RESEARCH AND DEVELOPMENT

25 Aupuni Street, Room 219 • Hilo, Hawaii 96720-4252
(808) 961-8366 • Fax (808) 935-1203
E-mail: chresdev@interpac.net

OFFICE OF THE MAYOR
COUNTY OF HAWAII

BY _____
MAYOR _____ M.D. _____ P.M.D. _____

May 4, 2000

MEMORANDUM

To: Glenn Y. Taguchi, Executive Assistant
County of Hawai'i

From: Margarita Hopkins, Director 
Research and Development

Subject: Draft Environmental Assessment for the Proposed Set Aside of State Land
and its Subsequent Development Situate at Waiakea, South Hilo, Hawai'i
Tax Map Keys: 3rd/2-1-03:17 & 22

After reviewing the document, we have no comments at this time.

Thank you for the opportunity.

MAR 23 2000

FILE COPY

2000-03-23-HI-FA-

OFFICE OF THE MAYOR
COUNTY OF HAWAII

FINAL ENVIRONMENTAL ASSESSMENT FOR THE
PUBLIC AUCTION SALE, IN FEE SIMPLE
OR BY LEASE, OF (LOT 6 AT "CROSSROADS")

SITUATE AT LANIHAU 1ST, NORTH KONA, HAWAII
TAX MAP KEY: 3RD/7-5-04:63

CORRECTION

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